## The Annual Review of Criminal Justice Studies Volume 3 | 2024-2025

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The Cost

Haya Shahzad

many of my close ones know i speak my truth by letting my words flo w. poetry is so dense, yet so gentle; so vivid and unveiling, yet so modest and fragile.

i have people believing in me, and that's all i can ever ask for. this issue is bigger than all, and will effect society's core.

i want to share how i feel; right now.

i present to you my poem:

the cost

a beloved friend of mine reached out with her love and concern about my future. about how my reputation, and my degree are on the line.

but what is a future at the cost of my Umma h's blood. what is a future with no freedom for all. what is a social construc

known as a "degree" compared to the degree of pain the palestinian bloodline has endured. i do this
with the hopes of my Lord protecting, forgiving, and guiding me.
i do this
with the promise to our children of Gaza.
i do this
with the heart of my mother;
with the fearlessness of my father;
with the faith of my brother.
i do this for the voices
of every martyr that was taken
before their time even started.

these are, in fact, the children of light.

the "W's" on my record are a stain i hope lasts forever.

the stain of these letters will never compare to the stain of blood left on the oppressors hands.

from dropping my socially constructed courses at one of the top criminal justice schools in the country, in hopes of voicing the underdog's speech, to the paint on my shirt; left from making the sign at the encampments;

these are merely grains of sand

in the quicksand of uproars happening in today's dystopian times.

"what if i look crazy."

my family used to say "haya doesn't need a microphone. her voice..," and they didn't say "loud," but they said "heavy."

"haya's voice is already heavy."

and they're right. my voice is heavy.

you will feel my weight. you will feel the ummah's pressure.

Salam

The Law as a Broken Clock

Kayleen Rivera

Time moves slowly, endlessly, a broken loop— Tick-tock, they say justice for all, But for who? And at what cost?

The courtroom is silent,

Yet outside, the streets are loud, The **bourgeoisie's** voices rise in power, While the **proletariat** work for hours.

9-10 am, the suits take their place,Behind closed doors in a high-stakes case.The repeat players grin, there victory is clear,While the one-shotters realize their loss is here.

The law is everywhere watching us, eyes unwavered— The **panopticon** is always there. Do they see me staring back?

Do they care?

Tick. The promise of **formal equality**, Tock. The reality of divide. **Symbolic law** offers hope on paper, But hope won't heal our side.

11 pm debate—should I take a stand?

Speak my truth or play by their rules?

- 12 am stare-at the political conflict on my screen
- 1 am loneliness-facing a system so large, so cold.
- 2 am thoughts—of all the ways the law fails us.
- 3 am consumed—by the glowing lies on screens, The Rule of Law promises fairness the la
- 4 w never delivers.

Where has justice gone?

Why has fairness fled? We are left with **repressive laws** that silence the people, And **surveillance societies** with **Urban Governance** that call it safety.

**Substantive equality** never to be seen, While **hegemonic power** takes the scene—

5 am: How long can this clock run?How long before a revolution, a riot, a protest?9-10 am: I wake, knowing the cycle will repeat.

Day by Day. Tick. Tock. Justice, forever delayed.

#### Letter from the Chair of SFSU'S Criminal Justice Studies Department

Welcome to the third volume of the Annual Review of Criminal Justice Studies. ARCJS is a journal housed in the Department of Criminal Justice Studies (CJS) at San Francisco State University that is in frequent collaboration with scholars from other universities, such as the students at John Jay College of Criminal Justice published in this issue. The third volume of this journal not only demonstrates the talents and ideas of CJS students at San Francisco State University but is a practice of creating a collaborative community of scholars from a diverse set of institutions.

As an explicitly student-centered journal, ARCJS represents the culmination of years-long efforts by the Department of Criminal Justice Studies to create our program as place where critical thinking about crime, law and justice systems thrives. Through our curriculum and programming, we envision our students at the forefront of transforming systemic injustice and innovatively creating safety for their communities. ARCJS, the brainchild of Dr. Albert de la Tierra, represents a forum for showcasing this work, while also creating a high-impact pedagogical practice that increases student engagement, belonging and inclusion. Or, as the faculty advisors put it in this volume, the journal centers itself in the practice of "Critical Analysis. Collaboration. Social Justice. Strengths-Based Approach." These four pillars reflect the intellectual and political commitments of the program and university, but importantly, are also the foundations necessary for envisioning another world, that our students will one day lead.

This journal is also housed at a public institution, which is also a "Hispanic Serving Institution", and in a program where the student body is majority of color, who grew up in areas where state disinvestment and violence are often an integral part of the landscape. The journal thus provides an opportunity for building that elusive "social capital" that so often shapes our futures possibilities and potentials. It is, as Drs. de la Tierra and Tramontano write, an "epistemic counter attack" that seeks itself to transform the conditions of white supremacy, coloniality, heteronormativity, and capitalist accumulation that shape our students' lives and learning experiences. This epistemic counterattack, this journal, foregrounds the expertise of lived experience, producing knowledge that emerges from community and collaboration, and does so in an explicit attempt to create transformative opportunities for students. With the foundations created by this journal, one day our students can work to create safety and security that is not riddled with systemic inequality, colonial legacies and continuities, and so much harm and insecurity. Instead, the journal allows students to get a head-start on putting this world into practice, through their collaborative work producing and publishing in the journal.

As you move from "discussing the genocide in Gaza", "gendered injustices and intersectional lens" and "legal and punitive institutions" to "gun violence", "immigration" and "modern media and arts", the talents and expertise of today's college students is on full display. I read these articles and see the seeds of a future filled with hope and possibility. May you see the same as you read on, and find yourself, like me, hopeful about the world before us and what might become.

Happy Reading! Liz Brown ---Elizabeth Brown, Ph.D. Professor and Chair, Department of Criminal Justice Studies San Francisco State University

#### Letter from the Faculty Advisors

What is the value of undergraduate knowledge production?

Academia has long been shaped by measurements of value that prioritize certain forms of knowledge and modes of inquiry over others. Institutional recognition, credentialism, peer-reviewed articles, impact factors, citation counts, and grant awards are the currencies by which intellectual labor is often valued. These conventions tend to exclude and underappreciate much-needed scholarship that unsettles the epistemological foundations upon which societal structures are built.

Anchored to historically white supremacist, colonial, and patriarchal modes of thought, conventional definitions of intellectual value demand performative objectivity and a disinterested research stance. Detached from the lived experiences and socio-political contexts within which knowledge is generated, traditional measures of academic value are thus inherently limited. Not only does "expert knowledge" reinforce these limited definitions of intellectual contribution, it also subjugates knowledge generated by young people, students who have yet to earn a degree, not to mention people marginalized by racialized, gendered, classist, and colonial hierarchies of power. That is, it discredits knowledge production's power to transform, to uplift, and to illuminate the perspectives of those historically excluded from dominant scholarly conversations. In a sentence, traditional metrics of value often overlook the deeper value of knowledge production.

At its core, knowledge production is an act of creation. Through a process of generating, disseminating, and critically engaging with ideas, knowledge producers challenge, reshape, and refine our understanding of the world; not only for the intellectual exercise of adding to academic discourse but to contribute to movements aimed at changing the systems that govern our lives. Hence, the creation of knowledge is rooted in inquiry, questioning, and the pursuit of justice, often in opposition to dominant narratives that obscure systemic inequalitie

In this third volume of *The Annual Review of Criminal Justice Studies (ARCJS)*, we ask you to be unchained by conventional expectations of value and approach the works with a mindset that appreciates the broader, more profound value of

knowledge production. This journal, and the undergraduate research contained within it, is more than just a collection of academic papers. It is an ongoing dialogue about who gets to produce knowledge, whose voices are heard, and how we collectively reshape systems of injustice. Importantly, it must be said from the outset, as faculty advisors we do not merely "allow" undergraduate students this opportunity.

Bringing our own political commitments, advanced training, and habit of excellence to our academic work, each year we raise the bar of expectation for students looking to get involved with *ARCJS*. Volume 3 now in the books, we are impressed by not only the quality of the works, but inspired by the contributors. Not only did the authors in this volume deliver quality papers, but in publishing them each author has demonstrated creative brilliance by turning their lived experience into powerful scholarship. That is, each contributor to Volume 3 of *The Annual Review of Criminal Justice Studies* is a person with actual skin in the game; each is a survivor of systemic injustice of one variety or another.

To speak in general terms, our students study, research, and write from comparable contexts. San Francisco State University and the John Jay College of Criminal Justice are both designated Hispanic-Serving Institutions (HSIs), where many of our students come from immigrant and/or working-class backgrounds, communities of color, and first-generation college experiences. For these students, the production of knowledge is not just about academic achievement. It is a deeply personal undertaking intent on understanding and reasserting their place in a world that often marginalizes their voices. Knowledge production, for our students, is a means of transformation.

The value of undergraduate knowledge production in this context is much more than academic currency. It is the empowerment of individuals from populations who have long been excluded. It is a radical re-imagining of what success looks like, one that accounts for the struggles that have shaped our students' lives and the dreams that fuel their drive toward better futures.

Under our guidance, *ARCJS* is centered on appreciating and creating this form of value. While rigor, validity, and intellectual integrity are cornerstones of academic scholarship–standards that we uphold–our mission is not just to produce work that fits neatly within established conventions. That is, we do not

aspire to be legible to white supremacist, colonial, and patriarchal modes of thought. Rather, we are committed to incorporate the broader context within which we work, and appreciate the political, social, and personal significance that undergirds each piece of undergraduate knowledge production we shepherd.

With this broader definition of academic value in place, the remainder of this letter provides brief commentary on the core values this journal stands on. These values—or core principles—are not just theoretical ideals. They guide our efforts to cultivate critical thinkers, engaged scholars, and future leaders who are ready to dismantle unjust systems and build a more equitable future.

#### **Critical Analysis**

At the heart of our mission is a commitment to radical scholarship–scholarship that interrogates the foundations of systems of power, particularly in relation to crime, law, and justice. We encourage our students to embrace a mindset that challenges dominant narratives, examines historical injustices, and uncovers the root causes of inequality.

#### Collaboration

At *ARCJS*, we believe in the power of community. Our students are not isolated thinkers; they are part of a larger network of scholars, activists, and creators who are committed to collective action. Albert hosts weekly Zoom meetings for aspiring authors during the fall semester, Marisa hosts regular workshops throughout the Fall and Spring semester both for authors and to support and deliver professional development to the *ARCJS* leadership team, we have regular bi-coastal discussion through formal and informal channels, and convene "In Real Life" at on-campus, regional, and national conferences. With this in mind, it is perhaps not surprising to hear alums from Volume 1 and Volume 2 refer to *ARCJS* programming as akin to an honors program. Hence, collaboration is fundamental to the work we do. By working together, sharing ideas, and learning from one another, we create a space where knowledge production is not a solo endeavor, but a shared effort that amplifies our collective voices.

#### **Social Justice**

Social justice is the driving force behind everything we do. Again, for our students, research is not just an academic exercise–it is a means of advancing equity and liberation. We encourage our students to engage with topics that challenge existing systems of power, inequality, and marginalization. In turn, they utilize their research to strive to make meaningful contributions to social justice movements and advocate for the rights and dignity of oppressed communities.

#### **Strengths-Based Approach**

In the face of systemic challenges and barriers, our students possess immense reservoirs of potential. Our strengths-based approach reciprocates the resilience, creativity, and determination that our students bring to their work. They juggle competing responsibilities related to family obligations, work schedules, and school assignments, struggle to make ends meet in a worsening economy, embark on lengthy commutes to reach campus because corporate, financial, and tech elites have made living near campus in either city an impossibility, and are often teaching themselves academic skills that their underfunded K-12 school systems were not enabled to provide. Notwithstanding, by focusing on strengths we empower undergraduate knowledge producers to navigate obstacles and achieve their goals, despite the structural disadvantages they may face.

Critical Analysis. Collaboration. Social Justice. Strengths-Based Approach. These values are needed now more than ever.

We find ourselves in a historical moment that is increasingly hostile to critical thought, intellectual exploration, and the pursuit of higher education. The anti-intellectualism around us is marked by assaults on civil rights, the withholding of federal funding for universities, the cessation of grants for research on health disparities and topics related to Diversity, Equity, and Inclusion, and the shrinking of support for underrepresented groups. This can be a dangerous climate for scholars who dare to challenge the status quo and poses significant risks to the future of rigorous, transformative scholarship. Said directly, higher education is under attack and critical scholars are facing an environment that is hostile to their work. Thus, under our guidance, *ARCJS* will not lose sight of the fact that our collective enterprise has value in another way.

We see this journal as an epistemic counter-attack, an intellectual resistance to the forces that seek to undermine the integrity and social relevance of higher education. Refusing to let these forces define our work, we welcome, support, cultivate, mentor, and publish intellectual soldiers who are ready to fight back against forces and deconstruct systems that attempt to dominate and silence us. In this way, *ARCJS* is not just an undergraduate journal; it is a training ground for emerging leaders and social justice warriors who will graduate from university with the courage to ignite change. By way of conclusion, a final comment on value is in order.

The value of undergraduate knowledge production is not only found in the pages you hold, the principles that support it, or the profound meaning it holds for the authors. As faculty advisors, we also find value in the audiences who read this journal. Readers of *The Annual Review of Criminal Justice Studies* are people who engage with the ideas, contribute to the effort to challenge status quo assumptions, and are ready to take action. In a sentence, we value our readers because they are people who share our belief in a better world, are willing to fight for it, and understand that critical scholarship has the power to bring it to fruition.

Specific individuals and organizations come to mind as we reflect on our appreciation for our readers. While space limitation forces us to provide only a list of acknowledgements, it must be said that together these folks have laid the groundwork for *ARCJS* to exist, provided financial, intellectual, moral, and physical support for our efforts, inspired and/or cultivated our approach to undergraduate mentorship and knowledge production, and enlisted themselves to join our mission in the volumes to come.

With the above in mind, we say thank you to Elizabeth Brown, Kai Quach, Mary Juno, Gina Games, Cesar Ché Rodriguez, Angélica Camacho, Jim Dudley, John Viola, Jeff Snipes, Ishamn Anderson, George Barganier, Jason Bell, Armín Fardis, Steve Ford, Carina Gallo, Navi Kaur, Dan Macallair, Sam Moussavi, Elizabeth Tejada, Daniel Vencill, Kimberly Wong, Dilara Yarbrough, Matthew Martin, Marcus Jun, Kate Hamel, Jennifer Ortiz, the Cowherd Family, and administrative leadership and professional staff at the SFSU College of Health and Social Sciences and J. Paul Leonard Library. We would also like to express gratitude to John Jay Provost Allison Pease, Sociology Department Chair Richard Haw, and Open Educational Resource expert Michael Schoch, as well

as the students who brought this volume to life: Editor-in-Chief Haya Shahzad, Associate Editor-in-Chief Daniella Krynsky, editor and designer Tausifa Haque, editors Jayden Richiez, Giovana Numa, Rheanna Doogar, and Csja'Marie Bryan, Administrative Specialist Aleeyah Hassan, proofreaders Lucia Parades and Hashir Khalid, and peer-reviewers Dulce Euclide, Paola Saavedra Ramirez, Elsy Hernandez-Monroy, Estefany Romero, Alexzandria Ziem, Mayuu Kashimura, Marbel Diderik, and Laryn Bennett.

By way of conclusion, we say thank you directly to the person reading this letter. Your support of undergraduate knowledge production is deeply appreciated. More than that, we are inspired by your commitment to empower the next generation of radical thinkers who are equipped with the tools to counteract and deconstruct oppressive systems of law, crime, and justice. Let us continue onward together in this fight for social justice for all!

Sincerely, Faculty Advisors

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#### Letter from the Editors-in-Chief

Dear Readers,

It is with pleasure that we get to introduce to you this volume of *The Annual Review of Criminal Justice Studies* (ARCJS), thank you for choosing to read the works of these talented undergraduate authors. This volume of ARCJS had two editors-in-chief. Haya Shahzad, who primarily worked with John Jay College of Criminal Justice, and Daniella Krynsky, who primarily worked with San Francisco State University. We want to take a moment to discuss with you about this journal and the significance it has for us. Firstly, Haya will take a moment to make acknowledgements and thanks, then Daniella.

With a very dense heart, I would like to highlight and amplify the voice of my friend, Hamza Almofty. He is from Palestine, and is currently experiencing the ongoing genocide in Palestine. I met Hamza when he reached out through social media, seeking help for his family. He had 2 younger siblings, Omar and Maryam. They send me pictures of their daily life after the attack on October 7th, and I have never seen such resilience-such compassion, iman, and strength. Hamza was supposed to continue his career in nursing. His siblings should be in school, and his parents should be living life peacefully, yet his whole life was taken from him. Throughout the year, I have realized I wouldn't have been the same person I am if I hadn't met Hamza. He has taught me that the feeling of content is taken for granted. He has taught me gratitude isn't just praying for more, but desiring less and focusing on what you have already. He has inspired my growth, and has been a catalyst in my healing journey. He has taught me that this dunya is temporary; everything is. Cherish what you have. We deserve it; but they deserve it too. Thank you, Hamza. Your existence is necessary. It was divinely placed in my timeline. Your existence is resistance. May we rebuild together soon, Inshallah.

I would like to start off by thanking my team. Marisa was the one who believed in my vision. I was an author last year, and was given the privilege of having my poetry published. I've known Marisa since my freshman year, and with her help and her guidance, I have been able to unlock potentials that I have not even known existed within me. I would like to thank Taus, Jaden, Gia, Aleeyah, Rheanna, Cjsa'Marie, and Debarati for being the most wonderful team a person can ask for. This team was consistent of so many different strengths and perspectives. I felt so seen by many different people in many different ways. From Taus and Jaden to understanding how my brain works completely and

seeing right through me, to Rheanna and Gia stimulating new ideas in my brain that make me question everything, it is nice to know that I will always have people reassuring and reinstalling, healthy ideas, will also leaving room for growth. Cjsa'Marie definitely set a good example for somebody who was previously on this team. Aleevah was behind the scenes and couldn't be any more helpful than she already was; she did everything behind the scenes and made everything so easy for the entire team. Huge shoutout to our incredible proofreaders, Hashir and Lucia! Your sharp eyes, relentless attention to detail, and commitment to clarity make all the difference. You're the unsung heroes who help our words shine-thank you for making sure every sentence hits the mark! Lastly, I would love to highlight Marisa. She does not hesitate to water us every morning, nor does she complain about the amount of water we take. Each one of us require a specific amount of energy in a specific amount of effort, and she manages to be everything to everyone with zero effort. This whole team helped me realize that every decision I've ever made let me up to this journal. This was part of all of our stories, and I am so grateful to be sharing this experience with these people specifically, in a lifetime where we know we could've been born anywhere at any time. I got the privilege of meeting Daniella, our editor-in-chief on the San Francisco side, and collabing this letter with her! Time and space are aspects that do not define or add limitations to anything, only potential! I believe everything is divinely placed, and the minds on this team were definitely strategically picked. I am eternally grateful.

Hi! My name is Daniella Krynsky, and I am the Co-Editor-In-Chief, working primarily with SFSU, for this volume of *The Annual Review of Criminal Justice Studies* (ARCJS). It's been a pleasure working with the students, the faculty, and my Co-Editor-In-Chief, Haya Shahzad. Thank you all for your patience and kindness you've granted me as I've held this position. First and foremost, I want to thank the current SFSU students and SFSU alumni who assisted me in the peer reviewing process for the SF authors in this journal. As they've heard over and over again, I couldn't have done this without you and your individual interdisciplinary knowledge. So the biggest thanks to, Estefany Romero, Laryn Bennett, Elsy Hernandez-Monroy, Alexzandria Ziem, Paola Saavedra Ramirez, Dulce Eulcide, Mayuu Kashimura, and Marbel Diderik. I am so grateful to have been able to organize and work with this diverse team of peer reviewers who are passionate about writing, social justice, and working with fellow scholars to contribute to advancing critical criminological knowledge. Finally, I want to thank Professor Lobo for all the support and encouragement he

gave me throughout the year we worked on this journal. The balance of being a student and working in this position wasn't easy, but was so incredibly rewarding, and I'd do it again in a heartbeat. Now graduating from SFSU, I find that my greatest pride are my contributions to this journal. From my own work being published in ARCJS last year to the support I was able to give fellow authors this year. As this journal continues to provide the incredible opportunity to publish talented undergraduate scholars, I find myself feeling bittersweet as I finally become exclusively a reader of this journal. What I cherished most about this opportunity was being able to connect with fellow criminal justice students. I learned so much from this community of my peers, and that has shaped me exponentially as a student, an author, and a scholar.

Following a year-long collaboration, San Francisco State University and John Jay College of Criminal Justice were able to create this collection of work that speaks out on a myriad of social justice issues these authors are passionate about. This venue is unique as it invites undergraduate authors to write a body of work that critically analyzes contemporary pressing social justice issues, for publication. Furthermore, our authors are granted the exciting opportunity to work bicoastally with like-minded students. This journal stands for every intersectional identity you can think of. Our goal was to creatively and academically provide a perspective of the criminal justice system, and the injustices within it. Highlighting sections that have to do with gun control, and incarceration to women's health and intersectionality, we hope to bring a very specific light to all of these topics. These were all put together by both editors-in-chief, Haya and Daniella, and we decided to group these the way we did because they all uniquely flow into each other and also have some intersectional aspects to it. First, we open the journal with discussing the ongoing genocide in Gaza, just how the journal opened last year. Editor-in-chief, Haya, opens with a poem for Palestine. We wanted to give the same platform for this topic, thus we decided to put it in the beginning. From there, we decided to do the categories in "gradients," and make them seem like they're blending into each other. The last paper of the previous section that you will read will lead into the paper in the upcoming section. We start these sections with one that highlights the ongoing genocide in Gaza and related discussions that these authors are pushing readers to have. After this section, we move into the next that discusses gendered injustices and papers that critically analyze in an intersectional lens. Following that, we move into the largest category of the journal, essays that discuss legal and punitive institutions. For this section, we begin by discussing the injustices that are experienced by adults in courts and

prisons and then segue into injustices within the juvenile justice system. Our next section discusses a continuous problem in the current United States, gun violence and the topic of gun control. The fifth section discusses the topic of immigration from a broader lens to more specific communities. The closing section of this journal discusses modern media & arts, and their relation to social justice. Discussing art as a rehabilitative tool, to fast fashion, the real world implications video games have, to the media representation of different races and ethnicities; this section covers all a range of how within our everyday lives the things we consume that may not seem related to social justice, in fact are. Both of us, Haya and Daniella, thought this would be a great way to categorize things because not only do they flow with each other, but they can be distinguished by the specific aspects of the criminal justice system that each essay focuses on. The journal closes with small bios of our authors that they wrote. These bios are included so that authors have an opportunity to introduce themselves and highlight the motivation behind their work. Following this editor-in-chief, Daniella, provides the results of a project thatt utilized the practice of visual criminology and the participation of the undergraduate authors in this journal to discuss the importance of author's identity in academic papers. Highlighting three authors and their relationship with intersectionality through a visual avenue, readers can begin to see why they chose to write and their motivations for critically assessing social justice issues.

In Haya's words, this experience has not only taught me how to pursue things I love with fear because it feels better when you do it scared, facilitate in areas that need guidance, and have fun with academics, but it also taught me how real things can be and how amazing it can be once you capture that feeling in writing and make it immortal. There are topics and situations that deserve undivided attention, and having each author uniquely add their own identity and style of writing to these topics was so amazing to be able to witness. Each author put so much time and effort into writing about these topics and they don't only reassure and reaffirm these beliefs, but they also help you critically and analytically look at the papers and information with the lens that develops as you go through the journal. Writing the journal was constructive for my brain as well. It not only helped me organize things in a "spreadsheet type of manner," but also help me realize that things have similarities, differences, and patterns. I have been dreaming of the day where I get to publish my writing, let alone be in charge of a journal, and I couldn't be more grateful. Having the amazing support of an awesome team, and having such bright intelligent minds come together and form a journal that I know we could bring to life has been one of the best experiences I've experienced in college. This has taught me many skills, and has taught me many different ways of approaching any situation.

In Daniella's words, as said before, being editor-in-chief has really taught me how much I learn being in a venue like ARCJS. The constant exchange of knowledge and interdisciplinary issues brought to my attention teach me about things I would've never known without this community of my peers. The experience of being published was so incredibly important to me. It taught me how being an undergraduate author— emerging in this field of criminal justice— there is so much that I am so passionate to write and advocate for. More so, there are ways and spaces for getting my voice heard, spaces like ARCJS. In our modern day, where current political rhetoric makes the joy of expressing and advocating for ourselves feel impossible, the radical action of simply writing and publishing our voices and opinions brings hope on just how possible it is for our voices to be heard. This journal has taught me so much about the future of criminal justice and the authors and scholars going into the world. My heart is full and my mind is ever-growing, for everything I learned within my time in this venue, I believe I also taught and gave back to my peers.

All in all, we would like to congratulate all the authors, as well as all the editors who have helped put this journal together. We have worked tirelessly and put so much time into formulating this journal that represents the authors, the editors and board. We hope that this journal can be a beacon of light, or a comforting sound for people. We hope that this journal continues to flourish in the future, and cater to the people who really need it most. Both of us editors, Haya and Daniella, want to thank our teams one more time, as you all have made this experience worthwhile, and one we will never forget. Haya's social change professor taught literature in their class; and one quote that was taught, and we have decided would be best to include is "When you are a sociologist, every day is strange. Make every day strange." To close, we hope you live to make everyday strange, challenge social constructs, and make your voice heard.

Sincerely,

Haya Shahzad Editor-in-Chief, John Jay College of Criminal Justice

Daniella Krynsky Editor-in-Chief, San Francisco State University

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Public Opinion and Repression in Anti-war Student Protests from 1960-2024: Vietnam War and Palestine Protests

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In the last two years, student mobilization has increased to levels comparable to the Vietnam War student anti-war movement. As history repeats itself with harsh repressions by law enforcement, it is important to examine the history of these movements and the subsequent reactions from the public, law enforcement, university administration and legislative entities. This paper will examine the history of these factors in anti-war movements from 1960 to 2024 and will explore their influence on one another to better understand how movements and reactions are shaped. It aims to understand the public's response to student protests as well as efforts to repress these and subsequent reactions. Focus is placed on the Vietnam War and Palestine student protests, comparing the reactions between periods. This topic has become increasingly significant today as support for the Palestine Movement grows in the United States and worldwide.

My hypothesis was that media portrayal of protesters would be highly critical in both the Vietnam War and Palestine periods. In order to gain a better understanding of the relationship between these factors, content analysis of protest coverage of the Palestine protests was conducted, as well as content analysis of public opinion through TikTok comments. Archival data related to public opinion on the Pro-Palestine protests was also analyzed. The analysis of news articles was important to understand the portrayal of Pro-Palestine protesters according to the news stations Americans rely on for political news, as these could influence public opinion. Similarly, archival data provided a more direct analysis of the public's reaction to the Pro-Palestine protests. Lastly, analysis of TikTok comments provided a different outlook into public opinion and its connection to social media. Methods used include both qualitative and quantitative data.

#### The History of the Vietnam and Palestine Conflicts

The Vietnam War, called the 'American War' in Vietnam, began in 1954 and ended in 1975. The conflict emerged between North Vietnam, their allies Viet Cong, and South Vietnam. The former wanted to unify the country as a communist administration, modeled after their allies: China and the Soviet Union (Spector, 2024). South Vietnam wanted instead to preserve ties with their allies, the United States. This struggle between communism and western capitalism saw itself as a manifestation of the Cold War between the United States and the Soviet Union, and part of a larger regional conflict, the Indochina Wars (Spector, 2024). By 1961, U.S. military advisors were stationed in Vietnam and active combat began in 1965. Military presence peaked in 1969, with more than half a million U.S. military units stationed in Vietnam. China and the Soviet Union also provided weapons, supplies and advisors to North Vietnam (Spector, 2024). In 1973, the United States withdrew from the war after high expenses and casualties, and South Vietnam fell in 1975. In 1995, Vietnam released an official estimate of the casualties, approximating 2 million civilian casualties on both sides and 1.1 million North Vietnamese and Viet Cong combatant casualties (Spector, 2024). The U.S. military estimated the deaths of 200,000-250,000 South Vietnamese soldiers and 58,100 U.S. military (Spector, 2024).

The Israel-Palestine conflict can be traced back to 1947, when the United Nations adopted the Partition Plan which separated British Palestine into Arab and Jewish states. The following year Israel was founded, leading to the first Arab-Israeli War (Center for Preventive Action, 2024). When the war ended in 1949 with Israel's victory, 750,000 Palestinians had been displaced (referred to as the Nakba), and the territory was divided into the State of Israel, the West Bank and the Gaza Strip. In June 1967, Israel attacked Egyptian and Syrian air forces, starting the Six Day War, in which Israel gained control over the Palestinian territories, the Sinai Peninsula and Golan Heights from Syria (Center for Preventive Action, 2024). In 1973, the Yom Kippur War began when Egypt and Syria launched a surprise attack against Israel to regain the territory lost six years prior, but did not result in any significant gains. In 1979, the Camp David Accords, a peace treaty, was signed by Egypt and Israel, ending conflict between the two states (Center for Preventive Action, 2024). Amid growing repressions in Palestine, a revenge killing of 4 Palestinians by an Israeli driver sparked the First Intifada, where thousands of Palestinians fought back against the Israeli government. This conflict ended in 1993 with the Oslo I Accords, which allowed self-governance of the West Bank and Gaza Strip and established mutual recognition between the Palestinian Authority and the Israeli government. Two years later, the Oslo II Accords were signed, which mandated a complete withdrawal of Israel from the West Bank. Following a suicide bombing in Israel that killed 30 people in 2002, Israel launched an operation to reoccupy the Palestinian territories and the construction of a wall around the West Bank despite the opposition of the ICJ (Center for Preventive Action, 2024). This led to the Second Intifada, which resulted in 4,300 casualties, with Palestinian fatalities at 3 times the rate of Israeli fatalities. In an effort to suppress the uprising, 200 assassinations of Palestinian military operatives and political leaders were carried out by Israel (Center for Preventive Action, 2024).

Following the end of the Second Intifada in 2005, Hamas won the Palestinian Authority's elections in 2006, gaining control of the Gaza Strip. Conflicts between Fatah and Hamas erupted, ending in a unity government in 2014. That same year, confrontations between Hamas and Israel led to the deaths of 73 Israelis and 2,251 Palestinians (Center for Preventive Action, 2024). In 2018, conflicts restarted when Palestinians crossed the border between Israel and the Gaza strip throwing rocks, leading to the deaths of 183 Palestinians and 6,000 injuries at the hands of Israel. Further conflicts and political tension caused by this event led to the disunity of Fatah and Hamas (Center for Preventive Action, 2024). Under the administration of President Trump, funds aimed at providing aid for Palestinian refugees were halted and the U.S. embassy was relocated from Tel Aviv to Jerusalem. The administration also aided in passing the Abraham Accords, which normalized relations between Bahrain, the UAE and Israel. Both Fatah and Hamas rejected the accords (Center for Preventive Action, 2024). In 2021, a court ruling expelled Palestinian families from Jerusalem properties, leading to 11 days of armed conflicts between Hamas and Israel, killing 250 Palestinians and 13 Israelis, and displacing 72,000 Palestinians. In December 2022, Netanyahu and the Likud party rose to power, prioritizing the expansion of Israeli settlements in the West Bank (Center for Preventive Action, 2024).

On October 7<sup>th</sup>, 2023, Hamas launched rockets into Israel in a surprise attack that killed 1,300 Israelis, injured 3,300, and took hundreds of hostages (Center for Preventative Action, 2024). The following day, Israel declared war against Hamas. As of September 2024, 41,431 Palestinians have been killed, 95,818 injured and 1.9 million out of 2.2 million have been displaced, with large numbers of people still missing (Abrams, et. Al, 2024). Many of these deaths have resulted from a humanitarian crisis, as in December 2024 the last functioning hospital in Gaza was targeted, and blockades have prevented 83% of required food aid from entering into Gaza (Norwegian Refugee Council, 2024). Although figures remain unclear, estimates believe thousands of Hamas fighters have been killed by Israel and 62 hostages still remain in Gaza as of December 2024 (Bisset, et. al, 2024; Garman, et. al, 2024). Since October 7<sup>th</sup> 2023, the United States has provided

at least 12.5 billion dollars in direct military support (Masters & Merrow, 2024).

