

# ARTICLES

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## MARGINALIZATION AND DIVESTMENT: THE EFFECTS OF RELOCATING THE LOS ANGELES WOMEN’S JAIL

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### INTRODUCTION

This Article discusses the recent attempt to relocate the Los Angeles Women’s Central Jail from Lynwood, California, to

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the defunct Mira Loma Detention Facility in Lancaster, California. The relocation efforts lasted several years, engendering strong responses from both members of the public and county actors. The relocation efforts recently resulted in a surprising victory for community members and organizers when the Los Angeles County Board of Supervisors voted to halt the already approved plans to relocate to the Mira Loma facility.<sup>1</sup> This Article represents an attempt to analyze the context in which the relocation efforts took place, starting with a look at the larger prison and jail system containing the facility, moving onto a more focused look at issues facing incarcerated women, and finally expanding to include an analysis of the systemic and community actors invested in the relocation. The complex and opposing issues raised by community members and county officials remain important context for any future efforts to relocate the women of the Century Regional Detention Facility. Arguments raised by concerned community members cautioning that a relocation would have deleterious effects upon the incarcerated women and their loved ones, as well as the communities surrounding the current facility in Lynwood, are still valid. Similarly, concerns expressed by officials that the current facility is not suited to address the needs of the incarcerated women, and that a relocation would create a more hospitable environment for inmates, remain relevant.

The Article will shed light on the issues implicated by the relocation of the current facility and the women housed within it, including both legal and practical hurdles for the parties involved. The research for this Article began as an effort to illuminate the negative effects upon the community most affected by the relocation—the women housed within the Century Regional Detention Facility. I focused upon this population because they most easily fit into the legal framing of constitutional harm; however, an increasing number of parties affected by the relocation became salient as the project continued. As I learned more about the interconnected nature of the issues implicated by the relocation, I began to follow the lead of community activists to expand the list of the negative impacts and externalities affecting a broader range of parties. Any

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1. The final vote on the relocation was held on February 12, 2019, during the editing process of this Article, but the larger effort regarding the current facility and potential future relocation efforts is not over. For a brief overview of the final decision to cancel plans to relocate to the Mira Loma Detention Center in Lancaster, California, see Martin Macias Jr., *LA County Strikes Down Plans for Women's and Mental Health Jail*, COURTHOUSE NEWS SERVICE (Feb. 12, 2019), <https://www.courthousenews.com/la-county-strikes-down-plans-for-womens-and-mental-health-jail> [<https://perma.cc/5Q92-VNSW>].

future relocation efforts must similarly cast a wide net to identify affected parties and must also address a diverse network of issues brought forth in the fight for the Mira Loma relocation. The Article will proceed as follows: Part I will discuss the relocation of the jail facility through the experiences and harms associated with the women currently incarcerated within the Century Regional Detention Facility, Part II will expand the scope of the issues impacted by the relocation through the lens of community members, Part III will discuss the parties financially invested in the relocation of the facility, and Part IV will continue with a forward-looking discussion of the current state of the Century Regional Detention Facility and the tactics used by JusticeLA to stop the relocation.

## I. DEFINING THE ISSUE

In 2016, the Los Angeles County Board of Supervisors (Board of Supervisors) approved the relocation of the Los Angeles County Women's Jail from the city of Lynwood to the city of Lancaster.<sup>2</sup> This relocation was intended to move the population of the Century Regional Detention Facility (CRDF) in Lynwood, California, to the repurposed Mira Loma Detention Center (Mira Loma) in Lancaster, California. This represented a substantial physical relocation for the women in CRDF. CRDF is located at a central point of Los Angeles County, nearby a large concentration of the county's population and accessible from several street and freeway routes.<sup>3</sup> Mira Loma, in contrast, is at the farthest reaches of the county, decentralized from the majority of the county's population and only accessible by two heavily impacted routes.<sup>4</sup> The distance between the two facilities (roughly ninety miles) would have had

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2. City News Service, *County Votes to Move Forward with Women's Jail in Lancaster*, THE ANTELOPE VALLEY TIMES (Oct. 26, 2016), <http://theavtimes.com/2016/10/26/county-votes-to-move-forward-with-womens-jail-in-lancaster> [<https://perma.cc/5ZYC-AG8F>].

3. See Century Regional Detention Facility, GOOGLE MAPS, <https://www.google.com/maps/place/Century+Regional+Detention+Facility/@33.8312818,-118.188878,10.66z/data=!4m5!3m4!1s0x0:0xeab86bdda799a8c2!8m2!3d33.9281097!4d-118.227439>.

4. See Driving Direction from Century Regional Detention Facility to Mira Loma Detention Center, GOOGLE MAPS, <https://www.google.com/maps> (follow "Directions" hyperlink; then search starting point field for "Century Regional Detention Facility" and search destination field for "Mira Loma Detention Center") [<https://perma.cc/46FD-7X42>]; see also *Population Density*, L.A. TIMES, <http://maps.latimes.com/neighborhoods/population/density/neighborhood/list> [<https://perma.cc/R9RT-W8Q2>] (showing that Lynwood is a highly populated region in the county, and that the regions surrounding and including Lancaster rank amongst the lowest populated regions in the county).

a significant effect upon the amount of time to commute for visitation from most parts of Los Angeles County—a commute time which would have been further compounded by the ubiquitous nature of Los Angeles traffic.<sup>5</sup>

Upon learning of the relocation to the new facility, I identified the women housed in CRDF as the community who would be the most negatively impacted due to restricted access to visitation. The remote location of the Mira Loma facility would make visitation more costly and time consuming, requiring many family members and loved ones to travel farther and dedicate even more resources than already required to stay in contact with incarcerated women.<sup>6</sup> Compounding this effect is the fact that the vast majority (80 percent) of women in jails are mothers<sup>7</sup> and incarcerated women are also disproportionately low-income.<sup>8</sup> Even if unintended, the physical distance itself presented a limiting factor—access to children and supportive family members would likely be affected, with the increased costs having greater impact upon low-income women and their families.<sup>9</sup> Simultaneously, the nature of incarceration meant that the women at CRDF had no way to independently mitigate the effects upon visitation—a complete lack of both mobility and input in the decisionmaking process translated to the effective disenfranchisement of the women being relocated.

In contrast to the negative effects upon the women in CRDF listed above, the narrative presented by the Los Angeles Sheriff's Department (LA Sheriff) presented some compelling reasons to support the relocation. As described by the LA Sheriff, the new facility was intended to be a “gender-responsive facility” with rehabilitative and education programs targeted towards women and

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5. GOOGLE MAPS, *supra* note 4.

6. See generally Aleks Kajstura, *Women's Mass Incarceration: The Whole Pie 2018*, PRISON POL'Y INITIATIVE (Nov. 13, 2018), <https://www.prisonpolicy.org/reports/pie2018women.html> [<https://perma.cc/RJM4-EHYN>] (discussing the already expensive and limited nature of visitation for women in jails including, but not limited to, expensive phone calls and restricted access to physical letters and mail).

7. Wendy Sawyer & Wanda Bertram, *Jail Will Separate 2.3 Million Mothers from Their Children This Year*, PRISON POL'Y INITIATIVE (May 13, 2018), <https://www.prisonpolicy.org/blog/2018/05/13/mothers-day-2018> [<https://perma.cc/2FWN-PTX3>].

8. Bernadette Rabuy & Daniel Kopf, *Prisons of Poverty: Uncovering the Pre-Incarceration Incomes of the Imprisoned*, PRISON POL'Y INITIATIVE (Jul. 9, 2015), <https://www.prisonpolicy.org/reports/income.html> [<https://perma.cc/K7SN-UDQM>].

