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2021

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The Impact of Family Separation
for the Loved Ones of California's Incarcerated Population

By

JESSE ABILENE KOKLAS
THESIS

Submitted in partial satisfaction of the requirements for the degree of

MASTER OF SCIENCE

in

Community Development

in the

OFFICE OF GRADUATE STUDIES

of the

UNIVERSITY OF CALIFORNIA
DAVIS

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Committee in Charge

2021

DEDICATION

I'd like to dedicate this project to those currently being held in California Department of Corrections facilities. In particular:

Darryl Burnside

Silas Kanady

Kenneth Moore

and Michael Ogg

As I was writing this thesis, our conversations reminded me why I do this work and why it is so important. I am so grateful to learn from you and work alongside you in this movement to end mass incarceration, and I am truly inspired by the passion and hope you all bring to this work. I hope that this project speaks to you and that I've done this topic some justice.

ACKNOWLEDGMENTS

This project would not have been possible without the amazing work that Initiate Justice does every day in the fight for liberation. Thank you to Taina for the leadership and the passion you bring to this work. Thank you to Daisy for your tireless policy work and your loving and positive attitude. Thank you to Greg for all your support over the last year and for making this project happen. Lee, thank you for all the work you do organizing IJ's inside members. You are inspiring.

Thank you to my committee for your time and energy guiding my research process. Thank you to Clare Cannon for supporting me unconditionally throughout my program in whatever I needed. Your mentorship has helped make my time in the Community Development Graduate Group a beautiful one, despite dealing with several knee operations and a global pandemic. Thank you to Javier Arbona for getting me thinking spatially about crime/criminalization, and for reminding me about the power of phrasing. Talking through my work with you has developed my thinking on this topic and helped me become a more critical scholar. Thank you to Ben Weber for helping me organize my research and think through the many nuances of abolition and family connection. I've learned so much from you and this final product would not have been possible without you. Thank you for the work you do for this movement.

And thank you to Asiya Netekal for your help with coding, I would have been completely lost on the data analysis without you.

ABSTRACT

This project examines the effect of family separation on people who have loved ones incarcerated in California state prisons. Using survey data collected by Initiate Justice, a Los Angeles-based community organization that seeks to end mass incarceration by harnessing the power of those “inside,” my research examines barriers to accessing those loved ones and asks, “What is the effect of family separation on loved ones left behind?” I frame my research with an abolitionist lens and incorporate the theory of racial capitalism in my study. My research views incarcerated people as important family and community members and finds that their absence from these spaces impacts their families and communities negatively. Combining qualitative and quantitative survey analysis with a review of the literature, I offer a vision of a system that does not need police and prisons, and prioritizes health and healing as community priorities, instead.

The Impact of Family Separation for the Loved Ones of California’s Incarcerated Population

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INTRODUCTION: IMAGINE ABOLITION

This project comes about at a moment of crisis and possibility: the 2020 national uprisings for racial justice brought to the mainstream the urgent need for a reenvisioning of our criminal legal system. In the setting of the COVID-19 pandemic, when everyday people are fighting for their health and basic needs, police killings in broad daylight are even more egregious, more blatant, more offensive. On the other end of the “justice” system, COVID-19 swept through crowded prisons and jails rapidly, where a 1-year stay could become a death sentence. The calls for racial justice amid the pandemic highlight the need to reenvision public health. Do criminalization and retribution make healthy, thriving communities? What is the connection between racism and health?

Initiate Justice (IJ), an LA-based anti-mass incarceration organization, is one of many community organizations, family members, and loved ones pushing for a more humane response to this public health crisis: for mass releases and decarceration, and for community-driven and mutual aid solutions. In this context, IJ is working to articulate their vision for a world that does not need police or prisons, intending to publish an “Abolition in Action” report in 2021. One part of this abolition vision will be around family connection to incarcerated loved ones, informed by a survey they conducted of their “outside” members in late 2020. The survey clearly showed that quality family connection is not possible in a prison setting. It also showed the importance of in-person, physical connection with loved ones, and how being deprived of that for over a year (when visiting was shut down due to COVID) had an extreme negative impact on individuals, families, children, and all forms of relationships, causing mental, emotional, and physical pain. Prisons under “normal” operations are a public health crisis, and the survey confirmed that this crisis was only deepened by the pandemic. Since California prisons hold disproportionate numbers of Black

and brown people, their families and communities suffered disproportionately. The calls for racial justice this past year made it possible for the larger society to begin grappling with the implications of “defunding” law enforcement and brought fresh energy to the movement for prison abolition.

Prison has been held as an indispensable tool for minimizing social harm for the last several centuries in the United States: as an immovable given in our society. In the past, there have been similar attitudes about corporal punishment and the death penalty. In fact, prisons originated as a more humane form of criminal justice than corporal punishment, and where people in the US could once never imagine getting rid of the death penalty, the practice is now extremely unpopular; as of January 2020, 33 states have either abolished the death penalty entirely or have not executed anyone in over a decade.¹ Attitudes about criminal justice change over time, and it should not be so difficult to imagine a society that does not rely on putting people in cages to solve our social problems or exact interpersonal retribution. In order to institute alternatives to incarceration successfully, we need to build a society that does not need police and prisons.² This means that community comes first. This means addressing the root causes of crime, treating them as structural and collective problems instead of individual failings. Recognizing the systemic nature of social problems would avoid criminalizing them and provide an opportunity to work on solutions.³ A different world is possible.

The framework that encompasses these ideas, and which informs my work, is prison abolition. Prison abolition seeks to get rid of prisons and the current carceral state as we know it, but more than tearing down, it means building something new. It means creating a system that does not rely on punishment or retribution for “justice.” Justice will be served when communities have access to the proper resources to provide for the needs of their people and the space to address

¹ Davis, *Are Prisons Obsolete?* 2003; American Bar Association, 2020

² Davis, 2003

³ CR10 Publications Collective, *Abolition Now*, 2008

harm. Abolition is a project in reimagining public safety, accountability, and healing. Abolition is not one thing, though, and there are different visions for an abolitionist future and the road to get there. Scholars and activists have been working towards this future for decades now, but we are in a unique moment in 2021 where the words “abolish” and “defund” have entered the mainstream. The massive uprising after the murder of George Floyd has led to a more robust and widespread discussion of what a world without police and prisons might look like. In this moment, the visions of those who have been organizing towards abolition for decades are being lifted up in a new way. Envisioning a different kind of criminal justice system (or “carceral” system) no longer seems like a pipe dream fantasy. As we begin to have more serious conversations about abolition and discuss strategies for achieving it, it is important to recognize and draw on those who have paved the way for these conversations.

Initiate Justice (IJ), an anti-mass-incarceration organization that has mostly worked on inside-out organizing and passing statewide laws concerning California prisons, is now working to articulate their vision for abolition. IJ is led by currently incarcerated and system-impacted people, using an “inside-outside” organizing strategy in their advocacy work.⁴ In Summer 2020, I served as a Policy Fellow for IJ. When my fellowship was over, I approached them about conducting a survey with them for my research, but it ended up being more useful that I analyze data that they had already collected. This data came from a survey of their outside members with loved ones incarcerated in California Department of Corrections and Rehabilitation (CDCR) facilities regarding access to their loved ones and barriers to family connection. The findings of the survey will be included in an “Abolition in Action” report the organization plans on publishing this year. I worked on synthesizing the results of the outside member survey for that report,

⁴ Note: Some in the movement define “system-impacted” as someone who was formerly incarcerated, someone who has/had an immediate family member, or has/had a partner incarcerated. More expansive definitions would include anyone who has/had any type of family member incarcerated.

representing the quantitative and qualitative data visually and writing up the findings. That survey and the topic of family connection and separation is the focus of my master's thesis.

I came to this movement from labor organizing about two years ago, and since then have deepened my understanding of how the carceral system has influenced my family and my life. Although none of my immediate family members have ever been incarcerated, various family members of mine have spent time in jail, juvenile facilities, and at court-ordered drug treatment centers. One of my uncles spent several years in prison. The way I see it, these incarcerations did not affect my family as much as the conditions surrounding and leading up to them did. A combination of poverty, family trauma, and drug abuse have all affected my family. My family has been hurt by abuse and gun violence, which remains unaddressed and unhealed, and many relationships between family members are extremely strained or nonexistent. I definitely don't have all the answers to how things could be different. One thing that my connection with the criminal justice system has shown me is that the solutions are often very complicated and contain a lot of nuance.

Abolition Democracy

Angela Davis has been articulating the importance of abolition for nearly 50 years. She makes it clear that abolition is not a new concept; that the movement to abolish the carceral system is an extension of the abolition movement of the 1800's in the US. Many scholars have said that the convict leasing system after Emancipation was worse than slavery. In the convict leasing system, prisoners were rented out as free labor, without the incentive to protect the workers as their "property," like slaveholders during slavery. She dismisses Frederick Douglas' confidence in the law as a tool for liberation, saying that he ignores how the law has been used to brand Black people as criminals, and that the convict lease system was created to institutionalize slavery in another

form.⁵ She aligns instead with W.E.B. Dubois in his critique of the state for participating in the criminalization of Black people so that their labor could be extracted. He held a more anticapitalist, antistatist, and antilaw perspective that informs Davis' work.

DuBois coined the term "abolition democracy" that inspired Davis' 2005 book by that name. DuBois believed that the abolition declared in 1863, and codified in 1865, was only accomplished in the narrow sense that chattel slavery was ended, but the true ambition of abolition democracy, namely the creation of a racially just society, was never realized. In order to achieve abolition democracy, new institutions, new practices, and new social relations needed to be created in order to afford freed Black people the economic, political, and social capital to live as equal members of society.⁶ This is the foundation of Davis' outlook on abolition. She says that in order to achieve abolition democracy we must abolish institutions that advance the dominance of any group over any other group.⁷ This means that we cannot look at prison abolition in a vacuum, because all of our institutions are intimately connected. For Davis, the military industrial complex is a particular troubling institution that needs to be dismantled as we dismantle the criminal justice system. In essence, abolition means "abolishing our whole society" and building something new.⁸

Many abolition scholars and activists envision this new world as one that is anti-capitalist. Ruth Wilson Gilmore, for instance, theorizes that prisons deal with several surpluses of capitalism- including surplus land and surplus populations. The US system of mass incarceration which functions as social control, would not be possible without the entrenchment of racial capitalism.

