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The Fallacy of Reform:

A Critique of the Dominican Republic New Model Project's Role in  
Institutionalizing Systems of Control and Expanding Carceral Structures

A thesis submitted in partial satisfaction of the  
requirements for the degree Master of Arts  
in Latin American Studies

by

Emme Rackham

2024

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## ABSTRACT OF THE THESIS

The Fallacy of Reform:

A Critique of the New Model Reform Project's Role in  
Institutionalizing Systems of Control and Expanding Carceral Structures

by

Emme Rackham

Master of Art in Latin American Studies

University of California, Los Angeles, 2024

Professor Lauren Derby, Chair

The Dominican Republic's New Model Reform Project, developed and implemented as a one-of-a-kind, progressive approach to prison reform, raises questions about the true impact of reform projects on the expansion of carceral control and the persistence of systemic inequalities. This study examines the project through a critical lens, emphasizing the intersection of anti-Haitianism, racialized policing, and state-sponsored violence and the reflection of these dynamics in prison reform, social services, and public health in the Dominican Republic. This work leans heavily on the literature on migration, systemic exclusion, racialization, and legal stratification, complementing existing research. This project identifies how these reforms institutionalize the criminalization and racialization of marginalized communities rather than addressing root causes of inequality that create dangerous conditions for community members and pose significant threats to formerly incarcerated populations. The study explores the role of

public works as state tools for consolidating power and legitimizing governance, often at the cost of transparency and accountability. This project also emphasizes the importance of looking at US imperialism and the legacy of colonialism as critical to political projects and international standards that affect public projects, fiscal investment, policing, and incarceration practices. The exportation of Western-aligned incarceration practices and carceral systems is present throughout Latin America and is fundamental to contextualizing prison reform projects. Ultimately, the findings argue that while the reforms can create granular change that creates *certain* benefits for those in the New Model facilities, the reform project merely represents deepening penal investment and entrenched systems of exclusion, suggesting that genuine justice and “reform” cannot be achieved within the existing carceral framework. The study relies on abolitionist frameworks that prioritize systemic change, harm reduction, and community investment rather than relying on punitive measures. The findings underscore the need to center the experiences of systems-impacted individuals and to challenge the foundations of state violence and racialized control.

The thesis of Emme Rackham is approved.

Jorja Leap

Amada Armenta

Lauren Derby, Committee Chair

University of California, Los Angeles

2024

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I am deeply moved by the organizations and mentors who have pushed prison abolition organizing work and developed frameworks and organizations on which communities rely, especially those within Drop LWOP (Life Without Parole) and the California Coalition for Women Prisoners.

This project owes its creation and foundation to the insights and experiences of systems-impacted individuals, whose voices are central to the issues this research explores. Special gratitude goes to my family, whose encounters with incarceration and state-manufactured punishment make this work deeply personal. To my uncle, who passed away during this project, thank you for unintentionally inspiring a connection to this work that has enriched my life in countless ways.

This project is dedicated to all systems-impacted individuals—those currently or formerly incarcerated and the family, friends, and community members affected by incarceration. You are the pillars and leaders of our communities, and your resilience continues to drive the fight for justice.



## I. Introduction

### A. A Concise Historical Background in The Dominican Republic

For many centuries, colonial disputes, imperial interventions, international conflicts, and foreign occupations have impacted and, in many ways, defined the current state of affairs throughout Latin America.<sup>1</sup> Scholarship centers on intervention, occupation, and militarism in the Caribbean as significant historical catalysts. The legacy of state-sanctioned violence – exemplified by the actions of police, military, and occupying forces – alongside the strategic use of prisons and jails to suppress political dissent or insurgent movements, provides critical context for understanding contemporary carceral systems. This historical framework not only illuminates the mechanisms through which these systems continue to operate but also expands existing scholarship on criminalization and prison governance throughout Latin America, emphasizing their enduring role in maintaining social and political control.

The political history of the Dominican Republic is marked by a series of tumultuous shifts between dictatorship and democracy, beginning with its independence from Haiti in 1844. Frequent changes in leadership characterized the 19th century, including military coups and short-lived administrations. General Pedro Santana (who led the country to independence) later annexed the nation to Spain in 1861, a decision reversed by the War of Restoration in 1865, reestablishing Dominican sovereignty. The following decades saw a succession of leaders struggling to maintain stability, with internal conflicts and foreign interventions, particularly by the United States – which occupied the country from 1916 to 1924 – to stabilize the political

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<sup>1</sup>Rebecca Herman, *Cooperating with the Colossus: A Social and Political History of US Military Bases in World War II Latin America* (New York: Oxford University Press, 2022).

Shalini Puri and Lara Putnam, *Caribbean Military Encounters*, 1st ed. (New York: Palgrave Macmillan US, 2017), <https://doi.org/10.1057/978-1-137-58014-6>.

Marixa Lasso, *Erased: The Untold Story of the Panama Canal* (Cambridge, MA: Harvard University Press, 2019).

situation and ensure debt repayment. The role of the United States in Dominican political and economic affairs established the beginnings of enduring imperialist influence, undermining Dominican authority and political autonomy.

In the early 20th century, Rafael Trujillo rose to power and established one of Latin America's most infamous, most violent, and most repressive dictatorships. Trujillo ruled the Dominican Republic from 1930 until his assassination in 1961, using political repression, mass incarceration, and propaganda to maintain authoritarian control. After his death, the country faced continued political instability, further escalating into a civil war in 1965.<sup>2</sup> This turmoil was followed by a second U.S. intervention and the establishment of an authoritarian and repressive government under Joaquín Balaguer. The United States justified military intervention using fear-mongering techniques amidst fear of communism during the Cold War. The anti-communism-driven policy and the intervention of US forces in the Dominican Republic again undermined state sovereignty and strengthened economic dependence on foreign investment.<sup>3</sup> The US is a catalyst for the neoliberal economic model across Latin America, encouraging the adaptation of export-oriented agriculture and policies that favor US business to strengthen free trade. Trade deals and adaptation of US-sanctioned economic policies created economic instability in the Caribbean, especially in the Dominican Republic. Ultimately, the exportation of US monetary policies threatens the ability of the Dominican Republic to diversify its economy and establish domestic economic strategies that develop independence and address inequality.

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<sup>2</sup> David Coleman, ed., "The Dominican Intervention" (The National Security Archive, April 18, 2015), <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB513/>.

<sup>3</sup> Mark Padilla et al., "An Institutional Ethnography of Prevention and Treatment Services for Substance Use Disorders in the Dominican Republic," *Global Public Health* 15, no. 5 (May 3, 2020): 700.

The subsequent decades saw the consolidation of democratic institutions, with leaders like Joaquín Balaguer, who transitioned from his key role in the Raphael Trujillo dictatorship to dominate the post-dictatorship and post-US intervention political scene for years.<sup>4</sup> By the late 20th and early 21st centuries, the Dominican Republic continued a transition towards democratic governance, with regular elections and more peaceful transfers of power, although authoritarian governance practices, corruption, and economic inequality persist.<sup>5</sup>

The history of manufactured hierarchies of ethnonational identities and the Hispaniola border regime has laid the groundwork for physical, political, legal, cultural, and symbolic divisions between communities.<sup>6</sup> These ethnonational identities are continuously defined and redefined by political figures over time as a type of political currency. There is a deep historical background to the “ongoing creation of national subjectivities and the cultural borders separating Dominicans from Haitians.”<sup>7</sup> Ricourt details this long history:

The separation of the island involved a zigzag series of events and historical processes that included repeated conflicts between Spain and France; the abolition of slavery; the independence of Haiti and the struggles of Haitians to maintain their freedom; Haitian president Jean Pierre Boyer’s temporary unification of the island; the creation of an independent Dominican Republic and ensuing negrophobia advanced by the Dominican ruling class and intellectual elite; the mass murder of Haitians in 1937 in what I call the Hispaniola Holocaust; the deplorable conditions of Haitian immigrants working in the Dominican Republic;

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<sup>4</sup> Jonathan Hartlyn, *The Struggle for Democratic Politics in the Dominican Republic* (Chapel Hill: University of North Carolina Press, 1998)

<sup>5</sup> Ernesto Sagas, *Race and Politics in the Dominican Republic* (Gainesville: University Press of Florida, 2000).

Informe sobre Desarrollo Humano 2005: Hacia una democracia de ciudadanas y ciudadanos. United Nations Development Programme.

<sup>6</sup> Milagros Ricourt, *The Dominican Racial Imaginary: Surveying the Landscape of Race and Nation in Hispaniola* (Rutgers University Press, 2016), <https://www.jstor.org/stable/j.ctt1hd17fg>.

<sup>7</sup> Ricourt, *The Dominican Racial Imaginary*, 22.

ambivalent diplomatic relations between the two countries; and the creation of distinct cultural boundaries between the two nations.<sup>8</sup>

Ricourt details the long history of political and geographical occurrences that have worked to separate the island along clear lines. Despite the border's political construction that aimed to appear differentiated and rigid, it has always been inherently porous and fluid. The creation of "distinct cultural boundaries between the two nations," as Ricourt suggests, is, in actuality, not definable. Language and religion are key factors in differentiating Haitian and Dominican communities. It is fundamental to use ethnoracial and ethnonational frameworks to understand the current climate of anti-blackness and anti-Haitianism in the Dominican Republic.

Cultural identities are primarily created and redefined by interactions between groups. Dominican ethnoracial identity is the product of constant negotiation over time between racialized groups in the context of histories and structures, national and international.<sup>9</sup> Literature details the relationship between Dominicans and "blackness," a deeply contested relationship that portrays the long-lasting remnants of colonial-created colorism and racial hierarchies. Richard Harvey Brown details that "efforts to resist domination can readily re-enforce it if such resistance is cast in the code of the dominator."<sup>10</sup> In this way, there exists for some the ability to assert dominant status, possibly by increasing proximity to whiteness, including access to social, political, and economic resources and spaces. Proximity to the idea of whiteness – an idea of privilege, power, and access – can also be created by cooperation with imperialist and

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<sup>8</sup> Ricourt, *The Dominican Racial Imaginary*, 25.

<sup>9</sup> Ginetta E. B. Candelario, *Black behind the Ears: Dominican Racial Identity from Museums to Beauty Shops* (Duke University Press, 2007), <https://doi.org/10.1515/9780822390282>.

<sup>10</sup> Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation*, Repr (London: Routledge, 2006), 6-7.

neo-colonial powers.<sup>11</sup> Working within the confines of a colonial system can also reinforce hierarchical structures, and cooperating with neo-colonial powers, especially the United States, can critically impact notions of power and perceptions of the ruling class. More research is needed on the way that the Dominican Republic uses cooperation with the United States as a way to reinforce its ethnonational identity and to increase and reinforce perceived distance from Haiti.

At the same time, U.S. imperialism and colonial legacies have intersected with fundamental components of Dominican nation-building projects on anti-Haitianist discourses.<sup>12</sup> This intersection represents the prevalence of ethnonational discourse that circulates notions of anti-Haitianism as essential to preserving national identity and domestic interests. These discourses perpetuate perceived ethnoracial divisions between Haitians and Dominicans that create ethnoracial and ethnonational hierarchies based on race, religion, language, and national identity among others. The construction of identities based on varied characteristics allows for malleable boundaries subject to alteration to serve political and cultural interests.

Ethnoracial identity-making processes have been used by political figures to create an “ethnonational” identity that is used as a political tool for parties and politicians to bargain collective support and create political platforms. Joaquín Balaguer was a key proponent of using ethnonational identity and anti-Haitian discourse as a political tool. As previously mentioned, Balaguer was a longtime collaborator and minister under Trujillo’s dictatorship, framing his political positioning and situating his anti-Haitianism and repressive tactics. Following a brief exile of Balaguer’s and the political destruction of Juan Bosch after the fall of the dictatorship,

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<sup>11</sup> Chloe Walker, “Anti-Haitianism in the Dominican Republic,” 2016, <https://cers.leeds.ac.uk/wp-content/uploads/sites/97/2013/05/Anti-Haitianism-in-the-Dominmican-Republic-Chloe-Walker-.pdf>, 4.

Moya Pons, 1986 cited in Candelario, *Black behind the Ears*.

<sup>12</sup> Contreras, “Exit Over Voice in Dominican Ethnoracial Politics,” 14.

the 1965 US intervention in the Dominican Republic set the stage for the return of an authoritarian figure such as Balaguer, who was willing to collaborate with the United States. Dr. José Francisco Peña Gómez was a critical figure in the Dominican in the post-dictatorship climate, supporting the movement against military rule and encouraging political participation. DoiPeña Gómez emerged as a leader in the Dominican Revolutionary Party (PRD), a leftist political party. Naturally, his support for political participation and opposition to military rule and authoritarian political figures (US-aligned) were used as justification for the United States to classify Peña Gómez as a “threat” to democracy, accused of being involved in communist movements, specifically that within Cuba.<sup>13</sup> These accusations and the political movements against Peña Gómez are understood in the context of anti-Haitianism and anti-blackness, both nationally in the Dominican Republic and internationally, with political figures arguing it would be “impossible for a black man, especially one of Haitian descent, to defeat Balaguer, who was ... notorious for his disdain for blacks.”<sup>14</sup> Balaguer relied on anti-Haitianism in his use of ethnonational identity to garner political support in the second half of the 20th century. Nevertheless, Peña Gómez secured two presidential nominations, in 1990 and 1994, which were lost to Joaquín Balaguer and Leonel Fernández, respectively.<sup>15</sup> Balaguer and other notorious political figures in the Dominican Republic relied on anti-Haitianism as political currency, which was especially effective in a campaign against a nominee who was of Haitian descent (Peña Gómez). “Nation” and national identity is a form or narrative that is constructed through history,

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<sup>13</sup> Council on Hemispheric Affairs, “The Legacy of Dr. José Francisco Peña Gómez,” COHA (blog), April 14, 2009, <https://coha.org/the-legacy-of-dr-jose-francisco-pena-gomez/>.

<sup>14</sup> Larry Rohter, “Peña Gomez, 61, Three-Time Candidate for President of Dominican Republic,” *The New York Times*, May 12, 1998, <https://latinamericanstudies.org/penagomez.htm>.

<sup>15</sup> Rohter, “Peña Gomez, 61, Three-Time Candidate for President of Dominican Republic.” Council on Hemispheric Affairs, “The Legacy of Dr. José Francisco Peña Gómez.”

literature, and culture, reinforced by media and government. Political figures since the 1980s have used anti-Haitianism as political currency to create and reinforce ethnonational identity that institutionalized anti-black racism and legitimizes over-surveillance and hyper-policing of communities politically classified as outside of the ethnonational-racial identity.<sup>16</sup>

Over the past 50 years, state policies in the Dominican Republic have increasingly relied on racialized enforcement and policing to criminalize and marginalize specific communities, particularly those of Haitian descent. Judicial decisions like Sentencia TC/0168/13 have legitimized the marginalization and denaturalization processes of Dominicans of Haitian descent, leaving tens of thousands stateless in the only country they have ever known.<sup>17</sup> Laws such as Law General de Migración No. 285-04 regulate immigration by classifying undocumented individuals and temporary laborers as “foreigners in transit,” requiring their registration in the “Book of Foreigners,” and disabling their children born in the Dominican Republic from accessing citizenship.<sup>18</sup> These legal policies and rulings disproportionately target Haitians and Dominicans of Haitian descent, expanding anti-blackness and anti-Haitian sentiments through structural means. These policies also increase surveillance of specific spaces and, thus, particular communities characterized by poverty, migration, blackness, and low racial standing, among

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<sup>16</sup> Simone Rodrigues Pinto, “Racismo de Estado e Anti-Haitianismo na Construção do Nacionalismo Dominicano,” *Meridional. Revista Chilena de Estudios Latinoamericanos*, no. 10 (April 2, 2018): 47, <https://doi.org/10.5354/mrd.v0i10.48847>.

