

DECARCERAL VISIONS CONFERENCE: Voices from the Criminal Justice Law Review's 2023 Symposium

In September 2023, the UCLA Criminal Justice Law Review supported the work of individuals and organizations committed to ending mass incarceration and immigration detention by sponsoring the Decarceral Visions Conference, a two-day symposium hosted at UCLA designed to confront important questions in the work of closing or preventing construction of jails, prisons, and immigration detention centers. The event was co-hosted by the American Civil Liberties Union, Detention Watch Network, the Sentencing Project, Vera Institute of Justice, UCLA Law's Criminal Justice Program, and UCLA Law's Prison Law and Policy Program.

The symposium brought together the voices of formerly incarcerated individuals, community organizers, closure strategists, and scholars to answer difficult questions, such as: (1) what lessons are learned from campaigns to close, repurpose, and prevent the construction of detention centers; (2) what does a just transition look like for incarcerated and detained people, workers, and communities directly impacted by facility closure; and (3) what are the views of carceral closure campaigns from the lens of the environmental justice movement, public health perspective, and social work perspective. While these questions do not have easily defined or singular answers, the organizers hoped the conference would act as a steppingstone in a conversation that would connect people doing this important work.

The editors agree that one of the most powerful aspects of the conference was the conference's commitment to uplifting the voices of those directly impacted by the carceral centers, including formerly incarcerated individuals and their families. Rather than simply focusing on the voices of scholars, the conference sought to highlight the lived experiences and lessons of those actively working on closure campaigns. It was an honor for the editors to work with the Decarceral Visions steering committee and the community organizers, scholars, and community members who organized this symposium. It is our hope that the thought-provoking conversations of the conference will inspire further collaboration for the closure of carceral facilities at the state and federal level.

The passages below feature some of the most relevant and explanatory discussions that occurred during the plenary sessions. The conference featured opening remarks, a plenary panel, eleven workshop sessions, and a small group breakout session. The transcripts have been edited for length and clarity.

Hannah Kim, Chief Symposium Editor
Peter Nyberg, Editor-In-Chief

I. Conference Opening Remarks

Eunice Hyunhye Cho

Senior Staff Attorney, ACLU National Prison Project

So, this conference, like all overwhelming ideas, began with a little late-night note on my iPhone at 2:00 am in the morning. It was April 2021—a year into the pandemic. It was about the time where vaccines had just become available, but kids weren't eligible yet. Many of us had been working for months to try to get people released from prisons, jails, and detention centers because of the COVID-19 pandemic, and some of you were in prisons, jails, and detention centers at that time.

I'm primarily an immigrant justice activist. We were in the midst of a campaign to get ICE to end its contract at a local immigration detention center. As part of that campaign, I was on a Zoom call with some other folks trying to convince the senator's office to write a letter to ICE to say, "You should end your contract with ICE at this detention center." On that call, one of the senator's staff members (I'll call her Emily), told us that the senator actually supports closing the detention center, but that he couldn't do this because he was afraid of the pushback that would happen if the facility closed. What's going to happen to all the jobs that get lost? What's going to happen to all the businesses that depend on the facility? What would happen to the people detained there? And then Emily asked a really good question. She said: how do you think we could solve for those issues? Did we know of any economic redevelopment plans that could help to replace those jobs? Do we have any concrete plans for what would happen to the facility after it was empty? And I looked at her and said, of course, of course, we'll get that information to you.

And you know, the thing is we didn't actually have a lot of those answers. Emily's questions may have just been a stalling tactic—we've all heard those questions before. But those questions exposed something much deeper. And what that exposed is that it is a strategic imperative of our movement to have a concrete and clear view for what should replace prisons, jails, and detention centers, because if we do not, the visions that are going to become reality will not be ours.