⁵ Davis, 2003. See also, David Oshinsky, *Worse than Slavery*; Douglass Blackmon, *Slavery by Another Name*; Khalil Muhammad, *The Condemnation of Blackness*; Sarah Haley, *No Mercy Here...*

⁶ DuBois, *Black Reconstruction in America*, 1935

⁷ Davis, *Abolition Democracy*, 2005

⁸ Davis, *Imagining and Remaking a World Without Prisons Webinar*, April 26th, 2021

Essentially, capitalism normalizes inequity and convinces us that our current system is “natural.”⁹ Angela Davis articulates that capitalism “continuously reveals its inability to grow and develop without expanding and deepening human exploitation. There must be an alternative to capitalism.”¹⁰ She urges us to disentangle our notions of capitalism and democracy in order to seek out egalitarian models of democracy. “Communism- or socialism- can help generate new versions of democracy.”¹¹ They both hold hope for the potential of abolition in the twenty-first century.

*The challenge of the twenty-first century is not to demand equal opportunity to participate in the machinery of oppression, but to identify and dismantle those structures in which racism continues to be embedded. This is the only way the premise of freedom can be extended to masses of people.*¹²

Abolish Our Way of Thinking

In building social institutions that can help people lead “better, more satisfying lives,”¹³ Davis also calls for shedding our punitive approach to criminal justice. She maintains that punishment is not a consequence of crimes being committed but of increased surveillance and (racially targeted) criminalization. “Imprisonment is the punitive solution to a whole range of social problems that are not being addressed,” and then prisons “disappear people” in the “false hope of disappearing the underlying social problem they represent.”¹⁴ An abolitionist future, according to Davis, is one where punishment and retribution are not the goals, unlike the current US system.

More than changing our attitudes towards criminal justice, RW Gilmore stresses the importance of seeing the humanity in our neighbors. Dehumanization is what allows certain groups

⁹ Gilmore, “Race, Prisons, and War,” 2009

¹⁰ Davis, 2005

¹¹ Ibid, 24

¹² Ibid, 29

¹³ Ibid

¹⁴ Ibid

to “annihilate another in the name of territory, wealth, ethnicity, and religion,” and to accept the caging of people.¹⁵ She reminds us that racism is one way that dehumanization is normalized and accepted. This classification of people is upheld through militarism, which in turn promotes the ideas that safety must be enforced with aggression.¹⁶ Davis agrees that solidarity is essential to building an antiracist future, and stresses the importance of intergroup solidarity, especially between minority groups.¹⁷

Abolition as Organizing Strategy

“It’s obvious that the system won’t disappear overnight. No abolitionist thinks that will be the case.”

-RW Gilmore¹⁸

Abolitionist Mariame Kaba clearly defines abolition of the “prison industrial complex (PIC)” as “a political vision, a structural analysis of oppression, and a practical organizing strategy.”¹⁹ Like Davis, she articulates abolition as a vision of a restructured society where people’s needs are met. Some of these needs are food, shelter, education, health, art, beauty, and clean water.²⁰ She stresses that abolition is a “positive project,” focused on building rather than tearing down. She evokes freedom fighter Kwame Ture for this idea, who said that revolution is about creating rather than destroying. Kaba urges us to have an “abolitionist imagination,” and focus on envisioning the possibilities. She urges us to ask the right questions as we move forward. For example, instead of asking, “Does this mean I never call the cops if my life is in serious danger?”, instead ask “Why do we have no other well-resourced options?”

¹⁵ Gilmore, 2007

¹⁶ Ibid

¹⁷ Davis, 2005

¹⁸ Kushner, 2019

¹⁹ Kaba, “So You Want to be an Abolitionist?”, 2020

²⁰ Ibid

Kaba clearly lays out the steps to achieve an abolitionist future in her “Abolition for the People” piece. First, we have to transform ourselves and our imagination of what can be, without the lenses of the systems of oppression that we live and participate in. We have so thoroughly internalized these logics of oppression that they are difficult not to reproduce. Kaba urges us to engage in collective activities and experiment with new collective structures. Efforts of this sort have shown that less hierarchical and more transparent social structures reduce violence and harm. Her third step is engaging in strategies that reduce contact between people and the criminal legal system. Abolition does not mean building a “gentler prison and policing system,”²¹ but divesting from these systems and creating ones that work. Kaba’s fourth step borrows from both the thinking of Angela Davis and Ruth Wilson Gilmore: “Abolition requires that we change one thing: everything.”²²

Scholar activists who see abolition as the need to “change everything,” necessarily recognize the importance of adopting an anti-statist approach. The state has been complicit in institutionalizing racial capitalism and perpetuating systems of oppression. Pushing for “reform” within the state is seen by many as a setback for the movement for abolition.²³ RW Gilmore advocates building a new “antistate state” that rejects any agency or capacity that government might use to guarantee social well-being.²⁴ As she points out, “The violence of torture and official murder, toward the end of stealing labor, land, and reproductive capacity, have driven the history of the United States. If reform within that history is the pattern for change, it can only result in a ‘changing same.’²⁵

²¹ Ibid

²² Kaba, 2020; Gilmore, *Change Everything*, 2021

²³ Davis, 2021

²⁴ Gilmore, 2007

²⁵ Gilmore, 2009

The “non-reformist reform” approach is one many abolitionists have supported as a way to work towards abolition without relying on state solutions. French economist and socialist Andre Gorz coined the term in the 1960’s, defining non-reformist reforms as those that do not conform with “capitalist needs, criteria, and rationales.”²⁶ Essentially, it seeks to change power relations and create new centers of democratic power. Transformation is the goal, rather than making tweaks to what is already there. Gilmore interprets non-reformist reforms as those that “unravel rather than widen the net of social control through criminalization.”²⁷ This means criminal justice “non-reformist reforms” would focus on reducing the scale, power, tools, and legitimacy of the carceral state.²⁸ An example of non-reformist reform in this space would frame the death penalty as a result of the larger state-sanctioned violence of prisons and policing and their historical ties to lynching and slavery.²⁹ So, life without parole would be a reformist reform, where a non-reformists reform would imagine a different way to deal with those who harm others, and reducing the scope and power of institutions, like the prison, that perpetuate oppression. This understanding of non-reformist reform could be called “abolitionist reform.” In practice, though, the line between reform and non-reformist reform can be murky.

Abolition in Practice

In 1976, a Quaker prison minister named Fay Honey Knopp and a group of activists published the booklet “Instead of Prisons: A Handbook for Abolitionists,” which outlined three main goals. The first was to establish a moratorium on all new prison building, the second to decarcerate those currently in prison, and the third to “excarcerate,” or move away from

²⁶ Gorz, *Strategy for Labor*, 1964

²⁷ Gilmore, 2007

²⁸ Akbar and Klarman, “Demands for a Democratic Political Economy,” 2020

²⁹ Ibid

criminalization and the use of incarceration altogether. The path that abolitionists called for to achieve these goals were similar to the goals of the Great Society and “war on crime” laid out by Lyndon B. Johnson in the 1960’s: “to generate millions of new jobs, combat employment discrimination, desegregate schools, broaden the social safety net and build new housing.”³⁰ Unfortunately, these programs did not receive the resources they needed to success and we entered a decades-long “tough on crime” era that responded to social problems with criminalization and harsher forms of punishment.

In the 1990’s prison building expanded drastically, even as crime rates fell, and a reinvigorated anti-prison movement emerged, centered in California. Groups like the Prison Moratorium Project (founded in part by Ruth Wilson Gilmore) and Critical Resistance (founded by Gilmore, Angela Davis, and others) were born. Since its founding in 1998, abolition has been an explicit goal of Critical Resistance (CR). In 2004 they developed an 8-part abolitionist handbook that provides educational resources and guides activists through exercises and roleplays to gain a deeper understanding of abolition and how to put it into practice (see Figure A). It also outlines alternatives to our current system, focusing on transformative and restorative justice.³¹ In response to the 2020 Black Lives Matters uprisings, Critical Resistance published a revamped toolkit that focuses specifically on abolishing the police- one of the most, if not the most, comprehensive guides of its kind. They outline the difference between reformist and non-reformist reforms, providing great examples for organizers. When deciding which category a policy falls into, they ask four key questions:

1. Does it reduce funding to police?
2. Does it challenge the notion that police increase safety?

³⁰ Kushner, 2019

³¹ Critical Resistance, Abolition Toolkit, 2004

3. Does it reduce tools/tactics/technology police have at their disposal?
4. Does it reduce the scale of policing?

Examples of some reformist reforms they provide that do not meet the above criteria are body cameras, more training, civilian oversight boards, and prosecuting cops who have killed and abused civilians. Examples of abolitionist reforms they provide are suspending the use of paid leave for cops under investigation, withholding pensions of cops involved in excessive force, reducing the size of the police force, and prioritizing spending on community health, education, and affordable housing. They also lay out seven policy priority areas that the movement to abolish the police should prioritize now and walk organizers through how to build a campaign around those issues.³²

Figure A: *Critical Resistance Abolition Toolkit, 2004*

EXERCISE

Divide everyone into two groups. Have one group be “reformists.” Have the other group be “abolitionists.” Give each group 15 minutes to design a campaign strategy for ending the death penalty. The goal of the reformists is to end death sentences by seeking the alternative of “life” sentences. The goal of the abolitionists is to seek an end to the death penalty without reinforcing the prison system.

At the end of the 15 minutes, each group will send a representative to the front to make an impassioned plea for their campaign. After each group has presented the case, discuss what was learned. How did the arguments of each side differ? Why did they differ?

³² Critical Resistance, Abolish Policing Toolkit, 2020

Californians United for a Responsible Budget (CURB), of which Critical Resistance is a member, started in Oakland in 2003 when a group of people came together to advocate for the closure of one of California’s women’s prisons. Although that campaign was unsuccessful, the group continued advocating prison closure, and is now a coalition of over 70 anti-mass-incarceration organizations in California. CURB mostly focuses on prison and jail closures but is active in many related policy campaigns depending on the priorities of member organizations. Although CURB does not explicitly say it is an abolitionist organization, its mission is closely aligned with abolitionist views. They aim to “reduce the number of people in prisons and jails, shrink the imprisonment system, and shift public spending from corrections and policing to human services.”³³ The organizations in the CURB coalition all share these values.

Initiate Justice (IJ), another CURB member organization, has become more explicitly abolitionist since its founding in 2016. Initiate Justice activates their “inside” and “outside” members to pass anti-mass-incarceration bills in California (policy that is specific to prisons rather than jails), but has larger goals than a single bill, like fostering community-based solutions to the criminal justice system and healing communities from the inside (IJ has a healing committee that leads healing circles for various justice-involved groups). IJ began laying out their “abolition vision” in 2020, hoping to publish a report that outlines their abolitionist values and strategies for achieving their overarching goals. As this “Abolition in Action” report takes form, there are main policy areas that they believe are important to work on now in order to achieve their long term goals: 1) Ending extreme sentencing, 2) Increasing programming and credits, and 3) Increasing family connection. Ending extreme sentences is clearly a non-reformist reform. Increasing programming and credits can be done by bringing community organizations focused on transformative programming into the prisons to do that work. Increasing access to these programs,

³³ CURB, “Who We Are,” 2021

and the credits earned for participating in them, would allow more people to get out of prison earlier, making this an abolitionist reform as well.³⁴ The last priority area may not meet the criteria of Critical Resistance's non-reformist reforms, but this may be where prison abolition and police abolition diverge. The problem with only focusing on reforms that shrink the prison budget is that there are currently around 100,000 people in California prisons, and we cannot "disappear" and forget those people, as Angela Davis would say. Increasing connection between California's incarceration population and their loved ones may require that more state resources go to the California Department of Corrections and Rehabilitation (CDCR), like funding for more phone time or more visiting days, which would both require more staff hours to run these expanded programs.