9. See Kajstura, *supra* note 6 (showing that women incarcerated in jails are disproportionately susceptible to mental health issues resulting in high rates of suicide).

increased access to contact visitation.<sup>10</sup> These changes would facially benefit the population of CRDF but, while the move towards a more positive and supportive facility by the LA Sheriff is a step in the right direction, the discussion of these benefits neglected to address the aforementioned ways in which the physical location of the new facility would practically inhibit visitation—and therefore inhibit rehabilitation—in ways that are particularly damaging to incarcerated women.<sup>11</sup>

While I premise that the physical location of Mira Loma inherently inhibited access to visitation, the intended location was only one part of a much bigger picture. Concerns regarding the relocation built upon institutional and systemic issues inherent in our carceral system. The nature of incarceration in the United States is fraught with concerns of abuse and dehumanization, which thereby enhances the need for access to family and community through visitation. Accordingly, it is crucial that any discussion of relocation start with a look at the system within which these women are incarcerated.<sup>12</sup>

Part I will continue in Subpart A with a brief discussion of the history of the Prison Industrial Complex. Subpart B will follow with an overview of the current case law addressing the right to visitation. Subpart C will then focus upon issues specifically facing the women incarcerated in the Lynwood facility.

#### A. *The Prison Industrial Complex*

The carceral system in the United States was shaped to extend the systems of abuse and dehumanization used to control slave populations in the pre-emancipation era of the United States.<sup>13</sup> After

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10. *Mira Loma Women's Detention Center: Item No. 22*, L.A. CTY. DEP'T OF PUB. WORKS (2016), <http://file.lacounty.gov/SDSInter/bos/supdocs/108640.pdf> [<https://perma.cc/5RDW-KB8C>].

11. See *infra* Part I.C, for a continued discussion of the unique effects of access to (or lack of) visitation rights for incarcerated women.

12. While I believe that a review of the pertinent historical and legal backdrop is necessary to contextualize the issues presented by the relocation, I also find it imperative to recognize that these issues are complex and intersectional. I will not be able to provide a comprehensive discussion of these systems in the space provided in this Article and will instead focus on a tailored overview of the most relevant aspects of the development of our current carceral system.

13. This is not to say that the racialized extraction of labor was the sole reason for the creation of prisons, though it was a major motivating factor in the development of our penological institutions. See DOUGLAS A. BLACKMON, *SLAVERY BY ANOTHER NAME: THE RE-ENSLAVEMENT OF BLACK AMERICANS FROM THE CIVIL WAR TO WWII* 50 (2009) (detailing the development of convict leasing out of the industrialization of slavery leading up to emancipation); see also

the abolition of slavery—and the resultant loss of a controlled and inexpensive working force—states began to rely upon labor from convict leasing programs to supplement the diminished workforce.<sup>14</sup> These institutionalized methods of extracting labor were so foundational to our systems of punishment that they were memorialized and amended into the United States Constitution.<sup>15</sup> Under an exception to the Thirteenth Amendment's abolition of slavery and slave labor, convicted and incarcerated people can be pressed into service without pay or other compensation.<sup>16</sup> This exemption from the abolition of forced labor created a perverse incentive for the collection of human bodies as a cheap labor resource through our judicial system.<sup>17</sup> Historic examples of the enactment of systems supporting this perverse incentive can be seen in the development of the arbitrary legal violations of Black Codes—laws created to police and control Black bodies—and the establishment of institutions like Parchman Farm, a prison which continued to extract labor from Black populations well after the official end of slavery.<sup>18</sup> Over time the prison labor systems became profitable enough to evolve from convict leasing to an entire system of mass incarceration—a system which encompasses a substantial sector of our economy.<sup>19</sup> Our prison population has since boomed to become the largest in the world.<sup>20</sup> As a nation we amount to roughly 5 percent

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13TH (Kandoo Films 2016) (outlining the system of prison labor arising out of the end of slavery and the establishment of the Thirteenth Amendment to the United States Constitution).

14. Christopher R. Adamson, *Punishment After Slavery: Southern State Penal Systems, 1865–1890*, 30 SOC. PROBLEMS 555, 565 (1983); see also MICHELLE ALEXANDER, *THE NEW JIM CROW* 28 (2010) (describing the development of prison systems as an effort to supplement workforce and control Black labor); DAVID M. OSHINSKY, *WORSE THAN SLAVERY* 16–22 (1996) (showing the need in Post–Emancipation Mississippi to establish a new method of controlling freed slaves—the Black Codes).

15. See U.S. CONST. amend. XIII, § 1 (stating “[n]either slavery nor involuntary servitude, *except as a punishment for crime* whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction”) (emphasis added).

16. *Id.*

17. See ALEXANDER, *supra* note 14.

18. See OSHINSKY, *supra* note 14, at 109 (detailing the establishment and plantation-like conditions of the Parchman Farm).

19. For a detailed breakdown of many of the hidden costs and profiteers tied into the mass incarceration system, see Peter Wagner & Bernadette Rabuy, *Following the Money of Mass Incarceration*, PRISON POL'Y INITIATIVE (Jan. 25, 2017), <https://www.prisonpolicy.org/reports/money.html> [<https://perma.cc/YN36-C59G>].

20. See *Highest to Lowest—Prison Population Total*, WORLD PRISON BRIEF (2014), <http://www.prisonstudies.org/highest-to-lowest/>

of the world's population; however, staggering increases in prison population have resulted in U.S. prison population accounting for 25 percent of the world's incarcerated population.<sup>21</sup> This trend is especially impactful for women as the population of incarcerated women has increased at rates unmatched in any other incarcerated population.<sup>22</sup> The populations most affected by these trends in mass incarceration and prison labor are often of lower economic status and are disproportionately people of color.<sup>23</sup>

This massive increase in prison population has coincided with a correlated increase in our jail populations.<sup>24</sup> Individuals introduced into the prison population often first travel through the jail system as pretrial detainees. As mentioned above, the populations most affected by the surge in incarceration in the United States often have less access to economic resources. This includes a lack of free capital to spend on legal fees and bail. As a result, low-income individuals assigned bail often spend time in the jail system leading up to their trial. This process has resulted in particularly

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prison-population-total?field\_region\_taxonomy\_tid=All [https://perma.cc/2747-AADZ].

21. Michelle Ye He Lee, *Does the United States Really Have 5 Percent of the World's Population and One Quarter of the World's Prisoners?*, WASH. POST (Apr. 30, 2015), [https://www.washingtonpost.com/news/fact-checker/wp/2015/04/30/does-the-united-states-really-have-five-percent-of-worlds-population-and-one-quarter-of-the-worlds-prisoners/?noredirect=on&utm\\_term=.ae8038affa0c](https://www.washingtonpost.com/news/fact-checker/wp/2015/04/30/does-the-united-states-really-have-five-percent-of-worlds-population-and-one-quarter-of-the-worlds-prisoners/?noredirect=on&utm_term=.ae8038affa0c) [https://perma.cc/U4E6-SGLQ].

22. Robert Valencia, *Incarcerated Women, the Fastest-Growing Population Behind Bars, Face Unique Challenges*, NEWSWEEK (Oct. 20, 2017), <https://www.newsweek.com/incarcerated-women-fastest-growing-population-unique-challenges-688968> [https://perma.cc/5YNN-VHR6] (showing that incarceration rates for women have outpaced the growth rates of male incarceration by more than 50 percent between 1980 and 2014). See also Wendy Sawyer, *The Gender Divide: Tracking Women's State Prison Growth*, PRISON POL'Y INITIATIVE (Jan. 9, 2018), [https://www.prisonpolicy.org/reports/women\\_overtime.html](https://www.prisonpolicy.org/reports/women_overtime.html) [https://perma.cc/4GWF-VLDW].