I also want to share a more personal story about the origins of this conference. In April 2021 when I wrote that iPhone note, I was also grieving the loss of my mother who had passed away only a few months before during the height of the COVID-19 pandemic. My mom wasn't an activist or an organizer, and she didn't see herself as one, but she had used a wheelchair for many years. She didn't go out very much, but on those special occasions when her friends or family would invite her out, she would get all dressed up and we would go out. There were times when she would show up and she couldn't get inside and would have to go home

because the elevator didn't work, or there was no ramp. And she would look at me and she would say in Korean, "We have more work to do."

Shortly after I wrote that iPhone note, we also learned another thing. My son, who was a toddler at the time, is autistic, and we received that diagnosis. My friend Alex, who also has a son who's autistic, when I talked to him about this said, "Welcome to the community. Welcome to the disability justice movement." Like many able bodied people, my privilege has always led me not to deeply engage with the fight for disability rights and disability justice, but these two people who I loved dearly in my life at that moment really shaped what was on that iPhone note, and I wanted to say how the disability justice movement really infuses many of the themes of this conference in particular, and I want to talk about 3 things.

The first insight is: the fight against carceral systems and prisons is linked to the movement for disability justice. The carceral system has a disproportionate impact on disabled people, particularly disabled people of color. We know that 40 percent of people in state prisons have a disability. Almost half of the people who die at the hands of police have some kind of disability. I think about this statistic a lot: elementary school students with disabilities are 400 times more likely to be arrested in schools than their nondisabled counterparts. The fight against mass incarceration is one and the same as the fight for disability justice.

The second insight: the built world around us is the result of human decisions, and we can transform the built environment around us to create a world that supports us all. The point is this. It was and is a human decision to build walls, to build cages. And human choices, our human choices, can also be reversed. One insight of the disability movement is that there are concrete examples of systemic, mass closure of oppressive carceral institutions already that shows that this is possible. We can look to the mass closure of disability institutions in the last century as one place that we can examine, and we should read the work of Liat Ben-Moshe, a disability rights activist and scholar, for more insight on that.¹

The third insight: the generative potential of disability and neurodiversity is the fundamental understanding that each and every one of us is whole and has incredible beauty and value, and that multiple ways of viewing and understanding and influencing this world is necessary to our world and our collective survival. The point is this. We need more than one way of envisioning and understanding how to get to a world without more prisons, jails, and detention centers. We need an interdisciplinary, multipronged, and neurodiverse fight to get us there.

Another root of this conference: at around the same time that this idea for the conference took root, we were also dealing with one of the largest expansions of ICE detention facilities in recent history. Under the Trump administration, the immigration detention system grew by 50

1. See, e.g. Liat Ben-Moshe, *Decarcerating Disability: Deinstitutionalization and Prison Abolition* (2020).

percent, and ICE had opened up 40 new detention centers around the country.² The epicenter of this expansion took place in Louisiana, the incarceration capital of the world, where organizers had recently won huge sentencing reform victories that freed about 9,000 people at that point from prison.

But what happened to those empty beds? What happened to those empty cells? Those parish prisons and private prison companies turned right around and signed new contracts with ICE to fill those beds right back up. And this is an age-old story. Youth detention centers are closed temporarily due to poor conditions—they then become adult prisons. They get emptied because of sentencing reform, and they become immigration detention facilities. Those immigration detention facilities will get their ICE contracts cut, and they'll become state prisons again. We talk about this in the Justice Free Zones report.³

And I want to emphasize this point. As a long-time immigrant justice activist, I'm so excited to see how movements to end mass incarceration from the criminal legal system and the immigration detention system can work together even more. I want to emphasize how important it is for the immigrant rights movement not to view ourselves as different or as the exception, even in the fight to end detention. We must stop referring to our contracts to end ICE detention contracts as “shut-down campaigns,” because doing so only erases what happens after an ICE contract ends.

Case in point: last year, we celebrated a huge and well-deserved victory when ICE finally cut its contracts to detain immigrants at the Etowah County Detention Center in Gasden, Alabama. The campaign slogan was, “Shut down Etowah.” *We did not shut down that facility.* Indeed, it continues to jail hundreds of people every day in the same abusive conditions. Months after ICE severed its contract, we saw this.⁴ The county began using the same facilities to jail pregnant women on drug charges. Our demands must be broader, as must our organizing coalition.