#### Vietnam and Palestine Student Protests:

Student protests against the Vietnam War began to escalate in 1965 when 20,000 students amassed in front of the White House to demand an end to the war in Vietnam. Later that year, 350 protesters were arrested at a demonstration on Capitol Hill (Gregory, 2019). In April 1967, 40,000 students marched in San Francisco, and in New York 125,000 people rallied at the United Nations Plaza, accompanied by Martin Luther King who called an end to the war. Throughout this time, protests amassing thousands remained relatively consistent in states like California, New York, Pennsylvania and Illinois. Following Nixon's speech announcing plans to invade Cambodia in 1970, demonstrations were attended by tens of thousands of people across the country (Cornell University, 2017 & Gregory, 2019). On May 4th, the Ohio National Guard broke up a protest at Kent State University using tear gas while the students resisted and threw rocks at law enforcement. The National Guard opened fire against the students, killing 4 and injuring 9. After this shocking event, known as the Kent State Massacre, students protested in solidarity and remembrance, some amassing tens of thousands of people (Cornell University, 2017). April 1971 saw the last massive wave of protests with a reported 200,000-750,000 gathering in California and 175,000 marching in Washington DC (Gregory, 2019). The protests continued to attract thousands in states like California, New York and Illinois until the end of the war (Gregory, 2019).

The Palestinian Movement has been present in academia since the 1960s. The Student Non-Violent Coordinating Committee and Students for a Democratic Society stimulated anti-war student organizing in the 60s and both included support for Palestinians in their cause (Deeb, 2024). After the Six Day War in 1967, support for the Palestinian movement grew and an alliance with the Black Civil Rights Movement consolidated. In 1969, the American Jewish Committee (AJC) circulated a memorandum alleging that college campuses were sites of Arab propaganda campaigns against Israel (Deeb, 2024). In the 70s and 80s, Palestinian activism saw an increase in publications and was highly intersectional (Deeb, 2024). The dismantling of apartheid South Africa was incredibly important in shaping the Palestinian movement, modelling the BDS movement on South Africa's own boycott and divestment movement

(Deeb, 2024). In 1983, ADL produced a 'black book' with the names of scholars they accused of antisemitism (Deeb, 2024). Similarly, in 1993, the Hillel branch at UC Davis targeted an Israeli Professor of Palestine and Israel relations, accusing her of being a self-hating Jew (Deeb, 2024). Amidst growing Zionist pressures in academia, Jewish Voice for Peace was founded in California in 1996 (Deeb, 2024). In the early 2000s, support for the Boycott, Divest, Sanctions (BDS) movement grew following the invasions of Afghanistan and Iraq, leading to the founding of Campus Watch, the David Project, and the Israel on Campus Coalition (Deeb, 2024). These organizations monitored academics and students, labelling them as Anti-Israel, unpatriotic and complicit in terrorism. Some had connections to U.S. and Israeli intelligence, as well as AIPAC and Hillel International (Deeb, 2024). During this time, Hillel International also issued a 'standards of partnership' which blocked Anti-Zionist events (Deeb, 2024). In 2014, law enforcement killed a Black man in the United States the same day Palestinians were killed by the IDF, further bounding the movements together. The following year, 'Black Solidarity Statement with Palestine' garnered over 1,100 signatures (Kelley, 2019). In 2018, CNN fired Marc Lamont Hill for making a speech at the United Nations in favor of a one state solution. He was accused of being antisemitic and a Hamas supporter due to his usage of the phrase "from the river to the sea, Palestine will be free." Also that year, Angela Davis was suddenly withdrawn from an award in Human Rights with no explanation following the release of a book that criticised Israel's occupation (Kelley, 2019).

International support skyrocketed in 2023 after Israel's deadly response to Hamas' October 7<sup>th</sup> attack. Massive protests emerged in 45 out of 50 states, encampments spanning 80 campuses and resulting in over 2,000 arrests as of May 2024 (Buheji, 2024). The main demands of the Pro-Palestine protests have included: stopping business with weapons manufacturers that supply arms to Israel, ceasing the funding of United States military upgradation by Israel, halting investments of financial managers who profit from Israeli companies and more transparency on the money universities receive from Israel (Buheji, 2024). Probably the most notorious demonstration was the Columbia encampment, which led to the arrests of 100 students (Buheji, 2024). In UCLA, protesters were attacked by pro-Israeli counter protesters, leaving 5 people hospitalized (Buheji, 2024). April 30<sup>th</sup> and May 7<sup>th</sup> were the dates with highest numbers of arrests, amounting to 400 and 200

respectively (Matthews, 2024). Protests mainly emerged on the East and West coasts, with some protests in the Northeast and the South. Most arrests were conducted in California, New York, Massachusetts and Illinois (Matthews, 2024).

#### Literature Review

#### The Protest and Anti-War Culture of the 60s and Today

The 60s were a time of change, with the struggle for Civil Rights and Women's Liberation at the forefront of the political culture of the United States. As previously mentioned, the Civil Rights Movement was intimately tied with anti-war culture, with Martin Luther King calling an end to the Vietnam War. The emergence of these movements led to a culture of protest, as people demanded equal rights and fought against the government and its repressions. As the Vietnam War progressed and casualties rose, distrust in the government also grew. Many also criticized the funds allocated towards military conflict at the expense of social programs (Othmeni, 2021). In fact, many of the Vietnam anti-war protests at the time were highly intersectional. A Professor at John Jay College of Criminal Justice who participated in the Civil Rights and Vietnam protests of the 60s and 70s recalled the time when he and his classmates shut down New York City Technical College for a day during his freshman year. The demands of the protests involved both an opposition to the Vietnam War and the aim to incorporate Black studies into the college. He highlighted the coalition between the Civil Rights and Vietnam anti-war movement despite the fact that many anti-war protesters were White. In 1970, the college had a festival where he spoke on stage against the Vietnam War as the chairperson of the African American Student Association, criticizing Nixon.

Furthermore, it is important to note that this culture of protest aided in involving new people. Cochran (2001) highlights the importance of local issues in expanding the movement. At Southern Illinois University (SIU), many protests began due to regulations on co-ed dormitory schedules. Students in fraternities and sororities, among others, became interested in the issue and many eventually got involved in the antiwar protests as protest culture grew on campus. Cochran also signals the importance of a local catalyst, such as the Vietnamese Study Center at SIU, which brought more momentum to the anti war rhetoric on campus. Lastly, he signals party culture as another major element, as music and drugs brought people together and facilitated the sharing of opinions.

Today, protest culture seems to be on the rise. From 2009-2019, the annual protest average increased by 11.5% globally, and in the United States demonstrations spiked in 2020 with the BLM Movement, with higher levels continuing into 2021 (Brannen, et. al, 2020 ; Jones, et.al, 2021). The Black Lives Matter protests attracted millions of protesters despite the ongoing pandemic, and Fridays for the Future and similar environmental campaigns have gathered more popularity in recent years. This is reflected in mainstream culture, as NPR named 2020 the year of protest music (National Public Radio, 2020). The impact of protest culture can also be seen more recently with the nationwide and worldwide Palestine protests and encampments, as well as Macklemore's release of Hind's Hall. As President Trump begins his administration, many opposed to his policies and executive orders have also gathered to make their voices heard. With protest culture making its way back to the forefront of a tense political landscape and the rise of criticisms such as military spending, its effect on social programs and high distrust in the government, our political climate is not dissimilar to that of the 60s.

#### The Geography of Dissent and Repression

As seen in the outlined timeline of the protests, the largest demonstrations were most consistent in states such as California, Pennsylvania, New York and Illinois. These states were mostly considered liberal and politically tolerant. Gibson (1989) found that repressive state and criminal legislation implemented to curb protests was strongly correlated with the frequency of disruptions. Although it may seem contradictory that more liberal and tolerant states implement repressive legislation, Gibson proposed that more liberal and tolerant states would create the conditions for more frequent disruptions. The exposure to different opinions and the legitimization of these produced an environment more conducive to protests. Moreover, the frequency of these disruptions highly affected the legislation passed per state, making more liberal and tolerant states more repressive during the Vietnam War protests. Gibson (1989) also proposed that the protests may have been too radical even for liberal and tolerant states.

Furthermore, the geographical pattern of the pro-Palestine protests and repression is extremely similar to that of the Vietnam War student protests. The states with the highest number of pro-Palestine demonstrations were New York and California, closely followed by Pennsylvania, Massachusetts and Illinois (Doyle & Ho, 2024). According to a map by CNN, arrests were mainly carried out on the East and West coasts, with some arrests in the Northeast and South of the country. Most arrests were also conducted in the states of California, New York, Massachusetts and Illinois (Matthews, 2024). The geographical similarity of these movements serves to illustrate the importance and validity of Gibson's findings (1989). During both movements, more tolerant and liberal states saw more demonstrations and repressions. Furthermore, opposition to the country's official stance and involvement could be considered too radical even in liberal states and across time periods. Lastly, both movements saw great focus on the demonstrations at Columbia University specifically.

#### The Repression and Criminalization of Student Protests

The Vietnam War protests here were highly criticized and repressed by the United States government at the time. One of the methods was the use of FBI agents, red squads, NYSP and BCI. Upon taking office in New York, Governor Nelson Rockefeller appointed former FBI agents as top officials of the NYSP, aiming to develop its intelligence capabilities (Kershner, 2023). These capabilities were used to send NYSP officers undercover at college protests, often taking photographs and the names of those most involved. The NYSP often had informants in the schools they surveyed, often including students, faculty, and even the SUNY Chancellor's assistant, John Mather (Kershner, 2023). Under the command of former FBI agent Arthur Cornelius, the NYSP force doubled and began to have intelligence communications with the FBI (Kershner, 2023). Under Director J. Edgar Hoover, the bureau's COINTELPRO program was expanded with the aim to neutralize social movements, often working with local red squads. By 1969, 42 out of the FBI's 59 field offices were involved in the program's operations against the 'New Left' (Kershner, 2023). The FBI often used agents to provoke division in the

movement, whereas BCI and NYSP focused on intelligence and surveillance (Kershner, 2023).

The reactions to the Vietnam War protests also caused policy changes that make protest repression easier today. An example of this is the incorporation of police forces on campuses. According to the Department of Justice, today police forces are present at 95% of colleges and universities (Buheji, 2024). Similarly, the legislation of 44 universities grants these institutions the right to form their own police force (Buheji, 2024). The presence of on-campus police could have influenced the aggressive response of law enforcement during the Pro-Palestine student protests, as seen at Columbia University where hundreds of protesters were arrested. With the arrests of over 2,000 protesters nationwide as of May 2024, the present extensive and consistent involvement of police forces could have been affected by these legislations (Buheji, 2024).

#### Antisemitism and Freedom of Speech on Campus

The Vietnam War protests were met with high criticality and efforts of repression. In an effort to stop the demonstrations, freedom of assembly and freedom of speech were both attacked. Aside from the systematic efforts of repression such as the NYSP and the COINTELPRO program, the Vietnam War protests saw more focused efforts to repress free speech on campus. One example includes regulations passed by UC Berkeley in the 50s and 60s that limited political activities on or around campus (Aichinger, 2009). In 1964, the Berkeley Free Speech Movement (FSM) was formed in order to combat the limitations imposed by the administration. Later that year, 5,000 students gathered outside the administration building and 1,500 participated in a sit-in (Aichinger, 2009). As a result, faculty voted in favor of FSM, the chancellor was replaced and the demands of the FSM were granted (Aichinger, 2009). Moreover, the most famous case on free speech during the Vietnam Protests was the 1969 Supreme Court case Tinker v. Des Moines. The case involved the suspension of high school students who had worn a black armband as an act of silent protest against the Vietnam War (United States Courts, 1969). Although the opposition argued that the armbands were a distraction and the school had the right to preserve a learning environment, the Court ultimately decided that neither students nor teachers shed their first amendment right at the school
door, and that school officials do not have the right to impose limitations of the basis of suspicion of distractions only (United States Courts, 1969).

Limitations on free speech on campus manifested differently during the Pro-Palestine protests. As can be seen in the history of the Palestinian movement in the United States, the accusation of antisemitism has long been leveraged against Anti-Zionists, and the 2023-2024 Pro-Palestine protests were no exception. Palestine supporters were also met with tactics such as doxing or attempted firings through online petitions (Deeb, 2024). However, recent policy changes have provided a legal basis for these claims. In 2016, the U.S. Department of State adopted the IHRA definition of antisemitism, including criticism of Israel, and thus conflating antisemitism and Anti-Zionism. In 2018, the Department of Education adopted this definition when enforcing the Title VI Civil Rights Act which prohibits discrimination based on identity (Deeb, 2024). Trump's 2019 Executive Order Combating Anti-Semitism also used this definition and specifically focused on colleges and universities. This was later expanded by another Executive Order in January 2025, which reaffirmed this definition and centred on higher education after October 7<sup>th</sup> (The United States Government, 2025). After Palestinian support on campuses, the Department of Education opened an investigation in 2024 into violations of the Title VI Act explicitly focused on antisemitism (Deeb, 2024).

This change in the legal definition of antisemitism provided a basis for the accusations leveled at Anti-Zionist individuals and affected the right to free speech on campus. From October 7<sup>th</sup> to December 31<sup>st</sup> 2023 alone, Palestine Legal received 1,035 requests for legal support, four times the number received in 2022. The requests pertained to the silencing of Pro-Palestine speech on campus, with some individuals only calling for a ceasefire (Deeb, 2024). Between April and June 2024, Palestine legally filed 8 federal civil rights complaints in violation of the Title VI Act for anti-Palestinian discrimination. Additionally, Deeb (2024) found that 98% of assistant professors and 82% of faculty self-censored when talking about the Israel-Palestine conflict. Of this self-censorship, 88% curbed criticism for Israel, while only 11% curbed criticism for Palestine. This report shows a significant increase compared to previous years (Deeb, 2024).

#### Protest Coverage and Public Opinion on the Vietnam War Protests

At the time, the massive Vietnam War student protests garnered a lot of coverage by the media. Boyle (2005) analysed protest coverage in Wisconsin from 1960-1999 and found that war protests were represented as more deviant and were covered more critically than social or labor protests. War protests were treated more critically by the media in the 1960s, but criticism diminished with time. Boyle proposed that the more protests challenge the status quo, the more critically they are covered by the media. This relates back to Gibson's hypothesis that the protests were too radical, or too challenging of the status quo, even for liberal and tolerant states.

An analysis of 1968 public opinion on the Vietnam War protests found that the American public greatly opposed the protests (Schreiber, 1976). On a scale from 0 being very unfavourable and 100 being very favourable, the American public rated the protesters at 28.4 on average (Schreiber, 1976). As support for the war diminished over the years, opinions on protesters remained the same, meaning that public opinions on the conflict and opinions on the protesters were majorly unrelated. This suggests that the overwhelming opposition towards the Vietnam War protests was not due to their anti-war stance, but rather the 'deviant' behaviour they engaged in (Schreiber, 1976). Furthermore, a survey sent out to Columbia students and faculty in 1968 found that attitudes towards the demonstration goals were related to attitudes towards the Vietnam War and opinions were completely unrelated to the draft status of the individual (Barton, 1968). The survey showed that 70% of students and 69% of faculty on the Columbia University campus opposed the war. Of those against the war, 75% supported the goals of protesters, but the tactics used were generally disapproved. This finding further shows that the Vietnam War protests were generally opposed due to the behaviour protesters engaged in and the tactics used, rather than the demonstration goals or opinions on the Vietnam War

Understanding public opinion on pro-Palestine protests is difficult at this time, especially as both the conflict and the protests are ongoing and incredibly volatile. Although there have been demographic trends in age, religion and political affiliation, opinions can change drastically even in one group. For example, a report from Cal Poly Humboldt found that Jewish student's opinions on the protests varied. Some Anti-Zionist Jews felt welcome at the protests and expressed the sense of community brought them closer to Judaism, whereas some Zionist Jews felt the students hated Judaism if they hated Israel (El Leñador, 2024). To better understand American reactions to the Pro-Palestine protests and its relationship to protest coverage, content analysis of news sources and TikTok comments were done, as well as archival data analysis of public opinion.

# Methodology

The methods used to analyze data are content analysis and archival data. Content analysis was employed as a way to analyze the bias of protest coverage and reported violence of the top 5 news sources Americans rely on for political news ahead of the 2024 election. This method allowed the analysis of more extensive sources and provided an insight into protest coverage and its influence on public opinion. Latent and manifest analysis were both conducted in order to increase the validity and reliability of this method. A second content analysis of comments on Pro-Palestine protest Tik Tok was conducted to gain a better understanding of public opinion on social media. Latent analysis was done. Additionally, archival data was used to deepen the understanding of the relationship between protest coverage and public opinion. Archival data provides a unique insight into the opinions of the masses and variations between demographics. This method provides opportunity for in-depth analysis but is limited by the reduced quantity of information.

# **Content Analysis of Protest Coverage**

The most recent pro-Palestine student protests in 2023 and 2024 were highly publicized in the media. In order to better understand how the pro-Palestine protests have been portrayed by the media a range of news articles from different news sources were analyzed. Five news stations were selected based on research from the Pew Research Center which surveyed Americans on the most popular news sources for political news ahead of the 2024 election. The top 5 sources were found to be CNN, Fox News, the New York Times (NYT), NBC and ABC (Pew Research Center, 2024). A total of 15 articles were analyzed, 3 from each news station. These included an initial

report of the events of October 7<sup>th</sup>, an article during the height of the encampments in early-mid 2024 and a more recent coverage of pro-Palestine student demonstrations.

Manifest data analysis of 10 articles, excluding the initial October 7<sup>th</sup> reports, was conducted to better understand the difference in coverage between stations. To do so, special attention was paid to the phrasing of headlines, such as the use of active or passive voice. This was important as Boyle (2005) found that levels of criticality in headlines and the reported levels of deviance had a strong relationship during the Vietnam War protests. Additionally, headlines covering the events in Gaza after October 7<sup>th</sup> have been a major critique of the Palestinian movement due to accusations of implicit bias. Therefore, it was necessary to analyze if the headlines of protest coverage followed a similar relationship to bias. Expanding on this relationship between headlines and reported levels of deviance, mentions of both protester and law enforcement violence were analyzed. This data will also help determine the relationship between bias and the levels of reported violence. The analysis of the number of arrests and injuries mentioned will provide further insight into the aspects of the reported violence. The amount of negative adjectives used to describe both protesters and counter-protesters, along with the terminology used to describe them (pro-Palestine, Anti-Israel, etc.) will provide a better understanding of explicit bias in recent protest coverage. Furthermore, mentions of antisemitism were noted. As previously mentioned, the accusation of antisemitism due to the criticism of Israel has been consistent throughout the history of the Palestinian Movement in the United States, and the recent protests have been strongly met with these same criticisms. The number of mentions of antisemitism will provide a better comprehension of implicit bias and the level of deviance attributed to protesters. Finally, mentions of the historic conflict between Israel-Palestine were noted, as these could impact the interpretation of readers. Supplemental latent analysis of all 15 articles was conducted to understand the overall bias and highlighted topics of each article. Lastly, initial October 7<sup>th</sup> reports were analyzed to establish a clearer relationship between these and the subsequent protest coverage and bias. My hypothesis was that pro-Palestine protesters would be portrayed negatively, especially by news stations that originally showed bias towards Israel after October 7th.

#### Archival Data Analysis of Public Opinion

Although the analysis of news articles provides an insight into public opinion, it is important to consider that these might not be an accurate depiction of the opinions of the masses. To better understand the opinions of the public, data gathered by YouGov in May 2024 and the Pew Research Center in April 2024 was examined using crosstabs analysis. This data provides an insight into the public's reactions to these protests, as well as variations according to different demographics. One of the main factors analyzed was the relationship between the levels of support for Palestine and Israel and the levels of support for the pro-Palestine protests. Crosstabs analysis was also conducted on the basis of education level, religion, and partisan ideology.

#### Content Analysis of Public Opinion on TikTok

To understand the relationship between public opinion and social media, 25 TikTok posts on the Pro-Palestine protests were analyzed, focusing on the comment section. TikTok was chosen over other social media applications as it has seen the largest number of publications related to the conflict, which has been highlighted by both the Israeli and United States government. In order to refrain from algorithmic bias, a new account was created and used on a different device. The publications were chosen by searching 'Palestine protests United States' and selecting the top 25 videos, excluding irrelevant posts. Latent analysis of the comments and content of the posts was done.

## Findings

## **Content Analysis of Protest Coverage**

When analyzing the gathered data, several patterns emerged. To begin with, CNN had higher and more consistent mentions of violence than any other news station and was also the only news source that mentioned injuries. While one ABC article reported similar levels of violence, this finding was not consistent throughout all articles. Furthermore, higher mentions of protester violence were typically associated with more negative depictions of protesters. This was associated with CNN, the NYT and ABC as these news sources provided the most details on the protests, especially during the height of the encampments in April-June 2024. Additionally, data showed that the New York Times criticised the universities' response more than other news stations. The NYT and ABC were also the only stations to mention antisemitism in all their articles, whereas neither article from NBC or Fox News mentioned antisemitism. One CNN article had the most mentions with 4, but this finding was not consistent, as the other article had none. Lastly, when analysing the original October 7<sup>th</sup> publications, CNN and ABC showed more implicit bias towards Israel due to subtle flattery and a highlight on retaliation. No clear pattern involving headlines emerged. Deviation in the arrests numbers in one of the New York Times articles is explained as it is a summary of different protests.

The analysed data found strong associations between the original reports on October 7<sup>th</sup> and the levels of reported violence during protest coverage. CNN consistently reported more violence and ABC mentioned more violence than most news stations, and accounted for the most negative depictions of protesters. Both of these were identified as having bias towards Israel in the October 7<sup>th</sup> reports. Therefore, these findings prove that news stations that showed bias towards Israel after October 7<sup>th</sup> had higher mentions of protester violence.

# Table 1:

	HEADLN	NEGADJI	NEGADJP	VIOLPRO	VIOLPOL	HISTORY	TERMS		ARRESTS	INJPRO	INJPOL	ANTISEM
CNN2	2		3 1	4	1	1	2	1	27	5	6	(
CNN3	1	)	) 1	5	5	0	0	1	350+	0	0	4
FOX2	1	)	0 0	(	)	0	0	2	227	0	1	(
FOX3	2	)	0 0	(	)	0	1	2	0	0	0	(
NYT2	1		) 3	2	2	1	0	1	0	0	0	3
NYT3	1		0 0	(	)	0	0	1	3050	0	0	3
NBC2	1		0 0	1	L	0	0	1	33	0	0	(
NBC3	1		0 0	(	)	0	0	1	4	0	0	(
ABC2	1		) 7	5	5	1	1	1	250+	0	0	
ABC3	2		0 0	(	)	0	1	1	25	0	0	

However, there are several limitations stemming from the reduced quantity of articles. Due to the larger number of news stations analysed and the time consuming nature of content analysis, not many articles from each station could be included. If more articles were included, the data would be more accurate. Particularly, it was surprising that Fox News did not have higher mentions of violence or antisemitism, as the station is very supportive of Donald Trump, who has highlighted these events and has expanded legislation on antisemitism as previously mentioned. However, this might be due to the fact that the articles analysed were shorter, vague and superficial.

#### Archival Data Analysis of Public Opinion

Analysis of archival data showed that 66% of those who oppose the Pro-Palestine protests are more sympathetic towards Israel (Pew Research Center, April 2024 & YouGov, May 2024). This means that 34% of those who oppose the protests are either neutral or more sympathetic towards Palestine, showing that levels of support for the cause and the protests can vary. Furthermore, findings showed trends in different partisan ideologies. Democrats were almost 3 times more likely than Republicans to support the Pro-Palestine protests, whereas Republicans were more than twice as likely to oppose the Pro-Palestine protests compared to Democrats (YouGov, May 2024). This clearly shows that Democrats are more likely to support the Pro-Palestine protests than Republicans. As Figure 1 shows, 69% of Republicans and 31% of Democrats opposed the protests, compared to the 46% of Democrats and 16% of Republicans that supported them.



#### Figure 1:

Additionally, major differences were found according to religion. Specifically, data showed Muslim Americans were 4 times more likely than Jewish Americans to support the Pro-Palestine protests (YouGov, May 2024). As shown in Figure 2, the differences between religions were overwhelming, with 75% of Muslim Americans supporting the protest and 14% opposing them, compared to 18% of Jewish Americans supporting the protests and 72% opposing them. These findings show that religion might be the most accurate predictor of attitudes towards the Pro-Palestine protests. Lastly, data also showed that college graduates are 1.6 times more likely to support the Pro-Palestine protests compared to non-college graduates (YouGov, May 2024). These findings may indicate that the environment on college campuses can be conducive to debate, the exchange of ideas and critical thinking. The presence of protests and encampments aimed to educate people on university campuses may also foster more support and engage populations that would not have otherwise been involved or informed on this particular issue.



Figure 2:

The findings of this data showed strong relationships between partisan ideology, religion, and support for the Pro-Palestine protests.

## Content Analysis of Public Opinion on TikTok

Of the 25 videos analyzed, only 9 had more support than opposition for the protesters in the comments. Two had fairly mixed reactions, and 14 had more negative than positive reactions towards the protesters. The posts that had more positive reactions towards the protesters mainly included the arrests of faculty and students or the direct confrontation towards a specific company, a university or President Biden. The comments mostly consisted of Palestinian flags, comments aimed at boosting the post and emphasis on the large amount of casualties in Gaza. Interestingly, the posts that received an overwhelming amount of negative comments towards the protesters included confrontations between protesters, law enforcement and counter-protesters, as well as posts where spokespeople shared their demands. Many of these comments called the protesters terrorists, dumb and/or brainwashed. They called for deportation, especially to Gaza, and highlighted how horribly they thought protesters would be treated at the hands of Hamas. Some even called for larger numbers of arrests and more extreme repression tactics, such as rubber bullets. More negative reactions were also associated with more extreme tactics used by the protesters, such as blocking traffic or banging on the windows of a Starbucks, although these findings were not always consistent. Overall, more violent content, either by protesters, law enforcement, or company employees, was associated with more negative comments.

Although the comments were more negative towards the protests, reactions varied. Nevertheless, comments opposed to the protests were a lot more explicit in their disapproval, many times calling for more repression or extreme consequences, while comments in support of the protests mainly consisted of Palestinian flags and aimed to boost the post. Interestingly, one commenter compared the tactics used by law enforcement at the UCLA encampment to those used during the 60s. Finally, two comments expressed that their disapproval of the protests had made them rescind their support for Palestine. Limitations of this analysis include the limited amount of posts analyzed, the lack of variety in social media apps and possible influence by the algorithm.

## Discussion

The Vietnam War and Palestine protests received similar reactions by both the public and law enforcement. Both movements followed similar geographical patterns and were especially popular in states such as California, Illinois, New York, Pennsylvania and Massachusetts. The repression of these protests followed this geographical pattern, as more legislation was passed in these states after the Vietnam War protests, and more students were arrested in these states during the Pro-Palestine protests. This finding follows Gibson's (1989) finding that more liberal and tolerant states saw the most protests and therefore more repressions. The criminalization of protests following the Vietnam War, including the presence of police forces on campus, may have affected the levels of repression of the Pro-Palestine protests. Additionally, recent legislation conflating antisemitism with Anti-Zionism has led to the censorship and self-censorship of Israeli criticism on campus.

Furthermore, both movements saw high levels of criticality in protest coverage. Content analysis of news articles found that higher mentions of protester violence were associated with negative depictions of protesters. This association was identified for the NYT, ABC and CNN, which also accounted for the highest mentions of antisemitism. Both ABC and CNN were found to have bias towards Israel in their initial October 7<sup>th</sup> reports. This serves to illustrate the impact different news sources can have on public opinion, as individuals that consume these news sites may believe in higher rates of violence or antisemitism due to the nature of the articles. This supports Boyle's (2005) finding that war protests were covered more critically by the media and his hypothesis that media criticality depends on how much a protest challenges the status quo. The Vietnam War protests challenged the United States' fight against communism, and the Pro-Palestine protests challenged relations between the United States and Israel, as well as American control in the Middle East.

Similarly, public opinion towards both the Vietnam War and Palestine protests were mainly negative and did not necessarily depend on people's opinion on the cause, but rather the behaviors and tactics implemented by the protesters which labeled them deviant. Reactions to the Pro-Palestine protests were more positive in Democrats than Republicans and religion was the biggest predictor for attitudes towards the protests. This association exemplifies the personal nature of this conflict, as an individual's own background and identity affects their opinion on the topic. College graduates were also 1.6 times more likely to support the protests, which may indicate that the environment on college campuses can be conducive to debate, the exchange of ideas and critical thinking, as reflected by the findings of the Vietnam War student protests. Opinions on TikTok varied but were mostly negative, and opposers were more vocal about their disapproval and encouragement of repression. More negative comments were associated with higher levels of violence, once again supporting Schreiber's (1976) findings. Interestingly, those that most strongly condemned the events of October 7<sup>th</sup> were also most likely to call for violent or extreme tactics against protesters, and one comment compared the repression tactics to those used during the Vietnam War.

The fact that negative opinions were continuously associated with protester behavior instead of approval of demonstration goals only serves to illustrate a culture that frowns upon protests even in the face of genocide. The media highlights protester violence and labels protesters as deviant, affecting the view of the public. American society denies legitimacy and validity to any disruptive behavior, even as a response to extreme levels of violence. Yet, those against these disruptions consistently call for more violence. This disruption, as extreme as the American public may perceive it, cannot compare to the true violence of the genocide they are protesting. Lastly, it is important to note that although the Vietnam and Palestine anti-war movements in the United States share many similarities, the United States' role in each war varies. While American troops were sent to Vietnam, the Palestinian genocide is only financially backed by the United States, which might affect public opinion and the movements themselves.

#### **Future Recommendations**

In order to better understand protest coverage and public opinion, content analysis of news sources should be expanded. The amount of articles analyzed by news sources is low, limiting the accuracy of the findings. To establish a more comprehensive analysis of these news stations, more articles per news station should be analysed so as to gain a better understanding of the constancy of protest coverage and reported violence. These findings would be invaluable in understanding how public opinion regarding the pro-Palestine protests of 2023-2024 was shaped, as well as its influence on the 2024 election.

Further analysis of TikTok comments and other social media platforms can also aid in understanding the relationship between public opinion and social media. However, it is significant to note that post selection and analysis was conducted before President Trump's influence on TikTok in the United States. If the dataset were to be expanded, it is important to understand that there may be differences in algorithmic bias. Additionally, archival data on attitudes towards the protests is especially limited, so a further collection and systemization of data through a survey would be invaluable in understanding the public's reactions. In particular, age has not been consistently systematized throughout the data, making crosstab analysis based on age hard to achieve. Due to the influence of young people in anti war protests, including the most recent pro-Palestine protests, it is necessary to expand the data available in order to analyze the influence of this essential demographic. Furthermore, more expansive databases would result in more accurate findings pertaining to the opinions of the masses. This data can also be used to more thoroughly explore the relationship between protest coverage, social media, and public opinion. More research is needed to understand if the response to the Pro-Palestine protests follows a similar legislative pattern to that of the Vietnam War protests.