Increasing family connection is extremely important for the ultimate goal of abolition. If we agree that family connection during incarceration is worth preserving, it will mean that we see incarcerated people as human beings, family members, and community members: as people who someone loves. In this research project, I examine the effect of family separation for the loved ones of California's incarcerated population on the outside. Although not explicitly, family separation is a punishment added to any prison sentence- for those convicted and for their loved ones. I hope that this research will shed light on the role that family separation has played in our society, and how we might start reconceptualizing family connection as a precious right worth protecting, especially for poor and historically marginalized communities. The survey I analyze presents various obstacles to family connection and addressing these are a first step. If we continue to see family connection as the goal, however, the final barrier to overcome will be the prison walls and the prison itself.

³⁴ Note: People incarcerated in CA prisons can receive credits for participating in some rehabilitative programming which then takes time off their sentence.

LITERATURE REVIEW

The United States, who projects an identity of democracy and freedom across the globe, has had the highest incarceration rates in the world for decades, with over two million people behind bars at any given time. Furthermore, if we view every state as independent, twenty-three states would have the highest incarceration rates in the world, even above that of the US. For example, Oklahoma has an incarceration rate of 1,079 per 100,000 people, above the US rate of 698 (as of 2018).³⁵ The country with the next highest rate, El Salvador, has an incarceration rate of 612. El Salvador is a documented human rights abuser whose president attended the Legislative Assembly in 2020 with armed soldiers to put pressure on lawmakers to approve security spending, and where women who have abortions are imprisoned for homicide.³⁶ How did this paradox of freedom come about in the US, where we incarcerate people at a higher rate than countries like El Salvador? And more importantly, what is the effect on our communities that experience the highest rates of incarceration? Incarceration does not only affect the incarcerated individual but also their families, loved ones, and entire communities.

Part I: The Racial Project of Mass Incarceration

Rates of incarceration are decidedly unequal by race in the US as a whole, and within each state. 2010 census data makes the racialized nature of the US carceral system clear. 13% of the US population is Black, while Black people make up 40% of the prison and jail population. One in 5 Black people born in the US in 2001 will be incarcerated in their lifetime, compared to one in 10

³⁵ Wagner and Sawyer, "States of Incarceration: Global Context"

³⁶ Human Rights Watch, "World Report 2021"

Latino people and one in 29 white people.³⁷ Criminal justice is a state issue, with the vast majority of incarcerated people held in state or local facilities (94%). In 2018, California had an incarceration rate of 581 and approximately 241,000 people behind bars (including jails and detention centers). Black residents make up 6% of California's general population; they account for 27% of the incarcerated population.

Incarceration has become a common life event for Black men, starting with those who came of age during the prison boom of the 1970's-'90's. African American men born in the 1970's had a 36% chance of being sent to prison by age 30.³⁸ This chance increased to 60-70% for Black males who did not complete high school. Black men in their early thirties are 7 times more likely to have a prison record than white men. When David Garland coined the term "mass imprisonment" in the late 1990's, he had in mind "concentrated and systematic imprisonment of whole groups of people."³⁹

Due to the segregated nature of housing in the US, the overincarceration of Black men results in the overincarceration of their communities as a whole. Several studies have attempted to show the risk factor of imprisonment by neighborhood; one's chance of imprisonment can be determined by where one lives. The Justice Mapping Center identified 35 "million dollar blocks" in Brooklyn where the cost of incarcerating residents from a single block exceeds \$1 million annually.⁴⁰ "Million Dollar Hoods" undertook a similar study for Los Angeles County, demonstrating exorbitant spending on (jail) incarceration for several neighborhoods. The highest cost occurred in Lancaster (\$6.6 million); Long Beach (\$6.5 million); Downtown (\$4 million); Compton (\$3.9 million); and Palmdale (\$2.6 million),⁴¹ the very neighborhoods with the highest

³⁷ The Vera Institute, "State Incarceration Trends: California"

³⁸ Western and Wildeman, "The Black Family and Mass Incarceration," 2018

³⁹ Ibid

⁴⁰ Columbia Justice Mapping Center

⁴¹ Million Dollar Hoods "Black People in the LA County Jails" Report

concentration of Black people in the county.⁴² In 2019 alone, LA spent over \$153.6 million booking Black people into county jails. This is not to say that incarcerated is predetermined for people in these neighborhoods, but that rather to point out that there are structural forces making it more likely.

Disinvestment from urban minority spaces throughout the 20th century created the conditions for criminalization and over policing that accompanied the prison boom and War on Drugs of the 1980's and '90's. In the 1940's, St. Clair Drake and Horace Cayton related the conditions of urban “ghettos” to a cycle of oppression and internal decay.⁴³ They argued that the life trajectory of ghetto residents was mainly determined by the conditions in which they lived. Race motivated white flight and Black middle-class flight deepened segregation and poverty in urban areas in the second half of the twentieth century. Job loss due to deindustrialization and employment discrimination in many cities intensified existing problems. By the mid-twentieth century, “ghettos” were seen as definitively Black spaces.⁴⁴

In 1959 anthropologist Oscar Lewis put forth a “culture of poverty” theory to explain urban concentrations of poverty. He believed that those in poverty live in a certain way in order to cope with poverty itself. He asserted that capitalism creates the conditions for a culture of poverty that replicates itself in each generation- and also said that it would be incorrect to associate this with a certain racial group.⁴⁵ Unfortunately, conservatives interpreted his research as served them, portraying the “culture of poverty” as the *cause* of poverty instead of the effect. Blaming Black individual failing was much more convenient and politically popular than addressing the systemic roots of poverty.

⁴² LA Public Determinants of Health, 2017

⁴³ Drake and Cayton, *Black Metropolis*, 1945

⁴⁴ Duneier, *Ghetto*, 2016

⁴⁵ Ibid

Well known sociologist Daniel Patrick Moynihan cemented this notion of culture as the cause for poverty in his 1965 report “The Negro Family: The Case for National Action.” He traced problems of chronic idleness, addiction, and serious violence in minority urban neighborhoods to the breakdown of the Black family. He posited that deterioration of the Black family shapes the character and ability of children and led to welfare dependency. He argued that these issues could not be solved with economic solutions, since the problem was so longstanding. His work reinforced the idea that social problems are caused by individuals and groups, not social *conditions*.⁴⁶

Many experts continued this line of thinking in the 1980’s and ‘90’s, perpetuating the association between “Black” and “criminal.” Sociologist William Julius Wilson attempted to eliminate race from the equation in the late 1980’s, framing the deterioration of urban spaces as a class issue: a problem of “the underclass.” Other experts, like political scientist Charles Murray, believed that the underclass was produced by cultural deficiencies and low intelligence. He popularized the idea of welfare dependency as the cause of intergenerational poverty.⁴⁷

Viewing poverty and associated crime as the result of individual failings ignores the history of locking up minorities that US capitalism began once slavery ended (as a need to control these populations in a new way arose). Capitalism in the US has repeatedly treated certain groups as surplus. Laura Pulido maintains that “surplus” populations (the unemployed), “threat” populations, and “the underclass” are all populations that are expendable to capitalism. These groups are largely Black.⁴⁸ One way to deal with “expendable” populations is to criminalize them and lock them away behind bars.

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Pulido, “Flint, environmental racism, and racial capitalism,” 2016

Scholar activist Ruth Wilson Gilmore applies this theory of racial capitalism to California's prison boom began. She elaborates on the types of surpluses that existed when California began its prison building project got underway: 1) surplus finance capital, 2) surplus land, 3) relative surplus population (workers at the edges of the labor market or unemployed), and 4) surplus state capacity (budgets, laws, regulations, etc. to help make capital profitable and keep inequality of capitalism acceptable to the people. The balance of power is explained and legitimized through politically fought-out interpretations of race-neutral principles like the Constitution, individual freedom, and equality.) She argues that the California prison system was deliberately constructed to deal with all four surpluses.⁴⁹ Large surpluses and increasing "tough on crime" policy converged, resulting in over policing and overincarceration of poor and Black and Brown communities.

While politicians claimed this phenomenon was an attempt to increase "law and order," get drugs off the street, and make communities safer, the evidence tells us otherwise. For example, drug use rates are the same among white and Black drug users, yet Black people are charged at 5-7 times the rate of white people for the same crime, showing that crimes are selectively punished by race. Another powerful counterpoint to the law and order justification is that even as crime rates declined in the 1990's, incarceration rates increased substantially, with Black communities filling the prisons and jails disproportionately.⁵⁰ It is clear that the prison boom and the War on Drugs was a racial project, and that the racial disparity in rates of incarceration is a result of the criminalization of Blackness and over policing of certain communities. Although urban incarceration rates in California are on the decline (but are on the rise in rural areas), there is a

⁴⁹ Gilmore, *Golden Gulag*, 2007

⁵⁰ Alexander, *The New Jim Crow*, 2011

troubling and well-documented history of overincarceration of minority spaces that remains a problem today and whose effects will be felt for generations to come.