<sup>17</sup> Trenita Brookshire Childers, *In Someone Else’s Country: Anti-Haitian Racism and Citizenship in the Dominican Republic*. (Lanham, Maryland: Rowman & Littlefield, an imprint of The Rowman & Littlefield Publishing Group, Inc., 2021).

“Human Rights in Dominican Republic,” *Amnesty International*, accessed January 3, 2024, <https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/dominican-republic/report-dominican-republic/>

<sup>18</sup> Celso Perez, “We Are Dominican,” *Human Rights Watch*, July 1, 2015, <https://www.hrw.org/report/2015/07/01/we-are-dominican/arbitrary-deprivation-nationality-dominican-republic>.

others. These policies can create an excuse for the government and policing bodies to exhibit their own socio-economic and socio-political control. The Dominican Republic has a long documented history of violent Batey raids, plantation invasions, and public transportation/bus searches to identify and target Haitians and Dominicans of Haitian descent, regardless of documentation, often “accidentally” lumping darker skinned Dominican nationals in violent attacks.<sup>19</sup>

### **B. Public Works as Mechanisms of Corruption**

Public work projects throughout Latin America and much of the world serve as mechanisms for corruption, political consolidation, and garnering public support while minimizing accountability and transparency. In the Dominican Republic, public work projects, or *Obras Publicas*, have often been championed as “progress” projects, a step towards modernization and industrialization, closely aligning with Western ideals, especially that of US imperialism in Latin America and the Caribbean. Leonel Fernández is an ex-president of the Dominican Republic, connected politically with Balaguer, who is a champion of large public work projects, focusing his political power on economic modernization and investment projects that resemble Western ideals. Fernández has been widely accused of corruption and clientelism throughout various years, though he remains politically relevant.<sup>20</sup> He served as president of the Dominican Republic for three terms: 1996-2000, 2004-2008, and 2008-2012. These years also

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<sup>19</sup> Denise Brennan, “Undocumented People (En)Counter Border Policing,” December 1, 2018, <https://doi.org/10.3167/arms.2018.010114>.

Jennifer L. Shoaff, *Borders of Visibility: Haitian Migrant Women and the Dominican Nation-State* (Tuscaloosa: The University of Alabama Press, 2017), <https://muse.jhu.edu/pub/181/monograph/book/56719>.

<sup>20</sup> Telemicro Nacionales, “Leonel Fernández Defiende Construcción Del Metro de SD Durante Su Gestión,” *Noticias RD - El Periodico Digital Dominicano Para Informate En Todo Momento*, May 2024, <https://noticias.com.do/blog/leonel-fernandez-defiende-construccion-del-metro-de-sd-durante-su-gestion-36993/>. El Caribe, “Leonel Presenta Su Plan Para El Tránsito,” *El Caribe*, June 26, 2020, <https://www.elcaribe.com.do/panorama/pais/leonel-presenta-su-plan-para-el-transito/>.



coincide with the development and implementation of the New Model Prison Reform project in the Dominican Republic, a project that will have its development and implementation discussed for the remainder of this project.

A key public work project that emphasizes the role of United States influence in Dominican politics and economic investment is the Metro project and its discourse. Leonel Fernández positioned the public work project of the Metro in Santo Domingo, using rhetoric closely tied to the US, including transforming the Dominican Republic into something like New York City.<sup>21</sup> Public statements and political aspirations frame investment into infrastructure as essential for progress and modernization, representing alignment with the US and investment into Western-aligned projects. Allegations of corruption and mounting charges against political figures linked to a Dominican President Fernández cast doubt on the integrity and oversight of public project management in the political sphere.<sup>22</sup> This framework critiques the use of public work projects as political schemes that often lack accountability and oversight, leading to fiscal mismanagement and poor project execution.

Public work often requires significant economic investment that exists without critical project blueprints or oversight that ensure accountability, transparency, and restrict the ability of mismanagement. The Odebrecht Case highlights the vulnerability of large scale economic investment into projects without built-out necessary safeguards, such as non-governmental organizations, government watchdog groups, and more extensive public involvement. Odebrecht is a Brazilian construction company that contracted public work and large government projects

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<sup>21</sup> Ramón Mercedes, “Leonel Fernández: En Próximo Gobierno Convertiré RD En Un NY Mediano,” *Hoy.Com*, October 7, 2024, <https://hoy.com.do/leonel-fernandez-en-proximo-gobierno-convertire-rd-en-un-ny-mediano/>.

<sup>22</sup> Dominican Today, “Another Fernandez Collaborator Charged with Embezzlement,” *Dominican Today*, feb 2013, <https://dominantoday.com/dr/local/2013/02/05/another-fernandez-collaborator-charged-with-embezzlement/>.

across the world. The US Department of Justice was the primary executor of the case. The US Department of Justice created a plea agreement with Odebrecht, which documented bribes paid in ten Latin American countries (Argentina, Brazil, Colombia, Dominican Republic, Ecuador, Guatemala, Mexico, Panama, Peru, and Venezuela), and two African countries (Angola and Mozambique).<sup>23</sup> Odebrecht contracted over 80 projects, 62 of which were the result of political bribes.<sup>24</sup> The fiscal mismanagement, corruption, and political negligence of the public work projects contracted to Odebrecht illuminate the scale of consequences possible by mishandled public investment. Tens of thousands of protestors were inspired to speak out against the bribery and corruption of this case, creating one of the biggest demonstrations in history.<sup>25</sup> This is not the first time that thousands of Dominicans have mobilized and staged massive demonstrations to show their disapproval of fiscal management, corruption, and a failure to accurately represent the needs and interests of the general public.<sup>26</sup> These protests and the case of Odebrecht demonstrate the dangers of massive public work investment without citizen participation, governmental oversight, or accountability.

Positioning at the New Model Prison reform project as a public work, an investment in infrastructure, is fundamental to understanding penal expansion and the increasing power of the carceral state. Section IV part A will more specifically detail the evolution of prison and incarceration processes, highlighting the expansion of carceral structures and overhaul of

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<sup>23</sup> Nicolás Campos et al., “The Ways of Corruption in Infrastructure: Lessons from the Odebrecht Case,” *Journal of Economic Perspectives* 35, no. 2 (May 1, 2021): 174, <https://doi.org/10.1257/jep.35.2.171>.

<sup>24</sup> Campos et al., “The Ways of Corruption in Infrastructure,” 175.

<sup>25</sup> Jorge Pineda, “Tens of Thousands March over Corruption in Dominican Republic,” *Reuters*, July 16, 2017, <https://www.reuters.com/article/world/tens-of-thousands-march-over-corruption-in-dominican-republic-idUSKBN1A2083/>.

<sup>26</sup> Brendan Jamal Thornton and Diego I. Ubiera, “Caribbean Exceptions: The Problem of Race and Nation in Dominican Studies,” *Latin American Research Review* 54, no. 2 (June 2019): 413–28, <https://doi.org/10.25222/larr.346>.

carceral spending in the early 2000s. As a general background, over 25,987 people (as of June 2024) are incarcerated in the Dominican Republic’s 50 state penal institutions. Figure 1 shows a map of the carceral structures, visually demonstrating the vast number of institutions and the geographical threshold of carceral structures in the Dominican Republic: there is seldom a town or space isolated from carceral structures. There is an increasing number of carceral structures, from the 41 carceral structures documented in 2022, of which 19 are traditional model prisons, 22 are New Model prisons – known as Correctional and Rehabilitation Centres (CRCs),<sup>27</sup> and 4 Provisional Care Centers for Persons Deprived of Liberty (Centro de Atención Provisional Para Privados de Libertad - CAPLIP) that actively house people, one that opened Nov 1st 2024 and several that are in the process for opening.<sup>28</sup> There is criticism from various scholars about the possible consequences of the prison reforms on carceral capacity and spending. Different actors within the New Model Reform project in the Dominican Republic have also criticized the project’s expansion of the carceral state, most notably Robert Santana, the project's founder.

Section IV of this project “Thee After

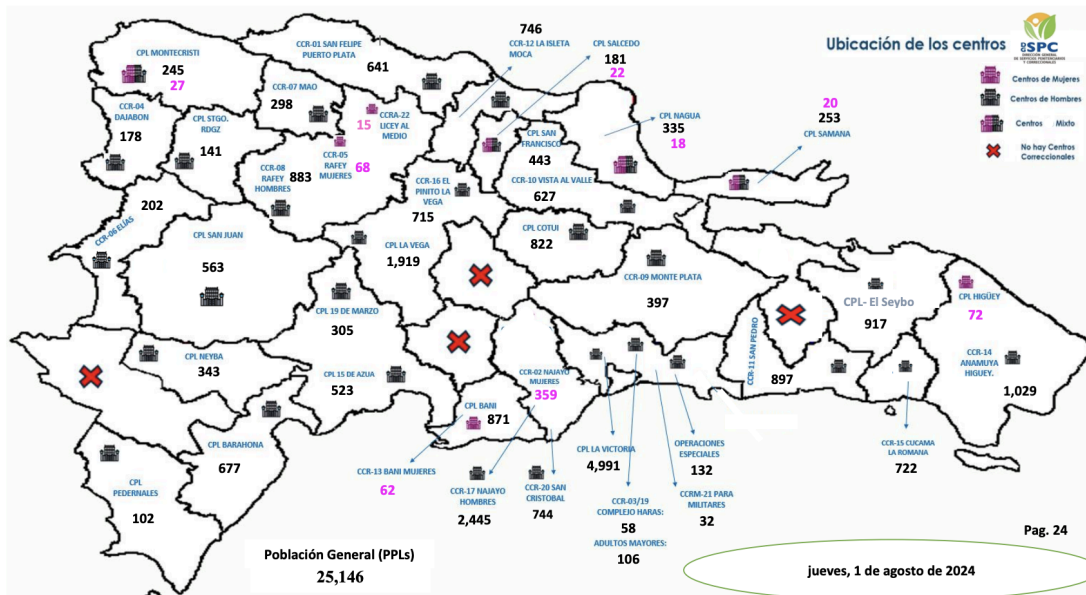
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<sup>27</sup> Jennifer Peirce, “From *Rulay* to Rules: Perceptions of Prison Life and Reforms in the Dominican Republic’s Traditional and New Prisons,” *Dissertations, Theses, and Capstone Projects*, September 1, 2021, [https://academicworks.cuny.edu/gc\\_etds/4569](https://academicworks.cuny.edu/gc_etds/4569).

<sup>28</sup> “La Procuraduría y DGSPC Inauguran Centro de Privación de Libertad Preventivo En Batey Bienvenido, Manoguayabo,” *Procuraduría General de La República Dominicana* (blog), accessed December 2, 2024, <https://pgr.gob.do/la-procuraduria-y-dgspc-inauguran-centro-de-privacion-de-libertad-preventivo-en-batey-bienvenido-manoguayabo/>.

“Autoridades penitenciarias inauguran Centro de Privación de Libertad Provisional (CAPLIP) en san Pedro de Macorís,” *Procuraduría General de la República Dominicana* (blog), accessed December 5, 2024, <https://pgr.gob.do/autoridades-penitenciarias-inauguran-centro-de-privacion-de-libertad-provisional-caplip-en-san-pedro-de-macoris/>.

Figure 1: Map of Carceral Structures in the Dominican Republic



Map created by the *División de Estadística de la Dirección General de Servicios Penitenciarios y Correccionales*. (Statistics Division of the General Directorate of Penitentiary and Correctional Services)

### C. Literature Review: Racialization and Stratification

Racialization frameworks complement structural analyses to facilitate a deeper investigation of how institutions and communities enact separation. Racialized systems impact various groups differently, enabling a deconstruction of seemingly neutral immigration policy. Increasingly, racialization processes dictate perceptions of “legality,” making physical characteristics and identifiable attributes sorting components for an individual’s legal status.<sup>29</sup> In

<sup>29</sup> Cecilia Menjivar, “Liminal Legality: Salvadoran and Guatemalan Immigrants’ Lives in the United States,” *American Journal of Sociology* 111, no. 4 (January 2006): 999–1037, <https://doi.org/10.1086/499509>.

the United States, “looking Mexican” puts specific communities at higher risk of encounters with police and immigration enforcement, resurfacing perceptions about “whiteness” and proximity to whiteness as equivalent to citizenship and perceived notions of belonging.<sup>30</sup> In other legal structures, racialization and discrimination based on nationality affect access to immigration relief. Racialized neglect of Mexican youth disadvantages them in seeking protection from immigration institutions and prohibits them from exercising their rights.<sup>31</sup> Racialization dictates an individual’s proximity to the rights and protections designed to support and uplift refugees and asylum seekers in countries such as the United States and Mexico; where some have easy paths to protection, racialized “others” must overcome racialized barriers.

“Racialized governance,” as Bonilla terms it, carefully constructs environments where “black and brown bodies are rendered disposable.”<sup>32</sup> Intentionally designed borders determine “the places that are safe and unsafe, to distinguish us from them.”<sup>33</sup> Workplaces, communities, and border areas perform as spaces rendered unsafe. Raids in labor spaces commonly associated with immigrant workers target racialized groups and their assumed legal status. Hyper-policing

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Andrea Gómez Cervantes, “‘Looking Mexican’: Indigenous and Non-Indigenous Latina/o Immigrants and the Racialization of Illegality in the Midwest,” *Social Problems* 68, no. 1 (2021): 100–117, <https://doi.org/10.1093/socpro/spz048>.

Alpa Parmar, “Policing Belonging: Race and Nation in the UK,” in *Race, Criminal Justice, and Migration Control: Enforcing the Boundaries of Belonging*, ed. Mary Bosworth, Alpa Parmar, and Yolanda Vázquez (Oxford University Press, 2018), 108–24, <https://doi.org/10.1093/oso/9780198814887.003.0008>.

<sup>30</sup>Amada Armenta, “Racializing Crimmigration: Structural Racism, Color Blindness, and the Institutional Production of Immigrant Criminality,” *Sociology of Race and Ethnicity* 3, no. 1 (January 1, 2017): 82–95, <https://doi.org/10.1177/2332649216648714>.

<sup>31</sup>Rebecca Maria Torres et al., “‘Asylum Is Not for Mexicans’: Unaccompanied Youth and Racio-Governance at the US Border,” *Geopolitics*, 2022, 1–30, <https://doi.org/10.1080/14650045.2022.2086459>.

<sup>32</sup>Yarimar Bonilla, “The Coloniality of Disaster: Race, Empire, and the Temporal Logics of Emergency in Puerto Rico, USA,” *Publications and Research*, January 1, 2020, [https://academicworks.cuny.edu/hc\\_pubs/625](https://academicworks.cuny.edu/hc_pubs/625).

<sup>33</sup>Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza*, 4th ed. (San Francisco: Aunt Lute Books, 2012), <https://www.auntlute.com/borderlands>, 25.

of certain areas increases the criminalization of racialized groups. In other areas, such as the United Kingdom, visa requirements and processes are highly stratified depending on race and nationality, and racial and ethnic characteristics are used as critical mechanisms for immigration enforcement.<sup>34</sup> Racialization serves as a way for nation-states to quickly determine the legality and increase racialized enforcement of immigration policy. A critical component of the racial-governance mechanism is the coalescence of “neocolonial, racialised geo-economic power relations that produce structural violence.”<sup>35</sup> Racio-governance marks criminal legal systems and carceral structures as tools for social control by political and economic powers instead of systems fundamentally created to further public safety. The state-sanctioned violence and use of “socially constructed narratives of threat and transgression form a racialised “illegal” identity that institutionalizes exclusion.”<sup>36</sup>

In Brazil, however, racialization takes on a slightly different face. Though Haitian, Syrian, and Venezuelan displaced people have been met with legal policies of inclusion upon arrival to Brazil, there are still racialization processes that dictate notions of belonging and membership.<sup>37</sup> In Kansas, undocumented residents emphasize the divisions racialization creates *between* communities based on stereotypes of national backgrounds, such as communities of “Mexican origin” or “Latino/a” communities.<sup>38</sup> Even within immigrant communities, individuals

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<sup>34</sup> Parmar, “Policing Belonging: Race and Nation in the UK.”