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# Sexual Politics in Israel's Defense Narrative: The Gendered and Digital Militarism of Israeli Self-Representation

Florian Griese

## Abstract

Israel often presents itself as a beacon for women's rights in the Middle East while presenting Palestinian resistance and Arab culture as purely misogynistic. Based on the analysis of many thousand private social media posts by soldiers of the Israeli Defense Force (IDF), previous research and analysis, the following work of criminology of war suggest that this portrayal is incorrect. Male IDF soldiers post pictures of themselves in the Gaza Strip wearing dresses and lingerie of displaced or killed Palestinian women while committing acts of sexual violence. Female IDF soldiers are usually sexualized for propaganda purposes and are expected to serve their male colleagues rather than engaging in regular military action. Furthermore, Israel's occupation and current genocide in Gaza made Israel the main root cause of the dire situation of Palestinian women. Additionally, different fractions of the Palestinian resistance exhibit a vision of society with a stronger emphasis on the liberation of women than Israel or any other Western country does. This paper bears witness to the distortion of Israel's narrative around women, the failures of Western, neo liberal feminism and their devastating impact on Palestinian women.

# Introduction

War, armed conflicts and other military operations as topics in the field of criminology are a relatively new occurrence. The small, but growing subfield is called *criminology of war* and has its roots in the '90s with research regarding the illegal, US American war against Iraq (McGarry and Walklate, 2016). War is relevant for criminology because its context requires the routinized use of collective and interpersonal violence and victimization (McGarry and Walklate, 2016). War is a highly criminogenic environment in and outside of the battlefield. Criminology of war applies criminological dialectic, reasoning and methods to analyze and comment on discipline typical topics in the context of war like state-sponsored violence and sexual violence, media and social media and how they shape the narratives around war, corporate criminality and human rights in the context of war, war as criminogenic trauma or war as punishment (Neubacher, 2006; Klein, 2012; McGarry and Walklate, 2015; Mullins and Visagaratnam, 2015; Smeulers, 2015; McGarry and Walklate, 2016; Delaforce, 2016; Gambini, 2023; Goldson, 2016; Kirton, 2016, Murry, 2016; Murray, 2016; O'Sullivan, 2016; Ruggiero, 2016; Kuntsman & Stein, 2020; Degenhart, 2024; Weber and Marmo, 2024). Focusing mainly on state actors as perpetrators,

criminology of war should be seen as part of critical criminology. It extends the lens of critical criminology from instate to intrastate and state external fields of observation.

Western imperialist power uses its military to police other states and regions by invading relevant countries in order to preserve Western hegemony and the interests of the capitalist class. In the same way that police violate laws so do states and their military, hence they are criminologically relevant. Police use their influence on the media like news broadcasters or newspapers to obscure and justify their misconduct in similar ways to state actors who use their influence on the media to obscure and justify their misconduct (Shenkman.2021; Degenhart, 2024). The lies of Weapons of Mass Destruction spread by the US government regarding both gulf wars (1990 to 1991 and 2003 to 2011) are the most infamous examples (Kirton, 2016; Abrams, 2023; Degenhart, 2024). Using US foreign activities like the wars in Korea, Vietnam, Iraq, Libya and Syria as examples Abrams (2023) establishes how important the control over the media narrative is for governments in times of war and conflict. And this includes the state of Israel.

With the rise of the internet, digital media is now the most important battlefield of public opinion. The increasing importance of digital media for Israel has been repeatedly shown since 2000. In the beginning of the century pro-Israeli hacker groups attacked websites of the political parties and resistance groups Hamas and Hezbollah, different news outlets and TV and radio stations. These attacks in return were all answered by Hamas and Hezbollah with cyber-attacks against Israel (Kuntsman & Stein, 2020). The first steps in militarizing social media, and by this using it as a tool to shape narratives around the occupation, happened during Israel's operation Cast Lead 2008-2009. Hundreds of thousands of ordinary citizens were conscripted to defend Israel's attack on Gaza on various social media sites like Twitter and YouTube, sharing propaganda (Kuntsman & Stein, 2020; Tramontano, 2021). Since then, Israeli social media activity steadily expanded and social media activities of pro-Israel civilians and official state accounts became increasingly important for the spread of the narrative of Israeli victimhood (Kuntsman & Stein, 2020). Israel's social media campaigns during Operation Protective Edge in 2014 in the anglophone sphere, using Americas 9/11 trauma by deploying images of Islamist violence, were important in winning Western support for Israel's war on the Palestinians (Tramontano, 2021).

Zionist online activity since October 7<sup>th</sup>, 2023, bears witness to the relevance of militarized social media as *the* crucial factor of Israeli foreign propaganda. Israel's Ministry for Diaspora Affairs started an operation that uses fake social media accounts to urge US lawmakers to spend more money on Israel's military (Schwartz, 2024). The ministry has a special unit for its social media strategy, called *Hatzinor* or the Influence Unit. The importance of social media for Israel's foreign policy can also be seen by the state's push for a ban of the social media app tiktok after it became the main source for young people in the West and around the world to see footage of the war waged by Israel against Palestinian civilians in Gaza and the West Bank (MiddleEastEye, 2025). Tiktok can still be accessed in the US, however, it strongly censors any Palestine related content.

Social media has been a place where unfiltered and uncensored footage and pictures are shared directly from the battle zone for nearly two decades (Kirton, 2016). Many times, the material is shared without a particular political intention or any contextualizing commentary, however, this *war porn* is used for propaganda purposes too. Stein and Kuntsman (2020) established that the acts of sharing and glorifying war crimes of Israeli soldiers on social media is nothing new. Soldiers have been posting videos and pictures of abuse of their victims and other dehumanizing actions at least since 2008. In 2012 the Israeli military published footage of its illegal assassination of Hamas leader Ahmed Jabari (Mair et al., 2016). At first Israeli officially distanced themselves from publicly displayed misbehavior of Israeli soldiers, but since 2014 Israelis publicly show their solidarity with the perpetrators of military misconduct (Kuntsman & Stein, 2020).

Another prominent and important part of Israel's media strategy are female soldiers: Israel has always emphasized the role young women play in the IDF, long before social media. They are presented as undeniable proof for the ostensibly progressive ideals of the state. Israel, the only country conscripting all genders, is often presented as the only state in the Middle East that does not differentiate between men and women in a military context (Brownfield-Stein, 2010). It has to be kept in mind though, that sexualized, erotic pictures are among the most popular images of IDF women, creating Israel's well-known *erotic militarism*. (Brownfield-Stein, 2010; Tramontano, 2021; Kuntsman & Stein, 2020). Instagram accounts like Hot IDF Girls share images of young, female IDF soldiers in uniform and in underwear in order to cater to a male Western audience (Hot IDF Girls, n.d.). Additionally, and detrimentally, women are often portrayed as something pure that is threatened by Hamas, something that needs to be protected at all costs. While it is true that women suffer more during times of war than men, in the environment of war and genocide, and contrary to widespread belief in our heteronormative patriarchal society, women are equally capable of committing sexual violence, mass murder and genocide as men are as Gabini (2023), Smeulers (2015) and Ellison & Szablewska (2022) show. The Holocaust, Abu Ghraib and the genocide in Rwanda are just some prominent examples of atrocities in which women played a relevant role (Smeulers, 2015; Ellison & Szablewska, 2022). By focusing on the images posted on social media by IDF soldiers active in Gaza, this paper extends the gender lens of research done previously from merely focusing on female (re)presentation in the IDF to include gender differences and similarities in the context of Israeli war crimes.

Since 2014 the social media activity of members of the Israeli Defense Forces (IDF) increased massively. With the rise of the video-based social media platform TikTok individual IDF soldiers started to post more videos of their activities online. As mentioned above, IDF soldiers have been doing forms of militainment on social media for a long time, but the amount of video posts in 2014 is not comparable to the flood of photos and videos posted in the 2020s. Many of them are classical militainment and focus on things like training and eating with other soldiers, communication with the family at home, TikTok trends and obligatory messages of masculinity and nationalism. (Toler et al., 2024; Russel and Phang Lee, 2021). Since liberal feminists and the G.B. Bush administration started to integrate feminism into the counterterrorist narrative after 9/11 in order to generate brought support for the *war on terror* and the illegal invasion of Iraq, messages of pink washing and 'empowered women' are now typical for the IDF, and necessary to appeal to the uncritical liberal feminist audience in Western countries (Nasiah, 2013; Russel and Phang Lee, 2021)

However, beginning with Hamas' strike against Israel on October 7<sup>th</sup>, 2023 and continuing during the resulting genocide by Israel against the Palestinians (Jewish Voice for Peace, 2023; Jewish Voice for Peace, 2024; Albanese, 2024; Amnesty International, 2024; Human Rights Watch, 2024 ), IDF soldiers started to post uncensored and unequivocal photos and videos of the war crimes they committed in Gaza and later Lebanon and Syria (Toler et al., 2024, Human Rights Watch, 2024b, Human Rights Watch 2024c). While official

IDF accounts have always been posting videos of militainment that glorify their violence, this type and scale of public demonstration of an army's war crimes by individual soldiers is new. Twitter and TikTok are the most relevant social media websites used in this context.

While topics like social media and war, glorification of war crimes, and gender roles and war have been studied in the context of Israel's occupation, an analysis of the spreading and glorification of Israeli war crimes on social media accounts of single IDF soldiers in the current war on Gaza applying feminist tools by critical criminologists has previously not occurred. This study closes that specific gap and aims to understand femininity and women hood as presented in Israel's public and on IDF soldier's social media accounts.

A common issue that usually occurs when people discuss the conflict between Israelis and Palestinians is to frame Hamas as the only Palestinian resistance group, conflating all Palestinians with Hamas. Effectively, Western discourse and media portray Palestinian resistance as being *Islamist* and driven by violent and religious values and not by a demand for autonomy and an end to Israeli violence and occupation. The concept of *Islamism* as a violent and aggressive form of Islamic religious extremism is commonly invoked in Western media and discourse despite its actual and less agitating meaning of Islam-inspired politics. The degree of peacefulness or aggression of a group cannot be derived merely from its quality of being Islamic. As Tramontano (2021) points out, conflating Hamas with other Islamic groups like Al Qaeda is done in order to gain sympathy in the West, especially the USA.

This being said, Palestinian resistance consists of religious groups and parties like Hamas or Islamic Jihad but also of secular forces like the Mujahedeen Brigades, the Popular Front for the Liberation of Palestine (PFLP) or the Democratic Front for the Liberation of Palestine (DFLP) (Democratic Front for the Liberation of Palestine, n.d.; European Council on Foreign Relations, n.d.; Peoples Dispatch, 2024). These groups are often depicted as merely military organizations, however, the armed wings of these groups, like the Izz ad-Din al-Qassam Brigades of Hamas and the Abu Ali Mustafa Brigade of the PFLP, are only one side of these organizations. These movements also consist of political and civilian wings and offer a variety of services such as political organizing, advocacy, social services, public mobilization, media presence and cultural activities (Baconi, 2018; Popular Front for the Liberation of Palestine, 1969). Furthermore, Palestinian resistance against Israel consists also of NGOs like Boycott, Divestment and Sanctions (BDS) or Within Our Lifetime (WOL). With the aim to provide a proper analysis and to represent the diversity of the Palestinian people, in the following discussion the term *Palestinian resistance* refers to **all** groups who are resisting Israel, its military, and Zionism and their devastating impact on Palestine, this includes the armed wings of groups like Hamas, Islamic Jihad, the PFLP or the Mujahedeen Brigades but also their unarmed, civilian wings as wells as national and international groups like BDS, WOL or Students for justice in Palestine (SJP). This approach is highly recommended to all future research and discourse on the contemporary situation in the Middle East to provide a correct representation of reality.

# Method

This study analyses the content of social media posts by IDF soldiers who have been active in Gaza between October 7th 2023 and December 31 2024 regarding the presentation of gender. Relevant posts have been collected from the social media platform Twitter by the author of this paper and gathered in a data set in order to generate inside of the culture of IDF soldiers. Since the publication of certain content on TikTok and Twitter caused damage to the image of the IDF, many soldiers do not post public anymore. Thus, the original post is often not publicly accessible anymore or has been deleted. In order to circumvent this issue, the data set contains posts that share images and screenshots by journalists and civil rights activist groups. Nevertheless, all media used in this analysis has originally been created by individual IDF soldiers in Gaza and was posted on their private Twitter accounts. This being said, since journalists and NGOs usually do not aim to create an exhaustive data base but to draw attention to an issue by providing examples, we have to expect that the data set is missing a tremendous number of posts. Adding on to this is the fact that many posts are private or deleted.

The two most relevant Twitter accounts for this data set are the human rights group Israel Genocide Tracker and the journalist Younis Tirawi (Israel Genocide Tracker, 2024; Younis Tirawi, 2024). Other posts are from accounts of other journalists like Jehad Abusalim, Reuters or Samira Mohyeddin. Most of the images that have not been retrieved from the accounts of Tirawi's and Israel Genocide Tracker nevertheless bear Tirawi's watermark indicating that they have been previously shared on his account and most likely been deleted or censored by Twitter. The images, videos and a registry of all collected data of the data set are available online (Griese, 2024):

# https://drive.google.com/drive/u/3/folders/1qxgoKQt8F9Na9CsCr\_oBRmMDKt sCYkP4

# Findings

All of the images in the data set show then mocking of Palestinian femininity. Some images show male IDF soldiers posing in front of underwear of displaced or killed Palestinian women. This underwear is often pinned to a wall or hanging over barbed wire. Other posts featured male soldiers wearing female underwear. The positioning and wearing of lingerie are very frequent and accompanied by toxic masculine pride over the fact that these men invaded and captured the most intimate category of female clothing. In some images, other male IDF soldiers mockingly groped the soldiers who wore the underwear. The soldiers also wear Palestinian dresses over their uniforms and other images show Israeli soldiers without their uniforms, still wielding their guns, only wearing the dresses of displaced or killed Palestinian women. Some images feature IDF soldiers posing in groups, or alone or recreate everyday activities of civilians like getting a haircut. One video showed the torso and head of a female display dummy. The soldiers put a bra on it. Planning to detonate it later on. The only instances in which male IDF soldiers wore male. Palestinian clothes was when those were clerical clothes.

Furthermore, despite Israel's claim that women and men are treated equally, even in the military sector, none of the images or videos in the data set feature female IDF soldiers. Nor did any of the more than a thousand images and videos of IDF soldier's private social media accounts that were analyzed during the dataset show many women in combat zones. The data set finds only seven different female IDF soldiers in combat zones. Many of these images show at least a small group of soldiers, thus, despite Israel's policy of all-gender conscription, out of thousands of different IDF soldiers on images from the combat zone in the Gaza Strip only a small minority is actually female. This stands in stark contrast to the image of women as fighters that is an essential part of Israeli propaganda. Most female IDF soldiers, with some exceptions, are primarily assigned to medical or technical units and supply jobs far away from the actual frontline. In comparison, according to the Department of Defense (2022) in 2021, female soldiers made up 17.3% (231,741 in total) of the active-duty force of the US military.

#### Discussion

The situation of women in Palestine and other regions of the Middle East is complex and influenced by cultural sexism and the impact of imperialist influence in the region. Palestinian women have always lived under the constant threat of violence through Israel's occupation but are also victims of femicide by Palestinian men. For example, women who have been sexually assaulted are often murdered in order to preserve the families honor in so called honor *killings*. Thus, sexual violence reconstructs women as a potential threat to family honor. Generally, women in Palestine have no way to speak about this issue other than in the given masculine patriarchal language of discourse. As a result, many victims of sexual assault describe their situation as being in *living death*. (Shalhoub-Kevorkian, 2002). Putting this into context, women in Western countries like the US are also experiencing high levels of lethal domestic violence. In 2023, nearly 4.000 women were murdered in the US, 72% were shot dead by their spouse, showing that deadly violence against women is not a problem typical to Arab or Muslim population but a threat to female life's around the globe (Statista Research Department, 2023; Everytown for Gun Safety Support Fund, 2024). Despite the universal occurrence of discrimination of women, the Western world used sexism in the Middle East as justification for the wars in Iraq and Afghanistan while completely ignoring sexual violence and misogyny in the home countries (Abu-Lughod, 2013). Most of the honor crimes committed against Palestinian women are committed in communities that suffer "lack of economic means, ignorance of other options for dealing with abuse, shortage of helping organizations, lack of social support, lack of protective reforms", a situation that has been brought upon the Palestinians by Western imperialism and Israel for more than a hundred years (Shalhoub-Kevorkian, 2002; Khalidi, 2020). This economically dire situation is the result of Israel's occupation and Western imperialism. It is important to be aware of the problem of femicide against Palestinian women by Palestinian men when we speak about the situation of women in Palestine, but it does not make sense to see this decontextualized in a way that supports racist and Islamophobic interpretations.

As mentioned above, Israeli propaganda gives women a special place in the narrative of its conflict with the Arab world. Israeli women are presented as threatened by the Palestinian resistance, especially by Hamas. This is emphasized by the claim that Hamas weaponized sexual violence and engaged in acts of mass rape during its strike against Israel on October 7<sup>th</sup>. While some cases of sexual violence occurred that day, the story of weaponized mass rape has later been proven wrong (Greenwald, 2024). On the other hand, Israel blocks investigations by the United Nations special representative on conflict-related sexual violence in order to prevent investigations of large-scale sexual abuse of Palestinians by the Israeli army, suggesting that Israel does not care about the prevention of sexual violence but is merely using it for its war propaganda (Amnesty International, 2023; United Nations, 2024; Human Rights Watch, 2024d; Rozovsky, 2025).

Palestinian resistance is portrayed as having a focus on violating Israeli women, striving them of their perceived purity. As a patriarchal society, Israel sees women as mothers, thus as pure and relevant for the future of Israel's existence. This is amplified by Israel's character as a settler colonial state. Because Israelis are not native to the Middle East they need to generate a kind of sovereignty of the state of Israel by extension of its citizen body. This is done by birth and immigration to Israel from other countries. Thus, Israeli women need to be protected for their role in Zionist reproduction. They are important to secure the existence of the Jewish people and a future for Israel's children. In this sense, the future of the Zionist homeland depends on the safety of Israeli women.

Keeping this in mind the symbolic interactionism foundational to the mockery posts by male IDF soldiers interacting with lingerie of displaced or killed Palestinian women of the Gaza Strip becomes clear. The male soldiers of the Israeli Defense Force are violating Palestinian women in their absence, symbolically engaging in the very behavior they fear Palestinians, especially Hamas, want to engage in against Israeli women. Violating the privacy and dignity of Palestinian women by posing with and wearing their dresses and especially underwear symbolizes a strike against the most precious purity of Palestinian womanhood.

This is also relevant in the context of masculinity and combat. We see that the IDF soldiers mock the absent male Palestinian soldiers for not being able to protect the femininity and purity of their women and Palestinian womanhood. This is exacerbated by a perception of Arabs and Muslims as being prude. Publicly displaying the underwear of Muslim women functions as an attack on the perceived religious and moral foundations of the Arab and Muslim society and stands detrimentally to claims that Israel would be interested in protecting women's rights.

Furthermore, Israel's emphasis on women serving in the IDF functions as a justification to be seen as a progressive state and to further its status as the "only democracy in the Middle East." This status is important for Israel's self-image and to secure support from Western countries. By November 13 2024 and since its establishment in 1948, the Israel received about \$310 billion (adjusted for inflation) from the United States alone (Council on Foreign Relations, 2024). It is also an important status for Western countries in order to provide a narrative that justifies the ongoing support of Israel in the eyes of their own populations. It is an important part of the ongoing politicide of the Palestinians. Yet, the lack of female soldiers in the images and videos posted from the combat zones in Gaza on the private social media accounts of male active duty IDF soldiers suggests that women are usually not fighting. This undermines Israel's presentation of being a state that does not discriminate by gender, distorting its claimed moral advantage over Arab and Palestinian society. This is not unusual for nationalist movements like Zionism. As Deniz Kandiyoti remarks "women's stake in nationalism has been both complex and contradictory. On the one hand nationalist movements invite women to participate more fully in collective life by interpolating them as 'national' actors: mothers, educators, workers, and even fighters. On the other hand, they reaffirm the boundaries of culturally acceptable feminine conduct and exert pressure on women to articulate their gender interests within the terms set by nationalist discourse. In that sense, feminisms are never autonomous but bound to the signifying networks of the contexts which produce them" (Shalhoub-Kevorkian, 2002).

Additionally, the function Israeli women play in the IDF have been researched for decades and are widely known in Israel itself. Instead of engaging in warfare as soldiers usually do, the role of female personal in the IDF is to serve the men of the IDF. This is especially amplified by the well-known saying in Israeli militarism 'Men to the Air Force, women to the pilots' (Levy, 2000; Brownfield-Stein, 2010). In her article about the role of women in Israel's military, Edna Levy states that "[o]ne of women's key functions in the IDF is to be accessories, in both meanings of the word -women are support staff as well as

ornaments of male soldiers. Most of the jobs women perform in the Israeli army, such as teacher, clerk, social worker, involve nurturing or supporting male soldiers. And women – specifically women's physical appearance – also serve as status symbols of male soldiers' prestige" (2000). Again, Israel emphasizes on extending its citizenry through reproduction since it needs to create sovereignty by a large citizen body. By having female IDF soldiers predominantly serve the needs of male soldiers, the IDF makes sure that it doesn't only functions as a military organization for the Zionist cause but also as a reproductive one. The military officially encourages implicit sexual relations. This dehumanization of women by reducing them to mere uterus and sex symbol is one of the most foundational narratives feminism fights against, thus this representation of women in the military forces contradicts Israel's feminist messaging.

Another stain on Israel's claim of gender justice is the rampant abuse of young women serving in the IDF. A 2022 special report on safety of female conscripts by the Israeli state comptroller suggest that at least one third of women serving in the IDF has been sexually harassed at least once. According to the same report, the situation in other security branches like the police, the border police, the intelligence service Shin Bet or the prison system looks as or even more dire: 38% of women serving in the prison system, 27% of female conscripts serving in the border police and 22% of female conscripts in the police declared to have been victims of sexual harassment while serving. The majority of these incidents was perpetrated by a standing serviceman or commander (State Comptroller, 2022). 70% of the respondents to the questionnaire stated that they filed a report, but the report was either not handled properly or ignored completely (ibidem).

In his book *Necropolitics* Achille Mbembe observes that '[t]he manipulation of questions of gender for racist ends, by illustrating the Other's masculine domination, is [...] aimed at concealing the reality of phallocracy at home' (Mbembe, 2019). This is nowhere as true as it is in Israel. While criticizing and demonizing Arab countries, Hamas and Islam for being sexist and misogynist, the highest status an Israeli woman can aspire to is being showcased in explicit imagery created to appeal to a male, Western audience as a form of propaganda, and as a breeding machine, reducing herself to nothing but her physical, sexualized features. For the IDF there are two types of women: Type 1, Israeli women, are women who can be used for reproduction and for erotic militarism on the one hand and are instrumentalized as having their

feminine purity threatened by Palestinians on the other hand. Type 2, Arab/Palestinian women, are the women of the enemy whose value is defined by the humiliation caused to the opponent by violating their dignity as women. Both types are sexist and dehumanizing in their own ways. The data set for this study and accounts by victims and journalists of the actions of Israel's army in occupied Palestinian territory show the disregard for women's rights by the IDF and the state of Israel.

Additionally, it is not true that Israel is the only entity in the conflict with Palestine who has their ranks of their military personal filled with women. Palestinian resistance has historically not been limited to male actors, the ranks of the PFLP for example include a significant number of women (Lavalette, 2024). Their involvement is crucial in the broader context of the Palestinian struggle. Most prominent among the women of Palestinian resistance is Leila Khaled. As a resistance fighter of the PFLP, Khaled took part in two plane hijackings in 1960 and 1970. Both ended with empty airplanes being blown up to generate attention for the struggle of the Palestinians (Hinze, 2024). Even today, five decades later, women play an important role in the armed struggle of the PFLP in Gaza (Palestine Chronicle, 2021). Additionally, the current war in Gaza is also fought by female fighters of the DFLP (Newsflaire, 2024). The current narrative that portrays the Palestinian resistance as only consisting of Hamas related fighters ignores the voices of the women of the above-mentioned organizations and others, creating a false impression of the situation of women in the Palestinian territories, resulting in ignorance towards Palestinian demands and more support for Israel by Western countries, thus increasing Palestinian suffering.

While it is correct that Hamas' vision of the role of women is a traditional and more restrictive vision than the average Israeli vision of a women's role in society, groups like the PFLP and the DFLP emphasize gender equality and the emancipation of women in significantly more progressive terms than Israel or most other Western countries do. Thus, to suggest that Palestinian resistance being sexist and misogynist per se is not supported by factual reality. It only functions to create a false narrative in the advantage of Israel's reputation. (In order to gain an in-depths understanding of the issue of women's rights in Palestine and the Middle East I recommend the reader to engage with the research and academic works of women like Lisa Taraki, Lila Abu-Lughold and Nadera Shalhoub-Kevortkian).

Moreover, reports from different organizations, among them the UN organization UN Women, suggest that women are the main sufferer of Israel's genocide in Gaza. More than half of the fatalities are women and children, over 6.000 mothers died, leaving 16.000 children orphaned. Women in Gaza are more likely to suffer rates of medical conditions needing immediate responses than men. They are at greater risk for non-communicable diseases (UN Women, 2024). Furthermore, the report states that ' [...] today, more than 162,000 women have or are at risk of developing such diseases, including over 30,841 at risk of diabetes, 107,443 at risk of hypertension, 18,583 at risk of cardiovascular diseases and 5,201 women diagnosed with cancer' (UN Women, 2024). Due to Israel's occupation, the situation of women in Gaza has already been dire before October 7th and has only been exacerbated since. These numbers stand detrimental to the self-portrayal of Israel as a progressive country that values women more than Hamas does. Generally, Israel's actions in Palestine created a situation far more devastating for women than what Hamas has ever been accused of.

This reminds us of the narratives and twisted logic during the high times of colonialism. The white colonizers claimed the Other, the savages and animals would engage in acts of cannibalism, would in ravenous acts devour other human beings, thus making it impossible to render these 'animals' human. In reality, however, cannibalism among native American tribes was nearly unheard of. There were exceedingly rare exceptions which were usually acts of cannibalistic funerals. These tribes ate the flesh of the deceased to keep them in their tribe (Snugg, 2015). Burring them in the soil would have caused the them repulsion in them white Westerners feel when they hear that these tribes ate their dead members. Yet, white Europeans used to devour masses of human flesh during this time of colonization, and not in a figurative sense but quite literally. For example, the surprising reason why there are only a few mummies left is not decay or other natural circumstance but the consumptions of mummies by the colonial, European upper class. Mummy has been a part of medical consumption and has been turned into a variety of different tinctures, band aids, ointments and orally consumed preparations (Snugg, 2015). In the same way the savage tribes of Europe devoured figuratively and quite literally the humans of the colonized world while claiming them to be man-eating animals, Israel claims that it is a beacon of feminism in the Middle East while at the same time, as suggested by the data set and UN reports, acting as the most severe threat to women's wellbeing and lives in the Middle East.

# Conclusion

As the data set shows, Israel's reputation as being a beacon of women's rights in the Middle East is incorrect. Israeli state actors like the Israeli Defense Forces sexualize and objectify female IDF soldiers in order to generate an image of liberated women. As suggested by the data set, male IDF soldiers commonly violate the dignity of Palestinian womanhood and displaced or killed Palestinian women. At the same time, their actions in the greater contexts of Israel's attack occupation of Palestinian territories create a devastating situation for Palestinian women to live in. Israel is by far the most significant threat to the well-being and liberation of Palestinian women despite its claims of Hamas or conservative Islamism being the biggest oppressor. While a feminist position that can be taken seriously needs to criticize groups like Hamas it can under no circumstances support Israel. Also, criticism of the situation of women in the Middle East needs to consider cultural and religious needs of women in that region. Not all women define liberation as self-sexualization for propaganda purposes. Religious and cultural expression, the partaking in cultural and religious activities and community as well as religious education are also part of relevant needs of Palestinian women that demand fulfilment in order for Palestinian women to truly be liberated.

A feminist vision for the women of Palestine has to entail secured access to food and clean water. Access to high quality health care, including general health care services and women specific health care services like gynecology, reproductive health, breast cancer screening, and hormonal health. It needs to demand access to higher education and political participation. It also has to entail the possibility for women to embrace Palestinian culture and tradition as well as religious participation. But most importantly, a feminist vison for Palestine needs to be defined by Palestinian women. The voices of the women of Palestine, demands and needs have to be taken seriously. None of this can be realized through indiscriminate destruction and killing of Gaza and the Palestinians and even less by ethnic cleaning, expulsion or genocide.

Finally, this paper does not only show Israel-specific problems regarding the perception of gender, womanhood and the image of women but amplifies the broader issue of what needs to be called colonial Feminism. Ignoring the cultural and historical differences of Western women and women in the Middle East or Africa, thus imposing a Western position on the struggle of the women in countries outside of Western cultures, means to simply impose another female gender role, another way how women have to be, ignorant of their personal needs and interests. In the colonial Feminist narrative, women are only seen as liberated when they can live under Western cultural standards. However, a movement cannot be truly feminist if it does not support a woman's personal choice to wear a hijab or when it applies a reductionist definition of woman's rights and female liberation as the ability to wear a bikini at the beach. In the end, however, the women in Palestine cannot be free when Palestine itself is not free.

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# Unfair Treatment in Women's Prisons

Bella Neri

# Introduction

In the United States our criminal justice system prides itself on rehabilitation, yet it remains flawed due to the imbalance of power that leaves female inmates vulnerable to exploitation. Aimee Chavira, a former prisoner from the Federal Correctional Institution states, "We were sentenced to prison. We were not sentenced to be assaulted and abused" (Egelko, 2024). This encapsulates how female inmates are in an environment where male prison guards hold a lot of power over them, which leads them to face constant abuse and harassment.

Women are hesitant to report abuse because of the lack of resources, fear of retaliation, and poor medical facilities. According to the U.S. Department of Justice's Bureau of Justice Statistics (2019), sexual assaults in prisons are on the rise, with about half of reported assaults involving guards assaulting inmates. A recent example of systemic abuse in the U.S. prison system is the FCI women's prison in Dublin, California, which was first revealed in 2022 for its extensive history of sexual misconduct by staff. Bob Egelko (2024) interviewed one of the plaintiffs, a Native American woman, who revealed the cruel reality of her experiences. The plaintiff revealed how she was brutally raped by a guard one to three times a week, while two other guards would hold her down and make hateful comments about her ethnicity.

Additionally, several women who were held at the same institution describe horrifying acts of manipulation and abuse. They were forced to participate in strip shows or perform sexual acts on each other, and if they refused prison guards would threaten them with various punishments (Egelko & Hernandez, 2024). Assaults in prisons are not new, and this has significantly affected so many women's well-being, as they not only have to endure constant abuse but also face retaliations against them if their attacker is apprehended. Even when these women are brave enough to report their abuse, inmates are still forced to relocate to new facilities in a different state, disrupting their rehabilitation process and further isolating them from any support systems.

In our current criminal justice system, there are no checks and balances put into place that hold prison guards accountable for abusing this power making it hard for inmates to feel safe. First, this paper will examine the physical and emotional conditions women face within the prison system. Secondly, it will address the lack of resources and support, and how lack of support forces women to endure constant abuse, without the ability to escape. Finally, this paper emphasizes the need for an independent checks and balances system within prisons to ensure accountability and protect incarcerated women. We must address these unfair power dynamics between female inmates and male prison guards, as these imbalances undermine the dignity and safety of inmates, promote environments prone to abuse, and call attention to the urgent need for systemic reforms to protect inmates' well-being.

# Physical and Emotional Trauma Women Face in Prison

The power imbalance between male prison guards and female prisoners affects women's psychological, emotional, and physical well-being causing them an endless cycle of trauma. Many women experience abuse but are stuck in an environment where reporting sexual abuse or refusing to comply can lead to retaliations, extreme isolation, loss of privileges, and further harassment. In Susie Day's (2001) article, she interviews two former prisoners; Marilyn Buck and Laura Whitehorn about the systematic abuse that has occurred in women's Laura Whitehorn was convicted of multiple property prisons for decades. bombings, including one in the U.S. Capitol, as a form of protest against police brutality and foreign policy; she served fourteen-years in prison and wasn't released until 1999. While Marilyn Buck, Laura's friend and co-defendant, was also convicted for her suspected involvement in the 1979 prison escape of Assata Shakur, as well as several car robberies in support of the Black Liberation Army. When asked about how they believe the last fifteen years affected them, Marilyn Buck stated:

Imagine yourself in a relationship with an abuser who controls your every move, keeps you locked in the house. There's the ever-present threat of violence or further repression if you don't toe the line. I think that's a fairly good analogy of what happens. And imagine being there for fifteen years. To be punished, to be absolutely controlled. (Buck & Whitehorn, 2001, p. 44)

We have gone far too long living in a world where abuse is tolerated, and women's voices are intentionally suppressed.