Part II: The Social Cost of Family Separation

The high rate at which parent-age adults (90% male) cycle through the criminal justice system in Black and Brown communities affects social networks, social relationships, and long-term life prospects.⁵¹ This affects all aspects of community life, from the lives of children and family functioning to labor markets and economic and political infrastructures.⁵²

Several ethnographic studies on how incarceration affects those left behind have shown that incarceration of a family member provides a net negative for the family left behind. Donald Braman, studying families in Washington, D.C. in 2004, found that incarceration “breaks families apart, strains their economic resources, weakens parental involvement with children, and leads to emotional and social isolation.”⁵³ He also found that having a male family member go to prison made job prospects more difficult for those left behind. For Braman and other ethnographers during the same time period, family stories paint a picture of overall hardship due to the incarceration. Although the stress caused by the behavior that got the family member incarcerated in the first place may be lessened, there is a whole host of new problems that comes with incarceration. Co-parenting with someone behind bars brings its own unique stresses on parents and children. Supporting an incarcerated loved one emotionally can take a toll as well.⁵⁴

Incarceration has a profoundly negative impact on the social and human capital of communities who have the most contact with the criminal justice system. About 75% of

⁵¹ Clear, “Effect of High Imprisonment Rates on Families,” 2008: 102

⁵² Ibid

⁵³ Ibid: 104

⁵⁴ Ibid: 105

incarcerated minority men are parents, and many more are someone's son or sibling. Studies of social networks in low-income areas find that "strong ties" dominate, which are those formed with other community members that provide intimate support but do not create ties to outside networks. Breaking "strong ties" is harmful for members within the community but has not been found to affect social capital. Ties that form bridges to other networks, or "weak ties," are helpful for creating opportunities and building social capital. Young men play an important role in creating these ties within their communities, and incarceration severely limits their ability to create and expand their social networks, which negatively affects all of the people with whom they are connected.⁵⁵

Losing friends and neighbors to incarceration can negatively affect neighborhood cohesion and community safety. Sampson, Raudenbush, and Earls found that communities are made safe when people share an expectation of "collective efficacy," which speaks to the degree of social cohesion between neighbors and their willingness to intervene "on behalf of the common good."⁵⁶ Others have built on this idea to show how community-level processes can boost informal social control and reduce crime. Both of these processes are affected by incarceration, because people often respond to a loved one's incarceration with self-isolation, undermining neighborhood cooperation and support.⁵⁷

On the outside, women, especially women of color, bear the burden of mass incarceration, dealing with relationship strain and shouldering the primary duties of childrearing. Currently, 1 in 4 women, and 1 in 2 Black women, has a family member in prison.⁵⁸ In 1970, about one-third of low-education Black women were single parents, but the number increased to more than 50% in

⁵⁵ Ibid

⁵⁶ Sampson, Raudenbush, and Earls, "Neighborhoods and Violent Crime," 1997: 918

⁵⁷ Clear, 2008: 107

⁵⁸ Clayton-Johnson, Karefa-Johnson, and Rasaki, "Lives on the Line," 2020

the next thirty years. By 2000, stable two-parent households became relatively rare, especially among African Americans with little schooling.⁵⁹ Although this cannot be explained only by the incarceration of men, there was a county-level study for the period 1980-1990 that found that removals to and returns from prison increased the rate of female-headed households in that county.⁶⁰ Going to prison greatly reduces one's likelihood of getting married (this is the most drastic for Black males over twenty-three, whose likelihood of getting married drops by 50%), and increases chances of a divorce for the already married.⁶¹ In 2006, about 66% of people in prison who were ever married were divorced, compared to a 17% divorce rate at the time for non-incarcerated adults.⁶² So, women on the outside may have to deal with the stress of maintaining a relationship with an incarcerated partner, or the stress of the dissolution of that relationship. Additionally, concentrated rates of male incarceration shrink the dating pool for heterosexual women left behind in those communities.

Essie Justice Group labels the incarceration of a loved one a “burgeoning women’s health crisis.” They found that 86% of women who responded to a national survey experienced depression, anxiety, anger, fear, stress, and loneliness as a result of a loved one’s incarceration. 63% percent reported that their physical health was significantly or extremely affected, as well. Women often have to make great sacrifices when a family member is incarcerated, with 43% sacrificing educational or career goals. Another key finding of their survey was that women with an incarcerated loved one are extremely isolated. The physical presence of a loved one is key to people’s “sense of connection, identity, and overall well-being.”⁶³ Social isolation when based on

⁵⁹ Western and Wildeman, 2009

⁶⁰ Clear, 2008: 111

⁶¹ Ibid

⁶² Ibid

⁶³ Clayton et al., “Because She’s Powerful,” 2018

race, gender, or class often leads to political isolation.⁶⁴ So this isolation of women with incarcerated loved ones has larger implications for their communities and our society at large.

Another well-documented community cost of incarceration is the cost borne by children. In 2010, over 1.9 million children had a currently incarcerated parent, and over 70% of those children were children of color. A more recent survey estimated that over 5 million children (about 7% of all minor children) had experienced the incarceration of a residential parent at some point during their childhood.⁶⁵ While most of these incarcerated parents are fathers, 75% of children with an incarcerated mother have a father who is also justice-involved.⁶⁶ Children with incarcerated parents face many risk factors that are not necessarily due to the incarceration of their parents but rather circumstances surrounding it, that were present before the incarceration. Children with an incarcerated parent are at increased risk for abusing drugs and alcohol and engaging in antisocial conduct, including aggression and other disruptive behaviors. It is estimated that almost 500,000 parents in prison have a drug or alcohol problem, and their children are likely to be exposed to this behavior prior to their parent's incarceration.⁶⁷ These children are also more likely to have high levels of truancy and experience a decline in school work or drop out of school completely, compared to their peers.⁶⁸

Besides the preexisting conditions before parental incarceration, the incarceration itself can be extremely challenging for children. Many studies have shown troubling outcomes and behaviors for children, including increased crying and sadness, confusion and worry, anger, acting out, and developmental regression. A study of children of incarcerated mothers found that 75% of the youth

⁶⁴ Ibid

⁶⁵ Wakefield and Wildeman, "How Parental Incarceration Harms Children," 2018

⁶⁶ Sanders and Dunifon, "Children of Incarcerated Parents," 2011: 1

⁶⁷ Sanders and Dunifon, 2011: 2

⁶⁸ Snyder et al, "Parenting from Prison," 2001

had trauma-related stress- including trouble sleeping, concentrating, and depression.⁶⁹ Children also must deal with the stigma of having an incarcerated parent, which can cause additional stress and complication.

Several studies have demonstrated the importance of “high quality” contact between a child and their incarcerated parent. This research found that visiting and communicating with their parent can 1) decrease feelings of loss of separation, 2) help dissolve fear or fantasies about prison by seeing it firsthand, and 3) encourage discussion of the situation and address issues that could lead to shame or fear.⁷⁰ Some studies find that parent-child visitation can be harmful, which could be a result of a negative visiting experience due to factors outside the control of the family. These studies highlight the need for quality interaction between and children and their incarcerated parent, and that more research is needed to determine what makes for a high-quality interaction.

Part III: Who Bears the Financial Burden of Family Separation?

State prisons are a hub of economic activity, contracting with many companies for things like food, phone calls, services to send food to people inside, commissary items, prison clothes, and prison toiletries, and the list goes on. These are often massive contracts for these companies, who then have a vested interest in keeping prisons open and at capacity. This is what anti-prison mean when referencing the “Prison Industrial Complex.” The exorbitant costs of many of these services, though, are borne by families on the outside, while these companies profit from mass incarceration.

Before sentencing, 63% of the time family members are responsible for court-related costs nationwide, with 85% of this burden falling on women.⁷¹ A 2014 community-based participatory research project involving 20 community organizations found that 34% of families went into debt

⁶⁹ Ibid: 3

⁷⁰ Ibid

⁷¹ deVuono-Powell et al., “Who Pays?” 2015

from the costs of maintaining contact while incarcerated (from phone calls and visits specifically). 65% of families with an incarcerated loved one said that they were unable to meet their family's basic needs; 49% struggled with feeding their family and 48% had trouble paying rent. Women bear the brunt of this economic burden, as nearly 70% of women with an incarcerated family member are the sole wage earners for their family. Nearly 70% also act as the primary support person for their incarcerated loved one.⁷² Poverty perpetuates the cycle of incarceration which itself leads to greater poverty. It is estimated that 40% of all crimes are directly attributable to poverty and 80% of incarcerated people are low-income.⁷³

Part IV: The Legacy of Family Separation as Social Control

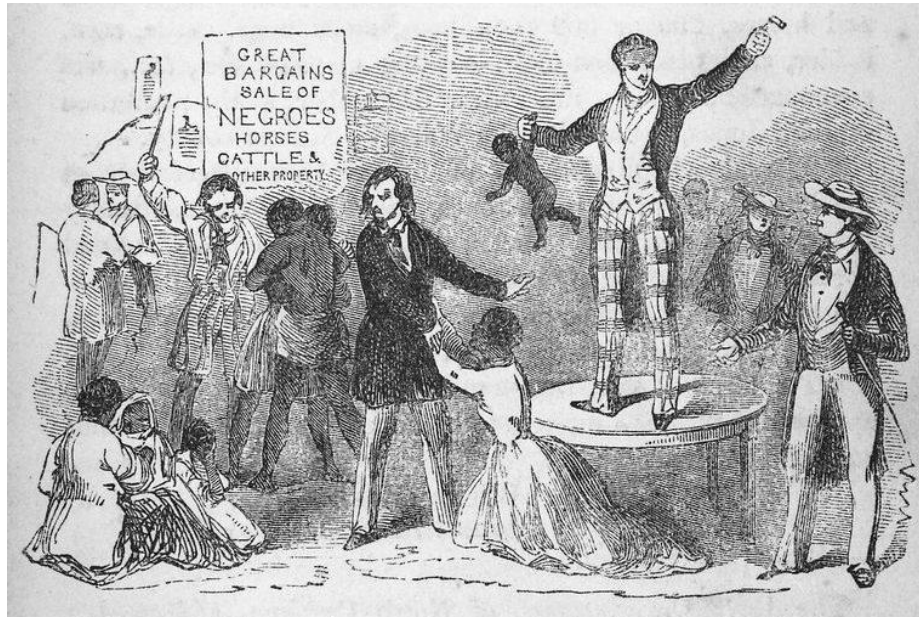
Family separation has been used as a form of social control in the US since Europeans colonists arrived. Although there are many examples of this practice being used to further the economic interests of the dominant group (white people),⁷⁴ I will focus here on the three colonized groups in the US- African Americans, Native Americans, and Mexican Americans- who have suffered the most under this extreme practice.

⁷² Clayton et al., 2018

⁷³ deVuono-Powell et al., 2015

⁷⁴ Note: Another example of this is The Page Act of 1875, that banned Chinese laborers' spouses from immigrating in order to prevent Chinese families from settling in the US. Legislation regarding women was often meant to impact the family.