<sup>35</sup> Gómez Cervantes, ““Looking Mexican.””

Torres et al., ““Asylum Is Not for Mexicans.””

<sup>36</sup> Gómez Cervantes, ““Looking Mexican,”” 109.

<sup>37</sup> Katherine Jensen and Lisa M. Sousa Dias, “Varied Racialization and Legal Inclusion: Haitian, Syrian, and Venezuelan Forced Migrants in Brazil,” *American Behavioral Scientist* 66, no. 13 (November 1, 2022): 1797–1815, <https://doi.org/10.1177/00027642221083532>.

<sup>38</sup> Gómez Cervantes, ““Looking Mexican,”” 100–117.

are ostracized based on language and physical appearance, including “looking indigenous,” demonstrating the scale and impact of racialization as a social control and marginalization process. Colorism is a critical component of inter-group racialization processes, often indicative of colonial legacies and hierarchical systems of power. Other case studies demonstrate how immigrants internalize racialized notions of deservingness. These individuals are effectively forced to separate themselves from “undeserving” immigrants to position themselves as belonging in the United States.<sup>39</sup> Individuals and communities contest and reinforce the state's perceptions of belonging and membership. Racialized demarcations of “illegality” exacerbate immigrant isolation and separation, especially during periods of significant shifts in individuals and community lives. For example, when youth move into new periods in their lives, immigrants experience a greater degree of separation, often unable to participate in the same dramatic life shifts as their peers. These “critical turning points,” such as attending university, getting a job, or getting a driver’s license, significantly affect notions of belonging and social connection along racial lines.<sup>40</sup>

Racialization projects also force the transformation and re-transformation of tactics and practices that mitigate negative externalizations of state violence and discrimination. “Critical turning points” indicate shifts in the mainstream, impacting levels of integration and inclusion, and at the same time, they reveal the innovation of practices that help racialized groups “manage their fears and uncertainties.”<sup>41</sup> Because of the limitations placed upon immigrants that

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<sup>39</sup> Susan Bibler Coutin et al., “Shapeshifting Displacement: Notions of Membership and Deservingness Forged by Illegalized Residents,” *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 12, no. 3 (2021): 339–53.

<sup>40</sup> Basia D. Ellis, Roberto G. Gonzales, and Sarah A. Rendón García, “The Power of Inclusion: Theorizing ‘Abjectivity’ and Agency Under DACA,” *Cultural Studies ↔ Critical Methodologies* 19, no. 3 (June 1, 2019): 161–72, <https://doi.org/10.1177/1532708618817880>.

<sup>41</sup> Ellis, Gonzales, and Rendón García, “The Power of Inclusion.”

consistently question their “social citizenship,”<sup>42</sup> undocumented people establish tactics to live undetected, mitigating anxiety and strategizing silent confrontation against state racialization and criminalization projects. Marked “illegal” through racialization and discrimination, undocumented migrants “transform social realities, generating alternative modes of being as well as belonging”<sup>43</sup> by choosing to stay in their country of origin, creating techniques for invisibility, and making decisions that afford them some certainties.<sup>44</sup>

Scholars use the concept of “social difference” to analyze the othering mechanism as a subjugation method.<sup>45</sup> Cementing notions of separation between groups allows for the normalization of state violence and differential treatment against certain, often racialized, communities.<sup>46</sup> Language and discourse can facilitate dehumanization, “illegalization,” and criminalization processes throughout the world in order to “naturalize” abnormal, controlling, and violently oppressive state power.<sup>47</sup> Loyd’s reliance on the “social difference” framework complements work that positions the simultaneous rise of incarceration as social control with the ascent of nation-states constructed to restrict mobility and enforce institutionalized power

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<sup>42</sup> Coutin et al., “Shapeshifting Displacement,” 340.

<sup>43</sup> Ellis, Gonzales, and Rendón García, “The Power of Inclusion,” 170.

Cecilia Menjivar, “State Categories, Bureaucracies of Displacement, and Possibilities from the Margins,” *American Sociological Review* 88, no. 1 (February 1, 2023): 1–23, <https://doi.org/10.1177/00031224221145727>.

<sup>44</sup> Coutin et al., “Shapeshifting Displacement.”

<sup>45</sup> Jenna M. Loyd, Matt Mitchelson, and Andrew Burrige, eds., *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*, Geographies of Justice and Social Transformation 14 (Athens London: The University of Georgia Press, 2012).

<sup>46</sup> Shoaff, *Borders of Visibility*.

<sup>47</sup> Loyd, Mitchelson, and Burrige, *Beyond Walls and Cages*.

Shoaff, *Borders of Visibility*.



hierarchies.<sup>48</sup> Racialization processes enable immigrant criminalization, marginalization, and within-group fragmentation, facilitating more acute immigration enforcement, criminalization, and surveillance and normalizing the exhibition of state power onto subjugated bodies.

Understanding the constructed nature of legal classifications and their immense impact on embodied experiences is crucial. In today's mobile world, the consequences of legal exclusion, status stratification, and immigration enforcement are felt deeply. Scholarship highlights the impacts of legal policies on access to social services, employment, mental health, physical health indicators, and education, especially among marginalized groups like immigrants, especially those who are undocumented.

Critically analyzing the legal structure and formalized categories is fundamental to “acknowledging the constructed nature of those categories, their naturalization through everyday practices, and their misalignments with lived experiences.”<sup>49</sup> Across the globe, centuries of exclusionary policies have restricted mobility and determined the ability for integration. However, in an increasingly globalized, legal exclusion, legal status stratification, immigration enforcement, and border regimes exponentially impact daily activities of communities and groups.<sup>50</sup> Scholars problematize immigration enforcement activities and legal status stratification because of its association with reduced employment, increased child poverty, and decreased political and social participation.<sup>51</sup> Legal status has extensive negative externalities on mental

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<sup>48</sup> Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (University of California Press, 2007), <https://doi.org/10.1525/9780520938038>.

<sup>49</sup> Menjívar, “State Categories, Bureaucracies of Displacement, and Possibilities from the Margins,” 1.

<sup>50</sup> Jonathan Xavier Inda and Renato Rosaldo, eds., *The Anthropology of Globalization: A Reader*, 2nd ed. (Malden, MA: Blackwell Pub, 2008).

<sup>51</sup> Krista M. Perreira and Juan M. Pedroza, “Policies of Exclusion: Implications for the Health of Immigrants and Their Children,” *Annual Review of Public Health* 40 (2019): 147–66.

health, including stress and depression, ultimately creating a profound connection between these externalities and adverse educational experiences and outcomes.<sup>52</sup> The expansive negative consequences of legal stratification have escalating effects. Where there are adverse outcomes on education experiences and trajectories, negative influences affect behavior and notions of belonging, causing severance of crucial social networks and heightening the risk of criminalization.<sup>53</sup>

Nation-state immigration policy can also negatively affect health indicators<sup>54</sup> and reinforce immigrant uncertainty and vulnerability to changing policy, impacting decision-making processes and necessitating short-term planning horizons.<sup>55</sup> Legal classifications also restrict “spatial mobility” and establish “confined employment options.”<sup>56</sup> State structures mobilize legal systems of classification to punish families and inflict long periods of separation that

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<sup>52</sup> Patricia Gándara and Jongyeon Ee, *U.S. Immigration Enforcement Policy and Its Impact on Teaching and Learning in the Nation's Schools*, School of Education, UCLA, 2018. <https://escholarship.org/content/qt3047w6xq/qt3047w6xq.pdf>.

<sup>53</sup> Basia D. Ellis, Roberto Gonzales, and Sarah A. Rendón García, “The Power of Inclusion: Theorizing ‘Abjectivity’ and Agency Under DACA,” (2019): 170

<sup>54</sup> Rachel A Zajdel, “Divergent Immigrant Health Trajectories: Disparities in Physical Health Using a Multidimensional Conceptualization of Legal Status,” *International Migration Review* 57, no. 4 (December 1, 2023): 1645–77, <https://doi.org/10.1177/01979183221149021>.

Adrian Bacong and Heeju Sohn, “Disentangling Contributions of Demographic, Family, and Socioeconomic Factors on Associations of Immigration Status and Health in the United States,” *J Epidemiol Community Health* 75, no. 6 (June 1, 2021): 587–92, <https://doi.org/10.1136/jech-2020-214245>.

<sup>55</sup> Amy Hsin and Francesc Ortega, “The Effects of Deferred Action for Childhood Arrivals on the Educational Outcomes of Undocumented Students,” *Demography* 55, no. 4 (August 2018): 1487–1506, <https://doi.org/10.1007/s13524-018-0691-6>.

<sup>56</sup> Cecilia Menjivar, “Immigrant Criminalization in Law and the Media: Effects on Latino Immigrant Workers’ Identities in Arizona,” *American Behavioral Scientist* 60, no. 5–6 (May 1, 2016): 597–616, <https://doi.org/10.1177/0002764216632836>.

Vanessa Delgado, “Family Formation under the Law: How Immigration Laws Construct Contemporary Latino/a Immigrant Families in the U.S.,” *Sociology Compass* 16, no. 9 (2022): e13027, <https://doi.org/10.1111/soc4.13027>.

significantly affect intimacy, belonging, and children’s success.<sup>57</sup> Legal status stratifies connections and networks within families, creating mixed-status families and exacerbating community tension and stress<sup>58</sup> Though legal status is a structural classification, “illegality” is a racialized social construction that generates very tangible negative consequences for Latino/families.

State bureaucracies and legal systems “sustain entrenched inequality” by producing classifications that marginalize and separate groups of people based on eligibility rules.<sup>59</sup> These legally and politically constructed categories often dictate people’s mobility, reinforcing power hierarchies.<sup>60</sup> For example, legal status and, thus, legal documentation impact interactions with police, which can lead to changing decision-making processes, limiting the length or duration of trips, and creating self-disciplining spatial mobility that aims to protect individuals from interactions with state officials.<sup>61</sup> Legal classifications perpetuate embedded inequalities by marginalizing racialized groups, limiting opportunities and decision-making processes, and dictating mobility.

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<sup>57</sup> Rahim Kurwa and Susila Gurusami, “Carceral Migrations: Reframing Race, Space, and Punishment,” *Social Service Review* 96, no. 2 (June 2022): 353–88, <https://doi.org/10.1086/719998>.

Delgado, “Family Formation under the Law.”

<sup>58</sup> Delgado, “Family Formation under the Law,” 170.

<sup>59</sup> Menjívar, “State Categories, Bureaucracies of Displacement, and Possibilities from the Margins,” 1-2.

<sup>60</sup> Massey 1994 as cited in Shoaff, *Borders of Visibility*.

Menjívar, “Immigrant Criminalization in Law and the Media.”

<sup>61</sup> Brennan, “Undocumented People (En)Counter Border Policing.”

Shoaff, *Borders of Visibility*.

Racialization frameworks and analysis complement structural analyses to develop a holistic understanding of how institutions and communities enact separation and experience varied levels of surveillance, control, and fear. Racialization processes often dictate “legality” based on physical appearance and identifiable characteristics<sup>62</sup> and create physical and social environments to render black and brown bodies disposable.<sup>63</sup> Analyzing responses in receiving countries, both in the global north and in the global south, including access to immigration relief, or lack thereof, that underpins the role of racialization and discrimination based on nationality in access to relief and formal status mechanisms.<sup>64</sup> In the context of the Dominican Republic, there is no shortage of scholarship on race-making processes and classifications and how this impacts notions of citizenship and belonging,<sup>65</sup> including Dominicanidad and Hispanidad.<sup>66</sup> In the Dominican Republic, anti-Haitianess, anti-blackness, and anti-immigration nationalism coalesce to normalize increased surveillance, state violence, and mobility restrictions.

The Dominican Republic is a particularly interesting place to study perceptions of communities on incarceration, experiences of formerly incarcerated individuals, and prison

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<sup>62</sup> Gómez Cervantes, “Looking Mexican.”

<sup>63</sup> Bonilla, “The Coloniality of Disaster.”

Torres et al., “Asylum Is Not for Mexicans.”

<sup>64</sup> Jensen and Sousa Dias, “Varied Racialization and Legal Inclusion.”

Torres et al., “Asylum Is Not for Mexicans.”

<sup>65</sup> Ellis, Gonzales, and Rendón García, “The Power of Inclusion.”

Coutin et al., “Shapeshifting Displacement.”

Childers, *In Someone Else’s Country*.

<sup>66</sup> April J. Mayes, *Mulatto Republic: Class, Race, and Dominican National Identity* (Gainesville: University Press of Florida, 2014).

“reform” projects for many reasons. Against the backdrop of numerous military occupations by the United States, Spain, and also Haiti during the period between 1821–1844, an over 30-year brutal dictatorship under Rafael Trujillo from 1930-1961, and immigration and naturalization policy that increasingly pushed Haitians and Dominicans of Haitian descent into the margins, vulnerable and often stateless, the Dominican Republic has managed to continue a long-term prison reform process that has persisted over decades and through shifts in political power, the only country in Latin America and the Caribbean to have championed and implemented reform processes fundamentally rooted in discourses around human-rights and rehabilitation.<sup>67</sup>

#### **D. Personal Positioning and Project Goals**

The goal of my research is to add to the existing literature by focusing on the fallacy of reform. “Penal reform” is a term and concept that focuses on transforming existing state structures and carceral systems into “humanitarian rehabilitation centers.”<sup>68</sup> Abolitionists and prison scholars highlight the use of penal reform and prison investment as state solutions to state-manufactured problems, failing to acknowledge or address real social problems. This project positions the New Model Reform project in the Dominican Republic within this literature, demonstrating the lack of investment in evidence-based approaches to poverty, crime, and public health. This project works to pull out the nation-state’s construction of the “inevitable” relationship between humanitarian reform and penal expansion, including using

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<sup>67</sup> Shoaff, *Borders of Visibility*.

Childers, *In Someone Else’s Country*.

“Informe Anual Penitenciario 2009.” (Dominican Republic: Dirección General de Prisiones, 2009), [https://observatoriojusticiaygenero.poderjudicial.gob.do/documentos/PDF/defensa\\_publica/informe\\_anual/15\\_informe\\_penitenciario.pdf](https://observatoriojusticiaygenero.poderjudicial.gob.do/documentos/PDF/defensa_publica/informe_anual/15_informe_penitenciario.pdf).

<sup>68</sup> “California: The State of Incarceration | Vera Institute of Justice,” California: The State of Incarceration | Vera Institute of Justice, accessed December 13, 2024, <https://www.vera.org/california-state-of-incarceration>.

colonial international humanitarian language and standards to destroy existing forms of rehabilitation, autonomy, and participation in Dominican prisons.