Over time, this feeling of helplessness becomes ingrained into who they are, taking away their sense of control and inhibiting them from recovering. Buck confirms, prisons are trapping women in this cycle of abuse and fear. Now, not all harm done to inmates is rape; it can also be given in other forms such as, verbal abuse, physical intimidation, bullying, exploitation, or denial of basic needs. The majority of prison guards are most often men, who will guard women while they are dressing or showering. Male guards will also abuse their power by conducting body searches at any given time (Kizziah, 2001). Even when women aren't being subjected to physical abuse, male prison guards still disregard women's boundaries. This form of harassment sheds light on the imbalance of power, when guards are able to abuse their authority by conducting searches whenever they please and without cause.

From the experience of Laura Whitehorn, she explains how pat searches are legal in women's prisons. Male guards will stand behind and run their hands down your body, not to locate contraband but to make them feel powerless. If she attempted to push a guard's hand away, she would immediately be sent to the hole for assault (Buck & Whitehorn, 2001). The "hole", referring to solitary confinement, serves as a place of extreme isolation and deprives inmates from normal privileges such as contact with fellow inmates, yard time, and time outside their cells, which can all contribute to emotional distress.

Solitary confinement is described by inmates as the hole, because it's a suffocating and isolating space where they are cut off from human contact and the outside world. Inmates are forced to stay in a small, windowless cell, depriving them of any light, and because of this environment, inmates feel an overwhelming sense of isolation, leading them to endure both physical and emotional distress. Much like being trapped in a literal hole, solitary confinement leaves women powerless, while granting the men power, as they are the ones who have the ability to free them. Whitehorn was sent there for being considered disobedient after attempting to push away prison guards who were inappropriately touching her during a pat-down. The threat of being sent to solitary confinement is used not as punishment but as a form of control, where even the act of resisting an unwarranted and inappropriate pat-down from a prison guard could lead to harsh punishments. The emotional harm women are faced with can be just as damaging as physical abuse. For many of these male prison guards it's not about rehabilitating women back to society but, to control and humiliate them. While feminist criminology explores how these power imbalances are deeply rooted in gender inequality, structural violence theory will further explain how systemic barriers prevent incarcerated women from accessing proper support. This is evident due to the lack of effective resources women are able to utilize in order to report their abuse.

## Feminist Criminology & Structural Violence

Feminist Criminology sheds light on the real-life experiences of incarcerated women, particularly those who have faced multiple forms of oppression and social stigmas (Cox & Malkin, 2023). The criminal justice system often dismisses the unique needs and vulnerabilities of female inmates which leads to systemic issues such as sexual violence and lack of resources. Male prison guards hold significant unchecked power over incarcerated women, creating an environment where exploitation thrives. Feminist criminology argues that this power imbalance is intentional, as the justice system prioritizes control and punishment over rehabilitation. Beyond gender inequality, incarcerated women also face structural barriers that prevent them from seeking help or escaping abuse.

The power imbalances and abuse of authority within prisons are not incidental, but rather deeply rooted in systemic structures that perpetuate harm. Kathleen Weigert (2008) defines structural violence as indirect or institutionalized violence. It refers to harm or damage that could be prevented but occurs due to the unequal access to power and resources. This form of violence is embedded in the systems and structures of society. Women in the prison system are subjected to not only physical and emotional abuse but also institutional barriers that prevent them from receiving help. Structural violence theory highlights how social structures prevent women from meeting their basic needs such as adequate resources, healthcare, and accountability for prison guards. By providing women with inadequate support, it reinforces the cycle of control by trapping these women in a constant state of fear.

#### Lack of Resources and Support

In addition to fear, inmates are not reporting their abuse because of a lack of efficient resources and proper access to medical facilities, leaving women with little help to report abuse or care for themselves, which is an example of structural violence theory. As Weigert (2008) suggests structural violence takes place when social structures and institutions harm individuals by limiting their access to resources and protections. In this context, the lack of resources and proper access to medical facilities exemplifies this concept.

Our criminal justice system fails to care for inmates' health, leaving women vulnerable and susceptible to neglect, as limited access to adequate resources, results in female inmates being left untreated for physical and mental health issues. These failures trap women in an endless cycle of abuse, as they are unable to seek help or receive the necessary care, further isolating them and allowing the mistreatment to continue unchecked. Marilyn Kizziah (2001) highlights in her article, how women's prisons don't offer inmates with licensed medical personnel. When women do visit the infirmary, they are charged a five-dollar fee and are treated by unqualified prison guards or other staff instead of medical personnel. These women are already hesitant to report assaults; now imagine asking them to discuss their situation with a prison guard or staff member who is already biased against their well-being.

Insufficient resources make it more difficult for female inmates to report but on top of that even when they try, they're often ignored or dismissed. Stern (2019) discusses in her article; the hardships women face when trying to report abuse. When female inmates attempt to report their abuse, their experiences are thoroughly reviewed in order to either deter them from reporting or to make cases so challenging they won't win their civil or criminal charges. Women are continuously discouraged from reporting abuse, but when they do find the courage to come forward, they can often face severe consequences. In Claudia Lomeli-Rodriguez's (2023) article, she brings up the investigation conducted by the Associated Press on the FCI Dublin prison. Within this investigation, investigators found that inmates who reported their abuse were ignored or placed into solitary confinement (Lomeli-Rodriguez, 2023).

This is an example of structural neglect and lack of accountability that perpetuates the suffering of women. Even when women try to report their situations, they are faced with many challenges that make it impossible leaving them feeling hopeless. Prison is intended to be a place where inmates serve their time while also having the opportunity to rehabilitate for a smooth transition back to society. However, for many women that's not the case, and it's because our prison system lacks any form of checks and balances that hold male prison guards accountable for their behavior, perpetuating a cycle of structural violence.

## The Failure of Accountability in the System

While there are resources in place that claim to support incarcerated women, these resources are often embedded within the very system that enables abuse. Reporting systems are typically handled by prison staff, allowing those in power to be in charge of policing themselves. Our current criminal justice system has no form of checks and balances that hold prison guards accountable for abusing their power, which makes it difficult for inmates to feel like our criminal justice system has their best interest in mind. If prison staff are never held accountable this undermines the purpose of justice and rehabilitation.

In a Senate hearing held by the 117th Congress, Senator Jon Ossoff's opening statement brings light to the number of cases that are still untouched. Ossoff and Johnson (2022), highlight how federal prisons have a backlog of about 8,000 cases on employee misconduct, with some that've been pending for more than five years. This backlog demonstrates the failure of the system to address and resolve misconduct in a timely manner, leaving issues unresolved and allowing mistreatment to continue unchecked. Our federal prison system has failed to address any sexual abuse cases between female inmates and male prison employees. With no real punishment given to prison guards it sends a message to men that if they have the power, they're untouchable. Ossoff goes on to address that when officers are put under oath, they have admitted to sexually abusing prisoners and instead of being punished they're able to retire with benefits (Ossoff & Johnson, 2022).

Inmates are forced to relocate when facilities are shut down, not only disrupting their rehabilitation, but also separating them from fellow inmates they've formed bonds with. As stated by Ashley Castillo, who transferred from the Dublin Federal Correctional Institution to Aliceville FCI in Alabama, "I'm depressed, I'm sad, I'm mad, I just have all these emotions" (Johnson, 2024). This abrupt closure affected hundreds of women, who were forced to relocate to facilities far from their family members and fellow prison mates, stripping them of the little stability they had left. Within Johnson's (2024) article, it was reported that in April, women were transported by buses to federal facilities in Alabama, Connecticut, Florida, Minnesota, Texas, and West Virginia. While prison guards who've abused their power have the ability to retire with benefits and continue on with their lives without being held fully accountable for their illegal actions. This reality highlights the urgent need for an independent

organization to oversee prison operations and enforce accountability, in order to ensure the protection of incarcerated women.

# Solution

While increased female representation within the prison system could seem like a potential solution, it unfortunately might not fully resolve the issue, as these women would still be part of the same system tasked with policing themselves. Even with an increase of women in leadership roles, systemic issues such as lack of oversight and fear of retaliation could still prevent any change. Female staff members are still part of the criminal justice system, making it difficult for them to hold their colleagues accountable. Without an independent organization to oversee this issue, the cycle of abuse and neglect could persist.

One critical solution to solving this issue would be to establish a non-profit organization led by formerly incarcerated women, who are dedicated to acting as a checks and balances system to ensure the safety and rights of incarcerated women. This organization would focus on monitoring prison conditions and ensuring sexual harassment and abuse reports are properly documented and addressed. This could be accomplished through establishing external oversight to ensure that reports of sexual harassment, physical violence, and neglect are thoroughly investigated and that those responsible are held accountable. Members of this organization would oversee implementing anonymous reporting systems, conducting regular inspections, and reviewing complaints to ensure they're properly addressed.

On top of acting as a checks and balance system, this organization would provide crucial support for women who are dealing with traumatic experiences that impact their rehabilitation. These programs would be designed to address the damage and lasting effects of abusive environments, by providing counseling and mental health resources to women dealing with trauma they experienced while incarcerated. This could be accomplished by providing formerly incarcerated women the opportunity to lead a peer mentorship program, where they can offer guidance and support to women dealing with similar experiences. Additionally, the organization would actively work to push for systemic change by advocating for policy reforms that improve prison conditions and enforce stricter protections against violence in prisons. Having experienced the failures of the prison system firsthand, it would provide others with a personal and credible perspective, making it harder for policymakers to dismiss these concerns. By sharing their personal experiences and exposing the realities of physical and emotional abuse within the prison system, these women would bring authenticity to the conversation that other advocates lack. Beyond all the valuable opportunities this organization can offer, it would also create meaningful employment opportunities for formerly incarcerated women.

## Conclusion

Attention must be brought to this issue as our criminal justice system continues to stay flawed because it further exploits female inmates. Male prison guards continue to hold excessive power and the result of that is an abusive environment where this unchecked authority is often misused to manipulate, intimidate, and exploit inmates. With no effective measures put into place to put an end to this, inmates continue to feel unsafe and unheard. It's crucial to remember that regardless of their status as prisoners, these women are still human beings with rights that must be respected. Incarceration does not equate to the loss of basic human rights, and the failure to acknowledge this only perpetuates the cycle of abuse and neglect. The only way this issue can be solved is by acknowledging the systemic failures and working towards creating organization that actively pushes for change, advocates for the rights of an incarcerated women, and holds the prison system accountable. By demanding accountability and stronger protections, we can begin to create a system that prioritizes rehabilitation over punishment.

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The Inhumane Practices of the American Women's Prison System: Intersectionality, White Supremacy & Trauma

Tessa Olivieri

For the past twenty-two years, the United States has had the highest rate of incarcerated individuals in the world (Fair & Walmsley). Much research is available regarding the inhumane and abhorrent treatment inflicted on male prisoners and male prisons. However, the female identifying inmate population has little government reporting or scholarly reviews on their living conditions and incarceration rates. This lack of attention overlooks the unique challenges experienced by women in the penitentiary system, specifically those subjected to intersectional factors like gender, race, and socioeconomic status. The criminalization of intersectionality subjugates trauma to female-identifying inmates before, during, and after incarceration.

The purpose of this paper is to demonstrate how the United States prison system inflicts inhumane treatment, magnifies physical, psychological, and physiological trauma, and destroys the livelihoods of incarcerated women. How can we set up our Women's American Prison System to be humane and rehabilitative toward its female-identifying inmates, and how does our system currently abstain from these practices?

In this paper, I will discuss the debilitating effects of trauma before, during, and after incarceration; the prejudice against underprivileged women; substandard counseling and therapy in U.S prisons; an examination of the daily life of a typical U.S women's prisoner; and the dangers of mass incarceration.

# DEFINING TRAUMA

In prison, women experience trauma almost daily, one of many aspects of prison that imposes an extreme impact on health. I discuss these traumas in a further section of this paper entitled *Inside an American Woman's Prison*.

The American Psychological Association defines trauma as "an emotional response to a dangerous or frightening event that can be physically or psychologically harmful". It is categorized in three ways: acute "A single stressful event", chronic "Repeated and prolonged events", and complex "Exposure to varied and multiple traumatic events" (California Code of Regulations, n.d.). Trauma chemically changes the brain and its structure.

Our fight or flight response is held in the sympathetic nervous system and is processed through our amygdala and hypothalamus. Our amygdala regulates our emotions, such as fear, anxiety, and joy; our hypothalamus controls basic bodily functions like hunger/eating, sexual arousal, and fight/flight. The sympathetic nervous system is essentially a protective response. It is activated when we perceive a threat or danger and will subsequently use all our body's energy to focus on protecting ourselves (Harvard Health Publishing, 2023). The heartbeat slows down, pupils dilate, the digestive and immune system stops in their tracks, adrenaline and cortisol are spiked, implicit (unconscious) memory takes over, and an emotional response is attached to the event (Miller & Levy, 2020). This emotional attachment overrides rational thought during the traumatic event, and behavior and judgment become skewed. Hence, we use our emotional fear to avoid a certain trigger.

As the activated sympathetic nervous system takes over, it puts the body through exhausting and intense circumstances that, when maintained over a long period, can create *chronic* dysregulation and dysfunction. High blood pressure, a decreased immune system, and increased hormonal and chemical signals are activated and simultaneously become debilitating. They often lead to states of hyperarousal from overpowered higher brain functions and create states of paranoia, irritability, sensitivity to noise and touch, and difficulty sleeping (Miller & Levy, 2020). Triggers, or stimuli that remind someone of their trauma, can make someone believe they are reliving the traumatic event and behave accordingly. With these higher-power brain functions on "overdrive", one can be alert at all times of potential dangers, constantly living in a state of paranoia.

Cognitive functions such as rational thought, patience, critical thinking, attention, decision-making, and self-control become compromised and suppressed. Trauma can take over a person's life, making them unable to find a sense of identity separate from it. Defense mechanisms like dissociation, or detaching oneself from the trauma, is a way to avoid intense emotions like fear or shame, and "avoid a sense of self, detach one from connections, and numb oneself from bodily sensations" (Siegel, 2012). Many women live with post-traumatic stress disorder (PTSD) without knowing it, checking off criteria derived from the Diagnostic Statistical Manual (DSM-5). The DSM is a periodically updated guide created by the American Psychological Association that healthcare professionals use to provide

diagnoses to clients. Criteria for PTSD include exposure to an actual threat and recurrent distressing memories that lead to significant impairment in functioning (APA, 2013). These are the manifestations of trauma that physically and mentally damage their victims.

Therapy, specifically for treating trauma, could help substantially. However, therapy is a service that many communities disengage with due to affordability, cultural differences, and lack of trust. Without mental health services and treatment, their symptoms manifest into severely debilitating problems. The fight or flight response can physically alter one's brain if exposed to traumatic events continuously. For instance, being an overly criminalized individual, living in jail and prison facilities, and exposing oneself to harm and ridicule in the justice system are all examples of trauma. The National Library of Medicine confirms that "Traumatic experiences can change brain chemistry and structure, both of which affect women's ability to respond to behavioral health care interventions and to control their behaviors, leading to poor adjustment in jail and high incidents of misconduct" (Schimmenti et al., 2022). The psychological impact of trauma makes it increasingly difficult to adjust to new surroundings. Especially inherently triggering environments, like jail or prison, which widen exposure to violence, paranoia, loneliness, loud noises, touch, authority, and vulnerability.

Intersectionality is defined as "the interconnectedness of social categories, such as race, gender, class, sexuality, and ability" (United Way NCA, 2024). Women with intersectional identities are more at risk of experiencing traumatizing situations. Events such as adverse childhood experiences can lead individuals down paths of struggle and difficulty, with which they must survive and cope. However, not all children who have experienced trauma will find themselves going down a dangerous path. Issues that develop in children's Microsystems (eg. friends, family, and school) and their Macrosystems (eg. society, authority, and social norms) can continuously negatively impact the child while growing up. Individuals with intersectional identities typically carry many early adverse experiences as they have to fight stereotypes, stigma, discrimination, and abuse. It is the repetitive factor of unstable interactions and structures that can lead children to experience PTSD, depression, and difficulty in learning developmental life skills like trust or self-esteem.

The effects of childhood psychological trauma can look like "chronic hyperarousal, automatic fight or flight responses, stress addiction, and trauma-bonds "(Duffy, 2014). Growing up in a poor household restricts opportunities, treatment, and necessities, and stresses the family. Lack of healthcare/benefits, a safe neighborhood, proper salary, a well-respected job, representation, respect, neutral housing laws, a good education, and the benefit of the doubt are all risk factors for system-impacted and historically oppressed communities. A poor woman of color is exposed to many challenges, hardships, and stigma, being judged three-fold based on the color of her skin, her gender, and her socio-economic status. She experiences the biases of everyone around her and is subject to the criminalization of her identity.

# CRIMINALIZATION OF RACE, GENDER, AND CLASS

Female-identifying inmates, especially those carrying intersectional identities, are statistically more likely to live in poverty. The National Women's Law Center, a non-profit that advocates for women and LGBTQ rights, states, "In 2021, over one in nine women—or nearly 15.3 million—lived in poverty. Poverty rates using the official poverty measure (OPM) were much higher for disabled women, Black, Latinx, and Native women, those born outside of the United States, and families with children headed by a single woman." (National Women's Law Center [NWLC], 2023). A higher number of women are unemployed, homeless, and struggle to have food on the table. These behaviors are highly criminalized and force women to survive treacherous hardships to compensate for their disparities.

With tough-on-crime policies sweeping the nation in the 1980s and 1990s, the criminalization of race prevailed and was enforced by the over-policing of low-income neighborhoods. Oppressed communities were forced to reside in neglected areas, racially labeled as "ghetto." Intersectional identities, like Black women, have historically been discriminated against from participating and thriving in society, and thus generations of marginalized groups have been subjected to poverty.

Jim Crow laws were technically outlawed in the '60s, but racist ideologies still prevailed, and new racist policies like "stop-and-frisk"

emerged (*Terry v. Ohio*, 1968). Stop-and-frisk allowed police to impose body searches on anyone they deemed "suspicious". Overwhelmingly, Black and Latinx people were suspected of being more criminal than their white counterparts, a statistic that still holds true today to the Bureau of Justice Statistics. In the United States, "32% of the US population is represented by African Americans and Hispanics, compared to 56% of the US incarcerated population being represented by African Americans and Hispanics" (NAACP, n.d.).

This criminal trajectory is understood in psychology, criminology, and sociology, yet proactive measures and interception are rarely used to aid these shortcomings. People of color, of poor socioeconomic status, women, and LGBTQ+ communities have been systematically forced into dire living conditions. They have been historically pushed into poor economies and neighborhoods with little resources, and have been prevented from revitalization in work, jobs, education, and housing conditions. Julia Oparah states in her work Feminism and Transgender Entrapment of Gender Nonconforming Prisoners, "Transwomen and men also face insecure housing or homelessness as a result of unstable or under-employment and discrimination by landlords" (21, Oparah, 2012). White Society will purposefully push marginalized individuals into harsh spaces, prevent reconstruction, drive families into situations to make ends meet, and then criminalize the very behavior that supremacists force them into. While living in such harsh environments, many individuals have no choice but to submit to prostitution, drug dealing, robbery, smuggling, or engaging in self-defense to protect themselves from dangers like domestic abuse. In Interrupted Life: Experiences of Incarcerated Women in the United States, Julia Sadbuy explains, "Faced with ever-shrinking options amid these social and economic transformations, women turn to survival strategies that are increasingly racism, gender violence, and sometimes addiction criminalized. Poverty, intersect to create a cycle of survival, criminalization, and repeated incarceration." (3, Sudbury, 2010).

There is a deliberate attack on marginalized communities to set them up for failure. In the courtroom, women often get stigmatized and stereotyped. Angela Davis explores this in Chapter 4 of *Are Prisons Obsolete*? stating, "women who have been publicly punished by the state for their misbehaviors are significantly more aberrant and far more threatening to society than their numerous male counterparts" (Davis, 2003). These sexist views create harsh sentences for incarcerated women, viewing them as more dangerous and threatening to the public as they exceed societal norms. Throughout history, women have been plagued with a false narrative that labels them as overly emotional and sensitive to delusion, depression, and rage. Women of color and women below the poverty line are often taken advantage of in the courtroom for their limited knowledge of the criminal justice system, no access to legal representation, and inability to pay bail. Typically, they gain poor representation and can have a vague understanding of their rights, as the criminal justice system is framed to disadvantage people of color, those in low socio economic class, and women.

In the courtroom, poor women of color aren't given the same respect and advantages that white males and affluent white women have in all aspects of life. As said by Angela Davis in Are Prisons Obsolete?, "Gendered as female, this category of insanity was highly sexualized. When we consider the impact of class and race here, we can say that for white and affluent women, equalization tends to serve as evidence for emotional and mental this disorders, but for black and poor women, it has pointed to criminality" (Davis, 2003). This social system sets these women up for failure, and the court does not account for the repercussions and systematic failures that cause crimes to be committed in the first place. According to the National Bureau of Statistics found that "The incarceration rate for Black women was 3.7 times the rate of white women. The rate for Latinas was 1.5 times more than that of white women" (Law, 2009). It can be next to impossible for poor women of color to get societal support in areas where they see the most adversity. To obtain these necessities, distressed individuals are prone to deviant behavior.

Prostitution, drug dealing, and robbery are often viewed as means to survive. Yet when being punished by the system, there is a villainization of the individual's actions rather than an understanding of their circumstances.

## **INADEQUATE THERAPY**

Public officials have taken away many government-funded college-in-prison programs by Pell Grants, or need-based funding by the government, using the argument that financial aid should be spent on

law-abiding citizens rather than to rehabilitate criminals. Again, with the rise of tough-on-crime policies in the '80s and '90s, the Violent Crime Control and Law Enforcement Act of 1994 was passed, cutting Pell Grants for the prison population, widening criminalization of behaviors, and fueling mass prison construction (Law, 2021). This restriction of funds coincides with the ineffective and subpar programs present in women's prisons, but it is also the environment that limits adequate mental health and educational programs. The structure and culture of a prison do not invite effective therapy or mental health support to its inmates. The defunding of self-help and educational programs creates extensive waitlists for prisoners to sit through, and the programs themselves are lackluster. A personal anecdote of the prison programs in Texas found the class on "parenting consisted mostly of coloring. The anger management class encouraged women to rip pages out of a book and count to ten when they felt angry, but it never encouraged students to explore the underlying violence and trauma behind their anger" (Law, 2021). There are many avenues for therapy. However, those incarcerated should have more intensive counseling because of their high emotional needs. Therapy programs require introspection and proper guidance when working with a population that is distressed. highly traumatized, and separated from their personal environment

It is not just the content that makes these programs inadequate, but the prison culture itself that restricts productive change. The power dynamics, dominating staff, inhuman living, and restriction of rights create untrustworthy relationships and fear between staff and prisoners, and between the prisoners themselves. As reported in a study regarding recidivism and the prison system, "some prisoners noted that the counselors themselves did not seem experienced, or that a sense of confidentiality and trust was never sufficiently established to foster a therapeutic relationship." (FAMM, 2023). Therapy and counseling can only be effective once trust is established, and in its present state, trust can never be built between prison staff and inmates. With other prisoners, the fear of appearing weak or vulnerable is paralyzing. As women open up about their experiences, they become targets, getting "...attacked verbally. Rather than helping the woman process her trauma, they belittled her for her experience and for failing to be a strong Black woman." (Law, 2021). The very nature of prison is to keep a boundary, a line, between those imprisoned and those in charge. Prison staff will reinforce the idea that those incarcerated are not worthy of respect. All inmates must answer to prison staff and guards, and many do not have trust for them at all. Therapy can, in no way, be effective in an institution designed to harm, punish, and restrict people.

In a horrendously ironic way, the place meant for protection and order in society creates even more traumatized and mentally unstable people to be released. The "Findings of vulnerability and emotionality among prisoners as life-threatening emphasize the lack of psychological and physical safety, and therefore the impossibility of recovery from CPT (childhood psychological trauma)" (Duffy, 2014). No progress can occur here for many inmates, especially if predisposed to trauma. Instead, it creates an environment where things like regression or stagnation have a higher chance of occurring.

It's important to realize that the inherent structure of prisons and jails in the United States prevent and restrict genuine change or reform. While some of the needs "addressed by supplementary services could be addressed by ensuring jails function properly (e.g., correctional officers maintain safety among all inmates) or by enhancing integration of external service providers, the aforementioned cultural and structural factors inherent in jails largely prohibit the provision of supplementary services by jail mental health programs" (Bronson & Carson, 2019).

It is next to impossible to find restoration while imprisoned. Even if more programs or therapy opportunities were given, it would not change the culture, environment, or general treatment toward inmates. Evidence confirms this with prison treatment programs failing, being ill effective, and counterproductive while living in such grotesque and bleak conditions. The prison system shows irresponsibility with little attention and improper treatment given to its incarcerated. In an essay titled Notes From the Un Penitentiary: CA Prisoners Denied Medical Care by Linda Evens, she states, "In a routine visit to review compliance with licensing requirements. inspectors found that the facility failed to implement care plans, carry out orders, provide appropriate diets, keep professional records or, doctors' 'ensure that residents were treated with consideration, respect, and dignity," (Evens, 2000). This negligence and obvious apathy for prison inmates reveal the criminal and inhumane ways the prison system itself acts toward the population it "promises" to rehabilitate.

## INSIDE AN AMERICAN WOMEN'S PRISON

Women were placed in male incarceration facilities before 1870 and were subjected to sexualization and sexual abuse by both male prisoners and guards. The gender roles of women being "sexual objects" for men's desire are apparent, as these women have their rights stripped from them and no protection from abuse. As a result, they are often raped and sexually assaulted. Women in these institutions were neglected as they were "incapable of redemption." Women had no rights and could not contribute to the market or capitalistic endeavors. Therefore, they were seen as useless when coexisting with their male counterparts. Elizabeth Fry stated in Observations in Visiting, Superintendence and Government of Female Prisoner, "The neglect of Female prisoners, however, were rarely benevolent. Rather, a pattern of overcrowding, harsh treatment, and sexual abuse recurred throughout prison histories" (Fry, 1818). Many women have been vocal and rageful at this sexual punishment that prison guards inflict. In Chapter 4 of Are Prisons Obsolete?, Angela Davis states, "In 2001, Sisters Inside, an Australian support organization for women prisoners, launched a national campaign against the strip search, the slogan of which was 'Stop State Sexual Assault'." (Davis, 2003). This dominating and traumatizing power that prison guards assert in women's wards holds the same patriarchal and sexualizing view of women being servants of men's needs. That their voices don't matter, their bodies aren't theirs, their rights aren't theirs, they are essentially a vessel for men to fill. These perspectives and treatments toward women take advantage of their marginalized status and inability to protect themselves.

Being an incarcerated woman in the United States today means being strip-searched at the hands of prison guards, getting crammed in with a sea of inmates, and *only* receiving feminine hygiene products like soap or tampons *if* their families can afford them. Back in 1881, women were subjected to torture and abuse in the penitentiary walls, being "subjected to prolonged isolation, physical and sexual abuse, water torture, food and clothing deprivation, forced abortions, and unwarranted surgical operations and experimentations" (Law, 2021). All are being applauded as appropriate reformatories toward the female gender.

Today, in the twenty-first century, incarcerated women still experience most of these injustices and social issues while behind bars, mainly at the hands of prison guards themselves. Reports show, "unprecedented increases in the numbers of people imprisoned, substantial race disparities, poor conditions of confinement, and troubling consequences for individuals, families, and communities" (Heimer, Malone, & De Coster, 2023). Women often become victims of sexual assault and rape, whether it is during a strip search, an examination, or while alone in one's cell. In chapter 5 of Assasta Shakur's autobiography, *Assasta*, she writes, "The women call it 'getting the finger" or, more vulgarly, 'getting finger-fucked" (Shakur, 1987). The strip search involves unnecessary, inappropriate harm to women, touching them while they cannot remove themselves from the situation, and punishing them for fighting back. In Women's detention centers specifically, sexual abuse, assault, and harassment are almost daily experiences. Fear of being harmed or touched is a constant anxiety for women in prison.

Shakur's autobiography shares many anecdotes of the harm women prisoners had to endure daily. Although the autobiography was written in 1987, the anecdotes remain the same for women today in 2025. The objectification and exploitation of females and those female identifying are apparent in the prison system. Prison staff routinely impose ridicule, harm, and dehumanization by taking advantage of women's vulnerability and inability to fight back without punishment. (Wolff et al., 2006). Others will subject their victims to continuous sexual assault, raping multiple inmates, and seemingly getting away with it. This is an urgent human rights and public health issue. Many of these tactics are supported and institutionalized in the prison routine, making many of the women who are brave enough to speak up and report prison staff get penalized for whistleblowing, "incurred write ups, loss of 'good time' accrued toward an early parole, and/or prolonged periods in disciplinary segregation" (Law, 2009) resulting in more harm to the survivor, and no justice served.

Julia C. Oparah discusses this in *Feminism and Transgender Entrapment* when she says, in addition to this initial victimization, transgender prisoners experience secondary victimization when their reports of abuse are ignored or disbelieved" (Oparah, 2012). Female identifying prisoners will get cited for false allegations of their predators, having the system protect the abusers and hurt the victims. There are little to no advocates walking in the prison halls that support or prevent sexual abuse from happening in real time (Law, 2009). It is thought "rape and sexual exploitation are often overlooked or even encouraged by guards, who provide access and impunity as a means of controlling social hierarchies and maintaining order" (Oparah, 2012). Incarcerated women are placed in extremely vulnerable situations with unfair power dynamics, prison guards taking advantage of inmates being voiceless and easily "accessible".

There is also the issue of physical injury and neglect. Violence is invoked on Black incarcerated women that can be deadly. However, no proper justice or inquiry is served for these victims or their families. Assasta Shakur explains this in Chapter 2 of Assasta when saying, "In prisons, it is not at all uncommon to find a prisoner hanged or burned to death in his cell. No matter how suspicious the circumstances, these deaths are always ruled 'suicides.' They are usually Black inmates, considered to be a 'threat to the orderly running of the prison." (Shakur, 1987). If it is not violence, it is extreme physical isolation placed on these women to "maintain order", which is a euphemism for maintaining intimidation and hierarchies of power. Solitary confinement, or "the placement of individuals in locked, highly restrictive and with limited or no human contact and few, if any, isolated cells... rehabilitative services" (National Alliance on Mental Illness, n.d.) is used. Solitary confinement is used as a therapeutic tactic to "re-stabalize" inmates who are mentally unstable or have suicidal ideation. However, this intense isolation creates injurious consequences on inmates' psyches, causing more infringements on their mental health. According to the National Alliance on Mental Illness, "The long-term effect of solitary confinement is devastating. It can leave individuals with mental illness unable to function in correctional facilities and unprepared to successfully reenter communities after their (n.d). The solution for inmates struggling with trauma/PTSD, release" depression, anxiety, or adjustment disorder is to confine them in cells with increased security, and separate them from connection and routine.

These women do not receive proper mental or physical health care while incarcerated. Women get convicted of carrying mental illnesses or having health issues. However, no incentives are present in prison to aid said detriments. Many women, like Asasta Shakur, if too troubling, vocal, or "mentally unstable", are sent to solitary confinement as a result of their "outbursts". Shakur states in Chapter 14 of *Assasta*, "Women came in off the street and were given no physical exam, no tests, no nothing. They had trouble seeing gynecologists and having their most basic needs met, medical or otherwise. Since we were a tiny minority of the prison population, our needs were ignored." (Shakur, 1987). Women experience deadly and extremely painful illnesses with no medication or support.