23. Abram, *supra* note 2.

24. Prisons and jails are technically separate institutions which serve different purposes. Prisons are generally for housing incarcerated individuals convicted of more serious crimes who are serving a sentence longer than one year. Inmates in prison are often incarcerated for significantly more time than individuals in jails. Jails house both convicted inmates and pretrial detainees. Convicted inmates in jails are generally serving less time than in prisons (shorter than one year sentences), while detainees are often not convicted but may not have been able to pay bail after arrest. A significant number of individuals in the Los Angeles jail system are detainees not convicted of any crime. See Jim McDonnell, *Custody Division Quarterly Report July–September 2018*, L.A. CRT. SHERIFF'S DEP'T (June 22, 2019), [http://www.la-sheriff.org/s2/static\\_content/info/documents/Custody\\_Third\\_Quarter\\_Report\\_2018.pdf](http://www.la-sheriff.org/s2/static_content/info/documents/Custody_Third_Quarter_Report_2018.pdf) (showing 44 percent pretrial population in the LA Jail system for the third quarter of 2018).

devastating effects in the Los Angeles County Jail system, our nation's most populous jail system.<sup>25</sup> Historically, the bail system in California has been particularly expensive.<sup>26</sup> Recent numbers showed median bail as much as five times higher in California than in other states (at a \$50,000 median),<sup>27</sup> with the highest portion of incarcerated people in the jail system facing bail fees ranging from \$100,001 to \$1,000,000.<sup>28</sup> As a result, a large number of individuals find themselves unable to pay their bail and are forced to remain in the jail system even though they have not been convicted of a crime. The massive jail population evidenced in Los Angeles is the foreseeable result of these historic trends in the economic realities of punishment—saddling low-income individuals with exorbitant bail and fees unsurprisingly results in an oversaturated jail system. The upward swing in prison and jail populations has resulted in an increasing population burden on our jail systems, with disparate impact in women's jails.<sup>29</sup>

### B. *Visitation as a Right*

The arch of case law focused upon inmates' rights reinforces the already apparent inequities in enforcement and incarceration discussed above. Explicit recognition of the secondary legal status of prisoners can be seen as early as the nineteenth century in the case of *Ruffin v. Commonwealth*.<sup>30</sup> As a previously convicted inmate, Ruffin was put to work on the Chesapeake and Ohio Railroad as a form of convict leasing.<sup>31</sup> While engaged in this work,

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25. Breeanna Hare & Lisa Rose, *Pop. 17,049: Welcome to America's Largest Jail*, CNN (Sept. 26, 2016, 8:53 AM), <https://www.cnn.com/2016/09/22/us/lisa-ling-this-is-life-la-county-jail-by-the-numbers/index.html> [<https://perma.cc/2UDA-WZ3F>].

26. I note that the bail system in California has historically been onerous and expensive. As a result, Californians recently voted to end their bail system. See Antonia Blumberg & Nick Wing, *California Becomes First State to Pass Law Ending All Use of Money Bail*, HUFFINGTON POST (Aug. 29, 2018), [https://www.huffingtonpost.com/entry/california-ends-money-bail\\_us\\_5b85b33ae4b0cf7b002fc7b3](https://www.huffingtonpost.com/entry/california-ends-money-bail_us_5b85b33ae4b0cf7b002fc7b3) [<https://perma.cc/JW27-PTBG>].

27. Sonya Tafoya, *Pretrial Detention and Jail Capacity in California*, PUB. POL'Y INST. OF CAL. (July 2015), <https://www.ppic.org/publication/pretrial-detention-and-jail-capacity-in-california> [<https://perma.cc/Y4TL-N32J>].

28. Jim McDonnell, *Custody Division Year End Review 2016*, L.A. Cty. SHERIFF'S DEP'T (Mar. 22, 2018), [http://www.la-sheriff.org/s2/static\\_content/info/documents/PMB\\_YER2016.pdf](http://www.la-sheriff.org/s2/static_content/info/documents/PMB_YER2016.pdf) [<https://perma.cc/97KZ-DR5Q>].

29. See *infra* Part I.C (discussing the breakdown of the population in CRDF and the Los Angeles County Jail system). See also Kajstura, *supra* note 6 (showing that women convicted of crimes are disproportionately placed in jails rather than prisons).

30. *Ruffin v. Commonwealth*, 62 Va. (21Gratt.) 790 (1871).

31. *Id.* at 791–92.



Ruffin allegedly killed one of the guards in an attempt to escape.<sup>32</sup> Ruffin was caught, subsequently tried and convicted, and ultimately sentenced to hang.<sup>33</sup> Though the crime occurred in the County of Bath, Ruffin's trial occurred in the County of Richmond, allowing Ruffin to challenge his conviction based upon venue.<sup>34</sup> Ruffin asserted that his conviction should be overturned because he had the Sixth Amendment right to a trial in the jurisdiction in which the crime took place;<sup>35</sup> however, the court refused to acknowledge Ruffin's Sixth Amendment rights. Instead, the court announced that convicted and incarcerated criminals do not have access to the same rights recognized for other individuals. In the words of the Supreme Court of Appeals of Virginia:

For the time being, during his term of service in the penitentiary, he is in a state of penal servitude to the State. He has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. He is for the time being the slave of the State.<sup>36</sup>

The words "slave of the state" are emblematic of the historic predatory nature of incarceration and have continued to reverberate throughout the jurisprudence delineating inmates' rights.<sup>37</sup> The characterization of incarcerated people as a population without rights has resulted in a jurisprudence which often views constitutional protections as optional privileges for incarcerated individuals—an ideology which can pose an incredible barrier to legal claims of basic rights.<sup>38</sup> As a result, many rights presumed for free individuals are not clearly established for incarcerated people. Outside of clearly established and recognized protections against cruel and unusual punishment,<sup>39</sup> many other rights—such as the right to visitation—have remained in legal limbo.

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32. *Id.* at 792.

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.* at 796.

37. For a detailed modern exposition of the ideology supporting the notion that inmates do not inherently have constitutional protections (aside from the protection against cruel and unusual punishment), see *Overton v. Bazzetta*, 539 U.S. 126, 139 (2003) (Clarence, J., concurring). Justice Thomas outlines the idea that outside of Eighth Amendment protections, inmates are only guaranteed the constitutional protections that a state chooses to allow at sentencing. Theoretically, this can be taken to mean that prisoners do not enjoy equal protection rights, due process rights, nor any other rights incorporated under the Fourteenth Amendment, resulting in a true second-class status for incarcerated people, in line with the theory presented in *Ruffin*.

38. *Id.*

39. U.S. CONST. amend. VIII.

The right to visitation is one of the rights which is not clearly established for prisoners and detainees. The right to visitation arguably falls within the set of rights protected by the First Amendment of the United States Constitution<sup>40</sup> through the right to association.<sup>41</sup> This right includes a protection to engage in intimate association and familial relationships, such as those expressed through jail visitation with family members.<sup>42</sup> Unfortunately, the U.S. Supreme Court dealt a heavy blow against the right to associate in jail in their decision in *Block v. Rutherford*.<sup>43</sup>

In *Block*, inmates at the Los Angeles County Central Jail brought suit against the Los Angeles County Sheriff for a policy prohibiting contact visitation with spouses, relatives, children, and friends.<sup>44</sup> In response, prison officials argued that jail security militated in favor of restricting visitation.<sup>45</sup> While the District Court acknowledged that “the danger of permitting low security risk inmates to have ‘physical contact with their loved ones’ was not sufficiently great to warrant deprivation of such contact,”<sup>46</sup> the Supreme Court held that “the Constitution does not require that detainees be allowed contact visits when responsible, experienced administrators have determined, in their sound discretion, that such visits will jeopardize the security of the facility.”<sup>47</sup> In other words, jails are neither required to offer contact visitation for detainees, nor are they prohibited from banning all contact visitation, so long as the prison officials determine that there is a security risk. This is an extremely low bar, which functionally leaves prison officials with the complete discretion to end contact visitation.