This research is designed to add to existing literature that looks at granular perceptions of the reform project in the Dominican Republic. Underpinning interviews and field notes that detail community experiences of incarceration outside of carceral structures will add to emerging literature about the experiences of incarcerated individuals inside both traditional and new prisons in the Dominican Republic.<sup>69</sup> Understanding how communities experience and articulate their experience with political, social, and economic mobility, state surveillance and policing, the presence (or lack thereof) of public health services and social services, and the normalization of experiencing proximity to incarceration in the Dominican Republic will complement existing literature. This research will further demonstrate the externalization of state-sanctioned punitive punishment and violence both in criminalized communities and communities impacted by incarceration. Combining existing literature about the effects of state power, incarceration, punitive social control, and racialization processes on families and communities with lived experiences will expand scholarship on the impacts of incarceration and punitive approaches to justice. It will also add to existing literature about the potential consequences of reform projects that blur “progress” and “humanitarian modernization” with penal expansion and carceral investment.

My background in community organizing and grassroots movement, specifically around incarceration, penal expansion, and extreme sentencing, informs my ability to think critically about this project. My relationships and experiences with currently and formerly incarcerated family, friends, organizers, and community members in California and in the United States are very important to me and educate my goals going into this research. I am a white American,

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<sup>69</sup> Pierce, “From *Rulay* to Rules.”

which allows me to navigate specific spaces in the United States and the Dominican with immense privilege. In the Dominican Republic, my positioning as a white American academic had a definite impact on my experiences and interviews. My research assistant, a middle-aged Dominican man with deep connections to my primary research site, allowed me to have open, vulnerable, and often taboo conversations that would have otherwise been primarily inaccessible to me.

### **E. Methodology:**

This project relies heavily on ethnographic interviews to complement existing literature and research on the Dominican Republic New Model Prison reform project. Though championed throughout Latin America as a leading model for rehabilitation, there are still many challenges with the ‘reformed’ system that pose critical questions about the effectiveness of components within penal reform. The New Model system provides an example of a more humanitarian (by international standards) prison with significant growth in access to essential resources and human rights within carceral structures. It also demonstrates the way that “reform” projects can fail to address social problems that can increase incarcerated populations and fail to address fundamental issues within the criminal legal system. Ethnographic research provides insight into the ways that formerly incarcerated people and their families and community members understand incarceration, are impacted by the criminal legal system, and perceive crime, reintegration, social services, and public health.

Ethnographic research was compiled and documented in several ways; jotting notes during fieldwork, full field notes, and detailed experiences directly after they have happened are staples to ethnographic data collection.<sup>70</sup> Because I was the only researcher compiling data,

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<sup>70</sup> Rachel I. Fretz Robert M Emerson, *Writing Ethnographic Fieldnotes, Second Edition* (The University of Chicago Press, 2011).

observations and interviews, verbatim speech, and other details that might be available when there is a team of researchers is not as thorough.<sup>71</sup> That being said, there were some interviews that were able to be recorded. I was hoping to be able to work and research community organizations more directly, however the lack of community organizations that directly serve or are led by formerly incarcerated people made this feat nearly impossible. Every participant and informant who engaged in the research was made clearly aware of the goals and outcome of the project and asked for consent to be included in the project. Contrary to my belief that anonymity would encourage respondents to be interviewed and/or recorded, more people indicated willingness to talk freely and be recorded if they thought they would be directly included in the produced writing. Directly and clearly articulating that their experiences, beliefs, and words would be explicitly included in the research encouraged interviewees to divulge information and was even an incentive to be recorded. This reinforced their willingness to provide consent to include their experiences and demonstrated their interest in participating, knowing their role in informing the research. This project has been as true as possible to the experiences and opinions shared by informants and the observations made about interactions. All names have been changed for the purpose of this project, and no key identifying information about individuals has been included to preserve anonymity and confidentiality.

Beyond the base of ethnographic research, another fundamental method for this project is content analysis. Content in this project includes literature, newspapers, articles, and media information that informs perceptions and attitudes toward reform, crime, policing, and incarceration. This project relies on academic literature from the United States, the United

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<sup>71</sup> Padilla, Mark, José Félix Colón-Burgos, Caroline Mary Parker, Nelson Varas-Díaz, and Armando Matiz-Reyes.

“An Institutional Ethnography of Prevention and Treatment Services for Substance Use Disorders in the Dominican Republic.” *Global Public Health* 15, no. 5 (May 3, 2020): 691–703.  
<https://doi.org/10.1080/17441692.2019.1701059>.



Kingdom, the Caribbean, Latin America, and others, as well as newspaper and journal articles from the Dominican Republic and the United States. The analysis of this varied content provides a fundamental aspect of how governments, media, and literature present these topics, including the relationship between these different entities and the criminal legal structures they discuss. Discourse and media analysis are critical to potentially highlighting what influences public opinions about incarceration and how that could and/or does vary between currently and formerly incarcerated individuals.

This content analysis also includes secondary data analysis of public-facing documents and generalized information that provides intel into the government's portrayal of incarceration and political perceptions of carceral investment. This secondary data analysis includes Dominican Republic legal documents, including laws, penal code, and public-facing governmental information. Analyzing sentencing trends and recidivism rates using government data and documents allows insight into possible changes over time, as well as emphasizes the need for definition breakdown, as Dominican Republic data of recidivism rates shows a very specific subset of information that might be lost without deep analysis.

Relying on prison governance literature, abolition and reform academia, and carceral geography scholarship was critical for this project and continues to be vital in future literature about structural models of carcerality and reforming existing criminal legal systems. An important theme found throughout literature in Latin America lays out the role of the United States and the United Nations in extremifying criminal legal systems and exporting Western carceral systems into Latin America. There is significant scholarship about carceral systems in the United States and Europe, as well as the immense violence and harm caused by the Western system of punitive punishment and human caging. It is critical that this work adds to critiques of

the United States exporting Western models of governance and punishment beyond borders and into Latin American countries. This is also critical in understanding the externalization of money into Latin America to influence access to resources and encourage Western-aligned punishment models and policing systems that support, amplify, and adopt United States policies: policies that rely on forms of racialization and criminalization to combat US dictated issues like drugs, migration, and organized crime.

## **II. The Before: Pre-Incarceration**

### **A. Anti-Haitianism, Criminalization, and State Policing Collaboration:**

Scholars have long detailed the racialization and marginalization processes that Haitians have been subjected to in the Dominican Republic as well as across the world. The Dominican Republic has simultaneously manufactured and maintained systems of exclusion and discrimination against Haitians and Dominicans of Haitian descent and created an economic system that has and continues to recruit, benefit, and exploit Haitian labor.<sup>72</sup> These policies and systems underpin the way that state institutions create and perpetuate what they term the “Haitian Problem.”<sup>73</sup> Relying on scholarship on racialization processes, Childers positions the case of Haitians and Dominicans of Haitian descent within the Dominican Republic, demonstrating how “illegality, blackness, and Haitian nationality converge.”<sup>74</sup> Factors such as place, occupation, language, names, class, and proximity to blackness surface throughout interviews as key factors that institutions and enforcing agents rely on to subjugate those they consider second-class

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<sup>72</sup> Childers, *In Someone Else’s Country*.

<sup>73</sup> Childers, *In Someone Else’s Country*, 4.

<sup>74</sup> Childers, *In Someone Else’s Country*, 118.

citizens. The utilization of these factors as weapons creates increased and varied surveillance and criminalization throughout communities.

Though none of the interviews include a direct conversation about the relationship of nationality, blackness, or legal status and the criminal justice system, there is both a documented relationship in literature and an observable criminalization of Haitians and Dominicans of Haitian descent in Bánica, Santo Domingo, and the Dominican Republic.

In Santo Domingo, the capital of the Dominican Republic, there were many instances of racialized enforcement and criminalization. Included below is a field note from one of the first days of research in the capital city:

Around 5 pm, we were stuck in the heavy traffic of the city. We saw an ambulance navigate through the sea of cars and motorcycles. Right behind them was “policía” as my research assistant called them. Howard clarified they were “migración.” Four men hopped down from the bed of the truck, ran in front of our car, and grabbed a darker-skinned kid from the street – holding him by his pants.” I asked the people I was in the car with, “What had happened?” It looked like they didn’t ask one question or get any information before snatching him from the street and ducking his head into the migration car. They told me, “Like how when you are somewhere, we all know you are American, everyone knows who is Haitian.”<sup>75</sup>

This experience demonstrated the vast normalization of racialized policing and enforcement strategies in the Dominican Republic. It also highlighted the perceived social difference between Haitians and Dominicans, though social, political, and physical factors can blur distinctions between them. This illuminated the normalization of racialized policing and state-sanctioned violence against people in day-to-day life. The normalization of these interactions demonstrate familiarity and comfortability with the nation-state directly interfering with daily activities, institutionalizing the presence of racialized violence and restriction of mobility.

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<sup>75</sup> Personal Translation: Field note taken during the car ride and further detail added directly after the experience.

In Bánica, there was a clear presence of migration enforcement. At street corners, two or more armed men stood or sat in chairs near their trucks, as if they were both watching over the community and attempting to be a part of the community, sitting outside and chatting casually, as were most of the other residents. Two days a week, Sundays and Thursdays, the “border was opened” (how local residents referred to it) for the majority of the day, for the “*mercado internacional*” or “international market” in English. As you can see in Figure 2 below, Bánica is right on the political border between Haiti and the Dominican Republic. During this time, you can walk down to the river that divides these two nations and see hundreds of people crossing the river in canoe-like boats. Some men steer the boats with their hands, walking in the river, charging a few pesos for a ride across the river. There are also people who choose to hold their belongings over their heads and walk themselves across the river. The open style border in this geographical area embodies the porous divisions between Haiti and the Dominican, normalizing movement. There were migration officers who sat at the top of the hill that led to the river, though I did not specifically observe any community officer engagement during this time. The presence of migration officers near the river and all throughout the rural areas normalizes state surveillance and reinforces the omnipresent collaboration between migration forces and policing strategies. It seemed that at the end of the international market, the Haitian vendors return to Haiti. How that is or is not enforced is not clear. At the same time, there is a large community of Haitians and Dominicans of Haitian descent who live in Bánica. Though many Haitians have houses in Bánica and attend primary school there, during an interview, one Dominican informant shared that they believed “none of them have documentation to be here.”

Figure 2: Geo-Political map of the Dominican Republic



*Dominican Political Map (Worldometers), accessed December 12, 2024.*

In a conversation with two informants, they went back and forth about how Haitians lived in peace among those in Bánica, but about how that is not the case in other parts of the nation. In conversations, it was frequently mentioned whether the people in the stories were Haitian or not. Community members spend a good amount of time at local colmados, a blend of a grocery store and convenience store where communities often gather.<sup>76</sup> My research assistant Raul and I spent many evenings at the colmado below where I stayed. It was near one of the primary schools of the town and thus, children were constantly passing by, especially in the mornings and early afternoons. Sonia and Eduardo owned and managed the colmado; Sonia mainly operated the counter and addressed customer needs. There were no witnessed instances that showed negative or differential treatment of any children, Dominican or Haitian. However, Sonia, Eduardo, and

<sup>76</sup>Alice Robineau, “Living in the Dominican Republic – Colmados, More than a Convenience Store.,” *Kiva* (blog), May 2018, <https://www.kiva.org/blog/living-in-the-dominican-republic-colmados-more-than-a-convenience-store>.

others would make comments to friends or in conversations that reflected the perceived social differences between themselves and Haitians. These sentiments demonstrated that while they generally accepted and treated what they believed to be Haitians or Dominicans of Haitian descent equally to others, there is a differentiation that maintains social and cultural divisions even within small, rural areas.

There were two Bánica residents I interviewed who spoke proficient English and had lived in the United States for between 10-25 years. When I shared my research goals and interests, both of these individuals were relatively uninterested in addressing the interests or questions of the project. Whether due to their lack of knowledge about the Dominican criminal legal system because of their extended absence from the country or just a genuine disinterest in talking about the topics, they did not share significant perceptions about the prison reform model or the criminal justice system. The first respondent, Antonio, in a relatively new and expensive-looking truck, appeared wholly uninterested in discussing the Dominican criminal legal system. Later that day, walking down the street, I asked Raul, my research assistant, about a modern, two-story, house with extensive security, a full concrete fence around it, and a sliding gate to the driveway where two nice cars sat. He pointed out that Antonio, the man we spoke to earlier that morning, lived there with his “money from the United States.”<sup>77</sup> Hector, the second respondent, mentioned that “despite what people say” he willingly returned because New York was too cold. Though I wasn’t sure what he meant at the time, it became clear from the stories of others, that the majority of residents were under the impression that he was deported from the United States as a result of his involvement in criminal activity. Whether or not either of these claims was true, this interaction shows the impact of repatriation of people who lived in the

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<sup>77</sup> Self-Translation.

United States for extended periods and the perceptions that these people have more money and resources on average than those who did not.

## **B. Pretrial Detention**

Pre-trial detention is characteristically imposed upon economically and politically marginalized communities, who often have little to no access to lawyers, bail, bribe money, or social and political connections and influence, factors that can be critical to combating the possibility of pre-trial imprisonment.<sup>78</sup> While there are documented alternatives to pretrial detention in the Dominican Republic (Law 76-02), including house arrest, electronic monitoring, supervision, and prohibition on travel, these measures are rarely implemented and some have only been available in practice in the last 10 years or so.<sup>79</sup> Though Dominican law regulates that pretrial detention should be used as a last resort, many factors lead to increasing rates of pretrial incarceration. Perceptions of growing crime rates<sup>80</sup> can stir social and political calls for “tough on crime” policies that can “override the presumption of innocence that should prevail until the moment of sentencing.”<sup>81</sup> This continues to maintain pre-trial detention numbers, a high percentage of the overall prison population in the Dominican Republic. Figure 3 demonstrates the expansive growth of the prison population over the last 20 years and the slow decrease in pre-trial detention, even as alternatives to incarceration are present and encouraged by Dominican law. Incarceration population numbers and pre-trial detention are seeing numbers

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<sup>78</sup> Martin Schönteich and Open Society Justice Initiative, “Presumption of Guilt: The Global Overuse of Pretrial Detention,” *Presumption of Guilt: The Global Overuse of Pretrial Detention*, 2014, 1.

<sup>79</sup> Pierce. *From Rulay to Rules*.

<sup>80</sup> “Latin America Wrestles with a New Crime Wave | Crisis Group,” May 12, 2023, <https://www.crisisgroup.org/latin-america-caribbean/latin-america-wrestles-new-crime-wave>.

<sup>81</sup> CNNMéxico, “Calderón a los jueces: ‘La impunidad daña severamente la estabilidad,’” *Expansión*, September 7, 2011, <https://expansion.mx/nacional/2011/09/07/calderon-a-los-jueces-la-impunidad-dana-severamente-la-estabilidad>.

consistent with the notion that the new model reform project was not designed to reduce prison population. In tandem with changing perceptions to make crime a leniency issue rather than a systemic issue, criminal policies, like *Mano Duro* policies, increase the length and possibility of carceral sentencing in lieu of addressing problems of violence or social inequality.<sup>82</sup> “Tough on crime” policies, public perceptions of crime, and institutional weaknesses<sup>83</sup> such as lengthy judicial processing times, lacking quantity and quality of public attorneys, and inadequate investigation processes lead to increasing pretrial incarceration rates, lack of faith in judicial institutions, and a lack of accountability for state criminal justice processes.

Figure 3: Total Prison Population vs Pre-Trial Imprisonment Rates in the Dominican Republic

Year <sup>84</sup>	Prison Population	Number in Pre-Trial/Remand Imprisonment	Percentage of Pre-Trial Population within Total Population	Population Rate (Per 100,000 of National Population)	Pre-Trial Population Rate (Per 100,000 of National Population)
2000	14,995	12,335	82.2%	173	141
2004/2005	13,008	9,752	77%	184	104
2010	20,743	13,619	64.7%	208	136
2014/2015	25,203	15,327	62.3%	241	143

<sup>82</sup>Alisha C. Holland, “Right on Crime?: Conservative Party Politics and *Mano Dura* Policies in El Salvador,” *Latin American Research Review* 48, no. 1 (2013): 44–67, <https://doi.org/10.1353/lar.2013.0009>.