When someone identifies as a woman but still has male reproductive parts, they are placed in the men's ward and "deny[ed] access to hormones, cosmetics, and appropriate clothing central to her sense of selfhood" (Oparah, 2012). This imposes serious safety concerns and blatantly disregards these inmates' self-identified gender. Restricting someone's medication, whether it is for transitioning, aiding illnesses, or improving quality of life, is a despicable and inhumane practice, showing no accommodations or support for women-identifying inmates. This also places women-identifying inmates in severely dangerous situations, with exposure to violence, exploitation, and sexual assault.

It is perilous to allow maltreatment and negligence in this topic to "Incarcerated women are more likely than their male continue. As counterparts to suffer from psychological disorders, trauma-including physical and sexual abuse-and multiple morbidities" (Schimmenti et al., 2022), lack of healthcare is dangerous and potentially fatal to imprisoned women. We need pap smears, check-ups, UTI checks, breast exams, and if one is sexually assaulted, STD checks, pregnancy tests, and checks for internal harm. When Assasta got pregnant at Rikers Island, she was forbidden to see her doctor, received little to eat, and was in declining health. She stated in her book Assasta, "I also had monilia, a vaginal discharge, which worsened because the Montefiore Hospital doctors assigned to Rikers could not agree about how it should be treated...the whole inside of my thigh was chapped raw from the discharge, and I could barely walk" (Shakur, 1987). The handling of pregnant women is heedless and reckless, proving the prison system does not care about its female-identifying inmates. Prison staff are a large piece of the prison layout. They carry out duties and oversee inmates 24 hours a day. Many of them enforce rules, surveil inmates, inspect cells, do body searches, report on behavior, and transport inmates. (U.S. Bureau of Labor Statistics, 2023). Prison staff showcase their differing roles by how they present. As observed in Pawlychka's research on prison and trauma, prison staff showed "domination, violence, emotional detachment, and correctional officer solidarity that required physical and psychological brutality of prisoners. Prisoner survival depended on the employment of resistance strategies, strategic relationship formation, and further emotional constriction" (Duffy, 2014). Staff carry an authority that is state-sanctioned to keep prisoners "in check", with little to no limitations. Incarcerated women already have no jurisdiction over their time spent in prison, no authority over

their day-to-day decisions, and no tangible rights in the prison system. The only thing they have is their willpower to survive, which is extremely hard to maintain when placed in hostile and threatening situations.

There must be trust earned by prison staff. However, little honesty and integrity can be found between them and the inmates. As stated in an article by Bolts Magazine titled, *Seeking Compassionate Release for Survivors of FCI Dublin*, "It's difficult to imagine a more serious abuse of power than a prison guard who preys on a person whose every action he already controls—her communication with the outside world, her visits with her family; her access to food, supplies, showers, medical care. Federal prison officials allowed this type of abuse to go on unchecked for years" (2024).

Neglect, abuse, and maltreatment are all aspects of the prison system that women must endure. The general conceptualization of prison and its culture validates and supports neglect and punishment to be inflicted upon "criminals." The general notion that "bad", dangerous people will be put away, hidden from society, and are taken care of by the "brave, strong" prison guards of the world is a comforting thought for many.

This neglect and ignorance of what occurs behind prison walls is a part of this mass groupthink within the United States -- this notion that we should not care about prisoners because they do not *deserve* care. Brought on from generation to generation, this fear of "criminals" becomes inherent. We care about our safety, and a lack of empathy or interest in the lawbreaking "other" ensues.

# MASS INCARCERATION

When dissecting the framework of the American Women's prison, we uncover the true premise of its history and backbone – punishment. Punishment continues to be the main strategy to maintain "order" by withholding rights and opportunities from oppressed and marginalized individuals. In such an environment, offenders are not surrounded by supporters and advocates for their well-being. Prison guards, staff, CEOs of private prisons, as well as the Federal Bureau of Prisons, all benefit from prisoners staying in the system through the prison industrial complex. The profit made per inmate fluctuates depending on the state. In 2024, California prisoners are paid \$132,860; in Vermont, the price is \$134,000 (Legislative

Analyst's Office, n.d.). The underlying service that the prison provides is a labor force and a consumer base, and with more inmates in prison, the more profit is made. According to a Public Affairs report published by the U.C. Berkeley, "Prison programs produce goods that in many cases would otherwise come from outside the state while employing the private sector to supply raw materials. Biggest prison products are food, with \$33 million in sales annually; fabrics, \$32 million; paper and wood products, \$30 million; and metal products, \$22 million" (Scalise, 1998). The larger the prison population, the more bodies put to work with little to no pay. The prison population is a major source of labor and profit for many goods produced in the United States, which creates a strong incentive for state and private sectors to support mass incarceration. The true motives of the prison industrial complex are to utilize able-bodied laborers, to gain as much profit from mass incarceration, and to withhold accommodations, benefits, or support from those working. As a result, health concerns increase, harming individuals and creating a low quality of life. No concern is felt for those incarcerated. The courts, the criminal justice system, and the prison industrial complex paint those imprisoned as villains and monstrous individuals, and therefore a restriction or the inability to give healthcare becomes a non-issue.

The criminal justice system's tough-on-crime laws, mandatory minimum sentencing, and zero-tolerance policies create the issue of mass incarceration in the United States. The results are apparent, with America carrying the highest prison population in the world.

A research paper studying trends in women's incarceration rates discovered that "women's federal imprisonment rates increased... 5.2 times or 420% between 1978 and the peak years of women's federal incarceration (2007–2014)" (Heimer et al., 2023). Mass incarceration points out that the prison system does not properly "rehabilitate" or provide adequate resources or opportunities for its inmates. Recidivism rates are high, and issues of mass incarceration branch to a constant revolving door of past convicts, as they are barred from welfare programs, housing assistance, and employment opportunities. This restriction of basic human needs creates a cycle of new traumas and grievances, and the cycle continues.

Long sentences, enforced through mandatory minimum sentencing, create societal death for women. Women are separated from their families and potentially their children, making long lasting impacts on familial income, support, stability, and connection, which can never be restored. It is a fact that "the overwhelming majority of women accused of crime are mothers, and many are single parents. The decisions of the drafters of the Sentencing Reform Act ("SRA") and the Sentencing Guidelines to discourage consideration of family circumstances have a disproportionate impact on women offenders, and their dependents, wholly without penal justification" (Davis, 2002). Single mothers with no support have their children taken away from Them by Child Protective Services and are placed in foster care. Inmates, once released, face discrimination in career opportunities, housing laws, and welfare programs. When a mother files for custody of her child, she must first be employed and housed, both of which are extremely difficult to achieve.

Housing is particularly difficult due to "the scarcity of affordable and available housing, legal barriers, discrimination against ex-offenders, and strict eligibility requirements for federally subsidized housing"(Congressional Research Service, 2007). There is a scarcity of "halfway homes" that inmates can use if available in their location. Even then, the disruption and trauma that can come from reentry to women and their families is astounding as "Family ties play a more significant role in women's offenses, in the likelihood that they will recidivate, and in their chances of rehabilitation" (Davis, 2002). The abuse, maltreatment, and loss of autonomy are not just happenstance for losing constitutional rights. It is a result of a flawed and bigoted system, one that is designed to prevent women, people of color, and the poor from contributing to society.

# CONCLUSION

The radicalization of psychology needs to become more predominant, specifically, how we use the tools, communication skills, research, and ability to understand one another's needs to become more universal towards all demographics, starting from a young age. Psychology is a new science, one that has been subjected to racism and sexism, excluding women and people of color from a plethora of research, studies, and interviews, making many statistical findings only applicable to white men.

A new, more regenerative, radical way of handling studies emerged with the National Research Act establishing the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research in 1974. This shift demands research in psychology to be applied to all demographics and identities, allowing researchers to mend the gaps between oppressed groups and the privileged.

To take advantage of this to the full extent, psychologists, sociologists, researchers, and neurologists need to band together to understand, in-depth, the systematic traumas that are inflicted upon incarcerated communities. With this, there can be proactive change, and proper research can be conducted to institute community changes with adequate support, advocacy, and treatment for those affected by white supremacist ideals. Incarcerated women and their experiences need to be heard. There must be more dialogue about the effects of women's penitentiaries, how they operate, and what we can do to provide more humane practices and provisional measures to end this constant abuse. A potential alternative system start for imploring fundamental needs such as safety, could be a fresh physiological health, rehabilitation, and overall well-being. Until then, research should be conducted in future studies regarding how to aid intersecting marginalized populations, and how to provide proactive and reactive measures to reduce incarceration, traumatic living conditions, and recidivism

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# How Your Time Behind Bars Defines You: The Stigmatization of Incarcerated Individuals

Jasmine Kimbrough

#### Introduction

One of the most universal moral principles that everyone is taught is to treat others the way you want to be treated- also known as the golden rule. This is learned as a child when your teacher is trying to convince you to share your toy with other classmates. When your mother scolds you because you left your friend out in a game of tag. As we grow, our moral values develop in a way that finds the golden rule to become conditional. While you treat others the way you want to be treated, it becomes dependent on your own judgment of character. A significant defining factor on how people are treated is their morality and actions towards other people. Society runs on unspoken norms that cannot be broken without consequences, either in the form of physical punishment or social scrutiny. Not only is the act of murder against the law, but it is also morally wrong in the eyes of the majority. The background of a person with comes with the weight of negative perceptions by the general convictions public. The way in which they are treated in society is illustrated through job, housing, and social discrimination. This will lead into a reflection of how they are viewed by the majority due to social constructs of how people viewed as criminals should be treated.

A study conducted on ex-offenders post-release examined that people with a criminal record are less likely to get a callback from a job. The statistic is even more drastic when comparing Black and White participants, showing even further discrimination based on race (Moses, 2014). Obstacles regarding jobs, housing, and social circles are just few of the many that people struggle with post-incarceration which continues to make it harder for them to transition from prison to society. Jail systems contribute to this lack of transition due to the punitive measures they focus on, leaving people in these systems with no resources or education once they have finished their time. When observing life in prison and the primary stressors, there is a significant amount of loss that an individual faces.

To Sykes, imprisonment is especially painful because an individual's confinement 'represents a deliberate, moral rejection of the criminal by the free community,' where he is not allowed to forget that 'he has foregone his claim to the status of a full-fledged, trusted member of society' (Porter 2018, p. 3).

It is important to note that despite being a free community, trust is something that must be earned in society and can be easily taken away if you do not fit the norm. The process of reentry, which entails leaving prison and transitioning into said free community, becomes a struggle when under social scrutiny. The decreased mental health they experience from confinement along with the lack of social practices causes negative perceptions within society. These barriers contribute to the increasing rates of recidivism, referred to as the risk of a person reoffending due to behaviors against the law. When the United States holds the record for most people incarcerated per capita, you begin to wonder how the country is able to stay in that top spot. Additionally, they are also in one of the top spots for highest recidivism rates in the world with 76.6% of people rearrested after five years (Benecchi, 2021). Not only does this demonstrate the ineffective nature of punitive prisons but also how the various obstacles significantly impact people post incarceration. With the high amounts of people rearrested, reconvicted, and reincarcerated becoming victims in this cycle of abuse within the criminal justice system, how do we start taking preventative action against this?

Holding the label of a criminal comes with preconceived notions about the way they look and act due to the crimes they were punished for. They are viewed as social outcasts that could be a potential danger to the world. The stigma surrounding incarcerated individuals in society is reflected through the discrimination they experience inside prison and social rejection during reentry which perpetuates harmful stereotypes and increases recidivism rates. The struggles they face searching for employment and housing traps them in the cycle of reincarceration due to lack of education and resources with no social support.

#### **Stigma Mechanisms**

Stigma is known as the, "social phenomenon in which labeling, separation and discrimination occur together in a power situation..." (Feingold, 2021). The stigmatization surrounding individuals is the central cause of many health and social inequalities they face post incarceration. The amount of discrimination experienced is impacted with intersections of race, gender, and crime which continues to perpetuate stereotypes surrounding marginalized

groups. The separation people experience from stigma causes difficulties with reconnecting back into their communities which can also affect our society with a shift in social power. We can look at stigma in a broader framework when examining the four stigma mechanisms that happen at different levels: structural, social, and individual.

The first stigma mechanism is known as enacted stigma which refers to experience with discrimination from the outside (Feingold, an individual's 2021). Many people post incarceration face enacted stigma through job, housing, and social discrimination. People formerly incarcerated found job insecurity to become one of their main stressors outside of incarceration due to their record (Porter, 2018). While they tend to be overqualified for jobs, a simple background check negates any experiences they had before incarceration. Having a record becomes their most defining factor during the hiring process due to the distrust and question of morality. When jobs are found, there tends to be limited opportunities in the market for them-leading to instability in finances and no room for growth. This type of stigma can also affect mental and physical health. With chronic stress becoming a significant factor during and post-incarceration, this impacts a person mentally. Prolonged problems to your mental health can develop into physical illnesses over time. Individuals have been neglected when reaching out for help due to the perception of their character while in prison and during reentry. This can lead to feelings of helplessness and social withdrawal due to the lack of a support system. This is most commonly the first stigma mechanism they face which eventually leads into the other three.

Perceived stigma refers to one's belief about society's perceptions on a certain group. In this case, individuals can come to the conclusion that the public tends to not trust incarcerated individuals based on discrimination in the workplace. When assessed, perceived stigma predicted employment rates and hours worked for Black participants but not White participants (Feingold, 2021). While enacted stigma shows the direct example, perceived stigma is the conclusion that comes after the experience of discrimination. Race and type of crime can affect how participants experienced perceived stigma as white participants and violent felony convicts felt a higher level than others.. They begin to feel much more conscious about how they are viewed due to interactions with the public, causing them to become more critical of their identity. At this stage, it becomes difficult for people to reintegrate back into

society due to the harmful conclusions the public has about their character. The emphasis on perceived stigma felt by white participants can be attributed to different attitudes in their community regarding incarceration. People of color have faced overcriminalization for many years yet these ideas are not as common in white communities, causing them to feel an emphasis on the discrimination they experience. They do not strongly identify with their experiences of incarceration due to the lack of connection and knowledge, which furthers the stigma they perceive to be felt a lot stronger. Police brutality is extremely prevalent in Black communities which has normalized the scrutiny they face in both the criminal justice system and society. In contrast, a majority of White communities feel so far removed from fear of incarceration that the feeling of being criminalized is almost foreign to them. It is important to note that this does not measure the amount of discrimination they face but rather their own level of perceived stigma based on past experiences.

The third mechanism is anticipated stigma, defined as the expectations people gain to face rejection from their identity. Harmful coping mechanisms are adopted at this stage from their fears about society and their attempt to process this aspect of their identity. To mitigate attitudes that could be potentially harmful to their mental health, many people tend to utilize avoidance based strategies which furthers social withdrawal from others. This can take the form of pushing peers away and refusing to reach out for help. Feingold (2021) mentions the struggles on an individual level, "The sensitivity to and anticipation of identity-based discrimination may give rise to social withdrawal and decreased help-seeking behaviors (e.g., reduced health care utilization), among other consequences" (p. 550). It becomes imperative for ex-offenders to garner social support during this stage or they face the risk of recidivism due to a decrease in both physical and mental health from social confinement. Stigma relies on attitudes by society, meaning we can shift this narrative around incarceration individuals if they have support from the people around them. This can be as simple as spending time with family and friends in a positive manner to show that they are more than just their criminal record. people struggling both mentally and physically On a higher level, post-incarceration should take the liberty to access health care if applicable which can further social support.

The last mechanism is internalized stigma which is a person's belief about their own character from societal perceptions and attitudes. During this stage, people with convictions may start to question their own morality and trustworthiness based on their past experiences with incarceration. This leads to further social withdrawal and changes in the language when you talk about themselves or other people who were formerly incarcerated. The time a person spends incarcerated could also be a potential predictor of stigma due to in-group dynamics. While internalized stigma is caused by negative and out-group perceptions, these perceptions can change when observing the groups they identify in. People who identify in a specific group tend to think more positively about other members inside their groups rather than out groups. In this case, the longer someone spends incarcerated is correlated with their readiness to identify with other inmates and their prejudice (Feingold, 2021). Internalizing these harmful thoughts about your own character can target your mental health in many damaging ways. You begin to lose control of your own situation which can eventually lead to learned helplessness. This happens when an individual experiences such a strenuous lack of control that they eventually lose the hope and motivation to change their situation. This can either look like a person who stops trying to strive for employment and housing or if someone regresses back to substance abuse and criminal behavior. While the consequences are crucial, internalization can happen from something as simple as a degrading name or label.

# Labeling Theory

The labels and language people use when discussing this subject is important to understand their perceptions and attitudes. Once the label of a criminal becomes part of your identity, the stigma you experience has become internalized. This leads into the labeling theory involved in criminal justice and deviancy groups. The labeling theory predicts the future of people who are formerly incarcerated based on the social scrutiny they face. Their punishments can lead into deviant self concept, social rejection, and deviant groups (Restivo & Lanier, 2015). This theory rose to popularity with criminologists during the 1960s when the civil rights movement was at its peak.

During a time where society felt a period of unrest, many people wondered how the consequences of criminal behavior would affect people within their community. Sociologist Howard Becker emerged with his book, *Outsiders*, which greatly popularized the term labeling theory. His writing argues how deviancy is a social construction based on the reactions of the public (Triplett et al., 2015). Rather than putting the blame of the criminal act on the individual, this puts the blame on societal standards. These labels play a significant part in the way ex-offenders are stigmatized and why these attitudes become internalized.

Labeling theory works in conjunction with the process of increased recidivism rates since the likelihood of incarceration is correlated with experiences of stigmatization. In a study reporting stress related experiences before and after incarceration, many people struggled with finding employment. While race plays a significant role and can contribute to the labeling theory, the type of crime someone is convicted for can affect the way they are perceived. Porter (2018) illustrates this through one man formerly convicted of sexual battery:

It was very hard because they labeled me a sex offender and I did not really know what that meant . . . the ramifications of it. That has definitely affected my health mentally, physically, and everything else because I've had to continually fight just to survive... (p.11)

As mentioned previously, criminalization becomes a significant factor in deciding the outcome of a person's employment. It is hard to be confined to a box of labels without any opportunity to better yourself even if you are striving for improvement. These layers of stigma continue to build onto each other with intersecting identities causing bigger obstacles for people. While being classified as a criminal causes a specific characterization on its own, the status of a sex offender creates a heavy perception that is even harder to escape due to moral outrage among the majority of society and ex-convicts alike. This shows how perceived stigma can contribute to internalized stigma with the use of labels and type of crime.

Words adjacent to criminal, such as felon and prisoner, are known to derive from an unconscious bias and lack of understanding with negative connotations surrounding these phrases. Self-awareness regarding this issue needs more acknowledged by the public due to the normalization of judgement towards incarcerated individuals. The language used is often dehumanizing in many ways, defining their whole character from their experience in prison. The best example of the labeling theory is examining media representation of committed crimes.

News coverage and social media tend to have a more dichotomous view of crime where it is viewed as inherently bad and a reflection of a person's morality. Portrayals of crime become much more skewed when comparing differences on racial bias in the media. We can examine the trends based on the words to describe white and black defendants. Personal and life oriented words are used more when describing White defendants such as father, son, and man. In contrast, Black defendants are heavily criminalized with labels such as arrested, accused, and murder used in stories (Report Documents Racial Bias, 2021). These articles instill implicit bias which is known as the subconscious feelings a person develops due to prior experiences. This can not only affect decision making but has furthered societal perceptions regarding racial disparities. Shifting away from degrading language into more objective or uplifting words can hold a heavy influence in how these marginalized groups are recognized. By using the phrase, 'person who is incarcerated' rather than 'felon' we can change the dehumanizing feelings towards incarceration.

Empowerment is a significant factor in helping people release this stigma which has been internalized from conversations around the criminal justice system (Tran et al., 2018). This is not to say that reporting crimes needs to be centered around positivity, but rather that we need to start using language that is unbiased towards certain groups. The sympathetic language used for White defendants only exacerbate the dehumanization of Black defendants and criminalizes them further.

# **Prison Lifestyle**

Life in prison has proven to be a grueling experience due to the punitive measures taken by prison systems. While the morality of convicts has been put into question by society, we must question the morality of these prison and jail systems to understand the wrongful tactics taken against convicted people. A major reason for why stigma against incarcerated individuals exists is due to the environment during incarceration which greatly affects their mental health and provides no aid into reintegration of society. The main three stressors of incarceration were due to interactions with correctional officers and medical staff along with fear of other inmates. It is noted that in this study done by

Porter (2018), investigating experiences related to stress during incarceration, formerly incarcerated people focused more on social struggles in prison as their primary stressor rather than physical factors. Over 70% of participants in the altercations with the prison staff to be stressful, with a study found their majority of them feeling dehumanized, specifically by correctional officers due to the punitive measures taken. These measures could range from verbal and physical abuse to having certain privileges taken away, such as visitation rights. The intensity of these interactions ignited a fight or flight response for many people in the criminal justice system where they never had the time to relax in their environment. Prison culture is something that can be adopted during incarceration which creates a social hierarchy that people must learn and follow. They must conform to a certain inmate code; all contingent on a person's sentencing, social circle, and interaction with staff. Similar to social hierarchies outside of prison, even gender and the people you surround yourself with can affect where you stand within institutions. The actual outline of this code is not clearly stated as it varies depending on the location and how the institution decides their rules. However, many follow the basic guidelines of not revealing information about another inmate and be respectful to staff but do not 'suck up' to them with a major emphasis on loyalty in your group (Irwin & Cressey, 1962). This means the stigma around inmates starts before they even begin the process of reentry. Connecting back to the in group/out group phenomenon described during internalized stigma, people tend to stick with groups they closely identify with based on criminal ideologies which creates this prison subculture. The social standing you hold outside of prison does not translate inside, however there are parallels. Such as with many societal standards, these unwritten and simply learned as you navigate throughout the rules are community. There is still a hierarchy as the person with the most power, based on their connections and sentencing time, tends to have the most authority.

Prison life causes a remarkable amount of stress onto a person which impacts both their physical and mental health. Physiologically, our brains go through allostasis, during which small stressors permit a baseline of wellbeing to protect your mental and physical health. This helps to maintain homeostasis which is the interaction between chemical and physical systems in your body to have an equal balance. Allostasis is vital for our bodies to function properly under small stressors in our daily lives to prevent the development of physical illnesses. When you experience chronic stress over a prolonged period of time, returning to this baseline proves to be more difficult (Frodl & O'Keane, 2013). The stark differences from a prison environment back to society prevents allostasis from being carried out efficiently. Not only does this take a toll on your mental health but can also put your physical health at risk with increased chances of heart disease, diabetes, and much more. One of the many obstacles people deal with post-incarceration includes finding the proper medical help. With financial instability becoming a factor along with discrimination from healthcare and counseling services, this only adds as a risk of recidivism.

The extensive time away from their community along with their offending and incarceration experiences have shaped their character greatly; reintegration to society becomes a strenuous process at this point. The disruption to their baseline of stress can lead to unhealthy coping mechanisms to stimulate their fight or flight reactions that provide comfortability during prison.

This prison lifestyle is their way of adapting to life after incarceration in order to navigate society. Their ways of adapting could include habits they developed in prison, choosing likeminded social groups, and practicing substance abuse. Accounting for the stressors people experience in prison, these can greatly impact the way a person thinks and functions in their daily life. From eating food to making their bed they have had to make many adjustments in prison that carry over post-incarceration. This provides more support in a stark transition to unfamiliar environments despite the absence of these stressors after prison. Not only does this prison lifestyle risk recidivism, but it contributes to the surrounding stigma due to stereotypes regarding drug use and violent behavior which have the potential to be carried out.

This risk of recidivism can be prevented through criminal desistance which is defined as the absence of criminal activity, leading to a decline in reoffending. It is important to note that criminal desistance is not an event that happens such as recidivism but rather the absence of an action which is prevalent over time. The most common reason for this event is due to aging, rates of criminal offenses decrease as age increases (Laub & Sampson, 2001). New lifestyle changes along with social support can promote healthy habits, decreasing the likelihood of reoffending. There are lifestyle choices made to further improvement, including the search for employment and housing. Many people find the most hope in change directly after release, with promises of a bright future and long term goals. LeBel and Maruna (2012) mention these goals to provide a connection between formerly incarcerated people and the general public: For example, Helfgott (1997) found in her study in Seattle, Washington that former prisoners' most common long-term goals were to own a home, to establish a career, to be self employed and to own a business, to obtain an educational degree, to be able to help their children financially through college, and to have a 'normal life' (16). (3) While the stigmatization of formerly incarcerated people creates a barrier between them and society, their expectations outside of prisons demonstrates a common link to close their polarizing perceptions. The obstacles faced trying to achieve their goals are unique to their own experiences, with their starting line being a lot farther than the average person due to their identity being connected to crime.

# **Stigma Reduction**

In order to enact stigma reduction and assist formerly incarcerated people who are struggling with re-integration, we must focus on providing education during and post incarceration to aid with reentry and among the general public to normalize incarceration. When observing the stigma mechanisms, these have been put in place because the experiences people have gone through are not common among society. Their morality has been put into question because they committed an act that led to a punishment- something that is taboo to the average person. If we had more conversations around incarceration, the stigma surrounding them and the use of the harmful labels would be reduced. We can also reduce recidivism rates by offering resources post-incarceration for people that need guidance. "...community- and school based diversion and intervention programs could successfully divert first time offenders from further encounters with the justice system" (Restivo & Lanier, 2015). This can be especially helpful for adolescents and marginalized communities because they are the most likely to suffer from increased recidivism rates and discrimination.

The act of stigma reduction puts an emphasis on empowerment of oneself, hope for the future, and meaning in life by recovering physically and mentally from incarceration. The obstacles people struggle with consisting of employment, housing, and substance abuse must be first addressed on their road to recovery. Barrenger et al. (2020) expands on this idea with an approach on recovery and mental health- emphasizing the autonomy they can gain from employment and the positive effects. Depending on their job, it can allow for more stable social support among their peers aiding in their journey on substance abuse and financial stability, which can contribute to their housing crisis. The act of assisting people during reentry must start before they even leave correctional systems. The stressors illustrated previously take a significant toll on their mental health, extracted from the punitive measures taken by prison and jail systems. By focusing on more rehabilitative practices such as behavioral interventions, education, and substance abuse treatment this can make the transition one step easier for incarcerated individuals before they are even released.

#### Conclusion

The stigma that incarcerated individuals face is reflected by their experiences both inside and out of prison, leading into a cycle of recidivism due to social rejection and lack of resources. The four stigma mechanisms illustrate the barriers they can face from jobs, housing, and social circles which perpetuate negative stereotypes, further magnified by racial disparities. The last mechanism, internalization, leads into the labeling theory to promote conversation around incarceration. This theory leads into predictions about the future of people in the criminal justice system based on surrounding societal perceptions. By observing life in prison we can understand the potential obstacles transitioning into reintegration. Taking preventative measures against Recidivism includes criminal desistance and stigma reduction. There is an emphasis on providing education for both the general public along with formerly incarcerated individuals in order to promote stigma reduction and provide resources to gain success with searching for employment and housing. Recovery for formerly incarcerated people is not a linear journey but with the steps in the right direction, we can negate the stigma surrounding them with successful reentry. The hope society holds for them and for themselves can be uplifted if they find outlets outside of correctional systems to help them with their physical and mental health. The golden rule that we learned so young can finally be carried over into adulthood to tear down degrading social constructs and allow people to be free from a confined box.

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# No One Left Behind: Black Feminist Abolition as The Heart of Penal Abolition and Critical Criminology

Danielle Key

## Introduction

In March of 2012, Marissa Alexander-a 29-year-old African American mother of three—was convicted of three counts of aggravated assault with a deadly weapon, for firing a warning shot in a confrontation with her estranged abusive husband, Rico Gray. The incident happened on June 31, 2010, when she returned to the home she shared with Gray, to collect some of her belongings. Marissa was finally leaving Gray and was gradually moving out of the house, but like most domestic violence victims, she could not tell him that she was leaving him. However, Gray unexpectedly shows up at the house and gets jealous after looking at text messages on Marissa's phone and starts to threaten to kill her. Scared for her life, Marissa ran to her car to leave, but the garage door was broken. She then grabs her gun from her glove compartment and shoots a warning shot to scare her abusive husband away. Marissa explained to the police and the court that she fired the warning shot in an act of self-defense, which under Florida's stand-your-ground law she has the right to do. Florida's stand-your-ground law indicates that people can use deadly force if they are in danger. Since her husband had past arrests for domestic violence and in 2009 he beat up Marissa so badly that she had to get a restraining order against them. Marissa had no reason to doubt him when he was threatening her life. However, even though this clearly was an act of self-defense, the judge rejected her effort to invoke this law (Jeltsen, 2017). Despite the fact that she had no criminal history and no one was harmed or injured, she was sentenced to a mandatory minimum prison sentence of 20-years.

Her sentence came from the *10-20-Life Statute*, which states that regardless of mitigating circumstances, if someone is convicted of an aggravated assault in which they discharge a firearm, they must be sentenced to 20 years in prison (Cohen, 2024; *FLORIDA'S "10-20-LIFE" LAW*, 2024). In Marissa's own words, "You'd think that kind of sentencing is intended for violent offenders who use guns while committing crimes, not somebody who is protecting herself" (Amber, 2015, p.3). Being a Black woman in this country does not mean we have the right to defend ourselves. If we did, Marissa Alexander would have been protected instead of criminalized.

At the same time, on February 26, 2012,—which is a month before Alexander's conviction—George Zimmerman shot and killed unarmed 17-year-old Trayvon Martin. Trayvon Martin was an African American teenager who went to a store near his father's home simply to get Skittles and iced tea. It was on Martin's way back to his father's house when George Zimmerman murdered him and claimed it was self-defense. Zimmerman called the police before he shot Trayvon. He explained to them that the neighborhood had some break-ins recently and he saw a suspicious guy who "looks like he's up to no good or he's on drugs or something" (Listing, 2017). He tells them that "this guy looks like he's up to no good or he's on drugs or something" (Listing, 2017). He tells them that "this guy looks like he's up to no good or he's on drugs or something" (Listing, 2017). He further explains that the guy is black with dark clothes and has something in his hands. The operator then tells him that they have police officers on the way and instructs

Zimmerman not to follow Trayvon. They specifically told him "We don't need you to do that" (Listing, 2017). Despite the operator's instructions and despite the fact that police were on the way, Zimmerman says under his breath "These assholes they always get away" (Listing, 2017) and then he shoots Trayvon. Zimmerman was fully acquitted of all charges under Florida's "stand-your-ground" law on July 13, 2013.

Both Marissa Alexander and George Zimmerman claimed self-defense. Alexander claimed self-defense for firing a warning shot that did not hit anyone at the ceiling. She fired the warning shot because her abusive husband was threatening to kill her. Zimmerman was claiming self-defense for shooting and killing a 17-year-old black boy named Trayvon Martin. To our criminal legal system, Marissa Alexander and Trayvon Martin are threats to society. Therefore, Marissa had no right to defend herself, and Trayvon was only entitled to live the first 17 years of his life. In an interview with ESSENCE, Marissa Alexander explains her story and says, "All I wanted to do was gather my things and get out of the house" (Amber, 2015, p.3). How can our system look Marissa Alexander in the eye and tell her that she has no right to defend herself against her abusive husband and lock her up for two decades? How can Zimmerman and Marissa have different outcomes under the same law in the same exact state? How can the court agree with Zimmerman that he had every right to use deadly force against an unarmed 17-year-old Black boy? How can our system see Zimmerman's actions on February 26, 2012, as an act of justice? We are led to believe that our criminal legal system is here to protect its citizens, but these cases show the complete opposite. This system criminalized a victim of domestic violence defending herself. This system also completely justified a 17-year-old being murdered. Therefore, these cases explicitly show that our criminal legal system believes that black lives do not matter.