It's even more important that we begin to do so now and have a clear and concrete vision for re-purposing facilities and enabling just transitions, because that is exactly what the prison industry is doing right now. As the prison industry itself has noted, this statistic on the aging prison infrastructure crisis is from an industry magazine. There was a huge building boom over 30 years ago between 1990 and 1994, when 170 new state prisons opened across the country, equating to 6 billion dollars in new construction in today's dollars.⁵ And those facilities are now

2. ACLU, NIJC, HRW, *Justice Free Zones: U.S. Immigration Detention Under the Trump Administration* 5, 18 (2020), <https://www.aclu.org/publications/justice-free-zones-us-immigration-detention-under-trump-administration>.

3. *Id.* at 18–19.

4. Amy Yurkalian, *How One Alabama County Declared War on Pregnant Women Who Use Drugs*, Marshall Project, Aug. 26, 2023, <https://www.themarshallproject.org/2023/07/26/alabama-pregnant-women-drugs>.

5. Joe Lee, *America's Prisons: The Aging Infrastructure Crisis*, March/April 2018 at

aging, and the Department of Justice has also noted this year that almost 60 percent of its federal prisons are over 30 years old, with almost a third over 50 years old.⁶

The prison industry has taken note of this. This is a slide from CGL companies, a prison consulting firm that bills itself as the largest, most comprehensive criminal justice consulting firm in the world—and they sensed a huge opportunity. They said, “We may be on the brink of the next building boom as many states are being forced to replace their older prisons.”⁷ And this firm, like several others, draws from experts in many fields: operations experts, planners, architecture and finance. Our movement has to be able to counter this.

You will note on the agenda that this conference doesn’t include panels on strategies or tactics to keep people out of mass incarceration in the first place, or how to free people currently incarcerated or detained. We are also not talking much about new forms of incarceration, like electronic surveillance. These conversations have taken place in other spaces, and we want to use this special, short time together to focus on questions of how to stop or close new carceral facilities because we actually don’t have a chance to talk about that very much. But that, of course, does not mean that one or the other is not enough. As we all have learned, we need both decarceral policies and plans to re-purpose and transition away from facilities.

Look at the work that this movement has already achieved, and I know that together we can do more. I’m so hopeful for the conversations that we have today to move us towards that because we need you, organizers who can build deep relationships with communities and who can understand how to strategize and to build power. We need those of you, architects, planners, those of you who can look at the four walls of a prison cell and can see and understand how it can be transformed into something else. We need those of you who can comb through government budget data and spreadsheets and finance data and economic projections and can explain how our money can be used for something else.

We need those of you who know how to help communities who are dependent on jobs that incarcerate people to find and develop other alternatives for a more just livelihood. We need those of you who know how to heal our bodies and our soul. We need those of you who know how to tell stories and create art, that touch our hearts and move us into action. We need those of you who can wield the law to support these movements and work to free people in the meantime. We need those of you who have the financial resources for the support of this work, this

36, <http://viewer.zmags.com/publication/5b19a22c#/5b19a22c/36>.

6. U.S. Dep’t of Justice, FY 2024 Performance Budget, Congressional Submission, Federal Prison System, Buildings and Facilities (2023), https://www.justice.gov/d9/2023-03/bop_se_fy_2024_pb_narrative_omb_cleared_3.23.2023.pdf.
7. <https://cglcompanies.com/insights/americas-prisons-the-aging-infrastructure-crisis> [<https://perma.cc/MQ9J-LFCQ>].

organizing, because these are hard and lengthy fights, especially in places where resources are scarce, but where prisons flourish.

And more importantly, and most importantly, we need those of you who have survived incarceration and detention to lead us forth with your rightful vision. So, thank you all for your visions, your imaginations, your talent and care.