<sup>83</sup> Gustavo Fondevila and Miguel Quintana-Navarrete, “Pre-Trial Detention and Legal Defence in Latin America,” *International Journal of Law in Context* 17, no. 1 (March 2021): 75–90, <https://doi.org/10.1017/S1744552320000440>.

<sup>84</sup> For two years, the prison population trend data and the pre-trial population population data were documented in different years. The first year is the year the prison population data was collected and the second was when the pre-trial population data was collected.



2020	27,056	16,328	60.3%	248	146
2022/2024	25,711	14,639	56.3%	232	130

Data provided by World Prison Brief: “Dominican Republic | World Prison Brief,” World Prison Brief, accessed September 15, 2024, <https://www.prisonstudies.org/country/dominican-republic>.

Francisco, a key informant who was incarcerated for over 11 years in the Dominican Republic, vividly articulated his personal lack of faith in the criminal justice process while also emphasizing the widespread nature of distrust. He bluntly stated, “Nobody wants to solve the crime, if they say you did it, you did it.” Wanting to unpack and detail this sentiment, I asked what he believes are the reasons for the lack of investigation or presumption of innocence; was there a lack of financial or institutional resources to support adequate investigation or trials? “Es que no quieren investigar.”<sup>85</sup> To both Francisco and Raul, whether or not there is an issue of resources, at the base of the problem is that the policing and judicial structures aren’t designed to find the truth of criminal accusations but rather to put people away. Francisco also emphasized the differences between the criminal justice system in the Dominican Republic versus the United States. In the US, he claimed “when someone is accused of something, it is investigated. They try to find out if it is the truth or if it is a lie.” He continued, “If it is the truth, then you are sentenced.”<sup>86</sup>

In differentiating his perception of the systems in the US and in the Dominican, Francisco and I also discussed the presence of non-profit and non-governmental organizations in the United States that are essentially non-existent in the Dominican Republic. These are organizations whose mission is to hold the judicial system and policing forces accountable, advocating for

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<sup>85</sup> Personal Translation: “It is just that they don’t want to investigate.”

<sup>86</sup> Personal Translation of interview notes during the interview, with quotations from Francisco, and field notes taken directly following the interview.

those who are wronged by institutional failures, and providing critical oversight to the criminal legal system. Francisco acknowledged the lack of organizations, supported by my findings and other research that highlights the lack of organizations or non-profits in the Dominican Republic specifically designed for the purposes aforementioned.<sup>87</sup> This conversation underpins the documented importance of civil society organizations in both strengthening public trust in criminal legal proceedings and holding state institutions accountable for their actions. When there is a presence of collaborative and representative community-based organizations that actively participate in political decision-making processes, these organizations can effectively advocate for collective interests.<sup>88</sup> Their efforts can shape policies and enforcement practices that reflect community needs, thus enhancing the legitimacy of these processes and fostering public trust in the criminal legal system. This legitimacy is built on principles of transparency, accountability, and commitment to equal application. By advocating for shared goals in political and judicial contexts, these organizations influence how justice is perceived and implemented, promoting a sense of fairness and inclusivity in governance. The lack of these organizations in the Dominican Republic, specifically organizations that explicitly focus on prisons or incarceration,<sup>89</sup> plays a significant role in the lack of accountability amidst the ongoing expansion of the carceral state.<sup>90</sup>

Beyond racialized, hierarchical, and (perceived) unfair practices, there are also administrative and economic capacity restraints that affect the functioning and efficiency

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<sup>87</sup> Pierce, “From *Rulay* to Rules.”

<sup>88</sup> Els De Graauw and Floris Vermeulen, “Cities and the Politics of Immigrant Integration: A Comparison of Berlin, Amsterdam, New York City, and San Francisco,” *Journal of Ethnic and Migration Studies* 42, no. 6 (May 2, 2016): 989–1012, <https://doi.org/10.1080/1369183X.2015.1126089>.

<sup>89</sup> Pierce, “From *Rulay* to Rules,” 128.

<sup>90</sup> “Close CA Prisons,” CURB, accessed November 30, 2024, <https://curbprisonspending.org/close-ca-prisons>.

throughout the criminal legal judicial process. In the Dominican Republic, the district attorney (*fiscal*) is responsible for receiving claims and investigating whether charges should be pressed. If possible, the *fiscal* will negotiate an agreement between relevant parties. If not possible, the case will either be dismissed due to a lack of evidence available or will be sent to an investigating judge (*juzgado de instrucción*). The assigned investigating judge has sole discretion about whether or not to order detention until the preliminary case investigation has been concluded. The prosecution (*Ministerio Público*) is responsible for the investigation, during which pretrial detention can last for years due to complex cases, institutional issues, and slow judicial processing times. Luis and his wife Carmen were two residents of Bánica who discussed their perceptions of the criminal legal system with me. Luis noted that about half of the people inside carceral structures in the Dominican Republic are inside because the courts haven't seen them yet. Luis is a secondary education teacher at one of the public schools in Bánica. He believed, differently from Francisco, that many failures of the judicial system were a result of the lack of resources for judicial processes. Louis connected this lack of capacity to the increasing population of incarcerated people and those detained pre-trial. He highlights an essential downside of the New Model reform projects that is pervasive throughout many national reform projects: reform projects often increase institutional demands, like adding additional criteria and consideration for which prison people should be sent to, without increasing staffing, funding, or administrative resources to decrease judicial and political processing times. This is an important experience, it demonstrates a more institutional and systemic side of issues, likely representative of his experience as a well-educated employee of the state.

Many community members I interviewed pointed directly to institutional capacity issues, especially those who worked for public government institutions like schools, like Luis. In

contrast, others shared experiences underpinning corruption as a critical feature of the judicial system. One of the individuals that I spoke to mentioned that it “all has to do with money” and that “to be an inmate is a negotiation.” He shared that money plays a large role in how your trial goes, what prison you go to, how authorities receive you, and what access you have within the institution to which you are sentenced. Under Dominican law, all accused individuals are guaranteed representation in court. However, money and social and political connections can provide a leg up in sentencing, processing time, and access to alternatives to incarceration. Law 76-02 in the Dominican Republic, the criminal code implemented in 2004, sets regulations for pre-trial detention, including possible alternatives: house arrest, periodic appearance, prohibition on travel, release on recognizance, and electrical monitoring. Though this code regulates that pretrial detention should only be used as a last resort, it is regularly and commonly utilized.<sup>91</sup> Literature on legal proceedings within the United States demonstrates how the presence of broader systemic biases affects legal proceedings. The criminal legal system in the United States has been repeatedly documented sentencing Black and Latino people with harsher sentences,<sup>92</sup> disproportionately affecting young black men.<sup>93</sup> Similar racialization trends are documented in different ways throughout the Dominican Republic, though key differences in racial identification and the structure of racial hierarchies can pose very different challenges for policing and sentencing research by race in the DR versus in the US. Raul, in our many

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<sup>91</sup> Jennifer Pierce, “Overuse of Pretrial Detention in Tension with Judicial and Prison Reforms in the Dominican Republic,” *Latin American Law Review* 05 (2020): 45–69, <https://doi.org/10.29263/lar05>.

<sup>92</sup> Cassia C. Spohn, “Racial Disparities in Prosecution, Sentencing, and Punishment,” in *The Oxford Handbook of Ethnicity, Crime, and Immigration*, edited by Sandra Bucerius & Michael Tonry (Oxford University Press, 2014).

John Wooldredge, “Distinguishing Race Effects on Pretrial Release and Sentencing Decisions,” *Justice Quarterly* 29, no. 1 (February 1, 2012): 41–75, <https://doi.org/10.1080/07418825.2011.559480>.

<sup>93</sup> Special Circumstances Conviction Project. “Life Without Parole and Felony Murder Sentencing in California.” Written by Daniel Trautfield. UCLA Center for the Study of Women|Streisand Center, 2023.

conversations and interviews, did mention that individuals who are white or closer to white get better treatment and are more likely to be presumed innocent. This sentiment reflects the reality that proximity to whiteness, in addition to socio-economic and political factors, creates positions of advantage or disadvantage for those navigating the criminal legal system.

### **C. Community Perceptions of “Extreme” Sentencing and Trying Youth as Adults**

Sentencing has critical effects on the size of the prison population, the cost of incarceration, and the social, emotional, and political sentiments of incarcerated populations, their families, and their communities.

In the United States, youth are often tried as adults, subjected to incarceration among adults, or given extreme sentences that disregard their social and emotional status as children. In all 50 states in the United States, there are laws that “either allow or require children to be prosecuted in adult criminal court, rather than juvenile court.”<sup>94</sup> This means that youth, individuals under 18 years of age, are subjected to the same extreme sentencing as adults. Though there is contestation against extreme sentencing in general, including the United Nations call for a moratorium on the use of Life Without Parole (LWOP) sentences,<sup>95</sup> Neuroscience has demonstrated the key differences between the brains of children and adults.<sup>96</sup> In the Dominican Republic, national law protects minors by setting a maximum of 5-year sentence and providing

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<sup>94</sup> “Trying and Sentencing Youth As Adults: Key Takeaways from Recent Petrie-Flom Center Event - Bill of Health,” April 19, 2023, <https://blog.petrieflom.law.harvard.edu/2023/04/19/trying-and-sentencing-youth-as-adults-key-takeaways-from-recent-petrie-flom-center-event/>.

<sup>95</sup> United Nations Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of the United States of America*, CCPR/C/USA/CO/5, adopted November 3, 2023, at the 139th session (9 October–3 November 2023), [https://ccrjustice.org/sites/default/files/attach/2023/11/ICCPR\\_US\\_Concluding\\_Observations\\_2023.pdf](https://ccrjustice.org/sites/default/files/attach/2023/11/ICCPR_US_Concluding_Observations_2023.pdf).

<sup>96</sup> “Trying and Sentencing Youth As Adults: Key Takeaways from Recent Petrie-Flom Center Event - Bill of Health,” April 19, 2023.

alternatives such as education and rehabilitation programs in most cases.<sup>97</sup> However, the law's provisions also allow 16 and 17-year-olds to be tried as adults if the judicial officer sees it best fit, depending on the severity of the crime and the "maturity" of the offender.<sup>98</sup> There seems to be a lack of updated information and research about the scale to which youth are tried as adults in the Dominican Republic. In conversation with those that I interviewed, three individuals were specifically surprised by the fact that youth in the United States were tried as adults, as they strongly believed that there was an entirely different judicial and penal system for youth. While there is a different system and often a different detention system for juveniles, the surprise about youth being tried as adults reflected a sentiment in the ethnographic research of this project that youth should be treated and sentenced differently than adults, taking their age and brain development into account. Whether or not this perception is reflected in sentencing and judicial processes is unclear.

In regards to extreme sentencing, the Dominican Republic has created several frameworks and structures that prohibit extreme sentencing as a common trend, decreasing the presence of drastic and often unfitting sentence times. In talking about extreme sentencing, many interviewees were shocked at the widespread use of indeterminate sentencing and extremely lengthy sentences in the US, including the Death Penalty and Life Without Parole. The Dominican Republic, in line with the American Convention on Human Rights,<sup>99</sup> abolished the

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<sup>97</sup> Dominican Republic, *Código para la Protección de los Derechos de Niños, Niñas y Adolescentes* (Law 136-03), art. 240, 2003.

<sup>98</sup> Dominican Republic, *Código para la Protección de los Derechos de Niños, Niñas y Adolescentes*.

Note: maturity is put in quotation marks to demonstrate the abstract nature of that qualification, pointing to the reality that maturity, deservingness, and severity are all relative and that without clear definitions, individuals are often subjected to the racialized, marginalized, and biased opinions of the presiding judicial officer.

<sup>99</sup> Organization of American States, *American Convention on Human Rights*, OAS Treaty Series No. 36, adopted November 22, 1969, [http://www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights.htm](http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm).

death penalty in 1966 with the ratification of their national constitution. The penal code in the Dominican Republic sets a maximum sentence length of 30 years for all crimes.<sup>100</sup> Both of these institutional realities are directly reflected in the community responses to the widespread use of indeterminate sentences in the United States. After a conversation with one respondent outside of his residence about the differences between availability and accessibility to services in the United States versus the Dominican Republic, he was shocked to hear there are over 5,000 in California serving Life Without Parole sentences. During our interview, he highlighted what he claimed to be “obvious differences” in the criminal justice system in the United States and in the Dominican Republic, such as more funding and generally better treatment in the United States. However, after sharing the state of incarceration in the United States, including the large population of people serving indeterminate and death sentences and the reality that youth can and are sentenced to these sentences, he stated it was crazy that the US had an unfair justice system and that people in the Dominican didn’t get sentences beyond 5 years.

### **III. During Incarceration: Reform and Punishment**

#### **A. “New Model Prisons” vs. “Traditional Model Prisons:” Development of New Model**

A long political history plagued with colonialism, instability, imperialism, battles for independence, and Trujillo’s brutal dictatorship has impacted incarceration as it exists today in the Dominican Republic. Prisons, under Trujillo’s dictatorship (1930-1961), were a tool for social control and political repression. Political prisoners and the detainment of out-spoken opposition against his regime were commonplace. Authoritarian practices, overcrowded prisons, and underfunded systems continued in the post-Trujillo era. The War on Drugs was a United

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<sup>100</sup> Dominican Republic, Código Penal de la República Dominicana [Penal Code of the Dominican Republic],

States-initiated campaign to combat drug trafficking and usage. It involved extensive domestic policies and international efforts, including multiple military, economic, and political interventions in Latin America. The United States pressured Latin American nations to increase surveillance and policing of drug production and manufacturing, which led to stronger collaboration between military forces, law enforcement, and border patrol. The United States overtly criticized many nations, including the Dominican Republic, for lax anti-drug enforcement. However, a 1998 news article from the Washington Post quotes the 1997 United States State Department to demonstrate the Dominican Republic's unique position as a collaborator and asset to the US War on Drugs;

The Government of the Dominican Republic cooperated fully with the United States Government... The Government of the Dominican Republic's Joint Information Coordinating Center (JICC) is the best and most advanced in the Caribbean. The JICC maintains close contact with U.S. Government law enforcement agencies, hosted a regional JICC conference and serves as a model for information sharing... The National Drug Control Directorate (DNCD) and the military have done an excellent job battling drug trafficking along the southwest and east coast and in the Santo Domingo area, and in providing information to the U.S. Government concerning Dominican-related drug trafficking beyond the country's borders.

This quote highlights the perception of the Dominican Republic as an exemplary case of enforcement in the Caribbean, exceptionalizing its cooperation with US political goals. The exceptionalization of the DR points to two realities. First, it points to a perfect example of the Dominican Republic's ongoing attempt to increase proximity to Western nations, in this case, through information sharing and adapting to US-based policing practices. Secondly, it positions the Dominican Republic within a larger international context of increasing incarceration and policing between the 80's and 2000's. Incarceration rates rose as a direct result of the coalescence of expansive use of pretrial detention, harsher laws, lengthier sentencing, and judiciary capacity limits. This period of carceral population expansion was also marked by the



“age of terror,”<sup>101</sup> which Jennifer Pierce describes as a time “in which leaders of gangs or internal inmate organizations wielded power through brutal violence and extensive corruption networks.”<sup>102</sup> In response to the “age of terror” and the proliferation of criticism against inhumane conditions in carceral structures,<sup>103</sup> there were a series of changes to prison governance practices that were short-lived and poorly implemented. All of these factors converged with a few key players to begin the New Model reform project in the early 2000s. From here, former prison directors, politicians, and two national NGOs developed the mission and framework. The fundamental goal of the New Model was to improve living conditions for incarcerated populations.