Unfortunately, Marissa Alexander's case is not unique and neither is Trayvon Martin's death. Our criminal legal system has always perceived black bodies as disposable. As a Black woman myself, Marissa Alexander's case shows me that I cannot expect our criminal legal system to protect me when I have to be protected. I should expect to be ignored and criminalized by our criminal legal system, just like Marissa Alexander and millions of other Black women in this country. This is the motivation and reality that Black feminist abolitionists have. It scares us that we live in a country that picks and chooses if we should be protected. Therefore, this system can not be trusted and can not be reformed, it must be abolished.

Reform and abolition are not interchangeable terms. The point of prison and police reform is to make prison and police tactics more humane. Reformers accept the criminal legal system as a legitimate and necessary institution for reducing harm and keeping people safe. They ignore the fact that after slavery was abolished the criminal justice system was used to control Black people. At the time, Black males were imprisoned for things like not signing slave-like labor contracts with plantation owners and looking the wrong way at a White person (Saleh-Hanna, 2008). Our criminal legal system was built to target Black people, women of color, and poor people. Therefore, prison and police abolition completely rejects the criminal legal system altogether because police and prisons are oppressive systems. Abolitionists do not trust any oppressive system because oppression requires inequality, control, and domination to maintain control. All prison reform and police reform does is reform oppression, it does not abolish oppression. Therefore, reform actually creates more harm, instead of reducing harm, because reform actually makes the criminal legal system stronger and more oppressive. By putting police more in marginalized communities than they already are, continuing to make long and harsh prison sentences, and 'getting hard on crime,' we are just making the oppressive system more oppressive. Since abolition completely rejects the criminal legal system-which includes police and prisons-it demands we have complete alternatives. In other words, abolition demands oppression to be completely abolished from society. Furthermore, abolition demands that we create a society where oppression is not even possible. Therefore, abolition is the only solution.

Abolition is far impossible because dismantling oppression is possible, we just all have to be committed to it. A society that uses oppression is a society that believes in inequality. Abolition is always on the side of freedom. Black feminists have spoken about how the criminal legal system must be abolished for decades. We have always shared the experiences that we have with the criminal legal system. We have also, always had an extensive amount of evidence that the general public and fields like mainstream feminism, critical criminology, critical psychology, and others just have not been listening. Therefore, in this essay, I review Black feminist literature, the voices of the forgotten, to explain why the criminal justice system must be abolished, to explain what abolition looks like, and to show that Black women have been doing abolition work for decades.

## **Post-Slavery Institutions**

When you look at the criminal legal system from a historical anti-black racism lens, it is clear that the oppressive system of white supremacy is built into the U.S. punishment system. Black feminist abolitionists argue that the United States has never had a justice system because our criminal legal system is inherently an oppressive system. When the United States was being created, slavery was the dominant way Americans made the most money while doing little to no labor. Since Black people were enslaved, they were only a part of physically building this country, while white people ideologically and structurally created it. White people created the laws, and the social norms, and Black people were completely excluded from the conversation. Furthermore, even though the 13th Amendment prohibits forced labor it does not prohibit white supremacy, and white supremacy continued to be the social norm after slavery was abolished. In other words, the 13th Amendment abolished slavery but did not abolish white supremacy. This allowed post-slavery institutions to be created, which are institutions that rely on controlling black people and use racist practices and ideologies to justify controlling Black people.

Examples would be lynching and segregation because both came about after slavery and both are racist institutions.

To clearly illustrate how prisons and police are inherently racist institutions we must look at the history of the U.S. punishment system. According to Davis (2003), the post-Civil War evolution of the U.S. punishment system was a literal continuation of a slave system, which was longer legal in the 'free' world. Before slavery was abolished, the prison populations were mainly white because black people were being controlled by slavery. After all, only people who had rights go to prison and slaves had no rights to anything. Slave codes controlled every aspect of slaves' lives. According to Slave Codes, slaves had to do whatever their masters told them to.

They made it illegal for slaves to learn how to read and illegal to get any kind of education. What, when, and how enslaved people ate, wore, worked on, spoke to, etc. was controlled. If slaves broke Slave codes, since they had no rights and were not even considered humans, they would be punished, by physical abuse or withholding things from them like food, sleep, etc. Immediately after slavery was abolished, instead of making a plan to uplift freed slaves as American citizens, the southern states were determined to develop a criminal legal system that could legally restrict and control freedom for newly released slaves.

Now that the institution of slavery was illegal black people were a part of the "free" world. Slave Codes became Black Codes. Black Codes were crimes that only applied to Black people. Therefore, the true crime was being black. Since the laws under Black Codes were re-articulations of Slave Codes and were used to imprison black people, criminal legal penalties became inherently racialized. For example, vagrancy was illegal under The Mississippi Black Code, but only for black people. This was due to the fact that newly freed slaves usually were unable to secure jobs, and the fact that, at the time, black people were not able to afford secure shelter and resources. Furthermore, black people were constantly in social situations where they had to steal because even though they were free they lacked access to everyday resources. Davis states that this "was the transformation of petty thievery into a felony" (p.33). After all, white supremacy was still at its prime long after slavery was abolished, so freed slaves could not just walk into a store to buy something even if they had money. They had to be very careful, not because they were criminals, but because society perceived them as criminals. Black people were criminalized for literally living and for surviving. Therefore, Davis argues that whiteness operates as property because "rights, liberties, and self-identity were affirmed for white people, while denied to black people" (p.30). This explains our system's long and continued use of racial profiling which we still see to this day.

Also, as black people were being integrated into southern penal systems, during the post-slavery era, "the penal system became a system of penal servitude" (p.31) because the punishments that were used with slavery

were being deeply incorporated into the penal system. This led to Black people being the prime targets of the developing convict lease system and chain-gangs as a reincarceration of slavery, due to slave punishment and work being the norm in the prison system and attributed to black people specifically. Many scholars actually argue that the convict lease system was worse than slavery. Since, slaves were their slave owners property the survival of each of their individual slaves was valuable. Their slaves were represented as significant investments. However, convicts were leased out as groups instead of as individuals, "and they would literally be worked to death without affecting the profitability of a convict crew" (p.32). Although the convict lease system was formally abolished, its exploitative structures have resurfaced through privatization and, more broadly, in the widespread corporatization of punishment that has fueled the growth of the prison-industrial complex. This matters because the same systems that once profited from Black suffering and forced labor have simply evolved rather than disappeared. Today, corporations profit from mass incarceration, and Black people - especially Black women - continue to be exploited and criminalized within a system designed to control rather than support them.

Ruth Wilson (2007) builds on this argument by providing a detailed economic and political analysis of prison expansion in California. Gilmore doesn't just describe prisons as racist structures; she explains exactly how economic conditions produced their growth. She identifies four surpluses --land, labor, capital, and state capacity — that converged to create a boom in prison construction in California. As rural economies collapsed and military bases shut down, the state used prison building to absorb this surplus, turning incarcerated people into commodities. Gilmore introduces the concept of "organized abandonment," where communities, particularly poor Black and Brown communities, are systematically stripped of resources like jobs, healthcare, and education. Once abandoned, these communities are policed and incarcerated under the guise of managing social problems the state created. For Black women, this abandonment is compounded by both race and gender. They are seen as undeserving of care and protection, and when they resist or survive violence, they are criminalized rather than supported. Gilmore's work makes it impossible to see prisons as anything other than mechanisms for managing the crises of capitalism by caging the most vulnerable. Reform efforts, she warns, only create new ways to repackage these surpluses, often building more "humane" cages instead of addressing why cages exist at all. Gilmore's analysis

demands that we connect abolition to a broader economic vision: one that dismantles the systems of abandonment and exploitation that make prisons profitable.

Davis (2016) pushes these arguments onto a global stage. In this collection of speeches and essays, Davis draws connections between state violence in the United States and settler colonial violence in Palestine. She argues that the militarization of police forces in Black communities mirrors military occupations abroad, and that abolitionist movements must be internationalist in their vision. Davis discusses how the Ferguson uprising and global solidarity movements reveal that carceral systems are not isolated; they are part of a global network of policing, surveillance, and punishment. For Black women, the intersections of racism, sexism, and imperialism mean that their struggles are often rendered invisible. Davis emphasizes that abolition is not only about ending prisons and policing in the U.S., but also about dismantling militarism and colonial control globally. She challenges us to think about abolition as an ongoing practice of solidarity and resistance against systems that profit from oppression and death. For Black women, this global perspective matters deeply. The erasure of Black women's experiences within carceral systems is part of a larger pattern of disposability that spans borders. Abolition, Davis insists, is about creating a world where no one is expendable.

Crenshaw's essay *We Must Center Black Women* (2021), in *Abolition for the People*, focuses specifically on how the carceral state devalues Black women's lives. Crenshaw highlights the case of Breonna Taylor as a painful example of how Black women are both targeted by state violence and erased from public conversation about that violence. The #SayHerName campaign emerged because Black women are often forgotten in narratives about police brutality, and Crenshaw insists that this is not accidental — it is systemic. She also points to the case of Marissa Alexander, a Black woman who was criminalized and imprisoned for defending herself against an abusive husband. These cases show that Black women are seen not as victims but as perpetrators, even when they are fighting for their own survival. Crenshaw argues that this erasure and criminalization are the direct result of the "perfect victim" narrative — a narrative that Black women can never fit. The carceral system depends on this failure to see

Black women are worthy of protection. Crenshaw's work challenges any reformist agenda that fails to center Black women's experiences. Abolition, for Crenshaw, is not abstract; it requires intentional work to make Black women's lives visible, valued, and protected outside the reach of carceral logic.

Together, these works show that prisons and policing are not broken institutions that need fixing — they are functioning exactly as designed. They are the afterlives of slavery, tools of racial capitalism, and mechanisms of organized abandonment. For Black women, these systems mean living in a world where survival itself can be criminalized. Reform cannot address the root problem because the root is rotten. Abolition is the only path forward — not just tearing down cages, but building new worlds where care, community, and collective safety replace punishment and control.

#### An Intersectional Lens: Abolition-Feminism

Black feminist abolition insists that the criminal legal system cannot be understood without examining how multiple systems of oppression intersect to criminalize survival. Kaba (2021) asserts that the system weaponizes anti-Blackness, patriarchy, and classism to punish those who are forced into situations where harm becomes a means of survival. Kaba explains that Black women are never afforded the benefit of innocence; when they defend themselves, they are punished more harshly than their white counterparts. Her work underscores that the more marginalized a person is, the more vulnerable they are to violence and criminalization. Richie (2012) builds on this by exposing how Black women survivors of intimate partner violence are betraved by both the state and mainstream feminist movements. Richie argues that while white feminists often rely on carceral solutions, Black women are disproportionately harmed by those same solutions. She shows how Black women calling for help are met with arrest, and how their experiences are ignored in policy conversations. Richie centers the voices of Black women who have been criminalized for surviving, calling for a feminist movement that refuses to partner with the carceral state.

Thuma (2024) situates these realities in a long history of abolitionist feminist organizing. Thuma documents how Black, Brown, and queer women resisted carceral feminist frameworks, building community responses to violence that rejected state intervention. Her work emphasizes that these grassroots movements developed models of transformative justice long before they gained academic attention. Thuma's history affirms that Black feminist abolition is not new but part of an ongoing legacy of collective resistance and care. Davis, Dent, Meiners, and Richie (2022) unite these arguments in a collective declaration that feminism and abolition are inseparable. The authors show that any feminist movement that does not confront carcerality will perpetuate violence against the most marginalized. Their work demonstrates that abolition-feminism centers those who are most impacted by state violence—Black women, trans women, poor women—and prioritizes solutions grounded in community, rather than state punishment.

Carruthers (2019) demands that intersectional abolitionist movements elevate Black queer and trans leadership. Carruthers critiques respectability politics and insists that liberation must be grounded in radical love, joy, and collective healing. Her work echoes the voices of Black women who have long said that safety cannot come from systems built on their destruction. Kendall (2020) reinforces that intersectionality cannot be rhetorical; it must address material needs. Kendall's critique of mainstream feminism shows that ignoring poverty, food insecurity, and housing instability is a betrayal of marginalized women. She reminds abolitionist movements that without addressing these material conditions, calls for justice remain hollow. Together, these works amplify the voices of Black women demanding that abolitionist struggles be intersectional and collective. The criminal legal system criminalizes survival, and only through centering the experiences of the most marginalized can true justice and liberation be achieved.

# We Transformation Society Collectively Never Individually

Abolition is the only answer, but abolition takes everyone, not just a small group of people. Black feminist abolition insists that transformation is only possible through collective action that challenges carceral thinking at every level. Herzing and Piché (2024) makes clear that abolition requires collective, systemic effort rather than individual reforms. They detail how communities must be mobilized to build accountability structures that challenge disposability and punishment. Their analysis focuses on how abolition is both a structural change and a cultural shift that relies on dismantling carceral logics embedded in everyday life. Cullors (2022) extends this argument by providing practical frameworks for abolitionist organizing. Cullors emphasizes that abolitionist work requires radical vulnerability, intentional practice, and a commitment to cultivating community care. She highlights how interpersonal transformation —

learning to respond to harm without punishment — mirrors and supports the political work of dismantling carceral systems.

Brown (2020) adds another dimension to this discussion, addressing the internal dynamics of movements and the dangers of replicating carceral punishment through call-out and cancel culture. Brown challenges abolitionists to embody transformative justice in every aspect of their organizing, refusing to dispose of people who cause harm but instead holding them accountable in ways that foster growth and healing. She calls for collective processes that reflect the values of abolition, emphasizing that true transformation occurs when entire communities are invested in each other's well-being and growth. Together, these works show that abolition is not something carried out by a few leaders but requires sustained, collective participation by entire communities. The movement demands an intentional restructuring of relationships, daily habits, and political structures that reject state violence and center collective liberation.

## Conclusion

The voices of Black women have spoken clearly, repeatedly, and with urgency: the criminal legal system was not built to protect us, and it cannot be reformed into something that will. Across history and scholarship, the evidence is undeniable — Black women's survival is criminalized, their voices erased, and their communities targeted by carceral systems designed to control rather than care. Black feminist abolition is not a theoretical exercise; it is a roadmap created by those who have been most harmed by these systems and who have dared to imagine something better. This essay has drawn from the work of Black feminist thinkers who refuse to accept incremental reform or surface-level change. They demand that we listen — not passively, but actively. Listening means taking Black women's experiences as central, not peripheral. It means understanding that the intersections of racism, sexism, classism, and transphobia are not academic concepts but lived realities that shape who gets to survive, who is punished for surviving, and who is deemed expendable by the state.

The call to action is clear: abolition is the only answer. But abolition cannot happen in silence or through the work of a few. It requires collective commitment to building new systems of care, safety, and accountability. It requires unlearning punishment, resisting disposability, and centering the voices and leadership of Black women. We must reject carceral feminism, reject superficial reforms, and refuse to look away from the violence that the state continues to inflict on Black women and their communities. To scholars, policymakers, organizers, and every person reading this: you are called to listen to Black women and to act on what you hear. Our voices are not new. We have been speaking, writing, resisting, and building. The question is whether the world is finally ready to hear us — not as footnotes or exceptions, but as the central architects of a future where liberation, care, and justice are possible. The time for listening, learning, and acting in solidarity is now. The future we need is already being imagined and built by Black women; the rest of society must follow their lead.

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Fostering Harm On Campus: The Shortcomings of Carceral Responses to Sexual Harm Within Institutes of Higher Education

Eli Lehrer

#### Introduction

Is every student who commits sexual harm an irredeemable "bad actor" who *must* be disposed of in order to keep other students safe? There is an understandably deep social drive to find threats and kick them out - in college environments, expel them. Yet Institutes of Higher Learning (IHEs) are uniquely situated to be able to educate young people, many of whom are newly making the transition from their formative households. Unfortunately, many students have found that college campuses not only host sexual harm but foster it. While carceral narratives commonly depict college predators intentionally hunting women, this paper will show that the harm occurring is often much more complex and frequently unintentional, embedded within wider campus patterns of sexual harm. Nevertheless, IHEs tend to approach each report as isolated, triggering a decision around who gets to continue their education and under what limitations. In doing so, they are - inadvertently or not - taking a moral and political stance in favor of a culture of incarceration embedded within these institutions decades ago. This carceral approach is demonstrably ineffective for protecting students or easing the pain of students who have been harmed, and works directly against the mission of IHEs to educate young people. This paper examines how adherence to outdated narratives, inadequate preventative education, and inadequate institutional support for students affected by sexual harm all accumulate to contribute to a broader culture of systemic - but avoidable - campus sexual harm. By working within a carceral model, IHEs foster sexual harm on their campuses while claiming to prevent it.

# **Theoretical Framework**

This paper is written from an anti carceral, abolitionist, nonviolent, and intersectional feminist framework, built upon my academic focus on Restorative Justice, and grounded in my own personal experience. Each of these terms represents an intellectual tradition that is nuanced, diverse, and consisting of internal debates and discussions. As such, a comprehensive review of each is beyond the scope of this paper. In this section I offer general descriptions and highlight key insights to be learned from each tradition, as well as brief insight into my own personal history with this topic, to enable the reader to comprehend the lens through which I interrogate IHEs in following sections.

### Anti-Carceral

In general terms, anti carceral frameworks encompass a scholarly and political orientation that is fundamentally opposed to the carceral state. These frameworks oppose responses to social harm centered on prison, policing, and punitive jurisprudence because–among other reasons– these systems retraumatize victims, violate the rights and dignity of the accused, and do not produce real, social justice.

An anti carceral scholarly/political position encourages me to view, for example, IHEs as part of the school to prison pipeline. It reveals how the historical emergence and contemporary organization of IHEs make clear that they are inherently colonial institutions/projects. Lastly, the anti carceral position enables me to recognize how my focused project on sexual harm on IHE campuses does not operate in a vacuum. On campus policies pertaining to expulsion, for example, are inherently connected to off-campus social issues including recidivism, homelessness, and mass incarceration.

# Abolitionist

Abolitionist frameworks encompass a scholarly and political orientation seeking to abolish policing and prisons. These frameworks view policing and prisons as irrevocably rooted in colonialism, racism, and slavery, responsible for countless individual murders as well as the systemic abuse of marginalized communities. Abolitionists aim to formally end these institutions in their entirety, dismantling them on a societal level and replacing them with systems of social and community support offering true justice.

An abolitionist scholarly practice encourages me to interrogate the normalization of campus police forces. It enables me to consider campus police presence and carceral policies in context of the historical and current policing and incarceration of college students, particularly BIPOC students and those involved in political activism. Abolitionist frameworks lead me to question policies routing mental health crises to campus police despite high rates of police abuse and murder of disabled individuals. Lastly, an abolitionist perspective begins to reveal the ways in which campuses prioritize the safety and comfort of certain students, while others may experience more fear of potential harm with a police presence on campus than without.

## Nonviolence

In general, nonviolence frameworks encompass a range of practices seeking to achieve justice and repair harm through nonviolent means. These frameworks view violence as a tool antithetical to justice and healing, and seek ways to protest or diffuse situations peacefully without allowing avoidable harm to oneself. People may apply nonviolence to collective action or to interpersonal communication, where a nonviolent approach would take the form of seeking to understand rather than attack or defend when something hurtful is said.

A nonviolence oriented scholarly/political practice encourages me to view those who cause harm as those who have experienced it, revealing wider implications about students who cause sexual harm. This lens helps me ground student behavior within a greater understanding of social harm and trauma patterns, and look for ways to heal trauma rather than perpetuate it. It suggests a need for trauma-informed approaches, and that helping offenders take accountability for the harm they've caused may include helping students deal with their own experiences of sexual harm or having their bodily autonomy violated.

#### **Intersectional Feminism**

Intersectional feminist frameworks encompass a feminist tradition seeking to acknowledge the entirety of the feminist experience rather than just to build a better world for upper class white women. These frameworks aim to consider not only the various ways that women may be marginalized in society, but also how the intersections between those various roles and identities create unique needs and circumstances.

An intersectional feminist scholarly/political practice leads me to consider what unique needs and circumstances are going unnoticed and unmet on campus, both in relation to sexual harm and otherwise. It encourages me to interrogate the architecture of the college experience, to question who the processes, norms, and even building design feels natural to - versus who needs to adapt - and how that may negatively impact students or make them vulnerable to harm. Lastly, an intersectional feminist perspective reveals how non-intersectional feminism may be weaponized against students both on and off campus, in sexual harm contexts and otherwise.

#### **Restorative Justice**

This paper is also significantly informed by my academic focus on Restorative Justice, a large range of practices rooted in global, historical Indigenous traditions that seek to restore relationships between those who have caused harm and those who have experienced it. Crucially, these practices seek to discover and address the root causes of harm to ensure it does not reoccur, rather than to justify or excuse harm. Application of Restorative Justice practices hold great value and promise for shifting IHEs away from punitive methods of control and towards a framework that emphasizes education, including as a response to harm.

There is a broad range of scholarship addressing how IHEs can and have successfully integrated Restorative processes, from case studies to examinations of Title IX compliance. With an academic conversation so thoroughly supporting Restorative practices within the IHE context, I focus my attention in this paper on examining how the carceral mechanisms IHEs currently depend on cause harm and work against their missions to educate students. I touch only briefly on potential ways that IHEs could improve student experience when relevant, with suggestions including but not limited to Restorative Justice practices.

#### **Personal Experience**

Lastly, this paper is grounded in my own personal experience as a queer survivor of multiple campus assaults. I know firsthand how harmful sexual assault can be, as well as how harmful the process of reporting campus assault can be. In full transparency, this paper is also grounded in my experience inadvertently committing sexual assault while in college and engaging in an informal (and successful) reparation process with the woman I harmed, who is now my wife. My time engaging in an ongoing repair process with her, processing and writing about the times I was assaulted, and speaking with peers who experienced sexual harm on campuses led me to realize how little those experiences reflected the scenarios we had been warned to watch out for. Even the students who assaulted me intentionally did not lure me away to do so - nor did I necessarily want them expelled. These experiences and feelings were mirrored by most of the people I talked to. This led me to research sexual harm prevention on college campuses, with the intention of exploring the

underlying systemic issues contributing to that lived disconnect between what we had been taught versus our lived reality.

To summarize, I draw from the diverse intellectual traditions and political orientations of anti carcerality, abolitionism, nonviolence, intersectional feminism, Restorative Justice, and my own lived experience to build the theoretical framework being employed in this paper. Together, these perspectives enable me to view IHEs as sites of power where historically-rooted forms of violence and inequality - including ideologies of targeting, detention, punishment, and incarceration - are reproduced, reinforced, and reenacted at a systemic level, even when the coursework itself challenges those ideologies. These perspectives also enable me to view IHEs as sites of education and social formation where these ideologies can and should be challenged.

# **Historical Context**

The anti-violence feminist movement of the late 20th century made important strides towards public recognition of and decrial against violence against women, particularly rape, sexual assault, and domestic violence. In attempting to find ways both to stop violence against women and to seek justice for women who experience violence, the movement ultimately took what many feminist scholars call a carceral bent. Carceral feminism is conceptualized as feminism that operates within and depends on the carceral state without critiquing it (O'Brien et al., 2020), meaning that any feminist movement uncritically seeking the criminalization and carceralization of a behavior or a group of people is engaging in carceral feminism. By creating a situation in which they relied on the carceral state to punish rather than critiquing its role in their ongoing harm, the anti-violence feminist movement of the late 20th century became a carceral feminist movement.

Among the undeniably important but ultimately carceral victories won by this movement was the Title IX legislation passed in 1972. Lauded as a much needed step towards equality for women in Institutes of Higher Education, Title IX promised safety from sexual assault - or at least harsh punishment to anyone committing assault. In practice, the parts of this legislation aimed at addressing sexual harm have proved difficult for colleges to navigate, as well as unable to fully meet the needs of students. There is growing evidence that shows traditional Title IX processes frequently violate
student rights, creating harm for claimants and respondents with disproportionate impacts on queer and BIPOC students.

These failures of Title IX can also be understood as a failure of carceral feminism. With a focus shifted away from preventing harm, and towards punishing those who cause it, Title IX legislation does very little to prevent harm. In fact, it can contribute significantly to students' experiences of harm on campus. Harper (2017) cites victims' assessments of the process as "degrading" and "harmful" (p. 306) and defendants' as feeling "unprotected" and "deprived of due process rights" (p. 307). But IHEs have other options. Because Title IX allows for informal resolution proceedings, IHEs are not limited to using only "formal" carceral Title IX procedures when responding to incidents of sexual harm on campus (Vail, 2019, p. 2087). This allows IHEs to offer students resolution options such as Restorative Justice in place of the carceral Title IX process.

## **Outdated Carceral Narratives of Sexual Harm**

Sexual harm is far more complex than carceral narratives, the social frameworks that emphasize punitive measures and the removal of offenders in response to sexual harm, suggest. Frequently these narratives involve predatory men intentionally luring women into isolated areas, leading campus administration to assume that the best solution is to remove or severely punish students they perceive as problematic actors. This seems antithetical to the goal of Institutes of Higher Education to educate the students attending them: while some sexual harm is committed intentionally, not all campus sexual harm is predatory. By failing to acknowledge sexual harm that falls outside of carceral scripts, IHEs miss opportunities to address the systemic components of harm, leaving students vulnerable. Adhering to these outdated frameworks causes IHEs to fail to address the realities of when, where, how, and why harm occurs, or to whom. This renders invisible a great deal of sexual harm that doesn't fit those narratives, ultimately fostering sexual harm on campus. This section discusses the ways in which these narratives lead IHEs to make assumptions about who perpetrates and is affected by sexual harm, dismiss underlying systemic issues, and fail to acknowledge nuance.

#### **Narratives About Who Perpetrates**

Sexual harm isn't always caused intentionally, nor is it always caused by a man and experienced by a woman. Despite the common assumption that campus sexual harm is caused by men contriving to find or lure women into compromised situations, many students will share descriptions of what they genuinely consider to be consensual experiences yet meet researcher's definitions of assault or rape (Hirsch et al., 2019). In other studies researchers found that students shared the same facts about a sexual situation, yet had different perceptions of the level of consent involved (Karp et al., 2019). In other words, a significant number of students agree regarding the details of what happened, but do not agree when asked if the interaction was consensual. Gendered scripts around whose job it is to obtain consent versus grant it can also confuse the issue. Because men's consent is assumed to automatically exist by virtue of being in a sexual scenario, many young men may laugh off their experiences of being assaulted as merely "bad sex" (Hirsch & Khan, 2020; Hirsch et al., 2019) while their partners may never realize consent was not obtained. These disconnects can be attributed in part to college students of all genders often understanding affirmative consent - unambiguous, voluntary, sober consent requiring a "yes" - as it has been taught to them not always considering it to be realistic (Cary et al., 2022; Hirsch et al., 2019). When students cannot make that legal definition fit their reality, they create their own ways to define consent (Hirsch & Khan, 2020; Hirsch et al., 2019). Rather than a workaround, this appears to be driven by a genuine desire to achieve consent under conditions in which it may not be legally plausible. When IHEs focus on outdated narratives about who is causing sexual harm, rather than create training and intervention strategies centered around the fact that any student could cause harm intentionally or otherwise, they miss the potential for interventions based on experiences more frequently experienced by their student bodies

Scholars concerned about sexual harm on campus may point out that there have been many well publicised cases of egregious harm over the last decade, including instances that seem clearly premeditated. Ultimately, the depiction of sexual predators stalking campus looking for women to assault almost certainly still describes a small percentage of perpetrators. Similarly, intentional harm from domestic violence, stalkers, and rebutted "suitors" is an issue IHEs have good reason to put attention towards. Rather than argue that no students intentionally cause harm, this paper proposes that the narratives claiming that *any* student who causes sexual harm does so intentionally and will become a serial predator are outdated and harmful. If students are causing harm unintentionally, they could potentially unlearn these behaviors. It is crucial that IHEs implement policies addressing the full spectrum of possible behaviors motivating sexual harm, rather than one small subset. There is a saying that when we teach young women how to avoid being raped, without teaching young men *not* to rape, we're really teaching the young women to make sure someone else is raped instead of them. Similarly, automatically expelling students who have caused sexual harm ensures that the *next time* they cause harm it is not a liability to the campus - rather than teaching them not to cause harm.

# Failure to Address Systemic Causes

## **Power Dynamics**

While gender is the most commonly recognized power dynamic affecting instances of sexual harm, power dynamics beyond gender are also involved. Students who already experience increased precarity on campus are often more strongly affected by experiences of (or accusations of) sexual harm on campus. These include but are not limited to students of color, queer disabled students, students experiencing poverty, homelessness, students. and/or food insecurity, students engaging in sex work, and students who are undocumented. These groups may find that they are targeted more often or in different ways than their more privileged peers, or that their experiences of harm are less visible to bystanders or less understandable to those they try to share them with. Queer students are vulnerable to power differentials in multiple unique ways, which can vary depending on whether or not they are out on campus or in other areas of their life. This may be why multiple studies rank LGBTQ+ undergrads as reporting the highest amounts of sexual harm in campus surveys (Hirsch & Khan, 2023). Students of color report that their experiences of race on campus cannot be separated from their experiences of sexual harm (Hirsch & Khan, 2020; Hirsch & Khan, 2023). Additionally, many report instances of unwanted touching related to racial dynamics that are not always sexual in nature, yet clearly involve violations of personal space, body autonomy, and consent. Current carceral scripts do not offer students or

administrators a way to frame unwanted touching outside of a sexual context, or to report sexual or bodily autonomy related harms fueled by bigotry. This means that a lack of reportable sexual intent or activity can leave these students with no support and no recourse.

Additionally, power dynamics unique to college campuses must be considered. Seniors certainly enjoy power over freshmen on campus, and sports or other extracurricular activities may offer social status and corresponding power to students that can make it difficult for another student to turn them down without risking their own social status (Hirsch & Khan, 2020). Researchers have also raised the issue of power dynamics related to sexual geographies encompassing both spatial and temporal dimensions (Hirsch & Khan, 2020; Hirsch et al., 2019). Students have limited options for where to spend time in the evenings and on weekends, when most sexual episodes occur. Sexual scripts and norms may lead students to believe that being in certain places at certain times equates to consent, and spatial power dynamics can arise based on who claims ownership of a space. A senior with their own private dorm room can move themself and another student into that space for convenient conversation, leading the other to feel as if sex is now socially required (Hirsch & Khan, 2020). While inviting another student to one's dorm room at 2am does not confer consent, some students may assume it has. With both spatial and social dynamics in the mix, this may explain why some students feel as if they have to verbally consent or otherwise acquiesce upon finding themselves in such a situation.

Power dynamics not only affect the ways in which students become vulnerable to and experience sexual harm, but also affect how they navigate the after effects, what support they receive (if any), and whether they decide to report the harm they experienced. For all students, the precarity created under the Title IX process can exacerbate the trauma they are already experiencing, as well as further risk their education (Harper et al., 2017). Students already navigating campus experiences subject to unbalanced power dynamics could reasonably be expected to experience that risk to their education as enhanced. By choosing not to fully address power dynamics on campus on all appropriate levels, including within their sexual harm prevention and response strategies, IHEs create situations where power based harms, sexual and otherwise, are bound to occur.