Figure B: *Depiction of a Southern Slave Market*



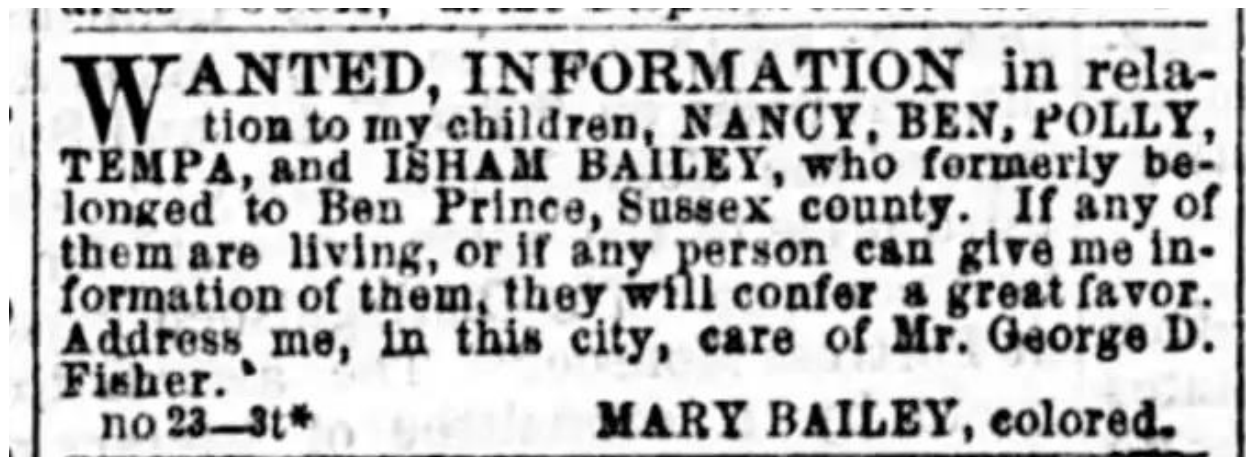
“Husbands, wives, and families sold indiscriminately to different purchasers, are violently separated; probably never to meet again.” 1853. New York Public Library.

In a system of complete social control like slavery, it is necessary to see the enslaved as less than human, as not needing love and family, in order to justify the system itself. We do not know the extent of family separation under slavery, but it is clear from accounts of the period that the priority for slave traders was splitting families however made them the most profit, as children were traded as a valuable commodity, as well.⁷⁵ Involuntary family separation was also used as a form of punishment by slave owners. We know that this extreme practice of family separation had a devastating impact on Black people and their families, though. During reconstruction a major project of the Freedman’s Bureau was family reunification. In many cases this was a long and difficult process, often unfruitful. Towards the end of the Civil War, newspaper ads searching for lost family members (like Figure C) started to become common. In one of these ads a mother described her situation and ended with: “Any information given concerning them, however, will

⁷⁵ “Federal Writers’ Project: Slave Narrative Project,” 1938

be gratefully received by one whose love for her children sur-vives the bitterness and hardship of many long years spent in slavery.”⁷⁶ Separating families during slavery caused a loss of culture and development of multigenerational trauma.⁷⁷

Figure C: *A Mother Searches for Her Children*



Mary Bailey searches for her children, Nancy, Ben, Polly, Tempa and Isham Bailey. The ad ran in the Daily Dispatch newspaper in Richmond on Nov. 24, 1866.

Family separation of Native American communities has been called a “cultural genocide.” In the late 1800’s the Bureau of Indian Affairs forcefully separated 25-35%⁷⁸ of Native children from their families and sent them to “Indian boarding schools” in an effort to forcefully assimilate them. The children were forced to speak English, convert to Christianity, and adopt western dress. The children were discouraged from even speaking about their native culture and students were not allowed to see their families during their schooling period. Families protested this, sometimes setting up camp outside schools to catch a glimpse of their children. On school breaks indigenous children commonly stayed with white families and performed unpaid domestic labor for them. Many children were adopted by these families against their parents’ will, without the opportunity

⁷⁶ Villanova University, *Last Seen: Finding Family After Slavery Project*, 2017

⁷⁷ *Ibid*

⁷⁸ NICWA, “Putting First Kids 1st,” 2015

to see their families again.⁷⁹ 85% of children who attended these boarding schools never returned to their home communities.⁸⁰ These boarding schools are another powerful example of how family separation was used to control and dominate a whole group.

Family separation continues to be a tool of oppression in the US, as is evident by mass deportations and the separation of migrant families at the US-Mexico border. Laws criminalizing and subjugating Mexican Americans were originally implemented to justify and complete the colonization process. Laws like the Foreign Miner's Tax of 1850 locked Mexican ranchers out of competition. The Texas Rangers committed extreme acts of violence "tantamount to state-sanctioned terrorism" against Mexicans to ensure their subordinate status.⁸¹ The original status of this group as a colonized group has ramifications for their treatment today. Dehumanization of Mexicans and other Latino immigrants is perpetuated in political rhetoric today, justifying family separation through deportations and at the border. Former President Trump said of these immigrant children, "They look so innocent. They're not."

Child Protective Services (CPS) and the foster care system today continue this legacy of treating the families of formerly colonized groups as less than. Native children today are placed in foster care at a rate 2.7 times greater than their representation in the general population, most often to non-Native families.⁸² CPS has been accused of unfairly penalizing Black families with child separation compared to white families in similar situations. In 2000, Black children comprised 36% of foster children, and 25% in 2016, despite only making up about 15% of the general child population. Once in foster care, Black children generally receive inferior services and are separated from their families for longer periods of time than white children. Black parents are also subjected

⁷⁹ Healy, *Race, Ethnicity, Gender, and Class*, 2018

⁸⁰ NICWA, 2015

⁸¹ Carrigan and Webb, 2003: 6

⁸² NICWA, 2015

to termination of parental rights at higher rates than white parents.⁸³ The oppression of BIPOC (Black, Indigenous, People of Color) families that began during slavery continues today through our immigration policies, child welfare system, and criminal justice system.

⁸³ Roberts and Sangoi, "How the Child Welfare System Punishes," 2018

RESEARCH PHILOSOPHY AND METHODOLOGY

The purpose of my research project is to examine the effect that family separation caused by incarceration has on loved ones on the outside. Using a *transformative worldview*, I analyze a mixed-methods survey of 626 people who have incarcerated loved ones at a CDCR facility. This research is meant to contribute to the anti-carceral movement growing in the US. I use a primarily abolitionist lens, incorporating theories of racial capitalism, critical race theory, and anti-carceral feminism. A *social constructionist* approach to this research would express the research through the participants' eyes without advocating for solutions. An *abolitionist framework*, though, requires visioning a different world for the future; my purpose in conducting this research is not simply to describe things as they are but to push for what they could be. I use a transformative worldview hoping to amplify the voices and lives of oppressed groups in the pursuit of liberation. Historically, transformative writers have drawn on the works of Marx, Adorno, Marcuse, Habermas, and Freire, to name a few.⁸⁴ I believe that our institutions were created to preserve the economic self-interests of the dominant groups in our country, including our legal and justice systems, at the expense of BIPOC groups. I do not think that divorcing my politics and personal relations to the topic are necessary or helpful, because politics created the systems I am studying. It is worth acknowledging how my background and life experiences have shaped my approach to this research, however.

Limitations

If I had been involved in the creation of the survey that I analyze in my research, I would have designed it so that it gathered demographic data on the survey respondents. If I did further research I would ask about the gender that respondents identify with, as well as asking questions

⁸⁴ Creswell, *Research Design*, 2018

about the nature of their relationship with their incarcerated loved one. The other major limitation is that prisons tend to be Black boxes. The state gives CDCR a high degree of autonomy and requesting data from CDCR can be a cumbersome and lengthy process. There is some helpful data that is not available to the public or may not even be recorded by CDCR. For example, there is no public information on how far incarcerated people are from their home communities, or how often transfers to be closer to home are denied, either.

I completely ignored the jail system in my research, but much of this research applies to those involved with the jail system, as well. This is especially true in California, since our jail system is unique in that people are placed in jails here for certain felonies. This means that people spend much more time there than they do in jails in other states- where people are usually held pre-trial or for sentences of less than a year.

Data Collection and Method of Analysis

For my study, I analyzed data from a 21-question survey of 626 “outside” members of Initiate Justice. The survey was fielded over several months online using Google Forms, and closed late December 2020. Respondents had family or loved ones currently incarcerated in a California state facility, spread out over all 35 CDCR prisons and 1 fire camp. 96% of respondents had loved ones in men’s facilities and 4% in women’s facilities. Questions ask about the nature of their connection/access to their loved ones pre and during COVID, and their attitudes about its importance. Initiate Justice intends to report the findings of this survey along with a similar survey of their incarcerated “inside” members in the Family Connection section of an “Abolition in Action” report in 2021. My analysis of their survey will be included in the report as well as background research their staff has done.

I used a mixed methods approach to data analysis. The majority of the survey questions were multiple choice or multiple select. I cleaned the quantitative data in order to create descriptive

statistics. I also used cross-tabulation in order to establish patterns and trends in the raw data. When questions were mixed closed and open-ended questions, I converted the open-ended answers into quantifiable variables.

There were several strictly open-ended questions in the survey, namely question 14: *“Please tell us anything else we should know about how easy or difficult it was to stay in contact with your family member or loved one while they were incarcerated prior to COVID-19. This might include anything about the visiting process, additional barriers to visiting more often or talking on the phone, or anything else (OPTIONAL)”* and question 21: *“Please describe any other ways COVID-19 has affected your physical/mental/emotional wellbeing in terms of not being able to see your loved one, if applicable? (OPTIONAL).”* Question 14 received 280 responses and question 21 received 361 responses. Question 14 did not provide data that the close-ended questions could not capture but did provide personal stories to add more weight to that data. Question 21, on the other hand, was able to encapsulate a whole range of experiences regarding family separation under COVID that multiple-choice questions could not capture. After thoroughly coding this question, patterns and trends became more evident. The many powerful stories gathered by this question are also extremely important to and help inform my research.

Since my project is a single-phase mixed-methods survey analysis, I have multiple research questions. The first line of questioning in my research is about the state of family connection and separation for those involved in the CDCR system. Specifically, I ask: *“What is the nature of family connection/access to loved ones in CDCR facilities? What are barriers that prevent the desired connection?”* The second line of questioning elicits qualitative answers: *““What can the COVID-19 pandemic and resulting lockdown of CA state prisons tell us about the effect of prolonged family separation on loved ones on the outside?”* And, *“What light can respondents’ stories shed on quantitative data about this access?”*

position of not seeing each other for over a year. CDCR handled the crisis poorly in many regards (as evidenced by the uncontrolled breakout of over 49,200 COVID cases- of a population that now hovers around 95 ,000 people-⁸⁶ among the incarcerated population and over 16,000 COVID-positive staff⁸⁷). CDCR was not prepared for a disaster of this magnitude, and family and loved ones felt a new type of powerlessness as they worried what was going on inside and whether the next call would be that their loved one had died of COVID. The 2020 Initiate Justice Outside Member Survey asked about the quality of access to loved ones prior to and during the COVID-19 pandemic, and how that access has affected them.

Visiting

Visiting policies and procedures, for the most part, are left up to each individual facility, although the CDCR Department Operations Manual (DOM) and CA Code of Regulations Title 15 lay out some guidelines. According to the 2020 CDCR Department Operations Manual (DOM), each facility is required to provide at least 12 hours of visiting each week and this period must cover the weekend (Article 42).⁸⁸ People who wish to visit must go through an approval process before their first visit. Visiting also has different restrictions for different groups within the prison (i.e. there are separate rules for Solitary Housing Units and Death Row has a separate visiting area where incarcerated individuals remain in cages during the visit. These groups are only allowed “no contact visits.”) Visiting rooms at most CDCR facilities is a large room where you can sit at the table with your loved one for the duration of the visit and can hug and kiss at the beginning and end of the visit (for “contact visits”). If married or in a domestic partnership, family (overnight) visits are possible, as well. Title 15, Article 7 “Visiting”, outlines visiting restrictions and grants

⁸⁶ CDCR, “Population Reports,” 2021.