The New Model reform project framework consists of three critical components: rehabilitation, professionalization, and elimination of informal self-governance. An excerpt from Pierce’s dissertation concisely details the perceptions of the currently incarcerated population on the day-to-day experiences in new-model versus old-model facilities:

Incarcerated men in traditional and new prisons – and many have been in both -- have mixed views about the reform process. They value two principal elements of the New Model: better and more equal basic living conditions and amenities and more programs that come with formal credentials. But they also resent what they see as excessive restrictions on daily activities and individual autonomy. Further, shortages in basic supplies and incidents of violence by correctional officers contravene the rules and public claims of the New Model, generating cynicism among incarcerated people. In the traditional prisons, there is severe deprivation and inequality – but many people appreciate the chance to earn money in the relatively unregulated prison economy. They also value the role of the

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<sup>101</sup> Pierce, “From *Rulay* to Rules.” 82.

<sup>102</sup> Pierce, “From *Rulay* to Rules.”

<sup>103</sup> “Human Rights Watch: Prison Conditions in Latin America and the Caribbean,” accessed November 27, 2024, <https://www.hrw.org/legacy/advocacy/prisons/americas.htm>.

prisoner-led governance committee because it allows them a sense of voice and participation.<sup>104</sup>

This excerpt shows the way that granular reforms of basic living conditions and amenities were received by currently incarcerated people. This project in no way seeks to belittle these wins or reforms and the ways that they could be of service to the currently incarcerated population. It does also, however, detail the ways that changes to fundamental structure and governance practices are perceived negatively by currently incarcerated people. There is resentment of being stripped of governance and economic participation and autonomy as a result of New Model adherence to Western and international based humanitarian standards. The realities of reform in the two models were received with mixed reviews. This section will detail some components of the New Model reform project's development and implementation, while also critiquing failures based on the experiences of formerly incarcerated community members.

The New Model reduces recidivism by increasing presence and access to education and vocational training. This model creates classification for crime and risk, separating incarcerated populations to ensure the effective implementation of strict expectations, schedules, and requirements. These changes marks a significant shift from the traditional model, which primarily runs through incarcerated-led governance. As previously mentioned, this shift can reduce autonomy and decrease incarcerated population participation, both components that can build skills and provide key experience needed for civil society.

The New Model team designed a new type of correctional officer, established an officer academy, and set restrictions on who could serve as an officer. Correctional officers under the new model are called *Agente de Vigilancia y Tratamiento Penitenciario*<sup>105</sup> (VTP) rather than just

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<sup>104</sup> Pierce, "From *Rulay* to Rules."

<sup>105</sup> Translation: "Penitentiary Security and Treatment Officer."

Vigilantes, or guards, in the traditional model. VTP officers cannot have served in the military or police forces and must graduate from the *Escuela Nacional de Administración Penitenciaria*<sup>106</sup> (ENAP). This rebrand serves as a way to prioritize human rights and to professionalize prison management, drawing clear, observable separation between the old and new models.

*Rulay* describes the system of governance led by incarcerated people found in traditional prisons. The New Model reform project sought to eliminate *rulay* governance structures by implementing more authoritarian regulation by VTP officers. This professionalized system of governance eliminates the input of incarcerated people, removing their contribution to processes and subjugating them to the discretion of VTP officers. More informal styles of carceral rule can also subject incarcerated people to forms of external authority, punishment, and discipline.<sup>107</sup>

This project does not seek to belittle the New Model reform project's improvements or the implications it can have on incarcerated populations. All carceral structures need to be safe places and should offer programs, services, and an assortment of basic needs for all incarcerated people. At the same time, this research does critique this reform project for its refusal to recognize the role and prevalence of socio-economic problems and institutional factors that cause mass incarceration. This research also seeks to outline the failures of a reform project that vastly expands carceral spending, carceral infrastructure, and the incarcerated population. A judge interviewed in Pierce's dissertation research clearly articulates:

“The main thing is that the construction of prisons is a counter-position to what we are supposed to be doing, because if we are committed to reintegration and restoration, in constructing more prisons you are saying that what you want is to have more people. This is a contradiction with modern penology”<sup>108</sup>

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<sup>106</sup> Translation: “Academy of Penitentiary Training.”

<sup>107</sup> Cory Fischer-Hoffman, “Carceral Coloniality in Venezuela: Theorizing Beyond the Latin American Penal State,” in *Carceral Communities in Latin America: Troubling Prison Worlds in the 21st Century*, ed. Sabina Darke, 2021.

<sup>108</sup> Pierce, “From *Rulay* to Rules,” 144.

Reform of carceral structures to ensure the survival and meet the basic needs of the populations is possible without a vast expansion of the carceral state and detention capacity.

Many interviews conducted during my ethnographic research came down to the reality that all prisons are terrible places, sharing the sentiment Fransico shared: “El centro penitenciario están practicando igual al cárcel pública” (the penitentiary center is operating the same as the public prison).<sup>109</sup> Both models offer certain things versus the other, and the formerly incarcerated interviews detailed that even within the model, services or opportunities depended on the specific facility.<sup>110</sup> In our interview, Fransico articulated clearly and adamantly that the New Model correctional centers are not all that the government claims they are. He shared:

In reality, they say one thing about how [the center] is, and yet, there, it is a whole different thing. Because they say, the penitentiary model is a better model and offers more. But there it is a different thing... What they say it is on the outside, it is not the reality on the inside.<sup>111</sup>

Decarceration scholarship has documented the failure of humanitarian reform projects in other contexts, where a “chorus of politicians, liberal social scientists, and high-level managers of the social control apparatus ... have informed us that prisons... are now ‘decaying’ institutions.”<sup>112</sup> The deterioration of these carceral systems is a direct result of reform projects that expand carceral capacity and spending without investment into social society structures that support folks outside of incarceration settings.

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<sup>109</sup> Self-Translation.

<sup>110</sup> Note: Fransico was formerly incarcerated for over 11 years and had been inside at least 3 prisons that he recalled. He experienced incarceration under both models. Manuel was formerly incarcerated and said all prisons and jails he had been to were equally bad. Self Translation.

<sup>111</sup> Personal Translation.

<sup>112</sup> Andrew T. Scull, *Decarceration: Community Treatment and the Deviant* (Englewood Cliffs: Prentice-Hall, 1977), 41.

## B. The Failure of ‘Progress:’ Reform, Abolition, and Punishment

Prisons, asylums, reformatories, immigrant detention, or isolative practices that deprive individuals of their liberty have extensive documented negative effects on people, communities, and social society, economically, politically, culturally, and socially. “Bare Life” is a concept that Julie de Dardel employs to explore further the relationship between prison, incarcerated people, and their communities beyond Giorgio Amben’s theory of “homo sacer.”<sup>113</sup> This concept refers to a life that has been excluded from social, political, and sacred community spaces, stripped of its rights, and dehumanized. This “bare life” can then be justifiably subjected to immense violence without concern, consequence, or protection. This is a crucial frame for understanding the carceral state, criminal justice infrastructure, and prison governance practices.

The term carceral structures is used throughout this project to refer to all systems and structures that exist to deprive individuals of autonomy, liberty, or freedom in some way. For decades, scholars have critiqued carceral structures for their inability to “transform” individuals into “upright citizens.”<sup>114</sup> Scholar Ruth Gilmore positions the expansion of carceral structures as a “geographic solution to socio-economic problems.”<sup>115</sup> The mentioned socio-economic problems are and have been present in the Dominican Republic, and in the late 90s and early 2000s, prison conditions were gaining international criticism for hazardous and unsafe

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<sup>113</sup> Yvonne Jewkes, “On Carceral Space and Agency,” in *Carceral Spaces: Mobility and Agency in Imprisonment and Migrant Detention*, ed. Nick Gill, Dominique Moran, and Deirdre Conlon, 1st ed. (United Kingdom: Routledge, 2013), 127–31, <https://doi.org/10.4324/9781315570860>.

<sup>114</sup> Scull, *Decarceration*.

<sup>115</sup> Angela Y. Davis, *Are Prisons Obsolete?*, 1st ed., Open Media Ser (New York: Seven Stories Press, 2003).

conditions.<sup>116</sup> Angela Davis in the book *Are Prisons Obsolete?* details the cycle of prison expansion without social or economic infrastructure investment:

What, for example, do we miss if we try to think about prison expansion without addressing larger economic developments? We live in an era of migrating corporations. In order to escape organized labor in this country – and thus higher wages, benefits, and so on – corporations roam the world in search of nations providing cheap labor pools. This corporate migration thus leaves entire communities in shambles. Huge numbers of people lose jobs and prospects for future jobs. Because the economic base of these communities is destroyed, education and other surviving social services are profoundly affected. This process turns the men, women, and children who lived in these damaged communities into perfect candidates for prison.<sup>117</sup>

This process is deeply important in contextualizing any project of prison reform. The prison reform project, the New Reform Model, in the Dominican Republic is largely seen as an exception to prison conditions in Latin America, implementing a “system-wide, top-down reform process that declares human rights, human treatment, rehabilitation, and reintegration as its key guiding principles” (Procuraduría General de la República (PGR), n.d.).<sup>118</sup> However, these perceptions are complemented by extensive criticism of carceral expansion that has accompanied this reform project. Notably, Roberto Santana, the originator of the New Model, underpinned the failure of the model because it was a “major expansion of the holding capacity of the prison system, without much effort to reduce incarceration.”<sup>119</sup> The lack of investment in social infrastructure or other systems that have a strong relationship with reducing incarceration and supporting vulnerable populations threatens the strength and sustainability of the New Reform Project in the Dominican Republic.

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<sup>116</sup> “Human Rights Watch: Prison Conditions in Latin America and the Caribbean,” accessed November 27, 2024, <https://www.hrw.org/legacy/advocacy/prisons/americas.htm>.

<sup>117</sup> Davis, *Are Prisons Obsolete?*

<sup>118</sup> “Informe Anual Penitenciario 2009.”

<sup>119</sup> Pierce, “From *Rulay* to Rules.” 144.

“Carceral Coloniality” is a term that Cory Fischer-Hoffman introduces in Chapter 7 of *Carceral Communities in Latin America: Troubling Prison Worlds in the 21st Century*. Carceral Coloniality asserts the deep connection between global capitalism, colonialism, and the construction of the penal state. This is a helpful framework in understanding the colonial and Western-created drive towards “modern” prison models and prison governance models that meet international human rights standards. These standards of human rights have always included exclusions for certain populations, including the enslaved, colonized, and marginalized, which are apparent in the consequences of adapting Western models of governance and prison management as well as striving to meet colonially created human rights standards.<sup>120</sup> The Dominican Republic has a long history of differentiating itself from Haiti, creating distinct physical, legal, and symbolic divisions between communities based on race, language, socioeconomic standing, and, ultimately, nationality. This differentiation process occurs on both macro and micro scales. Individuals create and enforce borders between themselves and the government, and the state works to cement divisions between Dominicans and Haitians. This macro process is especially evident through the illegalization process that the Dominican government implemented with Ley General de Migración No. 285-04, re-classifying undocumented individuals and temporary laborers as “foreigners in transit” and disallowing citizenship their children born in the Dominican Republic from citizenship retroactively. This law in turn relegated thousands of Haitians and Dominicans of Haitian descent stateless. This law was enacted in 2004 at the same time as the beginnings of the New Model reform project. There is an ongoing need in literature to critically examine the ways that the Dominican Republic implements and constructs policy to differentiate itself from Haiti on the international

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<sup>120</sup> Colin Samson, *The Colonialism of Human Rights: Ongoing Hypocrisies of Western Liberalism* (Cambridge Medford, Mass: Polity, 2020).

stage, attempting to increase its proximity to Western nations by increasing its distance from Haiti, blackness, and the global south.<sup>121</sup> In terms of prison structure and governance model, modernity and coloniality exist as “two sides of the same coin.”<sup>122</sup>

The Dominican Republic’s positioned as one of the nations that has most specifically and explicitly created a prison reform project based on international human rights standards. However, other prison reform projects in Latin America offer crucial insight into the consequences of shifting towards Western models of prison governance. Julie de Dardel details the role of the United States in the reshaping of the prison system in Colombia, part of Plan Colombia.<sup>123</sup> The prison reform project called “Nueva Cultura Penitenciaria” replaced Colombia’s traditional “Criolla” prisons and governance practices, which emphasized accountability for offenders, integration with society, and community inclusion for incarcerated people to foster growth, rehabilitation, and reintegration. In replacing the Criolla prisons, US prison governance practices were implemented, moving carceral structures far from community centers, significantly decreasing community integration and visitation, and increasing punitive measures that strip incarcerated populations of privacy, self-identity, autonomy, and community inclusion. The United States exported its prison model and neoliberal economic models onto the carceral structures in Colombia, creating a dramatic expansion of the carceral state and

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<sup>121</sup> Wendorf Sumie Yamashita, “Carceral Entanglements: Interrogating Gendered Public Memories of Japanese American World War II Incarceration” (UCLA, 2018), <https://escholarship.org/uc/item/2fv6d1pz>.

<sup>122</sup> Cory Fischer-Hoffman, “Carceral Coloniality in Venezuela: Theorizing Beyond the Latin American Penal State,” in *Carceral Communities in Latin America: Troubling Prison Worlds in the 21st Century*, ed. Sacha Darke et al., 1st ed. (Cham: Springer International Publishing, 2021), 146, <https://doi.org/10.1007/978-3-030-61499-7>.

<sup>123</sup> Note: Plan Colombia was a U.S.-Colombian initiative launched in 2000 to combat drug trafficking and organized crime and improve security. While it strengthened Colombia’s military, it prioritized military action over social development, achieving mixed results in drug reduction and governance reforms.

Daniel Mejía, "Plan Colombia: An Analysis of Effectiveness and Costs," in *Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016*, Center for 21st Century Security and Intelligence, Latin America Initiative (Washington, DC: Brookings Institution, 2016), <https://www.brookings.edu/research/plan-colombia-an-analysis-of-effectiveness-and-costs/>.



increasing punitiveness on minor infractions.<sup>124</sup> Increasing punitiveness, restrictions on daily activities, and distance from family and community are common themes within the Western-driven reform projects in Colombia and the Dominican Republic. Both da Dardel's and Pierce's research about peoples' experiences and perceptions of incarceration demonstrates the importance of individual autonomy in restoring self-identity and building reintegration skills. This literature necessitates positioning prison reform projects in a larger framework of international colonial social control practices and punitive dehumanization.

### **C. Inside Services, Programming, and the Rhetoric of Rehabilitation**

A key metric of prison reform models is rehabilitation, measured in the presence and accessibility to programming in carceral systems. The ability to work (and not work), the ability to earn money while working, access to health services, religion programming, education, vocational training, and skill-building programming (anger management, etc.) are fundamental to the claims of rehabilitation. Ysmael Paniagua Guerrero, the Coordinator of the New Penitentiary Management Model of the Dominican Republic, shares some of the programs. Guerrero notes some people work “in greenhouses, in farms, in agriculture out in the open air, in handicrafts, in the metal-mechanical industry.” Outside of programs offered by the state, a few documented organizations go inside prisons to offer incarcerated people services. Project Mañana is a United States-based organization that formed the Institute for Authentic Manhood in 2011 and the Institute for Authentic Womanhood in 2017 in the Dominican Republic.<sup>125</sup> They have a discipleship curriculum that encourages rehabilitation through religion. Every year, they have a Returning Hearts celebration, a day the organization argues “can be the catalyst that heals a

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<sup>124</sup> Julie De Dardel and Ola Söderström, “New Punitiveness on the Move: How the US Prison Model and Penal Policy Arrived in Colombia,” *Journal of Latin American Studies* 50, no. 4 (2018): 834.