## Alcohol

Alcohol is a large part of the conversation around sexual harm on college campuses. While legal definitions of consent require sobriety, alcohol is so ingrained as a part of campus sexual activity that a significant number of students do not consider full sobriety during sex to be a realistic metric for consent (Hirsch et al., 2019). Some students intentionally drink as part of foreplay, in order to create the conditions in which they will feel comfortable having sex (Ford et al., 2021). Without alcohol, they simply would not have sex. While students often understand that they are having sex that falls outside of legal metrics for enthusiastic consent, they create their own rules and norms about what consent means, relying heavily on gendered conceptions of consent roles and nonverbal cues (Hirsch et al., 2019). Even with the best of intentions this combination of alcohol, ambiguity, and frequent reliance on gendered roles and nonverbal cues leaves abundant space for misinterpretation as students navigate situations requiring consent. That potential for misinterpretation becomes even more complicated by the fact that when both parties involved are drunk, no one involved in the scenario is legally able to consent. Activists concerned about college drinking point out that it creates a prime environment for predatory behavior, and that is a valid concern. IHEs should make sure that students involved in drinking culture know the importance of covered containers, how to tell when a friend or peer has been roofied, and how to engage in bystander intervention in party and bar environments while buzzed or drunk. But campus alcohol culture also creates environments in which consent can unintentionally be confused, misinterpreted, or merely impossible on all fronts. When IHE discussions about alcohol and consent center around the dangers of predatory sex, while omitting the potential harm involved in intentional sex that cannot by definition be consensual, students remain at risk of both causing and experiencing harm. This is a systemic issue that cannot be blamed on individual students, yet students often bear the consequences.

#### Failure to Acknowledge Nuance

#### Unwanted Sex and Revoked Consent

While anyone engaged in sex should be paying attention to body language and stop if a partner is checked out, a student still learning how to do

that may not notice if their partner checks out mid act. If their partner said yes ahead of time, and continues to say yes and otherwise indicate consent during the act, a student may miss that their partner isn't actually enjoying themself despite the continued presence of verbal consent. According to Muehlenhard & Peterson (2005), consent may be given when sex is unwanted for a myriad of reasons, including social pressures, desire to lose one's virginity, and bragging rights. Students may have positive or negative experiences having consensual sex that is unwanted (saying yes to the senior everybody would tease you for turning down, because you want the social status), or wanted sex that is not consensual (sex where both parties are drunk or high), depending on the circumstances (Muehlenhard & Peterson, 2005). It is also possible for a wanted encounter to become unwanted or unenjoyable midway through. This can make interpretation after the fact confusing for either partner. While some students will enjoy these experiences, others won't - and some will wonder after if their experience of harm means that they were assaulted or raped.

Trauma responses preventing communication can also complicate students' ability to understand shifts in consent. While consent can always be withdrawn during sex, if a student is unable to verbalize a shift in consent their partner may continue believing that the sex is consensual. Hirsch and Khan describe a young man who felt angry when a partner told him after the fact that she had become afraid to stop him, saying "I don't know what you want me to do with this" (Hirsch & Khan, 2020; Hirsch et al., 2019, p. 32). While we don't know the full details of that experience, it is possible that this event started as consensual sex that transitioned to non consensual partway through. If his partner was not able to communicate that verbally, and he didn't pick up on nonverbal cues, he could have missed indications that his partner no longer wanted to be having sex. This is a great example of why IHEs cannot solely stress verbal consent and attempt to make students abandon nonverbal cues completely. One size fits all consent education is not enough to prevent consent violations, and we can no longer assume all consent violations are intentional. If IHEs behave as if they are and default to a punitive approach, they miss chances to educate students and prevent future harm. Teaching students to understand and identify the differences between want and consent, and notice nonverbal cues indicating shifts in each, may make a huge difference in efforts to prevent sexual harm on campus.

#### Two Party Lack of Consent

As indicated in a prior section on alcohol, situations will occur on campuses in which neither sexual partner was able to consent due to being influenced by alcohol or other substances. It seems likely that cases unrelated to substance use will also occur in which neither student obtained nor gave consent, whether due to impatience or a lack of communication skills. In some of those situations, both students may perceive the situation to be wanted and ultimately perceive it as consensual. In some, one or both participants may realize the sex was not wanted or not consented to. Some young men worry about the existence of double standards here, as they raise the concern that even if they themselves did not consent, the burden of obtaining consent is perceived to be solely on them (Hirsch et al., 2019, Khan et al., 2018). It also seems possible that there will be scenarios in which both students concurrently caused and experienced harm while behaving as ascribed by social scripts, under the impression that they were doing what the other wanted. Carceral scripts for sexual harm have no way of handling a situation in which one student says "I did not consent to or want that sex" and the other says "me either," other than an investigation to determine who is lying. But the reality of the college experience is that these situations are not only possible but likely. IHEs need to develop methods to support both students in situations like this to acknowledge and repair any harm they have caused, while simultaneously supporting each through any harm they have experienced.

## **Inadequate Preventative Education**

Institutes of Higher Education foster sexual harm on campus when they fail to account for or supplement inadequate preventative sexual harm education among their student bodies. Lack of adequate consent education has been identified as a risk factor for experiencing sexual harm (Santelli et al., 2018), while knowledge of sexual consent has been identified as a protective factor against causing it (Schipani-McLaughlin et al., 2023). Some states and schools require students to take outsourced annual video courses covering topics such as enthusiastic consent and bystander intervention. Yet students experience scenarios that are much more nuanced than those yearly training depict, typically under complicated and stressful conditions (Cary et al., 2022). Frequently, college students are learning how to manage interpersonal dynamics as adults away from their family for the first time. They experience

significant stress, may engage in alcohol culture or face pressure to do so, and if they live on campus they are navigating unique geographical challenges (Hirsch & Khan, 2020). Gendered scripts often affect encounters despite whether they personally buy into those scripts or not (see Cary et al., 2022; Hirsch et al., 2019; Jozkowski et al., 2017). Although it may seem that addressing the full scope and nuance of these topics in an accessible way for students is an impossible task, some IHEs have already created strategies for integrating complicated topics related to social responsibility into core curriculum. California's addition of Ethnic Studies into general education requirements for the CSU system is controversial (Allen, 2024), but it provides a model for how topics deemed crucial can be made part of the general curriculum. There is no excuse for institutions that would not teach any other class as a two hour series of short videos to decide that it constitutes adequate training on consent and sexual harm.

Consent training does not have to be a part of the curriculum to be effective. Ortiz and Schafer (2018) describe a student driven educational initiative which actively engaged the student body in interactive content about consent. Only one iteration of what's possible, this 21 week campaign showed a clear improvement in student perceptions of consent, particularly among groups at higher risk of experiencing and causing harm, which were particularly targeted by the campaign to receive higher touch points (such as sororities and fraternities). Importantly, continual exposure to consent education may have been critical to the campaign's success (p. 454). This supports what we already know - students learn best when they are able to engage with the same material repeatedly. It matters less how students are introduced to training materials, and more that the materials are relevant, engaging, and repeatedly engaged with over time.

By failing to provide comprehensive preventative education that addresses students' lived experiences, IHEs fail to acknowledge students as adults capable of growth. Ultimately, expulsion indicates that a student has demonstrated an inability to improve their behavior via education. When this occurs before any attempts at education around the issue, IHEs imply that once someone has committed sexual harm, further education around that issue has no potential to change their behavior. IHEs have no responsibility to continue to educate perpetrators unwilling to take accountability or learn how their actions have affected others, and in fact have a responsibility to protect other students from people who seem determined to repeat those behaviors. They do have a responsibility to teach more than just the knowledge needed to get a degree. When they fail to provide adequate education, IHEs fail their missions to educate their students and produce responsible social citizens.

## **Inadequate Institutional Support**

Inadequate institutional support compounds harm to all parties, especially the students affected by sexual harm. Opposing requirements under Title IX make it difficult if not impossible for universities to be properly attentive to the rights and needs of students who have experienced sexual harm on campus, as well as those of students who have been accused of causing it (Harper et. al, 2017; Vail, 2019). It is not uncommon for both sides to interpret their experience as unfair and biased in favor of the other party, and in many cases this perception may be accurate. When these shifting legal requirements leave universities unable to meet students' needs in a nuanced, appropriate way it negatively impacts everyone involved. This sense of precarity harms students and the campus community in general, and undermines students' trust in administration. Many students choose not to report under these conditions, and choose to completely forego institutional support. Others attempt to seek institutional support and experience what researchers call institutional betrayal instead (Smith & Freyd, 2013). Ultimately, traditional university adjudication processes for sexual harm cases under Title IX end up disenfranchising not only claimants and defendants, but frequently the wider campus community.

Importantly, additional students besides those who have directly experienced and been accused of harm may be affected and in need of support. Students may step up as caregivers and support networks to friends involved in sexual harm (Hirsch & Khan, 2023), a role which is made larger when the harmed student receives no institutional support. These student caretakers are often in need of support themselves. Students may also have been instrumental in creating conditions for their friends to have what they expected would be a consensual sexual encounter (Hirsch & Khan, 2023; Hirsch et al., 2023), and now experience a need to take accountability or seek support for unresolved guilt, depending on the situation. Others may be unaffiliated with the students involved, but experience a resurgence of sexual harm related trauma due to campus reaction to the incident. Just like experiences of sexual harm, any of these could significantly affect a student's ability to complete coursework, affecting grades, financial aid, or even a student's ability to remain in school. Lack of institutional support for these students increases the harm they experience and renders them vulnerable to additional harm.

# Inadequate Support for Those Who Have Experienced Harm

## **Choices Not to Report**

Reports of sexual harm made by students to Title IX offices are known to be much lower than statistics reported by students to other venues. Rather than one clear reason for this underreporting, there are many potential contributing factors. These include not realizing that what the student experienced was assault, not feeling comfortable defining it that way, not wanting to go through the reporting process, or not believing that the process will help them or that they will be taken seriously. Many students who claim they have not experienced assault and rape when asked specific questions about them will still proceed to describe experiences fitting those definitions if asked broader questions (Hirsch et al., 2019). Because students' conceptions of consent vary wildly, some students may not be aware that their definition fits the definition of assault and instead classify it as merely bad or uncomfortable sex (Ford et al., 2021). Others may choose not to use the term assault, instead identifying their experiences as weird, uncomfortable, or similar in order to maintain their self image as someone who is not vulnerable to assault (Hirsch & Khan, 2023; Jeffrey & Barata, 2017). It is possible that a significant number of students forgo reporting experiences they know to be harmful because they do not understand or classify them as assault, preventing them from accessing badly needed support.

Further studies indicate that many students are aware they have experienced assault or rape, and have chosen not to report that to their school or the police for a variety of reasons (Khan et al., 2018; Jeffrey & Barata, 2017). Some students choose not to report assault due to a lack of faith in their university's procedures, affiliated police department, or both. Marginalized students may choose not to report due to an awareness of the additional issues they will face attempting to engage in a carceral process. Students who identify as or are perceived as male may choose not to report due to a fear of being dismissed, or having the case turned around to frame them as the perpetrator. Students may also feel overwhelmed by the thought of discussing their experiences and being accused or questioned. Some suspect or are aware of how difficult the process will be, and choose not to put themselves through even more pain and trauma.

Students' opinions and beliefs regarding the potential repercussions for the person who harmed them can also be a factor in decisions regarding whether or not to report. While some

students want to see the person who harmed them face the fullest repercussions possible, others may doubt whether the person who harmed them deserves the potential outcomes of a report. As important as it is for administration to avoid discouraging claims due to the potential ramifications for the defendant, claimant desires to not have another student expelled should likewise be taken into account. Yet most Title IX processes have specific mandated repercussions attached to specific findings, with no concessions made for claimant requests or desires.

When IHEs fail to take these factors into account and provide responsive outlets for students to share and seek support for their experiences, however they label them, they continue to foster harm on campus. Research indicates that having previously experienced sexual harm is a risk factor for future experiences (Santelli et al., 2018). This suggests that whatever their reasons for not reporting, these students are rendered additionally vulnerable to future harm if left without support. By creating an atmosphere where reporting sexual harm forces students into a carceral process they may not want or need, they lose chances to support students who have experienced harm, and to prevent future harm.

# Inadequate Support After Reporting

When students do choose to report sexual harm on campus, they are frequently funnelled into a one-size-fits-all carceral process focused on identifying and punishing a wrongdoer rather than offered support that fits their needs or helps them heal. Stuck in a process "harmful in ways similar to the criminal justice system" (Harper et al., 2017, p. 306), claimants are frequently unsatisfied with the results even when schools determine the defendants to be guilty. Some students do want a punitive outcome, but many report that they most want for the defendant to understand and acknowledge the harm they caused. Harper et al (2017) report that "victims describe the need to tell the story of their experiences, obtain answers to questions, experience validation,

observe offender remorse, receive support that counteracts self-blame, and have input into the resolution of their violation" (p. 312). Students need to make sense of their experience, to understand why the person who hurt them did so, and to make sure it won't happen again. A driving factor for reporting is often a desire to prevent other students from experiencing harm, and some students see punitive processes as the only way to achieve that. But when offered alternatives, many students prefer an accountability centered process. By not offering students who wish to report harm options focused on accountability rather than control and punishment, IHEs continue to foster harm on campus.

# Inadequate Support for Those Who Have Caused Harm

Carceral scripts under the US criminal justice system grant defendants a right to support in the form of a lawyer, yet under traditional Title IX processes no outside support is mandated. Students accused of causing harm are often left to navigate the system on their own unless their family can afford legal help. Students often feel that they were thrust into a biased campus procedure without guidance, and struggle to properly defend themselves and their rights. Defendants' due process rights are so contradictory to a claimant's rights under Title IX that often administrations cannot proceed without violating one or the other. The need for institutions to appear tough on defendants in order to preserve both their public image and federal funds, creates situations in which "fairness appears dangerous and inconvenient rather than beneficial and necessary" (Harper et al., 2017, p. 309). This is not a system that encourages students to take accountability for harm they have caused.

Forcing students accused of causing harm into highly contentious conditions under Title IX without adequate support creates situations where they feel they need to protect themselves first and foremost. With their education and future careers threatened, they are more likely to declare innocence, even if they would have otherwise been inclined to take responsibility. Compelled into defensiveness and denial, there is unlikely to be space for self reflection or accountability. Karp et al. (2019) suggest that students who perceive their treatment to be unfair under a Title IX process will not experience the shame intended by a carceral system, instead blaming the school and the individual who reported them for treatment perceived as "unfair" (p.149). These students may feel resentful and more disposed towards gendered stereotypes and hostile behavior in the future (Karp et al., 2019, p. 149), suggesting that they may be at a higher risk of committing sexual harm in the future. By adhering to carceral Title IX processes instead of offering alternative resolution processes, IHEs risk potentially fostering harm not only on campus, but wherever a student affected by these processes ends up after leaving the institution.

# Inadequate Support For Community Stakeholders

Because of the social nature of IHEs, additional students may have been involved on the periphery of a sexual harm incident who could be affected by it and need support. Among many potential scenarios, students may have encouraged their friends to engage beforehand, provided support after, or even been in the room as harm occurred. These students may need to take accountability for their part in creating the conditions that led to the event or ignoring it as it happened (Hirsch et al., 2019), or they may need to receive support for the harm they experienced as a bystander or as a caretaker after the fact (Hirsch & Khan, 2023). However, in a traditional adjudication process claimants and defendants are often the only stakeholders considered beyond the university.

By narrowing the process down to just two students, IHEs may disenfranchise entire social groups affected by these events. Additionally, the heavy focus on determining who is wrong, who is right, and who needs to be punished may create conditions under which students feel pressured to take sides (Khan et al., 2018). This can lead to group splits and exclusion that deprives students of the social support they were previously accustomed to. Thus, when IHEs fail to provide proper institutional support for students directly and indirectly affected by sexual harm, they frequently create conditions that endanger existing support networks and leave students with less support than they initially experienced. Left without inadequate support resources, students are rendered more vulnerable to experiencing and committing sexual harm.

# Conclusion

By adhering to carceral approaches and norms, IHEs foster sexual harm on campus and risk the educational outcomes of all students. Though

Title IX procedures are intended to provide an educational atmosphere free of sexual harassment, in practice they neither prevent nor adequately respond to much of the harm that occurs on campus. By adopting outdated narratives of sexual harm, failing to acknowledge their role in providing proper preventative education, and offering inadequate institutional support for students affected by sexual harm, IHEs create an environment in which sexual harm is able to thrive. The carceral process most IHEs follow under Title IX creates an adversarial environment which exacerbates the trauma experienced by students involved and fails to diminish the potential for future harm, perhaps even increasing it. Harm experienced by campus members not directly involved in a reported incident goes ignored, as does the experience of students who choose not to report their experiences. When IHEs default to carceral practices, they miss educational opportunities to discourage campus-adjacent sexual harm, and potentially to minimize the number of students who cause harm after graduation, furthering campus missions to graduate responsible social citizens.

For IHEs seeking to shift away from carceral practices and towards solutions in alignment with educational missions, I recommend further research into the application of student-led educational initiatives within a broader Restorative Justice framework as effective anti-carceral alternatives to standard Title IX processes. These practices may be more likely to prevent and reduce harm - creating better outcomes for both survivors and respondents, reducing recidivism rates, and honoring institutional missions among colleges and universities to educate young people and produce better citizens.

Most importantly, I remind anyone affiliated with an Institute of Higher Education that these policy changes do not happen in a vacuum. It is up to each of us to interrogate the carceral practices of the institutions we belong to and our part within them. If the administrative bodies running your institution are unlikely to be receptive to anti carceral arguments, seek approaches they are more likely to listen to. In the interim, the work each person affiliated with an IHE does can be examined and adapted to create a safer, more welcoming, anti-carceral space for students. Do not read this paper and move on with your life. Take a moment to consider how your work - your syllabus, your course materials, your lectures, your office hours - could in some small way respond to the issues outlined here. No matter how disengaged, your students will always learn *something* from you. What do you want to teach them?

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Presumed Innocent, Punished Anyway: How Bail, Pretrial Detention, and Plea Deals Perpetuate Injustice

Esmeralda Garcia-Sanchez

#### **Introduction: The Price of Freedom**

At 16 years old, New York native Kalief Browder was arrested and held pretrial for three years in Rikers Island due to being unable to afford to pay bail. In his three years incarcerated, he endured abuse, was held in solitary confinement for the majority of his stay, and was severely neglected, all over a crime he was never convicted of– stealing a backpack. After his release due to insufficient evidence leading to dropped charges, and after having his court date postponed over 30 times, the trauma he endured stayed with him and led to his suicide at age 22, two years after his release. Browder's story is not an abnormality; a majority of people in local jails are being held pretrial and detained solely because they cannot afford money bail (Sawyer, 2022), which is a fundamental violation of human rights. This case is a singular example of the consequences of systemic inequality perpetuated by a cash-based bail system, like that used by the United States, where wealth determines freedom.

In a cash bail system, it is presumed that those awaiting trial are offered a reasonable bail offer that can be paid, and those in custody can be released on the condition they return on their assigned court date to face their charges. A cash amount is meant to be paid in place of release until a verdict is reached; as long as the individual attended their court date, they would receive a refund for their fee regardless of a guilty or innocent verdict (Sawyer, 2022). This system was meant to be rooted in the idea that people are presumed innocent until proven guilty, along with the rights provided by the Sixth and Eighth Amendments pertaining to a speedy trial and protection from excessive bail, the reality of it is far from just. Cases in which bail was denied were rare, and excessive cases met with denied bail carried out by a single judge were frowned upon and seen as an unjust abuse of power. It seemed pretty simple: people paid the price, were released while presumed innocent, case overloads were better controlled, people attended their court dates, and as a result, went on with their lives in which the guilty paid their due sentence and the innocent walked free with their money rightfully returned to them. But when money determines justice, the system rapidly loses its integrity.

## The Broken Bail System: Exploiting the Vulnerable

Present-day detained individuals are treated as criminals from the start, completely subverting their presumption of innocence and constitutional rights. A bail fee, set by a judge, is intended to be determined by the severity of the crime and set at an affordable balance. Nowadays, individuals are vulnerable to judges making decisions based on personal discretion and prejudice, allowing for an under-the-radar abuse of power. Instead of the severity of the crime determining your bail, a judge can make a decision based on an uncontrollable factor such as race, if they label the accused as a flight risk without actually making any reasonable judgments based on a criminal record or a biased interpretation of the defendant as a person. Prejudiced judges can lead one to believe traits or certain groups make them dangerous and a flight risk, making it more likely for them to set a high cash bail. As a result, detainees are treated as criminals and often have their constitutional rights violated.

Systemic prejudice within the bail process slowly destroys public trust in the judicial system, amplifying racial and socioeconomic disparities. By favoring cash bail, the system perpetuates an unjust cycle where those who cannot pay remain incarcerated, effectively punishing poverty. This punishment is embedded in a system that prioritizes financial security over the fundamentals of a fair and due process. Aside from the common misconception that cash bails are "justly" set and contribute to reducing crime by providing an incentive against committing crimes and keeping those considered "dangerous" in pretrial detention, it also comes with apparent profitability for bail bondsmen and courts. Since a primary cash bail system allows for the most profit for bail bondsmen and the court system, it is no surprise that the United States heavily relies on it. Bail companies have been found to frequently exploit legal and procedural loopholes to avoid paying forfeited bail bonds, even when defendants fail to appear in court (Sharma, 1980), which adds to the systemic dysfunction and design flaws in our current commercial bail system that intentionally exploits the most vulnerable.

## Systemic Bias in the Bail System: Wealth, Race and Injustice

A judge's discretion and potential bias in setting bail amounts are the most obvious form of discrimination against people of color; despite being less likely to afford it, Black and Latinx defendants face significantly higher bail

amounts, often double those of white defendants (Sawyer, 2019). Racial disparities in the bail system are deeply enriched in systemic racism analyzed through the lens of Critical Race Theory (Bell, 1995). Critical Race Theory explains how legal systems historically and currently serve to uphold racial hierarchies, which can be seen in how defendants of color face these significantly higher bail amounts. An increasing use of community bail funds highlights a disproportionate impact of money bail on people of color, especially those of low income (Simonson, 2017). On average, bail in the United States is \$10,000, equivalent to eight months of income for an average detained defendant (Rabuy & Kopf, 2016). Those in a higher economic class can find this amount to be manageable, allowing them to pay the fee and enjoy their freedom while awaiting a court date. Individuals from lower economic classes are left in challenging positions. For those who cannot afford to pay the full cash bail, there is something called a surety; in return for your release, you pay a 10% fee to a bail bond agent or agency (Rabuy & Kopf, 2016). While 10% may not seem like much, 10% of \$10,000 is still \$1,000; if defendants are of the lower economic class and can scrape together savings to pay this amount, they can be released. The catch is that no matter if the defendant shows up to your court date, the fee will not be returned to you. Those who cannot afford either option remain detained in local jails, losing jobs, housing, and family stability over an inability to pay. Collateral requirements allow bail bond companies to exploit systemic vulnerabilities by shifting financial risk onto defendants and their families (Sawyer, 2022).

This financial divide actively reinforces systemic inequities. People of color, who are already disproportionately impacted by over-policing and lower median incomes, are put at a more significant disadvantage (Donnelly & Macdonald, 2018). Black men, for example, have a pre-incarceration median income that is 64% lower than their non-incarcerated counterparts, and Black women often live below the poverty line prior to incarceration (Rabuy & Kopf, 2016). As a result, poverty and racial disparities feed into each other and create an unbreakable cycle of mass incarceration of marginalized groups. Disparities perpetuated by the bail system extend to pretrial detention; individuals held on pretrial are more likely to plead guilty, regardless of innocence, to regain their freedom. This process increases the likelihood of conviction and often results in harsher sentences, further solidifying the connection between cash bail, racial injustice, and mass incarceration. These systemic failures, as a whole,

undermine the presumption of innocence and highlight the use of the cash bail system as a regulator of oppression and a tool of social stratification.

# Punished Before Trial: Pretrial Detention as a Sentence Without Conviction

Even after enduring racial disparities and the unfair presumption of rights based on economic class, pretrial detention presents an entirely different level of injustice. Pretrial detention is the arrest of an individual awaiting trial; in the same way, bail frees someone until their court date and pretrial detention detains someone until their assigned court date (Sawyer, 2022). Unfortunately, court dates are typically delayed numerous times and can extend the detention of an innocent individual who cannot afford bail. High and unjustly set cash bail amounts are a modernized denial of fundamental rights, including access to fair representation and a speedy trial.

When one cannot afford bail due to their economic situation, they are likely unable to afford proper representation; without pretrial release, the defendant is not allowed proper time and access to adequate representation (Sawyer, 2022). In pretrial detention, connections to the outside world are minimal, and defendants are left without a way to build their case and speed up the process. They have the least control over their circumstances when their livelihood and future are on the line. The only person with some control in building their case is an assigned public defender, who is overworked and underpaid and does not adequately represent their many cases. Research shows that sentencing disparities are partly due to resource gaps, leading to Black defendants being less likely to access high-quality representation and more likely to receive harsher sentences (Land & Spitzer, 2020).

Pretrial detention is not just about the lost time; it is about the conditions people are forced to endure while doing so. Over time, a reliance on pretrial detention has been a leading cause of jail population growth in the United States. As the number of incarcerated individuals increases, so does the backlog of cases, leaving many waiting months or even years before their court dates. Individuals who are trapped in pretrial detention due to not being able to afford bail are treated as criminals under the custody of jails. The effects of this unjust treatment are profound; mental health, personal relationships, and even employment positions are destroyed while a presumably innocent individual is unjustly incarcerated. For those trapped in pretrial detention, facing postponed

court dates and without access to proper legal representation, the system leaves them with the uninviting option of accepting a plea deal to escape the confines of incarceration.

## Plea Bargaining: A System of "Choice"

Plea bargaining is a process by which a criminal defendant is offered a lighter sentence in exchange for waiving their constitutional right to a jury trial in which they can receive a harsher sentence if convicted (Rabuy & Kopf, 2016). For a detained individual, a plea deal often presents as the lesser of two evils. The options are limited, risk going to trial where the odds are stacked against the defendant, and a harsher sentence looms if convicted, or accept the plea deal, admitting guilt in exchange for a reduced sentence. This decision is rarely made freely or fairly, especially when the initial trigger is an unjustly high bail amount that a person cannot afford, it instead reflects the inequities of a system where wealth determines freedom. Months or years of incarceration while awaiting trial can break a person down, both mentally and physically. When prosecutors add the threat of harsher penalties to the already unbearable conditions of pretrial detention, the so-called "choice" becomes less about justice and more about survival. With a plea deal comes freedom, either immediately if time was already served pretrial or eventually after the sentence is complete; but with it comes a criminal record that cannot be erased and a mark that makes life after incarceration even harder.

In terms of bail, high bail ensures that only the wealthiest can afford their release, which leaves defendants from low-income communities to rot away in jail. For many detainees, the harsh environment, separation from their loved ones, and prolonged pretrial detention become unbearable. Although plea deals are unfair, they offer freedom immediately if the sentence has already been served or after the agreed-upon sentence is served. However, the "freedom" comes at a price: a criminal record that follows them for life, creating barriers to employment, housing, and reintegration into society.

Early decisions affecting excessive bail and pretrial detention disproportionately impact Black and low-income individuals while amplifying existing disparities throughout the criminal justice process. With over 80% of criminal defendants assigned bail and nearly a third detained pretrial (Donnelly & Macdonald, 2018), the pressure to accept plea deals becomes a reflection of systemic inequality. The disproportionate targeting of marginalized groups perpetuates a cycle where wealth and privilege determine opportunity. For the innocent, the decision to accept a plea deal does not feel like much of a choice when the options are to endure the devastating conditions of incarceration or admit guilt to escape. This practice undermines the principle of presumed innocence. It perpetuates injustice by creating a system where admitting to crimes, whether committed or not, is seen as the only viable path to freedom.

# **Rethinking Bail: A Call for Reform**

Systemic inequality is deeply embedded in the fabric of our criminal justice system, and the bail system is no exception. What began as a measure to uphold the presumption of innocence, provide affordability, and ensure fair representation has evolved into a system that disproportionately punishes marginalized groups. Today, race and economic class often determine whether someone can secure their release or face pretrial detention, which can derail their lives irreparably. The process is relatively simple for those who can afford bail: pay the fee, be released, await trial, and attend your court date to receive a refund. For racial minorities and those from low-income backgrounds, the road is far harsher.

Addressing these inequities requires prominent reform. An example of possible reform is eliminating pay-to-stay programs disproportionately affecting low-income detainees (Rabuy & Kopf, 2016). Doing so could eliminate the practice of jailing people for unpaid fines and abolish cash bail altogether. Eliminating cash bail may result in more released individuals returning for court dates. With their freedom valued by being provided access to the proper resources to prepare their case, one can feel more confident returning to fight their case. Cash bail is not necessary to ensure compliance and demonstrate alternative systems' potential to promote fairness and public safety.

Organizations like The Bail Project have also stepped in to support those burdened by this system. By providing free bail assistance to low-income individuals, The Bail Project has helped thousands secure their freedom, with 90% of their clients returning to court as required (*The Bail Project*, 2024). This underlines the idea that people's ability to attend court is not tied to their financial status but rather to their access to support and resources; this also highlights the transformative potential of a non-cash bail system. With expanded trials and adequate resources, we could build a system that aligns with the fairness, safety, and justice the original bail system intended to provide.

Jurisdictions like Illinois and Massachusetts demonstrate that this is achievable by adopting refundable cash deposits as alternatives to commercial bail bonds (Rabuy & Kopf, 2016). These systems reduce reliance on private bail bond agents, ensuring public safety without perpetuating systemic exploitation. Similarly, Kentucky and D.C. have implemented systems that rely on risk assessment tools instead of money bail, allowing most defendants to be released on their recognizance (Rabuy & Kopf, 2016). These methods help alleviate jail overcrowding and provide a more humane and practical approach to pretrial justice. Community bail funds further exemplify innovative solutions by challenging systemic biases and empowering ordinary citizens to post bail on behalf of strangers (Simonson, 2017). This act of "bail nullification" disrupts the traditional power dynamics of the justice system, shifting influence from state actors to local communities and giving a voice to those historically excluded from the decision-making process.

A reformed and fair bail system is a tangible reality. By eliminating cash bail, expanding risk-based assessments, and supporting initiatives like community bail funds, we can dismantle the discriminatory structures of the current system. The elimination of a cash bail system is a policy change necessary to move in the direction of dismantling systemic oppression. With the right resources and collective commitment as voters and advocates, we can push to create a justice system that values equality over wealth and freedom over profit so that freedom may be determined by the principles of fairness and not financial status.

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# Jailed! Observations of the Societal Structure of a Jail Housing Unit

Kim Lonzo

"Shut up," she shouted angrily in response to my question. Unaware of the circumstances that led me here, I thought that asking my court-appointed attorney for answers was a good place to start. Her responses were cold and followed by rapid-fire statements filled with phrases like "plea deal," and "you'll probably do three years," gave me a sinking feeling that this mystery was going to take a while to unravel. It was at this point that I began to mentally record, observe, and gain as much perspective on what was happening.

As I faced probable incarceration in a system that I discovered I knew frighteningly little about, I wondered what would happen to me. Everything that I assumed about the criminal justice system had been thrown into question when I was arrested just a few hours earlier in my apartment in Queens. As I unpack my personal experience with incarceration here, I will do so with what C. Wright Mills called "the sociological lens." The social structures and the people that I encountered when viewed through this lens reveals an interesting case study of anomie and the reactions to the breakdown of the systems we assume function to keep society functional.

When the New York City police detectives asked me so politely to turn around and place my hands behind my back, I asked for information on charges and received none. They were very jovial and accommodating though when I asked if I could put on a shirt. We re-entered my apartment where I had lived quite quietly with my longtime boyfriend, civil union partner and later that same year, my husband. As I was "perp-walked," paraded in handcuffs, down my block to the unmarked police vehicle stashed in the parking lot of the local bank on the corner, my neighbors stared, and probably wondered the same things that I did.

My arrest and subsequent questioning by the police detectives offered little information. On the way to the station, we spoke about the weather and other subjects so banal that I began to believe that this was just some misunderstanding that would be straightened out in a few hours. The detectives had not read me the Miranda warning, the statement so familiar to me from so many police procedurals that I proudly could say it by heart. I had not been advised of any rights. "I was being detained for questioning," I thought.

After mentioning that I had not had breakfast, the detectives offered to stop somewhere and pick something up for me to eat. We stopped at a fast-food restaurant. They bought me a meal which I was to be given at the station. One of them offered to feed me French fries but I declined. When we arrived at the station in Lower Manhattan, they removed the handcuffs, placed me in a cell, gave me the food and allowed me to eat. It would be the last outside meal that I would enjoy for a while. As they walked away, I asked the question that so many people before me must have asked under similar circumstances, "When will I be able to go home." The reply, "That depends on how you're processed."