Restrictions upon visitation were further expanded for convicted prisoners in *Overton v. Bazzetta*.<sup>48</sup> In *Overton*, prisoners contested a set of visitation restrictions implemented by Michigan state prison officials. The prisoners in *Overton* were already denied contact visitation was because of their high security status. However, Michigan state prison officials went further and established a policy that prohibited visitation by individuals falling into several categories: any minor children without a guardian; any inmate's

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40. U.S. CONST. amend. I.

41. Kenneth L. Karst, *The Freedom of Intimate Association*, 89 YALE L.J. 624 (1980) (detailing the right to association and the derivation of the right to intimate association).

42. *Id.*

43. *Block v. Rutherford*, 468 U.S. 576 (1984).

44. *Id.* at 578.

45. *Id.*

46. *Id.*

47. *Id.* at 589.

48. *Overton v. Bazzetta*, 539 U.S. 126 (2003).

children in which the inmate has lost parental rights; any children who are not the child, stepchild, grandchild, or sibling of the inmate (excluding nieces, nephews, etc.); and any former prisoners who are not in the inmates' immediate family and preapproved by the warden to visit.<sup>49</sup> The policy also barred all visitation for two years for inmates who committed drug violations while incarcerated.<sup>50</sup> Similar to *Block*, officials argued that less restrictive visitation measures presented a greater security risk for the facility.<sup>51</sup>

Even though these visitation policies were much more stringent than the policy in *Block*, the Supreme Court held that each restriction is constitutional in light of the concerns of the prison officials.<sup>52</sup> Further, the court stated that:

[O]utside the prison context, there is some discussion in our cases of a right to maintain certain familial relationships, including association among members of an immediate family and association between grandchildren and grandparents. This is not an appropriate case for further elaboration of those matters. The very object of imprisonment is confinement. Many of the liberties and privileges enjoyed by other citizens must be surrendered by the prisoner. An inmate does not retain rights inconsistent with proper incarceration.<sup>53</sup>

These words echo the same sentiment as *Ruffin's* "slaves of the state," serving to undercut any right to association for prisoners. While the court did not explicitly state that prisoners had no right to association, the court continued to state, "as our cases have established, freedom of association is among the rights least compatible with incarceration."<sup>54</sup> Though the court explicitly refrained from deciding whether visitation is a right which survives incarceration, the court all but gutted any protections related to prisoners' visitation rights.<sup>55</sup>

Taken together the decisions in *Block* and *Overton* present a bleak reality for the women incarcerated at CRDF. CRDF includes pretrial detainees and convicted prisoners, and the protections of the right to association have been undercut for both groups. To make matters worse, the *Block* decision specifically justified the no-contact visitation policies in the Los Angeles County jail system. It would be straightforward for the LA Sheriff to argue that

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49. *Id.* at 129–30.

50. *Id.* at 130.

51. *Id.* at 129.

52. *Id.* at 133–34.

53. *Id.* at 131 (citations omitted).

54. *Id.*

55. *Id.*

generous standards of visitation are not constitutionally required, and therefore relocation efforts should proceed regardless of the deleterious effects to visitation. The reality is that the women incarcerated in CRDF may not have a legally protected right to visitation, which highlights the importance of community-based, nonlegal advocacy to ensure meaningful access to visitation.

C. *The Incarcerated Population of the L.A. County Women's Jail*

As discussed above, our prison and jail systems were not originally implemented as an exercise in rehabilitation, nor was our prison system constructed with concerns for the families and children of incarcerated people at the forefront. However, many incarcerated women are mothers whose incarceration affects their relationships with their children. Historical and legal hurdles riddle the path of access to loved ones for incarcerated women, and the practical realities of facilities further compound these effects. The remoteness of facilities, the hostile visitation environments, the expensive nature of phone calls, and many other factors combine to degrade the relationships between an incarcerated mother and her child, and can result in psychological trauma to the children.<sup>56</sup> Further, the nontraditional structures of many families conflict with the visitation policies as they were implemented in some facilities. Many of the children reside with grandparents, with other family members, or with foster care parents and caregivers.<sup>57</sup> This creates more barriers to visitation: Some of these caregivers are elderly, and thus have limited mobility to travel to facilities housing incarcerated mothers, and some caregivers may have multiple children for whom they care.<sup>58</sup> The culmination of these qualities is that the very nature of our prison and jail facilities are often inherently hostile towards the continued development of relationships between incarcerated women and their family and children.

The contextual framing of longstanding issues in our prison industrial complex and the targeted effects it can have upon women and families is important in understanding how and why the proposed relocation of the jail would have created tangible injury to the women incarcerated in the facility. Principally, the

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56. Creasie Finney Hairston, *Focus on Children with Incarcerated Parents, An Overview of the Research Literature*, THE ANNIE E. CASEY FOUNDATION, (Oct. 2007), [http://www.aecf.org/m/resourcedoc/aecf-FocusonChildrenwith\\_ncarceratedParentsOverviewofLiterature-2007.pdf](http://www.aecf.org/m/resourcedoc/aecf-FocusonChildrenwith_ncarceratedParentsOverviewofLiterature-2007.pdf) [https://perma.cc/5855-YZ4H]. See also Dorothy E. Roberts, *Criminal Justice and Black Families: The Collateral Damage of Over-Enforcement*, 34 U.C. DAVIS L. REV. 1005, 1016 (2001).

57. Roberts, *supra* note 56, at 1010–18.

58. Hairston, *supra* note 56, at 10.

issue of overpopulation would not have been solved by relocation to the proposed Mira Loma facility. The jails system in Los Angeles is overpopulated with a daily incarcerated person population of 17,049.<sup>59</sup> This has resulted in many jail facilities operating over capacity.<sup>60</sup> In particular, CRDF is over the facility's maximum capacity by over 190 individuals (roughly 20 percent).<sup>61</sup> This equates to a daily population of 1,924 individuals housed in the current facility, a population whose housing needs would still not have been met at the new Mira Loma facility whose proposed maximum capacity is 1,604 individuals.<sup>62</sup> As a result of an already overcrowded system, women who did not fall into the low- to medium-risk categories would be shipped to other facilities.<sup>63</sup>

The women in CRDF already face current restrictions and barriers to visitation. The visiting procedures at CRDF mirror many of the issues previously mentioned in the context of the prison industrial complex—particularly the hostile nature of the facilities. CRDF was previously a high-security men's carceral facility, prioritizing function and increased security over programming and visitation.<sup>64</sup> As a result, inmate visitation procedures are not accommodating to visits from family and children. Scheduling is inflexible, allowing for visitation only on Saturdays and Sundays.<sup>65</sup> This restricts the available time for visitation such that visitors who work on weekends will find it difficult to schedule time for visits. Even when the visits can be scheduled, more procedures hamper visitation. Like the jail in *Block*, all visitation at the facility is non-contact, with access only available through glass barriers.<sup>66</sup> This can create a hostile environment for children and erects physical barriers to familial interaction.<sup>67</sup> The visits are also available to children only if they are accompanied by a parent or guardian.<sup>68</sup> Thus

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59. Hare & Rose, *supra* note 24.