II. Keynote Panel

Ronald Marshall

Chief Policy Analyst, VOTE (Voice of the Experienced)

I'm going to let you know the history—the context—so you all can understand how this stuff works. 11 years ago, 10 black incarcerated men said, “We are being mistreated in the New Orleans justice system. We're subjected to violence—*government* sanctioned violence. We are also subjected to poor mental and medical treatment in the prison. We are subjected to sexual assaults.”

A civil rights organization heard those brothers' cry and said, “Listen, we're going to represent you in a class action lawsuit.” So, they filed. At the same time, the Department of Justice was investigating these brothers' allegations and found that they had merit, so they joined the civil rights organizations to represent the plaintiffs. So, this lawsuit brought us to a consent decree. The consent decree was between the former sheriff and the former mayor. The federal court also appointed a compliance director. The consent decree was created so they could work to bring these conditions to constitutional standards, so that the guys could receive all the mental and medical treatment they needed.

The federal government appointed a compliance director. It was the compliance director's idea that, “Hey, we need to build a new jail.” This was 11 years ago. The type of jail they want to build has a panopticon design—one of the most horrible jails that you can imagine, and it's being criticized as being from the 1800s. This jail has a center. It creates the illusion that these people are being watched all day because of the center command system and because everybody incarcerated around it sits around this center. It cost a 110 million dollars to build this jail. The federal government and the judge cannot enforce a local government to build a jail. The Prison Litigation Reform Act prohibits that. The judge *can* enforce the jailers and the city to make sure those conditions meet constitutional standards.

We have a former sheriff and a former mayor who the consent decree was between. They are no longer in office. We have a new mayor who does not want the jail. We have a new sheriff who does not want the jail. We have the entire community who does not want this jail. But yet, the judge is constantly ordering the city to build his jail. He even threatened the entire city, and said, “Listen, if y'all don't give me the money

that I need to build this jail, I'm going to hold the entire city in contempt of court." It scared the mayor so much that she just took 32 million dollars and gave it away.

That was a process—when you interfere with the capital budget, you have to go to city council in New Orleans. The city council has to approve any reallocation of money. That didn't happen in this case. 32 million dollars just given away. There are 3 things wrong with that. The first thing: in order for there to be a bill with a contractor, the city must have all the money in hand. The jail costs 110 million dollars. She only gave them 2 million dollars. That's a violation of local rules. The second thing: the city council never approved the money that the mayor gave for the consent decree. Never approved it. The third thing: the landing commissioner in New Orleans never ever approved a conditional use of the land to build the jail. The federal court said, "Build this jail." But did the federal court tell you all to violate all the rules to build the jail?

The work that we're doing in New Orleans right now to prevent this is that we're organizing. 10 years ago, there was a coalition. It fell apart, for whatever reasons—personal and professional reasons. But now, my organization are the only ones who are standing at the table, fighting against this jail expansion. We fight through litigation. We filed in the state court. The city attorneys moved it to federal court. We told them: "You got to give a public hearing. People need to know—the public needs to know—what you all are doing with this money. That's the rules."

It's in federal court now. We were just with one of our attorneys, the general counsel, Emily Posner. She could not be here today because she had to file an emergency writ yesterday in federal court to keep this case alive. But she's on a panel in another part of the conference tomorrow. So this fight is ongoing. We're organizing, we're putting billboards out. We're doing everything that we can to stop this jail.

This is not easy—it is exhausting. It's very exhausting. Coalitions like this are very much needed. People have got to come together and connect. 48 people who are trying to fight a multi-million dollar corporation—it's a lot of work. So, before you leave this place, connect with somebody. Don't just come here and sit in the audience and listen to me. Listen to Bianca. Listen to Nilson or Deanna. Make connections. The movement survives when we connect across borders. *Make connections.*

Bianca Tylek

Founder & Executive Director, Worth Rises

So first, I want to acknowledge that the campaign that we worked on in Alabama that I'll share about also has other partners in this room. Fight Toxic Prisons, Communities Not Prisons, and Justice Capital are all here. There's a number of partners that all worked on these campaigns. As I talk about it here, just know that there's plenty of folks in the room to have those conversations with.