⁸⁷ Greene and Lee, “Tracking the Coronavirus,” 2021.

⁸⁸ CDCR, *Department Operations Manual*, 2020

CDCR staff discretion to cancel or modify visits as they see fit.⁸⁹ Community groups have criticized this approach and believe that it should instead outline visiting *rights* for loved ones (this is being proposed as part of AB 990 in the legislature this session).

Prior to the COVID outbreak there were already significant barriers to visiting for loved ones. The 2020 Initiate Justice Outside Member Survey found that the largest barriers to visiting or visiting more often were:

- expense,
- distance from the facility,
- difficulty reserving an appointment,
- and visiting being terminated by CDCR due to overcrowding (see Figure D).

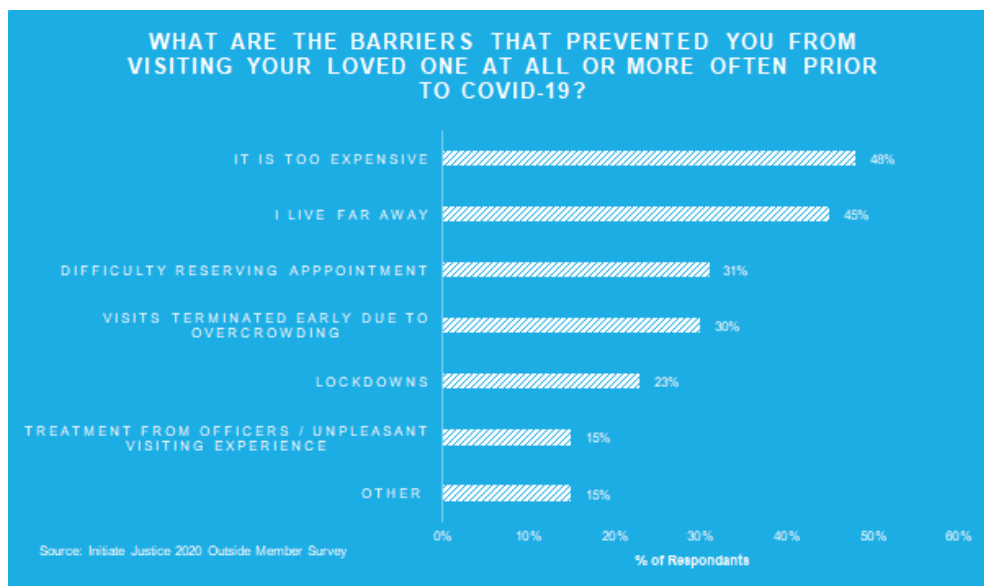
Before COVID, 55% of respondents would visit their loved one most weekends. The financial burden of maintaining connection with incarcerated loved ones falls solely on the family. 92% of respondents said that a typical visit costs them over \$100, and 15% said it costs them \$500 or more. Distance can be a huge burden, as 18% of respondents said they have to travel 9 hours or more to visit their loved one at their current facility, and 59% have to travel 3 hours or more. The majority of respondents have had to travel at least 5 hours to visit their loved one before (56%). One survey respondent articulated the effect this hardship has on visitors:

It was a 13+ hour drive to visit when he was at RJD. They did not care what a horrible hardship it was, and I was denied a visit and had to call the Governor. It was 100% RJD's fault. I still had a tremendous expense from the plane ticket, and heartbreak. It is an endless nightmare that I can never wake up from.

⁸⁹ CA, Code of Regulations: Title 15, 2014.

Respondents also expressed frustration at the way the visiting process is run, frequently mentioning the long check-in process, poor treatment from staff, and seemingly arbitrary staff decisions often cutting visits short. “I feel like the visiting process is just degrading in general,” said another respondent, echoing many others. “As soon as you walk in you get the vibe that the Correction Officers would rather you not be there, they’re annoyed they have to process you and look for any reason to make it harder. They don’t treat us like civilians, they treat us like inmates... It’s just an ugly feeling.”

Figure D: *Barriers Prior to COVID*



Phones

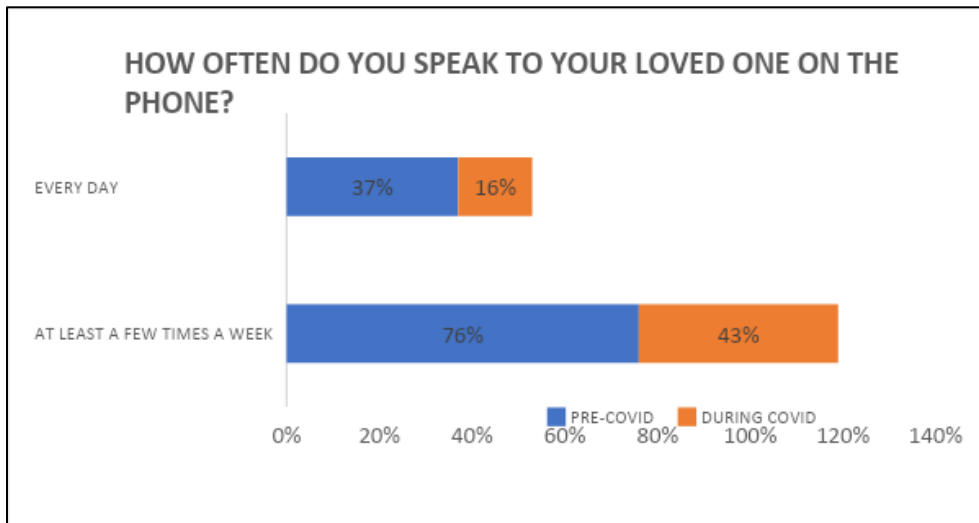
According to Title 15, “Inmates may place collect telephone calls to persons outside the facility at designated times and on designated telephones, as set forth in local procedures.” There may be restrictions based on security level as well. Like visiting, the way the phone program is run depends on each facility. The phone program also varies yard to yard. It is common for people to be allowed one 15-minute phone call a day (that is monitored and recorded), but this depends

on phone availability and staff decisions. Prior to COVID, respondents identified three major barriers to talking to their loved ones on the phone:

1. Not enough phones (57%)
2. CDCR rules/staff behavior (46%)
3. Lockdowns preventing loved one from being able to call (44%)

Since in-person visiting was suspended due to COVID, phone calls became the primary way of staying in contact with loved ones and the phone system experienced an extreme strain- yet more phones were not added to account for this. This resulted in people actually speaking to their loved ones *less* than before the pandemic (see Figure E). The primary barrier to speaking to loved ones on the phone since COVID has been lockdowns/quarantines, though (73% identify this as a barrier). While on quarantine, incarcerated individuals cannot leave their cells/quarantine area. Often this happens without warning so loved ones on the outside do not know what is happening until after the fact. While this can happen normally if there is an extended lockdown for some reason, there is the additional stress during the pandemic of not knowing if your loved one is healthy. Not having a reliable way to communicate with loved ones during a pandemic has increased stress for those on the outside significantly. The amount and availability of phones has been a major barrier during COVID with 64% identifying this as a problem, and 57% identifying CDCR rules/procedures making it difficult to access the phone. One respondent wrote:

Figure E: *Phone Communication Pre & During COVID*



Mail

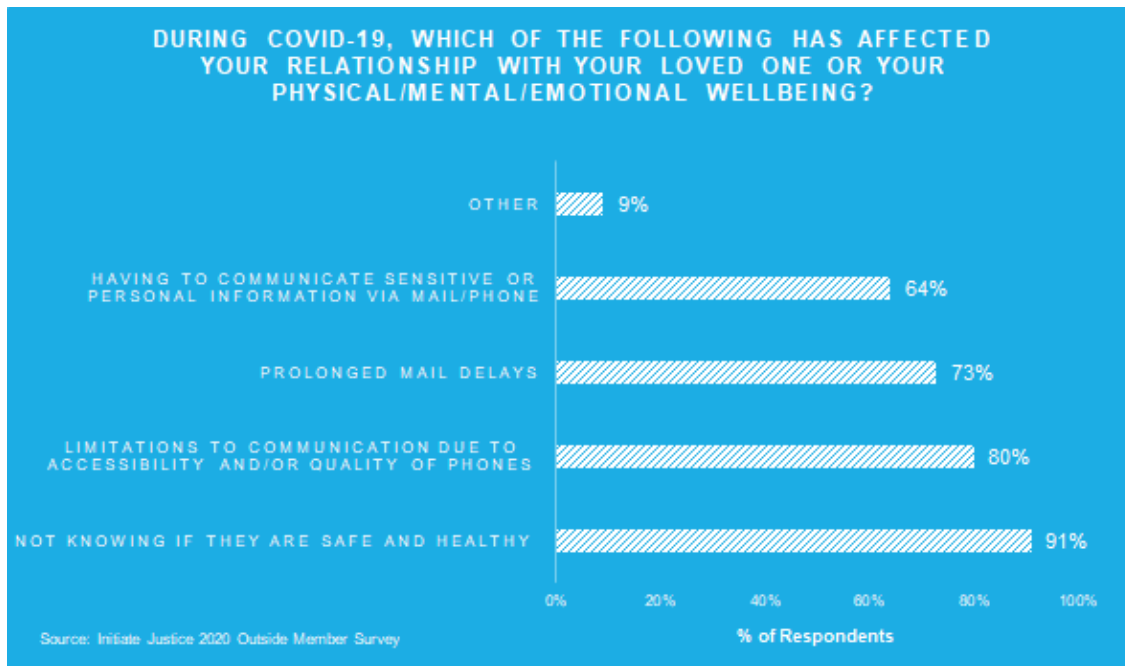
Mail is another important way incarcerated people stay in contact with their loved ones, and the increased volume during COVID has resulted in significant mail delays. All mail (unless confidential correspondence with an attorney) may be read by staff and there are many limits on what can be sent/received. Figure F demonstrates that the mail delays caused by COVID have caused significant stress for loved ones.

COVID

Incarcerated people and their families are painfully familiar with feelings of loneliness and isolation. This survey illustrated how the pandemic affected already difficult situations and the effect on peoples' mental and even physical health. When asked "What has affected your relationship with your loved one or your physical/mental/emotional wellbeing" during COVID, nearly all respondents (91%) identified not knowing if their loved one was safe and healthy as a stressor (see Figure F). Limitations to communication (80%), mail delays (73%), and having to

communicate sensitive information over the phone (64%) have been very common stressors as well.