60. McDonnell, *supra* note 28.

61. *Id.*

62. *Id.*

63. BONTERRA PSOMAS, FINAL ENVIRONMENTAL IMPACT REPORT: RESPONSE TO COMMENTS, MITIGATION MONITORING AND REPORTING PROGRAM, AND REVISIONS, CLARIFICATIONS, AND CORRECTIONS TO THE DRAFT EIR, VOL. I (2016), <ftp://dpwftp.co.la.ca.us/pub/PMD/MiraLomaWomenFacility/Final%20EIR>.

64. McDonnell, *supra* note 28.

65. *Century Regional Detention Facility Visiting Info*, L.A. CTY. SHERIFF'S DEP'T, (Dec. 12, 2013), <http://shq.lasnews.net/content/uoa/AS1/CRDCustody-visitingInfo1.pdf> [<https://perma.cc/26H2-PE8N>].

66. Information gleaned through personal call to Century Visitation Office information number.

67. Hairston, *supra* note 56, at 9.

68. L.A. CTY. SHERIFF'S DEP'T, *supra* note 65.

when the guardian or parent is unavailable, children cannot visit with other available family members (such as older siblings, cousins, aunts, or uncles) who are not their guardians.<sup>69</sup>

Additionally, there must be at least two adults to facilitate a single trip with multiple children. Each visit is capped at two individual visitors, and each child counts as one of the visitors, regardless of their age. This strict limit means that a single guardian caring for two or more visiting children must make multiple visits to allow each child access to their mother.<sup>70</sup> These visits are capped at two in any given week, requiring any guardian caring for more than two children to make return visits over several weeks to allow all children to visit an incarcerated parent.<sup>71</sup> To further complicate matters, there is no daycare facility in CRDF.<sup>72</sup> Because one parent or guardian must enter each session with a child, a visiting guardian with multiple children must either bring another adult to watch the children in the waiting area, or separately arrange childcare for the non-visiting children. The resulting situation is a mess of restrictions and regulations which hampers meaningful family visitation at a fundamental level.

The proposed facility in Mira Loma would not have fixed these visitation issues. Though there was little publicly available information on the visitation procedures to be implemented at Mira Loma, some sources indicated that the new facility would include new visitation centers to allow for contact visitation (a definite improvement over CRDF). However, these materials neglected to mention the fact that the location alone would have prohibited visitation.<sup>73</sup> The travel time to the proposed facility could amount to two and a half hours each way in traffic from the location of the current facility.<sup>74</sup> This time could greatly increase with holiday traffic, and would have been even longer for those who live farther south of the current facility. Thus, those travelling to the new facility would likely have had to expend significantly more time for each scheduled visit to Mira Loma. While new visitation procedures might have resolved some of the issues with the current visitation system, the physical remoteness of the new facility remained a significant barrier to visitation.

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69. *Id.*

70. *Id.*

71. *Id.*

72. *Id.*

73. *Mira Loma Women's Detention Center: Item No. 22, supra* note 10.

74. *GOOGLE MAPS, supra* note 4.

## II. REEVALUATING THE ISSUE: COMMUNITY CONCERNS

My initial concept of the relocation of the CRDF centered around the incarcerated women and their access to their children and loved ones through visitation. This painted a picture with a significant negative impact upon the incarcerated women, but it was an incomplete conceptualization of the issue. By looking into the community opposition to the relocation, I realized that my narrow view elided the negative externalities pushed onto communities outside of CRDF. This shortcoming became apparent through analysis of community discussion with the Board of Supervisors. Community members did voice concerns about the effects of reduced access to visitation, but they also raised many other issues. It became apparent that the affected population included not only the women in CRDF, but also family members of incarcerated women, anti-prison activists and abolitionists, local scientists concerned with community welfare, and other community members from the areas in Lynwood that surround the current facility. This was a larger and extended community who was both vocal and invested in the decisionmaking process of the relocation, but whose impact I failed to consider in my original evaluation. While not every individual addressing the Board of Supervisors was directly or personally affected by the relocation, they all shared concerns intimately related to the relocation of the jail facility.

Part II of this Article will continue the discussion of the issues raised by the larger community in effort to resist the relocation of CRDF. Subpart A will provide context for the larger community concerned with the relocation. Subpart B will discuss the health and safety harms posed to incarcerated women as identified by these community members. Subpart C will discuss the impact of the environmental report addressing the concerns raised in Subpart B.

### A. *A Larger Community Impact*

Community members came out in full force against the relocation of the jail. At each Board of Supervisors meeting addressing the potential relocation, community members gathered and waited patiently to be heard.<sup>75</sup> At the meetings observed from October 2016 to October 2017, members of various community organizations attended in such large numbers that they overwhelmed the

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75. *Meetings On-Demand*, L.A. CTY. BD. OF SUPERVISORS, (Oct. 2016–Oct. 2017), <http://bos.lacounty.gov/Board-Meeting/MediaArchive>. Specifically, the meetings I draw my analysis from are the October 25, 2016, November 1, 2016, and September 26, 2017 meetings.

meeting with the volume of their concerns.<sup>76</sup> This caused the Board of Supervisors to delay the vote on the relocation decision to later meetings, and eventually resulted in open protest when the relocation was initially approved.<sup>77</sup> Some organizations showed up in hazmat suits to convey the environmental dangers of the relocation, and many community members spoke of their own connections to incarcerated family members or personal experiences of incarceration.<sup>78</sup> Community members made concerted, organized efforts to resist the relocation, waiting hours (sometimes as many as four or five hours in a single meeting) for less than two minutes of speaking time per person.<sup>79</sup> The community actions in the meetings emphatically showed that community members were heavily invested and that there was significant and diverse resistance to the relocation.

Throughout the course of the Board of Supervisor meetings, community members began to coalesce into even larger coalitions. In just a few months, community organizations who once spoke and demonstrated independently, such as the Youth Justice Coalition and LA No More Jails Coalition, joined with one another to create a new larger coalition. The new coalition was called JusticeLA and served as a unified front to connect almost fifty separate community organizations and activist member groups against the relocation efforts.<sup>80</sup> JusticeLA also included the support and guidance of one of the founders of Black Lives Matter, Patrisse Cullors.<sup>81</sup> This new coalition forged a solid community grassroots opposition to the county plans to expand the jails system, ultimately convincing enough County Supervisors to switch their votes.<sup>82</sup>

### B. *Community Concerns About Health and Safety Issues*

Community members raised many other issues in addition to those centered around access to visitation—some of which identified basic health and functionality concerns regarding the Mira Loma facility. Members of community organizations and a doctor/

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76. *Id.*

77. Susan Abram, *Protesters Against New LA County Jail Shut Down Board of Supervisors Meeting*, L.A. DAILY NEWS (Aug. 28, 2017), <http://www.dailynews.com/2016/10/25/protesters-against-new-la-county-jail-shut-down-board-of-supervisors-meeting> [<https://perma.cc/2JGZ-864E>].

78. *Meetings On-Demand*, *supra* note 75.