So, you know what happened in Alabama—talking about consent decrees and all these different things—was that the DOJ in large part sued the Department of Corrections in Alabama, which at the time was at about 170 percent capacity of its facilities. It has the most decrepit facilities. It is an incredibly deadly place and as a response to that, the Department of Corrections decided to build a prison, and in fact, 3 new prisons—mega prisons. The project itself was expected to cost roughly 3 billion dollars. We're talking about Alabama, and the concept of fiscal conservatism; the actual legislature was not interested in spending 3 billion dollars. And so, in this particular case, the Department of Corrections went to the legislature for that money, and the legislature said no.

What the Department of Corrections decided to do next was actually contract with a private prison company called CoreCivic. I'm sure folks have heard that name in the past. It's been called Corrections Corporation of America and it's changed forms a few times. But CoreCivic is one of the 2 largest private prison companies in the country. So, from there, CoreCivic needed to figure out how it was going to finance the building of these prisons that the Alabama legislature and taxpayers were not willing to pay for (though they wanted them). CoreCivic decided to go to the market.

I know we talk about bonds and all these things—I think these words are not the most accessible and I don't think everyone quite knows what a bond is, so I'll tell you. It's basically a loan. Imagine you know you going to a bank and asking that bank for money. How does the bank make money? They charge you interest. So, you pay something on top for that money, and over time you pay that back. Well, in this case what you can also do when you go to the public market is that you can chop that loan up and essentially sell pieces of it. You can own that sort of debt instrument or that loan, and you get the interest off of that piece—and these are publicly traded bonds, these little pieces of this loan.

The only way you do this is working with a major bank and usually what they call a syndicate, which is a group of banks that will help issue a loan or underwrite it. Underwriting just means they're the ones who are going to lend the money first, and they're the ones who are going to chop it up and sell it to the public market. And so, what ended up happening was CoreCivic needed to find a bank, and the question was: who was going to actually be that bank? Because back in 2018 and 2019, there was some incredible activism that happened to get a bunch of banks (8 banks in particular—8 of the biggest from JP Morgan and Wells Fargo to Barclays) to agree to *not* provide any more financing to private prisons. And these banks went out public with this agreement. And so again, the question was: who is going to raise this three billion dollars for CoreCivic?

It wasn't easy for them to find a bank, but they got really crafty. What they decided to do was create a bunch of holding companies that were not as readily, visibly tied to CoreCivic. Then they went to Wisconsin. They went to Wisconsin, and they found what was called a public

finance authority. Now the PFA of Wisconsin was basically a tiny little quasi-government organization that could issue bonds that are called “muni” bonds. A municipal bond is basically a bond on behalf of the government.

And why do they want to issue a municipal bond? Because municipal bonds have much lower interest; so, what the company would have to pay back would be a much lower interest to the entities who are loaning the money, the investors. And that’s because, while a company can go bankrupt, the government tends not to. So, by virtue of that, the rate on a municipal bond is always lower because it’s a safer investment. You pay higher yields on riskier investments.

So, they got Wisconsin to issue a municipal bond on behalf of Alabama for CoreCivic that went to the public market, and guess who the banker was: Barclays. And the whole concept was, “Well, we can get away with this because of all these holding companies.” The money was actually now coming through Wisconsin—it’s actually technically a municipal bond for the state of Wisconsin that is then being issued to fund something in Alabama. It got quite bizarre (and that was once we figured all this out, which is not always the easiest thing to do).

We worked with all of our partners, and we went through every single avenue that we could to essentially kill this deal, and it started with getting Barclays out because of their original commitment to not finance private prisons. And so that was the real point of attack, the real target, the real culprit in our eyes at that time. And if Barclays pulled what was essentially meant to be a roughly up to 650 million–700 million dollar investment, it would be hard for any other bank to actually cover that.