Figure F:



The survey shows that the lack of in-person visits and physical touch, as well, has taken a toll on loved ones on the outside. Loved one’s mental health has especially suffered, with respondents frequently mentioning stress, depression, and anxiety as a result of decreased access to their loved ones. For some, this strain on their mental health carried over to their physical health. Respondents also reported the added burden of worrying for the health and wellbeing of their incarcerated loved one, who themselves were struggling with mental health issues and many of whom had contracted COVID-19. Two respondents even mentioned that their loved ones inside were suicidal as a result of the year+ lockdown. The strain that the pandemic has put on relationships was frequently mentioned, with many outside members indicating that their relationships suffered drastically, with several separating from their partners as a result of the lack of visits. Even more often, respondents mentioned that the last time they had seen their partner

COVID and that the father had not yet met their new child. It is clear that the pandemic put a unique strain on families with children, who may not know how to cope with the added stress as well as adults.

DISCUSSION

I have very limited access to my husband. He is my safe place, my best friend, my home and when they took away visits and cut phone privileges, they took away most of my access to those things. I am left with an aching heart and emotions I have to process daily.

-IJ Outside Member on the removal of visits and infrequent phone calls during the COVID pandemic

Defining criminal justice policy success is a highly contested issue. Traditionally, outcomes have been framed by the goal of public safety, and public safety has been defined by crime reduction. Policy makers may look at how certain policies affect rates of felony offenses, rates of “violent” crime, or recidivism rates to determine their success. This approach misses something important. It focuses on individual actions as the cause of crime instead of the symptom of structural weaknesses. Can we achieve true “public safety” if we are ignoring what causes people to commit crime?

Lawmakers codify societal beliefs about what constitutes a crime, defining what makes someone a “criminal.” Then, police decide how to enforce those laws in real time. In the pursuit of justice, the term crime itself is somewhat arbitrary and can obscure structural forces at work. It is easy to think of examples of unjust laws throughout history because there have been so many- like the Black Codes, for example- yet breaking those laws still made people “criminals.” Crime can decrease if we change the definition of crime and how we criminalize. When California changed the definition of some crimes from felonies to misdemeanors in the effort to fix its prison overcrowding problem, the number of felonies and thus “felons” decreased. The same principle can be related to defining “violent” crimes. Crime and what we think of people who commit crime is essentially a social construction (think of how we persecute “white collar” or environmental crimes, too).

When pursuing genuine “public safety,” it might be more useful to ask, What actually makes us feel safe? In communities where “crime” is high, What caused this crime? It is necessary to zoom out from the individual action to locate the cause. Then, instead of punishing behaviors that cause harm for retribution’s sake, ask, How can we repair the harm from that action? How do we address violence without creating more violence? These are the questions many anti-carceral and abolitionist organizations are asking as they attempt to redefine public safety. Maybe all of the answers are not there yet, but this process of questioning what many people have held as a given in the criminal justice system is itself important. In order to figure out what makes communities safer (especially those disproportionately impacted by incarceration), communities must be involved. When these definitions of safety are created, who is at the table? People most impacted by our carceral system should be involved in creating a more effective way of dealing with social problems and defining safety.

Family Connection

Quality family connection is not possible in a carceral setting. Family separation is a dehumanizing form of social control with a dark history in the US that is rooted in colonialism and racial slavery. While it would be ideal to avoid family separation in the first place, it is important to find concrete ways to address the separation that has already happened and is ongoing. Some of these changes may not be strictly abolitionist (i.e. diminish the power and resources of the justice system), but they all fall under the umbrella of anti-carceral movement building, as they support the rights, human entitlements, and pragmatic freedoms of people who are incarcerated : the right to human connection, the right to love, and the ultimate right to a life outside of prison.

Connection to incarcerated loved ones is extremely important for everyone involved in those personal relationships. Maintaining connection to a support network while incarcerated has

a momentous impact on the prison experience and the reentry process afterwards. Even according to traditional measures of public safety, strong family ties while incarcerated and upon release diminishes one's chance of getting rearrested, and thus increases public safety. We also know that family separation can decrease public safety on the outside by increasing isolation and thus decreasing community cohesion. As demonstrated by the literature and IJ's 2020 Outside Member Survey, involuntary family separation can have a devastating impact on those on the outside, as well. Children, partners, and other loved ones are punished as a result of their loved one's incarceration, the phenomena known as "secondary incarceration," which negatively impacts all aspects of their life.

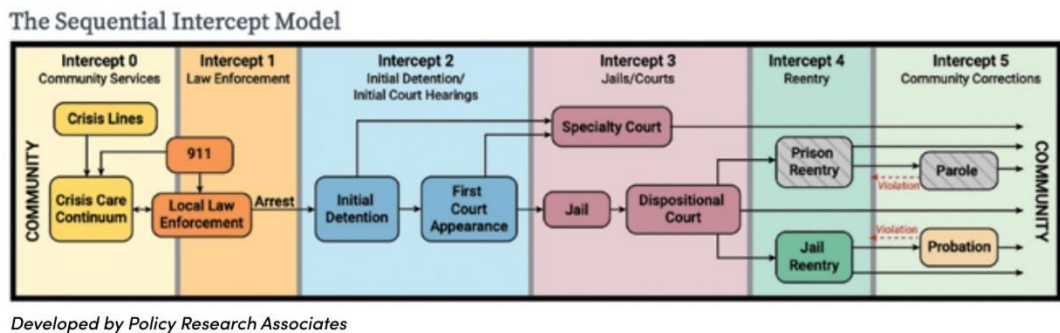
Although more family connection can lead to increased public safety as traditionally defined, "public safety" itself needs to be redefined. What makes communities healthy? What makes communities whole? What allows communities to thrive? These are all questions that specific communities need to answer for themselves. It is clear from the Initiate Justice 2020 Outside Member Survey that family separation causes great distress, and does not leave loved ones secure, happy, or thriving. Many people who took the survey communicated that family separation negatively affected their quality of life before COVID, and that the more extreme separation due to the pandemic added a new layer of suffering.

Recommendation I: Decarcerate

The initial incarceration or circumstances surrounding it can damage relationships to a point where there is nothing to preserve during incarceration. Since support networks are important for thriving communities, avoiding incarceration as much as possible is important. When harm was caused by crime, addressing that harm outside of a carceral setting can preserve relationships and support networks. The Sequential Intercept Model has been used in efforts to promote

alternatives to incarceration (see Figure H). This model an evidence-based framework that identifies eight opportunities (points of contact with the criminal legal system) to replace arrest and incarceration with health intervention. The Los Angeles County Alternatives to Incarceration Workgroup put together an extensive report outlining concrete ways to use this model and shift to a community-based “system of care” rather than punishment. Seriously considering diversion for everyone is an important step in decarceration efforts.

Figure H:



A proposed federal bill, the *Finding Alternatives to Mass Incarceration: Lives Improved by Ending Separation (FAMILIES) Act*⁹⁰, would prioritize status as a parent or caregiver of a minor child as a factor for diversion. This bill is modeled off of similar successful programs in Oregon and Washington state. The goal is mostly to protect child welfare and keep children out of the foster system, but Rep. Jayapal (WA) says that the bill also seeks to avoid the family trauma caused by prisons and would offer resources, services and training to meet families’ unique needs instead. This legislation could be helpful in preventing family separation but would only be a first step, because families with minor children are not the only ones who suffer from separation.

⁹⁰ Representative Jayapal, FAMILIES ACT, 2020

In the past, reformists have called for “therapeutic” prisons, “gender-responsive” prisons, or “family-friendly” prisons as a way to address the needs of families (children and mothers, specifically.) A bill proposed in the 2007-2008 CA legislative session, for example, would have expanded prison capacity by creating “gender responsive” mini-prisons for “low-risk” women, in an effort to expand programming and rehabilitation for this group as well as reducing overcrowding in more traditional prison facilities. CURB published a report condemning the bill, saying that building more prisons, no matter how “gender-response,” will never address overcrowding. Their report also highlights that simply moving people to a different CDCR facility is a misuse of the term “alternative to incarceration” as advocates of the reform were calling it. In fact, they found that the plan would decrease community services, since instead of receiving services from community organizations upon release, these women would spend more time in prison receiving them.⁹¹ Prisons, by their very nature, can never be therapeutic.

In order to truly prioritize the needs of families and communities, California must close prisons and decrease reliance on them as a catchall for social challenges. This means sending less people to prison in the first place and decreasing the current prison population. This sentiment is echoed by organizations like Critical Resistance, who says that CURB’s 2021 “The People’s Plan for Prison Closure” is the best way to address family separation.

*Closing more prisons will mean that fewer families will be fractured, isolated, and strained by the physical torture and vast geographic distances imposed by imprisonment and detention. We envision a present and future where loved ones are together, not separated and violated.*⁹²

⁹¹ CURB, How “Gender Responsive Prisons” Harm Women, Children, and Families, 2007

⁹² Critical Resistance, “Mother’s Day,” 2021

Recommendation II: Family Connection During Incarceration as a Right

Essie Justice Group conducted a national survey in 2020 of people with incarcerated loved ones about the effects of the pandemic on their lives. Their findings reinforce the results of the 2020 IJ Survey, reporting similar effects on mental and emotional wellbeing. For example, 76% of their respondents reported experiencing stress and anxiety since the pandemic began due to having an incarcerated loved one, and 40% experienced depression. An particularly compelling finding of the Essie Justice survey that was outside the scope of the IJ survey was that only 7% of their loved ones had adequate access to basic necessities to prevent the spread of COVID inside. With their findings in mind, they write/conclude :

*Until everyone can be freed, carceral systems must be held accountable for mitigating the spread of the virus. Incarcerated people's health, right to due process, and their ability to connect with their loved ones must take priority.*⁹³

In order to make connections with loved ones a priority, a few of their recommendations include 1) increased access to loved ones and 2) access to healing for system-impacted people on the outside (and financial support for this healing). Part of this access to incarcerated loved ones involves “unlimited communication,” which they define as the ability to communicate daily, free phone and video calls, and timely delivery of mail. These demands would address key access issues identified in the IJ survey, as well. The Essie Justice report also said that in-person visiting should be deemed an “essential activity” during COVID.⁹⁴ This type of language is along the same lines as other organizations calling for family connection as a right across the country.⁹⁵

⁹³ Clayton et al., 2020

⁹⁴ Clayton et al., 2020

⁹⁵ For example, The Center for Community Alternatives in NY includes “Keeping Families Connected” as a key policy focus of 2021. Their Keeping Families Together bill package would make communication and visits free so that families do not have to choose between paying their bills and connecting with their loved ones. They also advocate codifying the right to in-person visits in NY State (JusticeRoadMapNY.org).