79. *Id.*

80. JUSTICELA, <http://justicelanow.org/about> [<https://perma.cc/HJ2D-DK6P>].

81. *Id.*

82. *Id.* See also Mancias, *supra* note 1 (explaining that the project was opposed by a number of officials, including the Los Angeles County Sheriff and the Sheriff Civilian Oversight Commission).



professor of microbiology specializing in desert soil microorganisms raised concerns regarding the soil at the Mira Loma facility.<sup>83</sup> According to both the Microbiologist and another physician working with the CDC, the soil in and around the Mira Loma facility harbors a fungus which could cause valley fever.<sup>84</sup> Valley fever is a noncurable disease caused by infection from a fungus found in Antelope Valley—fungus which can become airborne through disturbing the soil the spores are present in.<sup>85</sup> Many community members raised concerns that previous construction in the Antelope Valley had already disturbed the soil, increasing the risk of individuals contracting valley fever.<sup>86</sup> Some individuals also spoke of cases where they or a close family member contracted valley fever while incarcerated in similarly high-risk areas.<sup>87</sup> Experts and community members shared concerns that the construction at the new facility would further increase risks of valley fever contraction for any women moved to Mira Loma.<sup>88</sup>

While valley fever is nontransferrable between individuals, those who become infected through the airborne fungal spores can require extensive and prolonged treatment.<sup>89</sup> Most cases of valley fever present themselves with cold- or flu-like symptoms. As a result, the illness can go undiagnosed. Many people who contract the disease will recover without needing treatment; however, as many as 40 percent of infected individuals require an expensive hospital stay averaging \$50,000 in costs and fees.<sup>90</sup> Certain minority populations are at higher risk to contract the infection than other groups, and a small portion of cases result in life-threatening lung infections or spread to other areas of the body requiring indefinite antifungal treatment.<sup>91</sup> Only a small portion of those affected will need continued treatment, but the treatment is potentially expensive and medications for the illness can have severe side effects.<sup>92</sup> Additionally, those that need treatment can sometimes develop complications that increase risk for other illnesses such as nodules; ulcers and skin lesions; painful lesions in the skull, spine or other

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83. *Meetings On-Demand*, *supra* note 75.

84. *Id.*

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.*

89. *Valley Fever Awareness*, CTRS. FOR DISEASE CONTROL AND PREVENTION (2018), <https://www.cdc.gov/features/valleyfever/index.html> [<https://perma.cc/KL5N-RR5J>].

90. *Id.*

91. *Id.*

92. *See id.*; *see also Meetings On-Demand*, *supra* note 75.

bones; painful, swollen joints, especially in the knees or ankles; and meningitis (an infection of the membranes and fluid surrounding the brain and spinal cord).<sup>93</sup>

In addition to the fungus that carries valley fever, community members raised other environmental concerns regarding the soil of Mira Loma, noting that the previous use of the facility might present harmful environmental effects.<sup>94</sup> The Mira Loma facility sports a long history as detention facility, at one time serving as the largest immigration detention center in the country.<sup>95</sup> Before becoming an immigration detention center, Mira Loma was first an airfield and then a series of criminal detention facilities.<sup>96</sup> Community members pointed to the airfield as the culprit for contaminating the soil, because at that time, fuel tanks were installed underground which created a lasting risk of soil contamination.<sup>97</sup> Community members raised concerns that potential toxic contamination from leaking fuel tanks posed a risk to the inmates that would be moved there.<sup>98</sup>

There were also concerns that the water system at the facility was insufficient to supply the expected population of the new facility.<sup>99</sup> The Mira Loma facility long sourced its water from a ground water well, and community members raised concerns that the well would not be sufficient to supply the needs of the proposed expansions to Mira Loma.<sup>100</sup> Community members argued that this would have resulted in a potable water shortage for an inmate and staff community located in the desert.<sup>101</sup>

### C. *The Environmental Report*

While the Sheriff's Department did not respond to many of the issues surrounding visitation, they did present some solutions to the environmental concerns at the new location. The environmental concerns raised by the community resulted in a temporary hold on the project until an environmental report could clear the concerns

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93. *Symptoms and Causes of Valley Fever*, MAYO CLINIC, <https://www.mayoclinic.org/diseases-conditions/valley-fever/symptoms-causes/syc-20378761> [<https://perma.cc/GE8V-G8X6>].

94. *Meetings On-Demand*, *supra* note 75.

95. *Id.*

96. *Id.*

97. *Id.*

98. See BONTERRA PSOMAS, *supra* note 63, for a collection of community letters expressing concerns over issues including soil contamination.

99. See *id.*; *Public Comment in Response to Environmental Impact Report*, L.A. NO MORE JAILS, <https://lanomorejails.org/take-actionpast-actions> [<https://perma.cc/72D8-LNWB>].

100. BONTERRA PSOMAS, *supra* note 63.

101. *Id.*

of the Board of Supervisors. While this was a temporary victory for the community, the relocation team quickly instituted changes to remove the temporary hold. These changes included: spraying water on the dirt at the construction sites to prevent the dry top layer of soil from blowing away with fungal spores carrying valley fever, pledging to remove the old fuel tanks during the construction process, and contracting with a local Lancaster water company to tie the facility into the city water grid.<sup>102</sup> These changes proved sufficient for the Board of Supervisors to move the project forward over the objections of JusticeLA and other community members.

### III. CONTEXTUALIZING THE ISSUE: FINANCIAL STAKEHOLDERS

In addition to the health and safety concerns, there were also policy concerns raised by the financial stakes in relocation. Both community members local to Lynwood and family members of women incarcerated at CRDF identified that the funding of the new facility was exorbitant.<sup>103</sup> These concerns raised related questions regarding resource investment, and the potential divestment of resources from the city and communities of Lynwood. In considering any next steps or solutions, it was essential to identify the parties who would benefit or suffer financially from the relocation. The parties detailed in this Part of the Article were a step removed from the harms facing the incarcerated women, but they would likely be the parties facing the largest financial impact by a relocation of CRDF. Moreover, these are the parties most likely to continue to face similar economic consequences if there are future attempts to relocate CRDF to a new location.

Subpart III.A will address parties financially incentivized by relocating the current facility, and Subpart III.B will address the communities negatively impacted financially by the relocation.

#### A. *Parties Interested and Invested in Relocation Efforts*

Most of this Article has tackled the myriad negative effects and externalities facing the women incarcerated at CRDF and impacted communities. However, where one party will suffer the consequences of the relocation, another will reap benefits. In this case, the Los Angeles Sheriff's Department was both the biggest supporter of the relocation and perhaps its largest beneficiary. The relocation was projected to include new programming, education

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102. *Meetings On-Demand, supra* note 75. See also BONTERRA PSOMAS, *supra* note 63.

103. *Meetings On-Demand, supra* note 75. See also BONTERRA PSOMAS, *supra* note 63.

opportunities, and facilities.<sup>104</sup> These expansions presented the LA Sheriff with an incentive to support the relocation because they would have provided new job opportunities for the LA Sheriff's department to staff.<sup>105</sup>

The Department of Public Works also stood to benefit from the construction of the Mira Loma facility.<sup>106</sup> According to Public Works, they received \$100 million in grant money to complete construction to retrofit the Mira Loma facility to house the CRDF population.<sup>107</sup> This funding served as a motivating factor in the Department of Public Works' push to relocate CRDF because it was contingent upon the work done to relocate CRDF to Mira Loma.<sup>108</sup> To further secure these funds, the Department of Public Works worked in partnership with the LA Sheriff to adjust facility plans to meet the bare minimum requirements of the environmental reports.<sup>109</sup>

### B. *The Community Surrounding CRDF*

While the LA Sheriff and the Department of Public Works viewed the construction of the new facilities as an economic boon, community members in Lynwood raised concerns that moving the CRDF would extract needed resources from the city of Lynwood. Community members from Lynwood highlighted that the funding and investment in their communities was, and remains, inexcusably low and that resources committed to opening a new jail facility should instead be used for the benefit and development of communities within the city.<sup>110</sup>

Community members from Lynwood raised concerns to the Board of Supervisors that the millions of dollars in resources earmarked for Mira Loma would be better served as a tool to develop their community, and the numbers support this assertion.

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104. *Meetings On-Demand, supra* note 75. See also BONTERRA PSOMAS, *supra* note 63.