And so, we organized with some activism by getting investors who were backing from a social impact space, to help Barclays return their money by saying, “We don’t see you as somebody who backs social justice or social impact,” to targeting the actual executives and analysts who were involved in that deal, to a ton of narrative media conversations and making sure that this was getting out through avenues like Bloomberg and others that Barclays had gone back on its word. After some time and all of that work, Barclays did in fact bail. It didn’t actually take as long as you might think, but that negative press became a real stronghold for us to get Barclays to bail on that entire deal. So, they folded; so did the second bank, the third bank, the entire syndicate. From there, there was no bond to issue. And so, it went back into a process.

I’ll wrap up because that is a detailed, long answer to this question. But here’s what I’ll say: the Department of Corrections actually RFPed for a bank. This time when they issued their RFP for a new bank, they had a specific question as to how they would respond to activists trying to shut them down (which was quite hilarious). And you know, we’ve since tried to FOIA those answers because we’d really love to see what people are saying. Now, CoreCivic did go back to market. They did raise some money, but they were not able to raise the full amount by any means,

which meant that the project immediately started shrinking. Then they started looking at COVID funds. We started working with the White House, and we said, “Issue something that says they can’t use COVID funds to build prisons.” The White House did, but it had a giant loophole in it that wasn’t exactly the strongest—nevertheless, they applied some of that money, and then they tried to apply money designated for schools, saying that, “Well, there’s going to be a school in this building, so shouldn’t we also fund that?”

They will find every which way or avenue, private market or not, to do this. But you can, through the work that we’ve done with our partners and the stuff that Ron’s talking about, find ways to cut and undermine them.

Deanna Van Buren

Executive Director, Designing Justice + Designing Spaces

I think we need to frame the issue of mass incarceration within a much longer trajectory. Part of our narrative is that actually, all this started with enslavement. As we know, we show the entire 100-year history of racist planning policies that got us here, because the infrastructure for our prison industrial complex is completely, inextricably linked. It can be directly tied to the neighborhoods and environments that people are coming out of—the complete lack of disinvestment. And I just show it to people. I use a lot of graphics and a lot of imagery to describe it.

One of the ways that we are helping shift some of the narrative is that my organization started with the idea we need a different justice system altogether; we advocate for restorative justice, wholesale. We work with communities, including cities and neighborhoods, to get people around the table, including the police, including the city, including the county. What would this city look like if restorative justice was the primary way of addressing harm in our communities?

People are able to move into this space because the process we use is very creative. What we do know is that creative activities and practices is one of the greatest values you can have. You can come into community because it moves people into a form of elastic thinking. Elastic thinking allows you to make different kind of connections and associations and come up with new ideas to break you out of your standard way of thinking. I swear to God, every time we do this process—it’s called our “concept development process”—I see it happen with the most rigid thinkers. And they may shut down again—I’m not saying they’re going to stay open. But it gets them to move into that space to imagine, “What do we do instead of this? What do we need to make? What is actually going to keep us safe, because we know this is not working.”

What also helps our narratives (and we architects actually build this stuff) is the question: what does a peace-making center look like? Has anyone ever been to one before? We made one, and we talk about it. We evaluate it. We see that it’s actually building social cohesion, which is

what actually keeps us safe. And we're starting to do that bit by bit by bit. And that's part of the way that we shift the narrative—through creative practice, getting people to imagine something different and new, knowing that they can and then helping them to actually manifest it. Because our communities have not had either the time, the space, or the tools by which to actually imagine what it is that we need and want. Even though communities know exactly what they need. They just haven't had it. They haven't had the capital to do it. They haven't had the power to do it.

The reason my firm is both a real estate and architecture and design practice is so that we help people get their imaginations out and actually help them make the thing. How do you finance it? How do you build it? Give our community control over their real estate, control over these assets so that they can actually start to build power. The Ella Baker Center for Human Rights is an example—this can be done at every scale, from the scale of a room to the scale of a building, to the scale of a campus, to the scale of a neighborhood, the scale of a city.

Groups like the Ella Baker Center now have a center, the country's first center for restorative justice and restorative economics in Oakland. They are building exponentially because they have that. But that came through a process of imagining with them early on, to be like: "What if we had this? What if we had a space where people could come to do restorative practices instead of a courthouse? What if you had a place to do community organizing and a place for people to get access to jobs? What if that was all in the same place?" And then it happened. So that's how we do it. Imagination to bricks and mortar.