<sup>125</sup> Project Mañana, “Prison Project | Project Mañana International,” accessed December 1, 2024, <https://www.projectmanana.org/projects-prison.php>.

family and breaks the cycle of sin and the intergenerational cycle of incarceration. It's a day of restoration."<sup>126</sup> There are also primary, middle, and university education courses offered. As of 2018, 68% of people in the new model indicated involvement in formal education. The presence of programs and education services in the New Model differs drastically from the management and services available in old models.

Beyond involvement in education, work is a central feature of both models. In regards to the relationship between incarcerated populations and labor, the Constitution of the Dominican Republic states that: "sentences and security measures will be oriented towards the re-education and social reinsertion of the condemned and cannot consist of forced labour."<sup>127</sup> However, though forced labour is explicitly prohibited constitutionally, there are nuances that exempt prison labor from traditional labor laws and differences in the understanding of "obligatory." New Model correctional centers have more formalized certification processes, though both models have varying levels of compensation.<sup>128</sup> Francisco, who was incarcerated for 11 years, in our conversation acknowledged the presence of education, vocational training, and drug/alcohol support services, though he expressed strong critiques around the ability to earn and keep earned money. "If you are working to make shoes, to make things with material, when you sell them and you make money, you have to give [the guards] a percentage. You have to buy the material and still give them a percentage." He commented on his experience of being underpaid for services

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<sup>126</sup> "Returning Hearts Celebration," Lifeline Global Ministries (blog), accessed November 24, 2024, <https://lifelineglobal.org/our-programs/returning-hearts-celebration/>.

<sup>127</sup> "Tribunal Constitucional | Constitución de La República Dominicana," accessed December 1, 2024, <https://www.tribunalconstitucional.gob.do/transparencia/base-legal-de-la-instituci%C3%B3n/constituci%C3%B3n-de-la-rep%C3%ABlica-dominicana/>.

Translation: "Dominican Republic 2015 Constitution - Constitute," accessed December 1, 2024, [https://www.constituteproject.org/constitution/Dominican\\_Republic\\_2015](https://www.constituteproject.org/constitution/Dominican_Republic_2015).

<sup>128</sup> Pierce, "From *Rulay* to Rules," 281.

and selling goods and then having to take a mere percentage of his earnings. The example he gave made it seem like a more informal process because of his inclusion of having to buy the material. However, he did not differentiate his experience in both the traditional and New Model facilities.

Mental health services are a crucial component of rehabilitation and personal development, especially for people who have likely experienced heightened levels of trauma, violence, or loss of individual freedom. There is significantly less access to mental health services in traditional prisons than there is in New Model centers, as well as stark differences in costs associated with receiving services.<sup>129</sup> Additionally, narrow definitions of “mental health” mean that those who are considered or consider themselves in need of services are more extreme cases than those who might warrant mental health services in the United States or European nations. Inclusion into the definition can vary depending on the person but generally includes only the most severe cases of apparent mental health struggles. This lack of access means that a large percentage of currently incarcerated people do not have sufficient access to quality or affordable mental health services, an integral part of human health.

#### **D. The Relationship between Media and Public Perceptions of Crime and Punishment**

Carceral structures are widely accepted as a part of society, in whatever form is most readily available through public images and media portrayal. Carceral structures are inevitable, omnipresent examples of “the awful consequences of inability or refusal to conform”<sup>130</sup> that attempt to prevent deviance by the fear of total loss of freedom. Even though the public knows little of carceral institutions and systems, especially in comparison to the public’s knowledge of

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<sup>129</sup> Pierce, “From *Rulay* to Rules.” 352.

<sup>130</sup> Scull, *Decarceration*.

other law enforcement agencies.<sup>131</sup> There are several key reasons why the public lacks awareness about correctional facilities and incarceration systems: state-manufactured distance and isolation,<sup>132</sup> social incarceration divide,<sup>133</sup> and overrepresentation of violent crime in daily media.<sup>134</sup>

Carceral geography, a growing field of study in academia, documents the use of displacement and confinement as a form of racial-spatial and familial punishment. The United States used residential and boarding schools to punish and subjugate indigenous American Indian populations.<sup>135</sup> In California, carceral geography maps the explosion of incarceration violence through histories of “native elimination, immigrant exclusion, and black disappearance.”<sup>136</sup> The case of Colombia’s implementation of the exported United States prison model highlights the shift towards geographical separation between carceral structures and communities. This geographical separation is a strategy used widely across the United States and increasingly across the world that reinforces incarcerated populations' exclusion from broader societal systems. This physical distance isolates incarcerated populations, eroding familial and social

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<sup>131</sup> Anthony C. Thompson, *Releasing Prisoners, Redeeming Communities: Reentry, Race, and Politics* : Cloth (New York University Press, 2008), 34.

<sup>132</sup> Julie De Dardel and Ola Söderström, “New Punitiveness on the Move: How the US Prison Model and Penal Policy Arrived in Colombia,” *Journal of Latin American Studies* 50, no. 4 (2018): 834.

<sup>133</sup> Angela Y. Davis. *Are Prisons Obsolete?* Open Media Book. New York: Seven Stories Press, 2003.

<sup>134</sup> Franklin D. Gilliam and Shanto Iyengar, “Prime Suspects: The Influence of Local Television News on the Viewing Public,” *American Journal of Political Science* 44, no. 3 (2000): 560–73, <https://doi.org/10.2307/2669264>.

<sup>135</sup> Kurwa and Gurusami, “Carceral Migrations.” 366.

<sup>136</sup> Kelly Lytle Hernández. *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965*. Chapel Hill: The University of North Carolina Press, 2017. <https://muse.jhu.edu/book/51211>.

connections, diminishing oversight, and discouraging visibility of people held in captivity.<sup>137</sup> The geography of carceral structures plays a key role in the presence of violence against incarcerated people and the maintenance of the social incarceration divide.

The social incarceration divide is a dichotomy well-documented by carceral scholars, abolitionist activists and scholars, and social scientists. It demonstrates the social and moral division between individuals who have navigated incarceration and those who exist largely outside of it. Yet, even the distinction between the “moral” and “immoral” implies that all individuals will fit within these two categories. This social incarceration divide, the moral distinction, has real and profound consequences. However, it might be more beneficial to understand the social incarceration divide as a “continuous and reversible gradation often connected with ethnoracial and ethnonational hierarchies.”<sup>138</sup> Understanding proximity to carceral structures and experiences with the criminal legal system as a continuum permits analysis of the full scope of carceral systems.

Though there are people who have not directly experienced confinement, the consequences of incarceration, captivity, and sequestration reach nearly everyone.<sup>139</sup> Families and children of currently or formerly incarcerated individuals host a variance of challenges and difficulties: “psychological strain, antisocial behavior, suspension or expulsion from school,

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<sup>137</sup> Julie De Dardel, “Resisting ‘Bare Life’: Prisoners’ Agency in the New Prison Culture Era in Colombia,” in *Carceral Spaces*, ed. Nick Gill, Dominique Moran, and Deirdre Conlon, 1st ed. (United Kingdom: Routledge, 2013), 183–98, <https://doi.org/10.4324/9781315570860>.

<sup>138</sup> Sébastien Chauvin and Blanca Garcés-Mascareñas, “Beyond Informal Citizenship: The New Moral Economy of Migrant Illegality,” *International Political Sociology* 6, no. 3 (September 2012): 241–59, <https://doi.org/10.1111/j.1749-5687.2012.00162.x>.

<sup>139</sup> Ashley Nellis, “Mass Incarceration Trends,” *The Sentencing Project*, May 21, 2024, <https://www.sentencingproject.org/reports/mass-incarceration-trends/>.

economic hardship, and criminal activity.”<sup>140</sup> Though the effects are far-reaching, there has been an intentional construction of morality to differentiate and divide the “deviant” from law-abiding citizens. These divisions mirror pre-existing constructions of class and racial hierarchies. This dichotomy between “us and them” or the “inside and outside” or “order and chaos” relegates incarceration as detached from civil society, enabling society to remain ignorant of carceral structures.<sup>141</sup> The general public understands themselves as free, moral agents within society's rules, while those in the carceral system may be seen as morally compromised and deserving of punishment, despite shared humanity and systemic inequalities that blur the distinction. This alienation of the incarcerated population enables subjugation and justifies dehumanization processes, insulating the public from knowing or empathizing with those deprived of freedom.

The relationship between media and politics is central to negative public perceptions about the criminal system and incarcerated populations. The portrayal of particular stories of reentry or reintegration “support the illusion of early release by what it chooses to report and ignore,”<sup>142</sup> when in reality approvals for parole or early release are incredibly low.<sup>143</sup> The overrepresentation of violent crime in the media and the selective portrayal of release and reentry stories distort public opinion and strengthen support for punishment. News outlets in Los Angeles include nearly the same amount of murder stories as nonviolent crime stories, even though the crime of murder is less than 1 percent of all crime.<sup>144</sup> This overrepresentation of

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<sup>140</sup> Eddie Martin, “Hidden Consequences: The Impact of Incarceration on Dependent Children,” Hidden Consequences, May 2017, <https://nij.ojp.gov/topics/articles/hidden-consequences-impact-incarceration-dependent-children>.

<sup>141</sup> Jewkes, “On Carceral Space and Agency.”

<sup>142</sup> Thompson. *Releasing Prisoners, Redeeming Communities: Reentry, Race, and Politics*, 37.

<sup>143</sup> Emmett Sanders and Prison Policy Initiative, “No Release: Parole Grant Rates Have Plummeted in Most States since the Pandemic Started,” October 16, 2023, <https://www.prisonpolicy.org/blog/2023/10/16/parole-grants/>.

<sup>144</sup> Franklin D. Gilliam and Shanto Iyengar, “Prime Suspects: The Influence of Local Television News on the Viewing Public,” *American Journal of Political Science* 44, no. 3 (2000): 560–73, <https://doi.org/10.2307/2669264>.

violent crime in the media strengthens disproportionate fear about the prevalence of violent crime. The development of these public sentiments garners support for tough-on-crime policies and politicians that champion “zero-tolerance” campaigns, like that of Mano Dura approaches in El Salvador. Moreover, the use of “increasing crime rates” and the presence of “criminal activity” has long been used as a political strategy to solidify and augment support. Distorting data and figures allows for the construction of a common enemy that relies on personalized fear and constructed notions of chaos to encourage mobilization. This justifies the increase in state funding and capacity allocation towards policing, incarceration, and carceral structures, shifting the blame off structural or systemic factors that are both harder to solve and more difficult for the general public to accept.

#### **IV. The After: Penal Expansion and Reentry**

##### **A. Evolution of Financial Investment in the Carceral State: Penal Expansion**

Over the last several decades, the Dominican Republic has prioritized large-scale fiscal investment in the criminal legal system in order to reform prison infrastructure. During the same period, little to no reform or investment has been made in social services that prevent incarceration and protect vulnerable populations. Law 72-02 (introduced in 2002) in the Dominican Republic allocated a portion of funds seized from drug trafficking to non-governmental organizations providing drug treatment and prevention services. This law marked a policy shift, mirroring the sentiments of the New Model reform project, hoping to increase rehabilitation processes in the Dominican Republic. However, the funding allocated from this law is insufficient for NGOs to effectively tackle substance abuse and provide adequate drug treatment services, especially given the complete lack of governmental systems in this

area.<sup>145</sup> Over 30% of NGOs that offer drug treatment services in the Dominican Republic are internationally funded. This figure demonstrates the exportation of the responsibility away from the Dominican government, which falls on the will of international donors.<sup>146</sup> The lack of well-funded or government funded treatment services serves as an example of the way that fiscal reforms fall short, leaving a significant gap in the country's ability to provide adequate care and rehabilitation that could significantly impact reincarceration and formerly incarcerated reintegration.

While the New Model reform project was designed to address overcrowded and underfunded traditional prisons, the mass construction of new facilities and increase in carceral spending across the board reflects a project of expansion of the carceral state rather than a reduction in incarceration. Scholars like Angela Davis emphasize that prison reform policies often only change superficial conditions without changing the fundamental structures that create inhumane conditions in the first place. This reform project, rather than focusing on allocating fiscal investment into judicial capacity to improve processing times and investigation timelines, thus reducing the pretrial detention population and addressing overcrowding and underfunding, instead prioritizes expanding carceral structures and augmenting carceral spending. This approach fails to address the root causes of inhumane prison conditions or invest in judicial processes that would affect more than half of the currently incarcerated population. Despite the

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<sup>145</sup> Mark Padilla et al., "An Institutional Ethnography of Prevention and Treatment Services for Substance Use Disorders in the Dominican Republic," *Global Public Health* 15, no. 5 (May 3, 2020): 691–703, <https://doi.org/10.1080/17441692.2019.1701059>.

<sup>146</sup> Padilla et al., "An Institutional Ethnography of Prevention and Treatment Services for Substance Use Disorders in the Dominican Republic."



reform project's state efforts reflect broader trends in the prison-industrial complex, especially considering the use of incarcerated labor to produce goods and services for corporate profit.<sup>147</sup>

## **B. Reintegration**

Across the world, successful reintegration of formerly incarcerated people is fundamental to strengthening public safety and minimizing carceral investment. There are a myriad of approaches towards reintegration. Over time, there has been a growing reliance on “evidence-based practices” to create effective reentry services and pathways toward success. Need-based practices identify people who could have significant reintegration challenges and tailor “services to meet certain needs has the greatest impact on lowering rates of recidivism.”<sup>148</sup> Re-incarceration is a cycle that plagues not only individuals but families and communities. Reentry strategies must analyze structural factors that perpetuate “the cycle of poverty, incarceration, and frequent removal of large numbers of people to jail and prison generate instability in the fabric of the community.”<sup>149</sup> Breaking this cycle can be challenging, but a holistic approach can have meaningful effects.

## **C. Post-Incarceration Employment**

Employment is one of the most essential components of post-incarceration life that impacts the ability to succeed upon reentry. A criminal history can create certain barriers to legal employment, either through formal exclusion processes, like criminal background checks, or informal processes, like having community members know or pretend to know criminal history.

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<sup>147</sup> “Dominican Republic: An Example of Penitentiary Reform to Be Followed,” Justice Trends Magazine, September 27, 2018, <https://justice-trends.press/dominican-republic-an-example-of-penitentiary-reform-to-be-followed/>.

<sup>148</sup> “Reentry/Transition | National Institute of Corrections,” August 9, 2022, <https://nicic.gov/resources/resources-topics-and-roles/topics/reentrytransition>.

<sup>149</sup> Thompson. *Releasing Prisoners, Redeeming Communities: Reentry, Race, and Politics*, 1.

In an interview with a formerly incarcerated man named Manuel, he shared his employment in various types of work, here and there. Raul – my research assistant – and Manuel’s neighbor, in talking about the employment of formerly incarcerated people within his small community, claimed, “It depends on what kind of crime you went in for. He stole from where he worked, so no one wants to hire him.”<sup>150</sup> The perceived knowledge of his specific criminal history, whether or not accurate, is largely a factor as to why Manuel might have limited social connections or trouble maintaining a stable job.<sup>151</sup> Building social connections and developing trust over time is challenging, but it is likely necessary to overcome deteriorated social bonds and maintain the components necessary to be successful in modern life.