105. *Meetings On-Demand, supra* note 75. See also BONTERRA PSOMAS, *supra* note 63.

106. See Abby Sewell & Cindy Chang, *L.A. County to Relocate Some Inmates, Build Jail to Treat the Mentally Ill*, L.A. TIMES (Aug. 11, 2015), <https://www.latimes.com/local/lanow/la-me-ln-jail-size-vote-20150811-story.html> [<https://perma.cc/G6VV-M8LL>].

107. *Meetings On-Demand, supra* note 75. See also *Frequently Asked Questions AB 900 Jail Construction Funding*, CAL. STATE ASS'N OF COUNTIES, [http://www.counties.org/sites/main/files/file-attachments/ab\\_900\\_frequently\\_asked\\_questions\\_from\\_cdcr\\_dec07.pdf](http://www.counties.org/sites/main/files/file-attachments/ab_900_frequently_asked_questions_from_cdcr_dec07.pdf) [<https://perma.cc/GF9J-UCG6>] [hereinafter *AB 900 Jail Construction Funding*].

108. *AB 900 Jail Construction Funding, supra* note 107.

109. See BONTERRA PSOMAS, *supra* note 63.

110. *Id.*

Compared to the rest of California districts, the economic status of Lynwood is alarming. According to the most recent census, the per capita income in Lynwood is roughly half the per capita income in the rest of California, at about \$16,000 versus \$35,000 respectively.<sup>111</sup> Lynwood suffers from disturbingly high poverty rates, with roughly one-fifth of Lynwood citizens below the poverty line.<sup>112</sup> Housing units in Lynwood are undervalued at only about 80 percent of the California housing unit value.<sup>113</sup> Similar and worse comparisons exist in attainment within education, as Lynwood has only a 57.7 percent high school graduation rate (two-thirds of the statewide California rate) and lower than 10 percent Bachelor's degree attainment rate (well below the statewide California rate of 33 percent).<sup>114</sup>

These numbers indicate that Lynwood would greatly benefit from investment within the community, rather than an effort to use \$138 million to relocate a source of jobs and income away from the city. Admittedly, the funds allocated for the relocation of CRDF were earmarked for use in the jails system, but any new actions to relocate CRDF should consider the immediate financial risk posed to Lynwood communities. Educational programs and vocational training funded by the state might benefit the community and combat this risk, as might higher paid employment opportunities. Any future relocation of CRDF which does not consider the financial impact upon Lynwood should similarly be criticized for providing another example of Los Angeles County underserving the people of Lynwood.

In response to these concerns, community members have made several of their own suggestions for alternative uses of the relocation funds, including increased implementation of child care, resources for the development of community resources and infrastructure, resources for working mothers, and the use of locally sourced therapists at the current Lynwood facility to revitalize the local economy.<sup>115</sup> The redistribution of funds flagged for relocation would benefit both communities in Lynwood surrounding the

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111. *Los Angeles County (South)—South Gate & Lynwood Cities PUMA, CA*, CENSUS REPORTER, <https://censusreporter.org/profiles/79500US0603752-los-angeles-county-south-south-gate-lynwood-cities-puma-ca> [https://perma.cc/PB5K-XHMU].

112. *Id.*

113. *Id.*

114. *Id.*

115. *Meetings On-Demand*, *supra* note 75. See also BonTerra Psomas, *supra* note 63.

CRDF and could similarly be targeted at Los Angeles communities disproportionately incarcerated within the CRDF.<sup>116</sup>

#### IV. POSSIBLE SOLUTIONS AND FURTHER ACTIONS

As mentioned at the outset of this Article, the relocation to Mira Loma was ultimately unsuccessful. Community members, organizers, community organizations, and experts joined forces to create coalitions which caused the Board of Supervisors to rethink and eventually rescind their prior approval of the relocation. The women of CRDF no longer have to fear relocation to Mira Loma, but there are still unresolved issues surrounding CRDF and the possibility of relocation remains an open question.

##### A. *An Obvious Solution to Relocation Issues is Too Little, Too Late*

Due to the inherent and projected issues with visitation at the Mira Loma facility, the Board of Supervisors bent to community pressure and voted against the construction of the Mira Loma Facility.<sup>117</sup> While I applaud the boldness of the County Supervisors to respond to the arguments raised by their constituents, voting against the relocation is only a stop-gap solution. The vote prevents the complications to visitation raised by increased time, travel, and expenses arising from the relocation, but it does not address the problems inherent in the current visitation structure at CRDF. Moreover, the vote did not include any alternative measures to address the overpopulation issues at CRDF. These issues require intensive reform of the strategies of imprisonment and a careful rethinking of how to center visitation as a meaningful part of rehabilitative efforts.

Unfortunately, the current state of CRDF does not leave the Board of Supervisors with several more years to come up with another solution to these problems. The current facilities in CRDF are well below acceptable standards for the care of incarcerated people.<sup>118</sup> The current facility poses health risks, with a rotted

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116. *Id.*

117. Elizabeth Marcellino, *L.A. County Scraps Women's Jail in Lancaster, OKs Downtown Treatment Center*, L.A. DAILY NEWS (Feb. 12, 2019, 5:03 PM), <https://www.dailynews.com/2019/02/12/l-a-county-scraps-womens-jail-in-lancaster-oks-downtown-treatment-center> [https://perma.cc/PCS4-XRDD].

118. Susan Abram, *Inside an LA County Women's Jail 'Busting at the Seams': Rotted Pipes, Overcrowding and a Plan to Relocate*, L.A. DAILY NEWS (Feb. 12, 2018, 9:31 AM), <https://www.dailynews.com/2018/02/12/inside-an-la-county-womens-jail-busting-at-the-seams-rotted-pipes-overcrowding-and-a-plan-to-relocate> [https://perma.cc/JJ27-QZN3].

plumbing system which causes sewage to back up within cells on a regular basis.<sup>119</sup> Access for disabled individuals is also at risk due to failing and irreparable elevator systems.<sup>120</sup> Additionally, the population in the jail includes an aging segment which has increased health care needs and support.<sup>121</sup> These issues will not disappear simply because the relocation efforts have been stopped, nor will the programming and less restrictive visiting procedures planned for the Mira Loma facility become standard at CRDF without a concerted effort by the county.

Neither will current efforts address conduct violating the rights of incarcerated women unrelated to the relocation, such as allegations of sexual violations and determinations that CRDF is not in compliance with the federal Prison Rape Elimination Act (PREA).<sup>122</sup> An independent review of the women's facilities found the jail's policies identifying likely victims of sexual abuse were inadequate, officials would not provide documentation to show that they have not hired individuals with a history of sexual misconduct, and the complaint system for inmates to report sexual abuse was ineffective.<sup>123</sup> Some of the reporting mechanisms were broken (e.g., reporting lines unconnected, emailing services for third party reporting not functioning).<sup>124</sup> Further, the county does not have accurate mechanisms to track incidents of sexual abuse. These violations are in many ways baked into the body and culture of CRDF.<sup>125</sup> Our current approach to incarceration, requires dras-

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119. *Id.*

120. *Id.*

121. *Id.*

122. See Maya Lau, *L.A. County Women's Jail Lags Behind National Standards on Preventing Sexual Abuse, Report Finds*, L.A. TIMES (Apr. 1, 2018, 5:00 AM), <https://www.latimes.com/local/lanow/la-me-lasd-prea-20180401-story.html> [<https://perma.cc/TR9D-FBCV>] (showing that none of the women's jails in Los Angeles county meets current standards for the prevention of prison rape and sexual abuse).