The spaces around us and the things we do in them—the intention we put into them—they literally get absorbed into the very fabric of the world around us. I know that's true. I'm sure you've felt that before. Haven't you felt that when you've been in a space? It could be a sacred space; it could be a space of torture like a prison. You could feel it—you can really feel it. The thing is, there's so much of these carceral buildings, and you can't even let it sit empty because if it even sits empty, they flip it.

The first thing we do is engage the folks who were incarcerated there. We'll go into a place and work directly with folks who are in there. If it's not closed yet, we'll try to figure out: what do you want to do with this? What can we turn this into? What do you want to see here? What needs to happen here? Because you do have a few choices. For example, with the Atlanta City Detention Center, we worked with over 600 folks to reimagine what it could be, and the community wanted it to be a center for freedom and wellness. It starts with the intention of what you want it to be, and you have to ignite radical imagination. You have to get people in

line to be like, "What can happen here? What is possible in this place?" and use their ideas to begin to germinate and see what has to happen.

So as abolitionists, we believe that there's a whole ecosystem of care and spaces that need to get made, other than prisons and jails. And there's a whole range of them. We say there are 8 buckets. Essentially, the restorative reinvestments is the main bucket of the work that we do. Everything from re-entry to diversion, spaces for youth, spaces for survivors of violence, specialized spaces for education, specialized forms of housing. It's a vast range, but the restorative reinvestments are often what our prisons and jails can become if we work to make them that way. In Atlanta, we presented the community with a demolition option. People wanted to tear it down. So that is an option—we can take the whole thing down.

Our governments care about money. Behind all of these projects is backing: how are we going pay for it? It cost us 60 million dollars to renovate that 475,000 square foot jail, and it would cost 100 million to make a new space. But you can make more money that way. If they want to talk money, we'll talk money. But at the end of the day, when we put the survey out to the community of what they wanted to do with the jail, they wanted to demolish it. Of the 4 options: (1) minimum repurposing; (2) maximum repurposing; (3) demolition and new build; or (4) just demolition and create a memorial garden and distribute centers for equity around the city, demolition was their preferred option. And I agree with them.

We won't work on a project unless they're going to demolish the cells as a minimum—I won't even touch a repurposing project without that. You just can't. You have to demolish the cells. Ideally, you demolish it if you can, and you can always recycle those things so you can make something new there. We also do rituals. I'm going to get super California on you. We did it on our land in Detroit. We worked with a local indigenous community to come perform rituals on the land, to set a new intention for what has to happen. Even if you demolish it, you have to do that because it's *that* toxic. It's hard to be in those spaces, even when they're empty. Never mind when they're packed full, and we're still fighting to get folks to close down that jail.

Although I do believe in having a vision behind the campaign, being able to push for what could be there—you've got to have it backed with: how are we going to pay for it? What does the community want to have here? How can it generate revenue and jobs, etc., as part of a plan for what to do instead of this? And so, we work with community organizers all over the country to help them to create that vision and create that financial model, to see what they can do. And hopefully, these hundreds and hundreds of empty prisons—it's ridiculous, the building of more—we can both stop them with this strategy, but we can also know what to do to repurpose the ones that are sitting there, because they're just going to fill them. They're going to fill them.

III. Plenary Panel I: “Another World is Possible: Lessons from Campaigns to Repurpose Facilities and Plan for Just Transitions”

Amber-Rose Howard

Executive Director, Californians United for a Responsible Budget

First of all, I would like to say that the state doesn't know what they're doing. The state has no idea what they're doing. The reason why folks like to say the term “mass incarceration” is because the state's goal over the past 60–70 years has been to increase the capacity of law enforcement and corrections. So, at a time where folks are pushing the state to close prisons, you have to always come in with an understanding that they don't have a clue how to do this because they've never even thought about doing it in the first place.