#### **D. The Vitality of Formerly Incarcerated People’s Leadership**

Though formerly incarcerated people experience high rates of social exclusion and are rarely valued in institutional or state-created political, social, economic, or cultural spaces, their leadership is fundamental. As an example, one of the members of the team who constructed the modernization project was himself formerly incarcerated for political reasons in the 1970s. This is an important fact because it demonstrates the necessity for systems-impacted people in conversations about carceral structures. Formerly incarcerated people are often excluded from key decision making spaces, including political participation and employment, their knowledge often disregarded. However, this inclusion of formerly incarcerated voice in the development of this project points to a reality that community organizations and formerly incarcerated-led movements have been triumphing for decades; the knowledge, skill sets, and experiences of

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<sup>150</sup> Thompson. *Releasing Prisoners, Redeeming Communities: Reentry, Race, and Politics*, 21.

<sup>151</sup> Self-Translation.

formerly incarcerated and systems-impacted<sup>152</sup> individuals are valuable and necessary for meaningful change to carceral structures. Systems-impacted people have expertise in the inner workings of carceral structures and are thus the most equipped to make meaningful change. It is important to note here as well that this individual's positioning as a former political prisoner during the governance of a repressive authoritarian figure has implications on their understanding and perspective on carceral structures, as this can be seen as false imprisonment and spark differing reactions than others.

### **E. Medio Libre**

The Dominican Republic has a type of day release program called “medio-libre,” or semi-open. Access to medio-libre is dictated by eligibility, judicial oversight, and institutional capacity. These day-release programs offer work opportunities that can provide practical work experience and build the skill sets necessary for successful societal integration. Taking advantage of these opportunities can also be critical for parole applications. People are eligible once they have served two-thirds of their sentence, though a tiny percentage of people have been granted participation. Family and community visitation are another critical component of eligibility for admission into medio-libre; administrators and judges analyze home environments to determine the quality of the support system and possible challenges. Though established by Dominican law, traditional prisons lack the institutional capacity to support day-release programs. New Model prisons emphasize their importance but, in reality, have failed to successfully utilize the medio-libre program as a way to support rehabilitation and reintegration.

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<sup>152</sup> Note: Systems-Impacted is a term used broadly to refer to people who have direct experience with criminal legal systems and other carceral structures. This includes formerly incarcerated, families impacted by incarceration, and close community members impacted by incarceration to name a few.

## F. Reentry Services

Reentry services are a fundamental component of reintegration. These services can include but are not limited to transitional housing, employment, health care, mental health services, community building, and mentoring programs. These services can be offered by government entities or by NGOs that secure an assortment of public and private funding. Formerly incarcerated populations can be excluded from certain services due to their criminal history classification, which can have adverse effects on reentry outcomes. Luis, a public school teacher with family members who had been and are incarcerated, responded to my question about reentry services with another question: “What services? This isn’t the United States.” I acknowledge the presence, lacking in the United States albeit robust in comparison to the Dominican Republic, of civil society and community-based organizations specifically designed to support reentry for formerly incarcerated people and advocate for inclusion in society. The presence of these organizations, especially those designed, led, and implemented by formerly incarcerated, provides a safety net for formerly incarcerated in the United States, even though critiques about their approaches, restrictions, and consequences are abundant. There are no community or civil society organizations that are composed of formerly incarcerated people or their families, nor are there groups explicitly focused on the needs or status of incarcerated people in the Dominican Republic.<sup>153</sup> This puts people exiting carceral structures at a severe disadvantage, without a social network, people with shared experiences, or robust social services for adaptation. Reentry services exist in the Dominican Republic, often championed by Catholic groups. *Casa del Redentor* (House of Redemption) is a prime example. The House of Redemption is an organization, partially funded by the *Pastoral Penitenciario* (government

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<sup>153</sup> Pierce, “From *Rulay* to Rules,” 421.

funding), that serves as transitional housing with some provision of basic reentry programs.<sup>154</sup> There are several Houses throughout the Dominican Republic that serve as first-entry points for those leaving incarceration and then as check-in points for formerly incarcerated people. There is an overall lack of reentry support and systems that poses another significant barrier for formerly incarcerated populations and their families, especially those with intersectional identities, such as women or LGBTQ+ communities.

### **1. Mental Health**

Mental health services are vastly underfunded in the Dominican Republic, creating significant barriers to rehabilitation for formerly incarcerated people and even encouraging incarceration as an alternative to mental health care. Even though the Dominican Republic is considered a middle-income nation by the World Bank, less than 0.4% of the health care budget is allocated towards mental health services. This is the “lowest proportion of all of the 34 countries assessed by WHO [World Health Organization] in Latin America, Central America, and the Caribbean.”<sup>155</sup> The lack of resources creates a shortage of adequate and accessible care, deteriorating public trust in the government’s ability to address mental health service needs<sup>156</sup> and increasing risk for vulnerable populations. Substantial proportions (30-40%+) of formerly incarcerated populations have been diagnosed with physical or mental health conditions and thus

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<sup>154</sup> Pierce, “From *Rulay* to Rules.” 186.

<sup>155</sup> Susan Caplan et al., “Mental Health Services in the Dominican Republic from the Perspective of Health Care Providers,” *Global Public Health* 13, no. 7 (July 3, 2018): 976, <https://doi.org/10.1080/17441692.2016.1213308>.

<sup>156</sup> Caplan et al., “Mental Health Services in the Dominican Republic from the Perspective of Health Care Providers,” 889.

are in need of ongoing services to maintain their health.<sup>157</sup> Unable to access necessary services, reintegration and healing processes are nearly impossible.

There is a deep relationship between machismo, domestic violence, childhood behavioral disorders, and the need for mental health services. Machismo is a belief system that promotes “traditional” notions of toxic gendered behavior, including male dominance over women and children, often manifested as aggression. The presence of machismo and the prevalence of domestic violence in the Dominican Republic point to the possible disproportionate negative effect that a lack of mental health services could have on women and children. The intersectionality of vulnerable populations – experiences with incarceration, gender, sexuality, age, class, race, etc – increase the risk for negative outcomes as a result of untreated mental and physical issues.

Additionally, there is a stigma and shame associated with mental health needs that affects both those who need mental health support directly as well as their families. The participants’ experiences documented by Caplan et al. note particularly the feelings of shame or embarrassment felt by families that were “evidenced by cases where the family opted to forgo treatment and instead incarcerated [the patient] in a cinder block room (una casita, a little house) located away from the family home.”<sup>158</sup> This experience shows that even as the majority of people are unable to access mental health services, stigma, and shame create social divisions that justify the substitution of incarceration as an alternative to services.

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<sup>157</sup> Amy L Solomon et al., “Understanding the Challenges of Prisoner Reentry,” *Urban Institute: Justice Policy Center*, January 2006, 6.

<sup>158</sup> Susan Caplan et al., “Mental Health Services in the Dominican Republic from the Perspective of Health Care Providers,” *Global Public Health* 13, no. 7 (July 3, 2018): 886.

## 2. Drug Rehabilitation

Of similar importance to mental health services is the presence, quality, and accessibility of drug treatment services. Because of the intense criminalization of drug production, usage, and trafficking, drug treatment providers and unlicensed civil society organizations exist on the edge of liminality.<sup>159</sup> Law 50-88, modeled off US President Reagan's zero-tolerance drug criminalization policies, regulates classification for possession of controlled substances. Specifically, this law classifies anyone in possession of minuscule amounts of illicit substances, including used needles, as *narcotraficante* (narco-trafficker). This drug possession classification subjects civil society organizations and drug treatment providers to punitive treatment that could sentence any of them to decades of incarceration. Padilla et al., in their institutional ethnography of drug treatment services in the Dominican Republic, document the lack of harm-reduction approaches and evidence-based approaches as well as the lack of formality or funding in 89 out of the 91 service organizations they found. The majority of these organizations were not even able to focus on drug treatment services as they were preoccupied with providing basic survival support such as food, clothing, or showers. Padilla et al. critique extreme sentencing policies and a lack of government-provided social services:

“Law 50–88, more than any other specific policy, exerts an enormous effect on access to treatment, replicating a draconian punitive approach borrowed from the United States and placing legal constraints on evidence-based and harm reduction approaches... A high-level government employee we interviewed highlighted the lack of public investment in drug use and prevention, stating, ‘The investment of money in drug treatment has been zero’.”<sup>160</sup>

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<sup>159</sup> Padilla et al., “An Institutional Ethnography of Prevention and Treatment Services for Substance Use Disorders in the Dominican Republic.”

<sup>160</sup> Padilla et al., “An Institutional Ethnography of Prevention and Treatment Services for Substance Use Disorders in the Dominican Republic.”

The authors pinpoint the dangers of exporting United States-modeled War on Drugs approaches beyond mass incarceration and increased carceral spending. These laws also fundamentally deteriorate social services, criminalizing drug treatment providers and discouraging involvement with harm-reduction practices that improve public health and protect vulnerable populations.

Harm-reduction practices are also fundamental to the survival and protection of those with multiple vulnerable identities, especially women and LGBTQ+ people. Padilla details how informants who work at NGOs clearly advocate for and articulate increasing access to harm reduction services. There was a common perception among service providers that connected the lack of harm-reduction practices and the criminalization of drug health services to “prohibitionist drug policies by the U.S. federal government as part of a longer history of U.S. oppression of Caribbean countries. ‘Before it was communism – now it’s drugs’,”<sup>161</sup> Because of the prominence of abstinence-based approaches and religious involvement in services, programs for women are minimal and programs for Queer people non-existent. Certain programs claimed openness to LGBTQ+ individuals while also boasting about their forms of conversion therapy and requiring strict adherence to the social norms of the treatment center.

Despite the New Model Reform Project’s goal to serve as a progressive approach to humanitarian standards, has failed to address the systemic challenges that create socio-economic conditions for incarceration and failure of reintegration. This section details how the lack of investment into social services and public health sectors, increasing carceral spending, lacking post-incarceration employment opportunities, and a lack of reliance or infrastructure for medio libre and other transitional processes create less than ideal conditions for reentry for formerly incarcerated.

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<sup>161</sup> Padilla et al., “An Institutional Ethnography of Prevention and Treatment Services for Substance Use Disorders in the Dominican Republic,” 700.



A lack of adequate support for mental health and addiction recovery for the general public creates inadequate conditions that often lead to poverty and harm, conditions that are often stepping stones to incarceration. Being a formerly incarcerated person navigating these poorly funded systems that lack comprehensive harm reduction strategies can increase the perpetuation of cycles of punishment rather than healing. Without integrated care models, systems-impacted individuals are left vulnerable to relapse, worsening health outcomes, and eventual re-incarceration. This oversight reflects a broader carceral logic that prioritizes control over genuine rehabilitation.<sup>162</sup>

Beyond systemic barriers to social services and public health sectors, formerly incarcerated individuals also face intense obstacles to employment, including discrimination, lack of vocational training, and socio-political stigma. These challenges reinforce cycles of poverty and marginalization, further entrenching economic inequality. The New Model Reform Project fails to address these systemic barriers, focusing instead on punitive approaches that do not equip individuals for reintegration into society. This mirrors the nation-state's tendency to prioritize optics over substantive reform, especially in the permeation of public work projects that often serve as political currency rather than social investment.

The *medio libre* program, intended as a transitional tool for reintegration, in coalition with the challenges posed by pre-trial detention, has largely been a superficial measure that falls short of addressing the structural challenges of criminal legal systems and carceral structures. The state's implementation of *medio libre*, pre-trial alternatives to detention, and other reform programs are characterized by inconsistency, lack of oversight, and limited accessibility, failing to deliver "progress" or foster meaningful rehabilitation. This failure underscores the limitations of reforms that are inadequately resourced and poorly conceptualized

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<sup>162</sup> Gilmore, *Golden Gulag*.

Rather than reducing the harms of incarceration, the New Model Reform Project has been leveraged as a tool for carceral expansion. The construction of new prison facilities and increased reliance on incarceration as a solution to social dilemmas demonstrates that the reform operates within the same punitive framework it claims to transcend. Reform, as prison literature has critiqued before, becomes a vehicle for legitimizing state violence and reinforcing racialized power structures.

## **V. Conclusion: Unmasking the Illusions of Reform**

A long history of racialization and legal stratification in the Dominican Republic, including a violent dictatorship, authoritarian government, and the presence of US imperialism and neo-colonialism, sets the stage for the current state of incarceration and criminal legal practices. The New Model Prison Reform Project, despite being presented as a progressive solution to incarceration, simultaneously functions as a tool for expanding carceral control and perpetuating systemic inequalities. The New Model Reform Project, like other public works initiatives in the Dominican Republic (e.g., the Metro under Leonel Fernández), can be understood as state-led projects aimed at legitimizing governance, garnering political currency, and gaining the favor of geo-political neighbors (such as the United States) rather than addressing systemic inequalities. The New Model Prison Reform has been partially driven by the desire to meet international humanitarian standards (which undeniably can have significant benefits on the daily lives of incarcerated populations), which can question the stated commitment to humanizing incarcerated populations and addressing crime and incarceration rates. This drive reinforces global carceral logics and mirrors the United States and Western

systems of punishment, social control, and punitive isolation rather than mitigating the consequences of incarceration.

This reform, rather than challenging state violence, reinforces it, mainly through the racialization and criminalization of Haitian migrants and Afro-Dominican communities. The Dominican Republic's criminalization of marginalized communities is institutionalized through anti-Haitianism and state policing practices. These are fundamental to the criminal legal system, which relies on inter-group division and porous but present ethno-racial divisions. These racialized practices contribute profoundly to mass incarceration and perpetuate social public perceptions of crime, danger, and deviance. Public perceptions can lead to a reliance on pretrial detention and a hesitance to engage with alternatives to incarceration and transitory programs, institutionalizing racialized biases and mass incarceration trends. The media and government work in coalition to legitimize racialization and criminalization strategies that are beyond just societal prejudices but serve to reinforce systemic inequalities and institutionalize discriminatory state policies.

The New Model reform project increased access to basic services and accessibility of programs in New Model facilities. New-model carceral structures have capacity limits and strict regulations that necessitate overcrowding and lack of habitable conditions in traditional model facilities. Heralded as progressive in terms of prison reform, especially in Latin America, the New Model reform project has failed to dismantle punitive frameworks or significantly increase the use of alternatives to incarceration, including *medio libre* or pre-trial measures. In turn, this neglect's key failures of the criminal system and reinforces oppressive systems of control that increase incarceration rates, penal spending, and deter from meaningful discourse about social society investment or public facing services.

The post-incarceration experience remains defined by significant barriers, which reflect challenges and systemic issues that affect not only those released from detention but also individuals outside the carceral system. Lack of access to mental health care, addiction treatment, housing, employment, and political participation prohibits successful reintegration into society. These challenges are exacerbated by the lack of quality services and funded service providers in these sectors generally. The Dominican Republic government is lacking proper or sufficient investment into social services and public health services, exporting this responsibility on the good will of volunteers and international donors. In fact, criminalization processes prohibit adequate drug service practices and the importation of US based prohibitionist policies hinder the successful creation or implementation of harm-reduction strategies. Employment discrimination and stigma perpetuate cycles of marginalization, leading to further exclusion for formerly incarcerated individuals. The increase in carceral spending and penal expansion articulates the fundamentals of the New model approach: incarceration and punitive punishment is the most relevant solution to criminal activity and issues created poverty, generational trauma, public health challenges, and inequality based in deep-rooted colonial and imperial legacies. Overall, the New Model Reform Project demonstrates the limitations of reforms that fail to challenge underlying systems of power and control that permeate widespread inequality. Reform projects that perpetuate carceral logic or expand state control under the guise of rehabilitation will only continue to harm marginalized communities, underscoring the need for harm-reduction approaches that center human dignity, community empowerment, and systemic transformation. This conclusion calls for a fundamental shift away from the illusion of reform to strategies that address the root causes of inequality, emphasizing the need for transformative justice rather than punitive solutions.

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