123. *Id.*

124. *Id.*

125. Though the conduct of prison officials is not the focus of this Article, it is important to note that incidents of abuse lie in the background of any issue affecting incarcerated people. Abuse of power and authority is prevalent in carceral institutions due to a lack of public visibility, ineffective methods of enforcing protections, and an insulated grievance system. Further, incarcerated women are disproportionately victims of sexual abuse. For more information, and a starting place for research into these issues, see DOROTHY Q. THOMAS ET AL., *ALL TOO FAMILIAR: SEXUAL ABUSE OF WOMEN IN U.S. STATE PRISONS* (1996); see also MALIKA SAADA SAAR ET AL., *THE SEXUAL ABUSE TO PRISON PIPELINE: THE GIRL'S STORY* (2015).

tic, comprehensive, and innovative solutions beyond simply halting current relocation plans.<sup>126</sup>

### B. *Community Efforts Should Guide the Way Forward*

Community efforts from JusticeLA, and their constituent community member organizations, have recontextualized the discussion of the jail system in Los Angeles. These community actors envisioned the issues around the relocation as simultaneously inclusive of the incarcerated women at CRDF, the communities supporting these women, and the communities surrounding the facility in the City of Lynwood—a more inclusive vision which shifted the opinion of the Board of Supervisors far enough to reconsider both the CRDF relocation efforts *and* their significantly more expensive plans for the mental health jail.<sup>127</sup> Their work defining the issues as having broad reach and impact create space for more imaginative and comprehensive solutions than might otherwise be available under a strict legal claim. As discussed, the prison and jail systems and legal structures interact to reinforce an inhospitable climate for inmates' rights claims.<sup>128</sup> In particular, the fight for visitation rights faces legal precedent which would undermine any legal effort to ensure access. Yet, in spite of these institutional and legal barriers, community organizing and dedication resulted in halting the relocation efforts without bringing a single claim to court.

JusticeLA thought outside of the legal and institutional box to leverage our common sense of humanity and decency. For example, JusticeLA used many different strategies to publicize the relocation. In October 2017, activists gathered to protest outside of the Board of Supervisor's meeting to show their disapproval of the decision to move forward with the new women's facility.<sup>129</sup> JusticeLA also organized a multimedia demonstration outside of the Kenneth Hahn Hall of Administration in downtown Los Angeles, setting up one hundred prison bunks in front of the building to raise awareness for opposition to the new jail plan.<sup>130</sup> The coa-

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126. *Id.*

127. *See* Macias, *supra* note 1 (explaining that the Supervisors were concerned that the location of the project would not best serve the women, their families, or their community).

128. *See supra* Part I.B.

129. Melissa Etihad, *Foes of Jail Construction Plan Protest in Downtown L.A.*, L.A. TIMES (Oct. 31, 2017, 1:00 PM), <http://www.latimes.com/local/lanow/la-me-ln-jail-expansion-protest-20171031-story.html> [<https://perma.cc/YLB5-NVMP>].

130. *Campaign Against Jail Expansion in L.A. County by Bringing 100 Jail Beds to County Board of Supervisors Meeting*, JUSTICELA, <http://justicelanow.org/justicela-kicks-off-campaign-to-end-jail-expansion-in-l-a-county> [<https://>



lition later transformed the beds into protest art pieces and placed them in public places in each of the cities in Los Angeles County on Christmas Eve 2017, some of which also included public statements from the artists themselves.<sup>131</sup> JusticeLA also produced informational materials, including a report containing incarceration trends and statistics.<sup>132</sup> The demonstrations and information campaigns worked to raise awareness of the issue, garnering local news coverage and creating pressure by incessantly targeting the Board of Supervisors as the decisionmaking body. In addition, JusticeLA members continued to attend and speak out at the Board of Supervisor meetings.

The efforts of the JusticeLA coalition eventually succeeded in swaying Los Angeles County Board Supervisors Sheila Kuehl and Hilda Solis to halt the vote on moving forward with the construction of the new Mira Loma facility—a vote which ultimately led to the end of the relocation plans.<sup>133</sup> This type of long-term strategy should be applauded, and it may guide the Board of Supervisors ever onward towards ensuring better conditions for the women at CRDF. The continued community movement will be necessary going forward, as preventing the relocation to the Mira Loma facility does not preclude a move to another location. Supervisor Kathryn Barger has suggested that she would be open to relocating CRDF to a facility in a more centralized location within the county, closer to the current location in Lynwood.<sup>134</sup>

A closer facility would likely solve many of the issues posed by the Mira Loma facility, but it still leaves many issues unaddressed. Open questions remain around what type of visitation policies would be implemented, whether the rehabilitative and educational proposals of the Mira Loma facility would be included at a new facility, and whether a new facility would be responsive towards the

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perma.cc/MC4Z-452E].

131. Michael Livingston, *Coalition Merges Art and Activism for Holiday Message About Mass Incarceration*, L.A. TIMES (Dec. 31, 2017), <https://www.latimes.com/local/lanow/la-me-ln-jailbeds-20171228-story.html> [https://perma.cc/MF2W-TTVP]; see also *JusticeLA Call for Artists!*, JUSTICELA, <http://justicelanow.org/justicela-call-for-artists> [https://perma.cc/7NJW-MYY8].

132. *Reclaim, Reimagine, and Reinvent: An Analysis of L.A. County's Criminalization Budget*, JUSTICELA (Dec. 12, 2017), [http://justicelanow.org/wp-content/uploads/2017/12/JLA\\_Budget\\_Report\\_Final.pdf](http://justicelanow.org/wp-content/uploads/2017/12/JLA_Budget_Report_Final.pdf) [https://perma.cc/UN6B-2AHV].

133. Elizabeth Marcellino, *Proposed Women's Jail in Lancaster Losing Support from LA County Supervisors*, L.A. DAILY NEWS (Jan. 8, 2019), <https://www.dailynews.com/2019/01/08/la-county-leaders-push-back-on-massive-womens-jail-project> [https://perma.cc/4ND2-BZBW].

134. *Id.*

PREA noncompliance issues in the jail system. Similarly, selecting another location would not necessarily invest in the communities in Lynwood who remain economically vulnerable.

### CONCLUSION

The story of the efforts to stop the relocation of CRDF is complicated. It involves the disenfranchised population of incarcerated women who were to be relocated, the children and families of these women, the communities located around CRDF, the institutional actors who served to benefit from relocating CRDF to Mira Loma, and concerned community members who wanted to prevent more harm to incarcerated women. It includes issues ranging from inmate rights and sexual abuse to health concerns regarding the communication of rare diseases and exposure to multiple types of hazardous waste. And all of this occurred against a historical and legal backdrop of generations of exploitation and judicial indifference towards the people our society chooses to keep locked up.

The legal framework supporting the rights of inmates was—and is—so hostile that remedying the situation for the women of CRDF through legal action was unlikely to be fruitful. Community action seemed to be the only viable avenue, but the Board of Supervisors approved the relocation in spite of strong community opposition. Even with these impediments, the community managed to prevail, showing the need to pursue justice with a dogged vehemence.

Community efforts gained steam slowly, steadily gathering support over the course of several years. This buildup began with individual community organizations asking to have their voices heard against the weight of a billion-dollar incarceration project, and the coalition transformed the many voices into a single voice that could not be ignored. There are many issues that have been left on the table regarding the relocation efforts, but I think that we can use the example presented by JusticeLA to map how we respond to these other issues and any relocation efforts that will inevitably arise into the future.

Going forward, we need to hold government officials to the best of their promises of reform while also addressing the issues facing disenfranchised communities. As seen here, the women incarcerated within these facilities are mothers, daughters, sisters, and friends, and they continue to be members of our communities while they are incarcerated. It is well beyond time that our institutions treat them as such.