You also have to understand that the state is going to be threatened, because corrections and law enforcement agencies have a lot of power and any time you're trying to close prisons or jails, that means you're taking power away from the state. You're taking power away from corrections. And when I say this, I'm thinking about when you're looking at the legislature or elected officials, they are all influenced by the state. When you're trying to pass policies, the legislators will always respond to you and say, “Well, I can't vote for too many criminal justice reform policies.” Why is that? That's because law enforcement agencies fund their campaigns. Law enforcement agencies keep them in power. You already have to recognize those things and realize that you're coming up against a lot of power.

I think that what we have to understand also when we're coming into closing prisons, like we have in the state of California, is that the state won't ever plan to protect people who are incarcerated. They won't have a plan that's safe and that considers people impacted at all. They're always going to consider the Department of Corrections and law enforcement agencies first. This means that when prisons are being closed, people are going to be harmed in transfers that become really violent for people who are in prison—not just thinking about the physical transfer, but thinking about some of the opportunities that may be lost for people as they're transferring from different facilities. California has 35 prisons, and now 2 or 3 of them are closed—but within those 35 prisons, resources are not the same. Someone could have opportunities for education or for other positive programming at a certain facility and being transferred from that facility means that those opportunities end. The state is never concerned about that.

There's a lot of retaliation that people are going to experience inside of prisons when prisons are closing. CDCR and the corrections officers are absolutely retaliating against folks, so I think that organizers should always be in touch with folks who are incarcerated to make sure you're

learning how this is impacting them and what their experience is like. No one is going to protect them but us. I think that folks also have to know that the state has to be pushed to do releases. Most of the policies that have been passed in the last 10 or 15 years in the state of California that would reduce prison populations have not been implemented to their full capacity. If you're looking to fight for people to be released from prisons rather than experiencing these violent transfers—and we know the transfers will happen—we would like to make sure that the most people, the greatest amount of folks, can be released if possible.

We have to think about how to push the state in implementing these policies. For example, in the state of California, we have elder parole. Elder parole is something that many folks, including Curb and our coalition members, have worked on for a very, very long time. We've got it down to 55 years of age, 25 years served, and still we're not seeing elder parole be implemented to its greatest capacity. Folks who are incarcerated in the state are aging and elderly, and the state isn't doing anything about it.

We have other policies that would repeal sentencing enhancements and term enhancements that make folks' term longer based on prior felonies, based on gang affiliation. Some of those policies have been reversed. There's a lot of judicial discretion that has been restored to judges for them to say, "We're not going to give you these lengthy sentences"—but the policies are not being implemented to their full capacity. So, I think that something that organizers have to also think about is: how do we get the state to release people, based on all of the things that we've done?

I also would say that it's important to recognize the state is not very inclined to pass policies that will be implemented retroactively, and that's a big problem. Folks should always consider the retroactive piece to passing policies. It's not enough to say we're not going to charge folks or arrest folks anymore for marijuana. But what about the thousands of people who are already incarcerated because of marijuana? It's not enough to say we're no longer going to add time to your sentence because of prior felonies. Well, what about all the folks who are inside serving 15 years on top of their base sentence—what about them? You have to fight for policies to be retroactive, which of course, would continue to reduce the population and protect folks who are already being harmed by these really ridiculous policies.

I'll wrap up by saying folks have to pay attention to the state budget. Sure, we have some prisons that are closing, but you'll recognize in the state budget that as prisons are closing, there's going to be more funding going down to counties to construct or expand jails *and* there will be more money in the state budget to construct or expand prisons. For example, in the state of California, we're dealing with almost a \$400 million dollar plan to construct and expand the capacity of the oldest prison in California, which is San Quentin. Whenever facilities are closing, pay attention to the state budget because again, the state's goal is to hold on

to their power any way that they can. You'll recognize that there will be more money being put out for that construction.

It's a lot. It's a heavy battle—but again, I think the community and the people actually have more power than the Department of Corrections can ever have. So, continue to work with people and organize with people who are impacted, continue to educate folks who can be allies, and work together to shift that power.