A coalition that includes Legal Services for Prisoners with Children and A Place for Grace introduced AB 990 to the CA legislature this session to change that. This bill would change in-person visits from a privilege to “a civil right.”⁹⁶ The bill text reminds legislators that a Resolution was passed in 2009 that asked CDCR to consider the Bill of Rights developed by the San Francisco Children of Incarcerated Parents Partnership when making decisions related to children and their incarcerated parents. This Bill of Rights includes the right of a child to a lifelong relationship with their parent, the right to speak with, see, and touch their parents, and the right to be supported. The bill proposes expanding the definition of parent to include other types of caregivers, as well.

This consideration of the child aligns with the UN Convention on the Rights of the Child, which says that public institutions, including criminal and legal, should make the health and wellbeing of children a priority when making decisions that involve them. The Convention states the right to know and be cared for by their parents (including extended family and community), and the right to not be separated from their parents against their will.⁹⁷ California law and CDCR do not afford children these rights.

Recommendation III: Increase Access and Remove Barriers

It is clear how important family connection while incarcerated is by the lengths incarcerated people have gone to protect it. In 1995, about 1,000 people held at Lancaster Prison outside of Los Angeles went on a general strike and refused to leave their cells over a proposed change to family (overnight) visits that would make them off limits for people convicted of murder and some other crimes. One of the strikers, Robert Parker, said in an interview: “what incentive would a man have to do right [without these visits]? You ain’t got nothing to lose.” How family

⁹⁶ AB 990, “Bill Text,” 2021

⁹⁷ United Nations, “Convention on the Rights of the Child,” 1990

separation affects people inside prison and people outside prison is intimately connected. The wife of another striker spoke out about the proposed rule that would deprive her of private time with her husband who had a life sentence: “What you’re doing is creating a desperate subclass with nothing to lose... Without any intimacy, it would be very hard to maintain a marriage. [Regular visits are] not conducive to an exchange of feelings, openness and intimacy,” she said.”⁹⁸ This strike reinforces the results of the 2020 Initiate Justice survey that *physical touch* is an important aspect of family connection in a carceral setting.

These family visits are important to those who wish to connect with their loved ones, and one way to improve access to this type of visit would be to expand those eligible. Currently, only immediate family members can participate. Expanding the definition of family- as discussed as part of establishing a *right* to family connection- would help with this. Not everyone has immediate family who can visit them and connecting with chosen family can be just as valuable. Space for these visits are very limited, and access would be greatly improved if there was a larger overnight visiting infrastructure. The ability to participate in these visits is also limited by privilege group. They are only available once every 6 months for B Group and off-limits to C and D Groups. These types of visits, removed from the prison environment, are one way to address the visiting experience structured by surveillance, intimidation, searches, and feelings of persecution expressed in the survey that people have been dealing with for decades.

Recommendation IV: Temporary Release

Another way to deal with the unpleasant visiting experience and the emotional toll caused by the involuntary family separation of prison is to allow incarcerated people to leave the prison for a period of time and connect with their home community. The most common types of

⁹⁸ Abrahamson and Sneiderman, “Inmates Strike,” 1995

temporary release (also called furlough or home visit) are for work or family emergencies such as a death. Excluding emergency use, furloughs are most often part of a larger reentry program, either to develop job skills/connections or to deal with personal matters ahead of the anticipated release. In many countries, furloughs are an important part of the rehabilitation program in prisons and are seen as a right rather than a privilege.⁹⁹

1988 was the height of furlough usage in the US, when 50 correctional systems had home furlough programs for purposes other than emergencies on the books that were not necessary part of a reentry program (including federal and DC systems). Hawaii and California did not have such programs although those states had more extensive family visiting programs at their corrections facilities.¹⁰⁰ Home furlough programs were threatened when an extreme case of an abscondence gone wrong was brought to national attention during the 1988 presidential campaign. Two years earlier, a Massachusetts man named Willie Horton did not return to prison after his home furlough was up, and several months later raped a woman and bound and stabbed her companion. Bush Sr. plastered Willie's face across the media to criticize his opponent Governor Dukakis' "soft on crime" furlough program. As a result of the negative political attention, 19 states began granting fewer furloughs, 3 states discontinued them altogether, and many more increased restrictions on eligibility.¹⁰¹ High success rates were overshadowed by politics even though that was an extremely rare case (rates of escaping from furlough were less than 1%).¹⁰²

This is an example where politics and public opinion encouraged "tough on crime" reforms instead of evidence-based practices. Studies on home furlough programs show them to be extremely successful at reducing the risk of getting rearrested after release, which could have

⁹⁹ Holt, "Temporary Release: California," 1971

¹⁰⁰ Smith and Sabatino, "American Prisoner Home Furloughs," 1990

¹⁰¹ Cheliotis, "Before the next storm," 2009

¹⁰² Bryce, "Furlough," 2014

positive implications for family connection and public safety. A 1994 study of people held in federal facilities showed it reduced recidivism rates *in half*. A more recent study (2004) examined the difference between vocational and family furloughs, and while both “significantly” reduced recidivism rates, furloughs for family visits did so more dramatically. Work furloughs help people gain skills and connections needed to secure and keep a job post release, but the power of strengthening family and social bonds should not be underestimated.¹⁰³

In 1968 CA started furloughs as part of their reentry program. The only requirement was that people be within 90 days of their release and would not be restricted by the type of conviction, which many other states’ programs were. The actual logistics of the furlough program was up to each individual facility and most institutions had a policy on the books by 1969.¹⁰⁴ As of 1989, the CDC Department Operating Manual says this regarding “temporary removals”:

62070.3 Authorized Removals

Inmates may be approved for temporary community leaves (TCLs) for:

Inmate Requested

Family emergencies.

Prerelease planning.

College courses.

Reentry furlough.

It also says that the release must not exceed 72 hours. People with Life Without the Possibility of Parole (LWOP) and who are deemed “security risks” are not eligible for any TCL. It is unclear

¹⁰³ Bryce, 2014

¹⁰⁴ Holt, 1971

to what extent these TCLs are granted, but it is clear that California communities would benefit from expanding the program. Doing so could reduce the prison population by 1) having people out on furlough, and 2) preventing more people from returning.

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The California Department of Corrections says in the Department Operation Manual that it “encourages inmates to develop and maintain healthy family and community relationships.” It also states that phone use and receiving visits are privileges, not rights, which means that those privilege can be taken away. They can be taken away for disciplinary reasons, for work scheduling reasons, or any other reason at the discretion of CDCR facilities and individual staff. So, family separation functions as an additional form of punishment and social control in California prisons.

Initiate Justice recognized that the state of family connection in CDCR as inadequate, which led to them fielding the 2020 Outside Member Survey. IJ supports the idea that closing prisons will increase family connection, and that experiencing connection in families’ home communities is ideal. IJ is also supporting AB 990 this session and supports all efforts that reduce barriers to accessing incarcerated loved ones. This includes reducing the financial and emotional cost of incarceration as much as possible for families and reducing the profit incentive of mass incarceration. Barriers to family connection while incarcerated, according to IJ, goes against the goals of public safety and harm reduction.

In general, IJ supports non-reformist reforms, and does not want the state to fund programs that further legitimize the prison. One of IJ’s policy areas of focus is programming and so they recognize that sometimes increasing programming means more funding to CDCR. They condemn the fact that it is very difficult to track where the money goes once funding gets allocated to CDCR, though. CDCR operated largely out of the public eye, causing a major accountability issue. Giving CDCR and individual facilities less discretion would start to address some of these issues.

CONCLUSION

This project has opened my eyes to the power of personal relationships and structural changes needed to promote community health, genuine safety, and real human flourishing. We are social beings, and it is our relationships with others that give life meaning. Depriving people of these connections is inhumane and unjust, whether they committed a “crime” or not. It is important to recognize how family separation disproportionately punishes those already most affected by the current crisis of over-incarceration , and work to avoid and undo this punishment as much as possible. The history of family separation as a particular form of punishment rooted in slavery and colonialism clearly lives on in the prison system today; an example of anti-Black and Brown racist violence that makes the entire system cruel and inhumane.

The findings of the 2020 Initiate Justice Outside Member Survey demonstrate this powerfully. I was overwhelmed by the emotion people expressed as I read the responses. So many people said that not seeing their loved one for so many months was the most difficult thing they have ever had to do, like this respondent who describes the impact of visiting being suspended due to COVID:

Severe depression, hopelessness, frustration, anger. I tend to take it out on my husband [inside], but I try not to because it isn't his fault. I think CDCR is intentionally trying to harm relationships, they do not value them or us at all and they could care less if people are emotional or even suicidal because of their actions. It is the most disturbing thing I have ever faced. I do not know if I will ever see my husband again.

The mental and physical distress caused by this family separation due to COVID has impacted incarcerated people dramatically. We know that their incarceration does not exist in a vacuum

though, and that the people they care about are punished for their incarceration, as well. Harsh family separation affects whole communities and ending it must be a priority if California cares about our most vulnerable populations at all.

The impact of incarceration on families is a useful lens through which to promote abolitionist reforms. Policy makers are often more moved by stories of family pain on the outside than by the hardship of incarcerated people. This holds potential for community groups as they push for policies that reduce reliance on prisons and punishment with the ultimate goal of abolition. Data that involves and is led by system-impacted people is always helpful to the anticarceral movement, and the findings from this survey can contribute to the work organizations are doing in this area.

Policy reforms are just one part of the road to abolition, and ideally, they will lead to less reliance on the state for addressing harm and promoting healing. As a state that claims to be a progressive leader in this country, California is hesitant to make any changes to the criminal justice system that are not motivated by cost savings. This framing ignores the many social costs of the carceral system. There remain many “tough on crime” advocates in the legislature that fight any change that might challenge traditional assumptions about crime or violence. Abolition activists and organizations may approach abolition differently, but there is consensus that the solutions lie in communities. That communities should be the ones to define public safety for themselves, and that care should be addressed locally.

The anticarceral movement certainly has momentum in California right now. After the Black Lives Matter protests in 2020, defunding, dismantling, abolishing, and reenvisioning the existing carceral system is now a common conversation and has caused many new groups and initiatives to be born. There have been some encouraging local campaigns that challenge traditional assumptions about crime and punishment in California that show that this energy is making an

impact. Los Angeles County has made some progress in prioritizing alternatives to incarceration and sentencing reform, for example. More successful local campaigns will help move statewide policy makers and shift thinking on these issues.

I hope that this research will help convey the urgent need to decarcerate and shed light on the true cost of family separation on communities. I hope this research properly illustrates the structural nature of criminalization and incarceration, so we can make progress in undoing the harm that has been caused by only blaming individuals. Accountability is important, but if we do not address the structural causes of crime, as well as which infractions are policed and prosecuted, we will never make progress towards justice. The most important thing, though, is that this research stimulates conversation about the path forward, so that we can continue the work of making abolitionist alternatives to incarceration a reality.

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