My answers came slowly over the course of a few days. My public defender, clearly overworked and extremely apathetic, just gave me general information. This information included the alleged offenses, a strongly suggested plea deal that she had arranged prior to our meeting, and stern advice that seemed rehearsed from constant use. Her goal was to dispatch this case quickly with as little input from me as possible. I would come to understand later that this was standard. The criminal justice system as I understood it was a fable. The protections of the U.S. constitution drilled into my head in school didn't apply to me in the manner in which I had been taught. I could not rely on this knowledge. I had to acquire a new understanding. My true criminal justice system lessons had begun and I had to become a quick student if I wanted to survive this ordeal.

There was much to learn and my professors were the very people who had fallen victim to this grand system that they would simply call, "The Game." I was warned by my court-appointed attorney to not listen to so-called "jailhouse lawyers." Her advice so far had been terrible. The place where I was incarcerated was notorious within the annals of New York City criminal history, The Manhattan Detention Complex, colloquially known as "The Tombs." I would spend thirty days at the MDC before I would be able to post a bond and be released. In my fourteenth year living here, I would be introduced to my greatest adventure, incarceration in the form of detention.

MDC was designed to be a pre-trial detention center and not a place for punishment. It felt like a mix between a bank vault and a giant maze. Long large interlocking doors opened, operated by corrections staff who accounted for every person, prisoner or guard, who entered or exited various sections of this seemingly impregnable fortress of fear. Even if a prisoner panicked and decided to run, there would be no route towards escape. This feeling of total control was one that rivaled even the military– a feeling that readily came to mind from my past experience when I entered basic training for the United States Air Force. The difference was the lack of sunlight and the feeling of being entombed that permeated my entire time at MDC.

My assigned unit called a "house" was an open space with small single-person cells around the perimeter, a set of shower stalls in one corner, and

a series of round tables with chairs in the raised middle platform area which functioned as the common area. My cell was in the very back, below this raised area in a sunken place with a few tables. It was deemed unacceptable because it had the worst view of the television, the only source of an outside connection allowed. As I entered, I recognized a familiar face, it was Dalton. He was a young graffiti artist that I befriended in a nearby cell while I waited for my first meeting with the public defender. He smiled when he saw me, that was the first time that I felt safe throughout this whole ordeal.

Dalton would become my ambassador, my most trusted friend, and mentor. We are still friends to this very day. He introduced me to Mike, who was the "house father," a responsibility given to a more seasoned guest of incarceration who had low level offenses. I would also learn that Mike was a "snowbird," a term normally used to describe people who travel to sunny climes to avoid winter's bitter conditions. Mike was a petty thief who stole just at the start of the holiday season in order to be fed and housed during the colder months. He welcomed incarceration as his way out of extreme conditions on the street where he lived when he was freed. He had gained so much insight into how this game worked that he met with all the new detainees and offered his advice. After hearing the details of my situation, Mike offered his opinion. "That's straight up bullshit." His words made me laugh. He further opined that my case was a part of a larger game and then he gave me my first piece of true advice. "Ignore your court-appointed attorney, they work for the game." The next piece of advice was difficult to hear. "Fire that attorney!"

Mike had accumulated a vast knowledge of court procedures and legal speak. He understood statutes and timelines. He knew so much about the game that his advice seemed sound. Encountering a new situation where one has little understanding forces one to use the social information of others who are more familiar. I trusted Mike; I did not trust my public defender. Although Mike is considered deviant within society, he was respected here. What I assumed about the criminal justice system turned out to be false. Learning the rules within this new society required me to suspend my disbelief and acquire a new understanding. Mike cautioned me on taking my attorney's advice about ignoring "jailhouse lawyers," saying, "They don't want you to believe us because it messes up their game."

Upon my next meeting with my attorney, I learned the true severity of the trouble that I was in. Four serious felony charges taken all together that would spell at least 20 years in prison. I was immediately incredulous. I hadn't

murdered anyone or stole anything. I was an unwitting participant in a drug scheme. How could I get a lifetime of prison for that? My attorney was not my court-appointed attorney in the sense that I had grown up assuming they would be. She was a public defender and her role seemed to be to pressure me into taking this deal to save court time and expenses. There was no information that she wanted from me. When I spoke, she ignored me as in our first meeting. She told me what I was going to do, we were going to enter a plea in court. I was told to remain silent. Mike's advice came back to me and I shouted at her, "You're fired." She was not receptive to this idea. She told me that I couldn't fire her. Mike had prepared me for this response.

When a criminal defendant is deemed unable to afford an attorney, a public defender is assigned to the case. The public defender collaborates with the prosecutor's office and often negotiates outcomes that are based on what saves the court time and or money. A lot of assumptions from television and school informed my understanding of how a public defender works. I learned that my part in this process was to agree to the plea deal and thank my public defender. I was entitled to a different type of attorney if I chose to fire my public defender. This new court-appointed counselor was a private attorney made available under provision 18B of county law. These attorneys are known as "18B," for short (New York State Unified Court System). Being assigned an 18B attorney is an exceedingly difficult and rare thing in the criminal justice system. There are forms to fill out for a formal request. My likelihood of being assigned a different public defender was higher than getting an 18B.

At my first court appearance, called the arraignment, I was supposed to enter my plea and that was all. I interjected as soon as I was given the opportunity to speak," Your honor, I would like to fire this attorney." This statement, in open court and on the record, sent my attorney into a rant. She proceeded to tell the judge that I was "stupid," " too thick to understand the charges," "potentially mentally ill," and a host of other very unflattering things. She stressed that I had never been arrested and that I did not understand anything that she told me from the very beginning. I did not counter any of her statements. In fact, I laughed throughout her rant. The judge looked at me and smiled. What he said and did next surprised me.

"It is refreshing to have someone stand before me who hasn't been through the system," he said. He continued as he smiled at me, "Mr. Lonzo does not appear to be stupid." With that he granted my request and a new court-appointment was made for an 18B attorney. I couldn't wait to meet them. I had my very first victory and I felt powerful even if only for a moment. The shenanigans of my previous public defender it seems were extremely helpful in persuading the judge that the public defender's office was not going to properly defend me. I smiled and I winked at her as I left the courtroom. She was visibly livid.

I believed that once I was arraigned, I would be given the opportunity to make bail and I would leave jail. Unfortunately, there was more for me to learn from my Incarceration University. As a shy kid growing up, observation was one of my most important tools for coping in especially uncomfortable environments. My skills at observation were constantly evaluated by my family, friends and teachers. I was a boy detective in my neighborhood solving minor mysteries, such as the case of the stolen bike or the missing charity funds. I read *Encyclopedia Brown*, the boy detective novels for children. I was in my own estimation an amateur sleuth.

I read voraciously as a kid. Another skill that I would cultivate as I grew older was being a "know-it-all." My parents purchased a set of encyclopedias for me and my siblings to use for school reports. I read them like novels. My strong academic output earned me scholarships, award certificates and trophies that would rival any sports team captain. My favorite personal triumph was turning down a full scholarship to Columbia University to join the United States Air Force to work in intelligence instead. After I left the military, I traveled extensively to return to my hometown of New Orleans on many occasions broken, emotionally battered yet ready for a new adventure. I would ultimately travel to forty-seven of the fifty states before landing in New York City in 1999.

At MDC, I learned that the criminal justice system is designed to trip up a particular kind of person. If you're a poorly educated Black male with limited or no family resources, the criminal justice system is quicksand. You will be ignored; your civil rights will be violated and you will disappear amongst an ever-growing number of new detainees. My horrible experience with my public defender was normal. Others tried to fire their attorney like I did only to be given another public defender from within the very same office. Why was my experience different? I wanted to understand this so I observed my treatment versus the other detainees in my house.

My vantage point for observation in my housing unit was the table near my cell on the lower tier from the common raised area. Two others shared this table with me: Daniel, a white middle-aged effeminate man who was known to be queer; and Ray, a twenty-something year old Puerto Rican in jail for public lewdness after a night out that he couldn't quite or wouldn't quite remember. They kept to themselves at this table of outcasts and I joined them as it seemed that I wasn't invited to join any of the other groups.

There was a table of youths who all belonged to a gang called the "Crips." They were from different neighborhoods but decided that the shared affiliation was enough and they reformed as a new unit inside. There was a table of Black Muslims not to be confused with adherents of Islam who had their own table. Black Muslims believed many interesting conspiracy theories and one theory about gay people meant that they were not allowed to talk to me or acknowledge me. There was a table of twenty to thirty-something year old Latino males who spoke predominantly Spanish. There was a table of twenty to thirty-something year old Black males who didn't identify with the Black Muslims or the mini-Crips. There was a table of repeat offenders mostly in their late thirties to sixties who knew each other from other various incarcerations throughout the New York City and state jails and prisons. The most prized table, the one with the absolute best seats and the most centralized location in the common area, was a table of detainees who had the most privileges and connections at MDC. They worked in the MDC commissary and the kitchen.

From my table down below, I made some interesting observations. This house had its own societal structure. There was a hierarchy, an economy, and social mobility. When food was delivered from the jail kitchen, the first to be allowed to eat was determined by your place within this society. The same was true with showering or using the three payphones supplied as outside contact. One phone, the best working one, was guarded by one of the young *cripplings*, as I called them. With help from Dalton and Mike, I was able to decipher how this society functioned. As I became more familiar with this community of detainees, I set out to disrupt it and change it. If incarceration were to be my new normal, I decided to alter this society in small ways to see if I could make it a bit more equitable and respectful.

Compared to every other person there, I was as rich as Rockefeller. I learned this on my first visit to the commissary. The commissary sold many products that made the time pass a bit more comfortably. As my family and friends attempted to navigate the world of bail bonds and secure my release, I was well provided for with a hefty commissary tab. I bought a lot of coffee and some random snacks to share with my tablemates. A custom in jail is to "tip" the person working in the commissary by adding items that they would like to

purchase onto your bill. A guy who sat at the best table who worked at the commissary, a guy who rarely engaged me, waited on me. I asked him what he would like to have as a tip and he asked me timidly for a box of his favorite treats, Drake's cakes. I said," Is that all?" He pointed to some coffee and I asked," How many do you want?" After a few more items, he smiled and asked me if I was rich. I had purchased maybe ten dollars in treats for him more than five times what he ordinarily received.

When he returned to the house, he spread the word that I tipped him quite a lot. People would approach my lowly table and ask me for a spoon of coffee. Coffee was the hottest commodity in jail. People traded a spoon of coffee for practically anything. Sugar was also a valuable commodity. The people who worked in the kitchen had access to sugar and would bring it back to trade for coffee or snacks. Ramen and Drake's cakes were the last two commonly traded items. With this knowledge, I set out to use my commissary purchases to accumulate vast stores of three of the hotly traded items. Sugar was something that could not be purchased.

On my sixth day at MDC, a jail job was assigned to me. Thanks to Dalton's intervention and the knowledge that I was a particularly good cook and baker; I was placed in the MDC kitchen. I was not given a job cooking though to my surprise. I would unload, clean, and reload the wagons that moved food throughout the complex. This was a remarkably simple task assigned to two to four people per shift. I was the third man in my shift. A new society existed with the world of the kitchen. A contract catering company ran the kitchen activities with supervision from correctional officers.

The head of the kitchen was a rather stern-looking older Caribbean woman in her sixties who assigned cooking tasks. There was her assistant, an affable younger Caribbean man in his mid-thirties who directed all the operations, and a few twenty-something helpers. The kitchen manager was a woman of few words. In her terse Patois, she would bark out orders and corrections from her desk near the entrance gate. Surrounded by correctional officers, two women and a very tall imposing male, she would run her kitchen typically seated. If she stood and walked around her mini-kingdom, we all stood like soldiers at attention awaiting her approval or disapproval of our varied sections. She rarely laughed, chuckled or smiled. A nod was her approval and an eye-roll followed by sharply spoken words that cut through your very soul marked her disapproval. Her disapproval could result in exile from your duties onto something far more embarrassing like pots and pans duty to the ultimate punishment: being reassigned to garbage duty and out of the free atmosphere of the kitchen.

Working in the kitchen gave me my only sense of freedom in this whole situation. The atmosphere was quite relaxed. It resembled working in a kitchen at a busy restaurant. Bored with the menial tasks that I had been assigned, I created a streamlined version of my duties. This saved me an immense amount of time and when I completed my tasks I found more than two hours of down time within this kitchen world. I learned that all sugar came from one source, the kitchen manager. At the end of each shift, people lined up at her desk and she handed out four to six packets per person.

One day, the assistant to the kitchen manager asked me where I was from. I responded "New Orleans", a world-famous city known for its cooking. His eyes lit up and he asked me if I could cook. As we began swapping recipes and cooking techniques, I no longer felt like an incarcerated man. I longed to be home and get into my kitchen and cook something wonderful from home like red beans and rice with cornbread on the side. I cooked this dish often when I was homesick for New Orleans. Our conversation would lead to a particularly important meeting with the kitchen manager and shift my social status upwards not only in the kitchen but also in the housing unit.

As I was leaving my shift one evening and standing in line to receive my packets of sugar, the kitchen manager stood and addressed me. She gruffly said that she was making chicken for dinner and that she heard that I was a chef. She asked me how she should prepare her chicken in a new way using my New Orleans training. Nervously, I offered her some suggestions and tips to infuse more flavor and taught her a new cooking technique for chicken. She simply said that she would try it and let me know. Then she gave me a handful of sugar packets. More than I had ever seen her dispense. I smiled and so did she.

When I returned to the house, I knew that these sugar packets could be added to my growing store of tradable commodities. In the week that I had been working in the kitchen, I had amassed many packets of sugar. I began offering spoonfuls of coffee for free to anyone who would ask me as soon as I acquired them from my first commissary visit. They cost fifty-cents a packet and contained quite a few spoonfuls. I had so many that I was labeled a "coffee baron" which amused me.

Barons have a nasty reputation for hoarding and controlling prices on resources. I wanted to be seen as a benevolent baron so I gave the coffee away, sometimes I gave away whole packets. If a price were affixed it would be this,
my wish that I conveyed each and every time that I dispensed whole bags of coffee to someone who asked. "Share this with everyone at your table," I would say. I wanted to encourage a greater sense of community. I thought this would be accomplished if I introduced sharing of valuable resources.

I observed the sharing of scarce resources at tables before my coffee experiments began. Scarce resources included food, coffee, candies, cookies and cakes. This sharing introduced me to the idea of cross-table sharing. I further observed that valuable resources like sugar and coffee would remain within tables but hoarding occurred due to the scarcity within groups. I believed that flooding the tables with more coffee and later sugar would relax the hoarding since an abundance of precious commodities was happening. This injection of resources spurred more cross-table sharing of not just coffee and sugar but also encouraged sharing foodstuffs that could be used for "jailhouse cooking."

Food is an important and magical need. Sharing food builds stronger relationships. "Jailhouse cooking" is the creation of dishes that require imagination with the ingredients to produce an edible and deliciously unique dish. This was one of many innovations I observed in my housing unit. A common dish made was cheese crackers and ramen soaking in hot water with bits of baked chicken saved from Thursday dinner. Various ramen dishes floated through our house. Tables began sharing recipes and stories and soon the oft-quiet tables began to blossom before my eyes into a vibrant community. Trade often took place by being invited to a table or asking to sit at a table. Whenever I observed this in action, I smiled. Friendships were being established. New alliances were being made.

My greatest ally in jail became the kitchen manager. She had taken my cooking tips and created an amazingly succulent chicken. Her family loved it so much that her estimation of me rose considerably in her mind. She would ask me for suggestions for the dishes she was preparing in the kitchen, give me a plastic bag filled with sugar packets, and allow me to take food back to my unit. Baked chicken, which was served only on Thursdays, was probably the best food made in the kitchen, it was the most sought-after ingredient of jailhouse chefs.

I became a baked chicken baron thanks to my relationship with the kitchen manager. I also had access to pre-packed halal meals. These would come in handy to trade with the Black Muslims who had previously interacted or engaged with me because I was known to be gay. They chose to associate with me individually and in secret. Preserving their privacy was tantamount in all my interactions with any of them. This trust would sow respect that would

eventually lead to me being acknowledged publicly by the most senior members of this group; a level of respect many other prisoners did not have.

Respect, I slowly learned, was the most important commodity in this society. I had been trading in something that few people had in the outside world. I had been blind to the power of this resource. Had I introduced a new way of thinking into a mechanism designed for detention that was administered like punishment? On one occasion, as I was walking down the back area stairs to the lower level, a "Crip" lieutenant was clearing the stair area so that the leader could walk up. We came face to face on the stair and as the young lieutenant was beckoning me to "stand aside," his leader tugged his arm and told him," Nah, let the O.G. go first, man." I thanked him as I passed him and he nodded and said, "respect." From that moment on his followers showed me deference in all things from usage of their phone to allowing me to go first for all meals. I usually allowed others who were marginalized within our society to go before me and by extension anyone that I showed respect to received new-found respect.

Daniel, my tablemate who was initially picked on and did the laundry of other more respected detainees in an attempt to gain respect, was no longer forced to do laundry. I shared my commissary with him because he had no one on the outside to help him. Daniel was in MDC because his drug use was fed by his constant shoplifting which occasionally landed him in jail. Once a thriving and well-positioned employee in cosmetics sales, his descent into drug use came over his constant depression as a transgender woman trapped inside of a male body. Without the money to transition or pay for hormone therapy, he often used methamphetamines or prescription drugs to anesthetize his feelings. The respect he began to feel in jail allowed him to act more feminine and assert his truer female self in this house of male detention. Seeing Daniel become comfortable with himself in this environment led me to become more involved in the personal stories of my fellow detainees. Could I use the power of respect to alter the way each individual saw themselves? Would this inner change translate into a shift that could be felt throughout the unit?

Comradery is not an idea that many people think about whenever they hear about incarceration. Violence and fear readily spring to mind whenever we picture a jail or prison environment. The act of incarceration or detention is a violent one to any person who values their personal freedom. Many people lack agency in the outside world. Many lack a role that garners respect in the traditional sense. They play out social dramas in order to feel agency and gain a modicum of respect. Family structures are often our first introduction to the idea of societal roles. A weak family structure fraught with hardships and obstacles, like violence and poverty, can create an environment where one determines a sense of justice in the world.

Many of the people that I encountered came from weak family structures. Many of the people that I encountered saw a game being played with their lives. Many had little hope that they could escape this game and they had taken up the idea of "gaming the game." They often lost. Incarceration did not discourage or frighten my fellow inmates. It was a circumstance many saw as a badge of honor or a rite of passage; a gateway to respect or a way to build their own family structures.

The event that would forever bond me to my fellow detainees was an ordeal that we shared called the "tossing of the cells." For me, the "tossing of the cells," or a controlled, and often hectic search by corrections officers for contraband was the most dehumanizing act that I have ever experienced or witnessed. It began unannounced early one peaceful morning before breakfast arrived. There was a rumor a few days earlier that another house had contraband and an MDC-wide search was imminent. A bullhorn and a show of corrections officers in force, some in riot gear, filled the unit before our cells were unlocked. With instructions to remain inside our cells, I anxiously awaited the coming intrusion. I did not know what to expect but the screams and general sounds of disarray as items were being tossed into the center common area made me extremely uneasy.

My heart pounded; I was scared for my life. Soon a twenty-something year old male corrections officer entered my cell. Our eyes locked. He looked as scared as I did at that moment. I could tell that he had not experienced this activity before. He spoke softly and his superior or training officer encouraged him to be more forceful. He asked if I had any contraband that I wanted to declare. Weapons, money, phones, or any other unauthorized items such as perishable foods or pornographic materials were considered contraband. I had some fresh fruit in my locker which was considered contraband. As he threw items from my room out into the open area, I was to stand in the center of my room. Then he looked more afraid than before. He ordered me to strip naked so that he could do a full cavity search with a flashlight. I began to cry and surprisingly so did he.

A commotion outside distracted the training supervisor. He went outside to participate in what sounded like controlling an unruly detainee who was shouting something about his civil rights being violated. My crying was uncontrollable. The full-cavity search had been a part of my weekly visits. I was never asked to do more than drop my underwear and squat before they allowed me to change into the baggy, orange jumpsuit that I had to wear for visits. This time would be more invasive. As I moved toward the officer per his direction, our eyes remained locked and he too could not hold back his tears. Did he feel a human connection? Did he question the humanity of this action?

Whatever his reasoning, I did not know and he simply told me to put on some clothes and join the others outside. I thanked him. As I stood outside my cell, I saw for the first time the scope of the inhumanity of this process. There standing on a table was a female corrections captain. She was the person on the bullhorn shouting commands. She was filming this process on what I assumed was her personal device. She was laughing and joking with subordinates near her. They were enjoying this. They pointed at naked and half-naked detainees young and old. They seemed to relish this whole chaotic scene of their making. They appeared to relish in this aggressive, mean-spirited show of authority. I promised myself that I would never forget this moment. I burned this horror into my memory through tears, fear, and sadness.

Forgiveness is not something they could ever ask for after participating in this injustice. I would find a way to extract a payment for the cost in human dignity from the criminal justice system. This moment watered a seed that my mother planted deep within my soul when I was a child. She wanted me to be an attorney. She encouraged my education through great personal sacrifice. She showed me how to be an advocate for people. I learned to be of service wherever you are by watching my mother. The detainees here needed someone to carry their stories and make someone accountable for the failings of this system. It would take a pandemic that shut down the world to send me back to college.

It took thirty days forf my family to bond me out of MDC. Although they were able to secure the bond sooner, the process allows the prosecutor's office to question the source of the income of anyone who posts bonds for certain offenses or above certain amounts for three days. Sometimes they don't question the source and you are processed and released that day. No one that I spoke to as I waited in a cell underneath the courthouse for the three times that I had returned had heard or experienced this quick release. As a direct result of the protracted timeline, I turned forty-five in jail. It was a Sunday. The kitchen manager marked my birthday by giving me peppermints and sweet treats that she brought from home for me. The label of felon has not impeded my life in the ways that it hobbles the lives of so many other felons as they reenter society. My stable socio-economic status growing up with both parents, my early private school education, my access to resources, and a community of support throughout my life has buoyed me against the ill-effects the felon label traditionally incurs for others. It has not excluded me from housing. It has not affected my employability. As a self-employed private contractor in the field of student travel services, my experience was welcomed. The companies who used my services did not care that I was a felon and I was encouraged to share my experience as a learning tool.

I am very aware of the privilege that I hold in relation to others who are not as fortunate. It has for me been a badge of honor as well but in a different way than the other people I encountered while incarcerated. For too long, the felon has been identified and characterized as a reprobate; someone who lies outside of the margins of redeemability. Labeling theory of the symbolic interactionist describes the process of being labeled by society as a deviant, owning the label, and then engaging in the self-fulfilling prophecy. After my experience with the criminal justice system, felon holds quite a different meaning to me. It informs me that many will not be able to escape the criminal justice system and incarceration without outside intervention and disruption. Many will be entangled in the traps that are set to capture them. Many are in environments that are targeted. Many will sink and drown in this system but many will also thrive in this system.

Detention in many cases is an introduction to a lifetime of incarceration. The hurdles one will face seem insurmountable. The isolation that is reinforced by the spaces of incarceration and the destitution that is inflicted upon one as they enter into this world, fraught with challenges and unknowns, combine to create a sense of anomie. While many will not survive this system, others will challenge this system, and develop innovative ways to navigate it. Robert Merton theorized that innovation is a form of deviance that is acceptable. Within housing units of incarceration across this country, small societies exist that offer us a unique window into solutions to transform the lives of people otherwise trapped in their rejection by society at large.

We can begin to redress these injustices by investing in the communities that organically sprout up while in incarceration. Our reentry efforts can be shaped with regard and respect for the societies that develop while in incarceration. With encouragement and support, a jailhouse cook is a potential new chef or a jailhouse lawyer is a potential legal advocate. I am hopeful that the experiences that I have shared here will help to serve as insight into new research questions for further study. I know that those experiences have shaped me into a future legal advocate.

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# Why Solitary Confinement Must Be Abolished: A Call for Reform in U.S. Corrections

Hansly Garden Mauricio

## Abstract

Solitary confinement, a practice that isolates people who are incarcerated in small cells with minimal human contact, is widely used in the United States despite being criticized by human rights organizations. It was initially used for rehabilitation and now serves as a punitive measure, leading to severe mental and physical health issues, including depression, anxiety, psychosis, and chronic pain. It also contributes to higher recidivism rates, contradicting its intended purpose of correction and rehabilitation. While some argue that it ensures safety and order, evidence suggests it is often misused and disproportionately affects marginalized communities. This paper examines the historical origins, harmful effects, and inefficacy of solitary confinement, along with the arguments against it. Finally, it explores humane alternatives that emphasize transparency, individualized care, and rehabilitation, advocating for systemic reform to replace solitary confinement with more effective and restorative practices.

## I. Introduction

Solitary confinement remains a common practice in the United States despite growing evidence of its devastating effects. Used interchangeably with other terms such as administrative and disciplinary segregation, supermax, protective custody, and restrictive housing, it involves isolating people in small, closed cells for 20-23 hours a day with little to no human contact. It is often used as punishment in prisons or to separate those seen as a danger to themselves or others.

Sometimes, it is even used to protect people who might be at risk of violence (Hattery & Smith, 2023, p.33). While these reasons seem justified, solitary confinement is highly controversial because of the severe damage it causes to both mental and physical health. The United Nations has even classified prolonged solitary confinement as a form of torture The continued use of this practice is a significant issue in criminal justice reform. Not only does it fail to keep prisons safe, but it also leads to lasting harm and makes it harder for people to reintegrate into society, often pushing them back into the system. Solitary confinement does not serve its intended purpose and does far more harm than good.

## History

The use of solitary confinement (SC) started in the late 1780s and '90s at the Walnut Street Jail in Philadelphia. It was believed that isolating people would help them reflect on their actions and lead to moral improvement. This method was thought to be more humane compared to the physical punishments used at the time. By 1829, the Eastern State Penitentiary in Philadelphia adopted solitary confinement as a standard practice. The people in the prison were kept alone in their cells, with minimal human contact, to encourage personal reflection and repentance. When American author Charles Dickens visited the facility, he called the experience a form of torture worse than physical punishment. As the harmful effects of solitary confinement became more widely recognized, the Eastern State Penitentiary officially discontinued the practice in 1913 (Shapiro, 2019).

Solitary confinement was initially used for rehabilitation, but over time, it became a tool for punishment and maintaining order in prisons. Today, it is used to manage detainees considered dangerous or to discipline those who break prison rules. Although solitary confinement was originally intended to help, it has been shown to cause serious harm. Instead of ending the practice, many correctional facilities expanded its use despite extensive research on the mental and physical damage it inflicts. Policymakers and wardens should be aware of the harm caused by the policies they enforce.

## II. Why Solitary Confinement Does Not Work

The effects of solitary confinement have been consistently studied for decades, and as a society, we've learned a lot. Luigi, Dellazizzo, Giguère, Goulet, & Dumais(2020) found SC to be associated with various psychological complications, including insomnia, anxiety, post-traumatic stress disorder, psychosis, suicidal ideation, paranoia, depression, hallucinations, dysthymia, and hostility. People in solitary confinement have a higher rate of self-harm, psychotic symptoms, and anxiety. The researchers also found to be at more risk of suicide within 1 year after release and are more likely to have unnatural death within 5 years of being released, unnatural deaths include opioid overdose and homicide. Through longitudinal studies, it was found that over time, people who were in solitary confinement were more likely to experience depressive symptoms during follow-ups after being out of SC in comparison to people who

have never been in SC. Symptoms of anxiety also remained high compared to those who have not been in solitary (Luigi, Dellazizzo, Giguère, Goulet, & Dumais, 2020).

Beyond the statistics, the real impact of solitary confinement is seen in the experiences of those who have lived through it. Sarah Jo Pender, who spent five years in isolation, described how the lack of mental health care and prolonged isolation led to severe psychological distress, not just for herself but for the women around her. She explained, "Once a month, a mental health staff comes to ask us if we are hallucinating, hearing voices, or are suicidal. More frequent meetings can be requested, but they offer no coping skills, no therapy, no advocacy. The luckiest among us are prescribed antidepressants to numb us from the hardest parts of being alone." Pender also spoke up for the women in solitary who experienced extreme psychosis, describing how they were left to deteriorate until officers in riot gear forcibly restrained them for injections.

Others who entered solitary mentally stable became so depressed that they began self-harming. "I watched a woman claw chunks of flesh from her cheeks and nose and write on the window with her blood. My neighbor bashed her head against the concrete until officers dragged her to a padded cell... Right across from my cell, a woman slit her own throat with a razor and was wheeled out on a gurney. Two others tried to asphyxiate themselves with bras and shoestrings." These were not isolated incidents; Pender saw this cycle repeat itself over and over, with little intervention beyond punishment. She reflected on her own mental state, writing, "I am mentally stable now, but my mind broke down under the weight of isolation 3 1/2 years ago, and it was a long, slow, painful process of putting myself back together" (Casella, 2022). Pender's words illustrate the brutal reality of solitary confinement, it systematically breaks people down. After their prison sentence is up, how can anyone be expected to return to society, find jobs, and rebuild their lives as if years of isolation never happened?

Solitary confinement also severely impacts physical health due to the harsh conditions in these facilities. Research by Strong et al. (2020) has shown that many people develop skin issues, like rashes and dry, flaky skin, caused by poor air and water quality, harsh hygiene products, and lack of sunlight. For some people like Cesar Villa, these conditions became unbearable. He spent over a decade in Pelican Bay's Secure Housing Unit (SHU) and described how the extreme cold and lack of medical care left his body breaking down. "At the

end of the first year, my feet and hands began to split open from the cold. I bled over my clothes, my food, between my sheets. Band-aids were not allowed, even confiscated when found." Over the years, he developed arthritis, high blood pressure, a torn rotator cuff, and a thyroid condition—all after six years in the SHU. He wrote, "The medical conditions continue to develop. Costs continue to rise. Mental health deteriorates" (Casella, 2022). His story shows how the neglect and harsh conditions of SC not only cause suffering but create long-term health consequences that do not end once someone leaves confinement.

Beyond skin conditions and chronic illness, solitary confinement affects basic bodily functions like nutrition and pain management, Strong et al. (2020) found that some people lose weight because of low-quality food, limited calories, or lack of exercise. Other people restrict their eating out of fear or paranoia that their food or water has been tampered with, which usually stems from the psychological effects of isolation. Chronic pain, like musculoskeletal problems from untreated injuries or conditions such as arthritis, is another major issue. Strong et al. (2020) has also found that a lack of adequate medical care leaves many to suffer without relief, which further impacts their ability to cope with the already harsh conditions. When medical emergencies happen, people often hesitate to call for help because they fear punishment if their concerns are not deemed "serious" enough (Strong et al., 2020). These problems add to the mental stress and despair that come with living in isolation. The combination of poor living conditions, untreated medical needs, and limited access to health care shows that solitary confinement is not just harmful to the mind, it also puts people's physical health at serious risk.

When evaluating the effectiveness of solitary confinement, it is necessary to consider its impact on recidivism. Correctional facilities should ensure that people serving their time do not reoffend upon release and are prepared to re-enter society. However, the severe social and sensory deprivation of solitary confinement makes reintegration more challenging. Many people released from prison already struggle to secure stable housing, employment, and healthcare (Bakken & Visher, 2018; Petersilia, 2001), but those who have spent time in solitary often face even greater challenges. Many returning citizens are released into a parole system that provides little support due to high caseloads, with conditions that often set them up for failure (Petersilia, 2001). People who were formerly incarcerated, particularly those who spent time in solitary, are more likely to experience homelessness, unemployment, and untreated mental health issues, all of which increase their likelihood of reoffending (Bakken & Visher, 2018)

A meta-analysis of 194,078 inmates found that those who experienced solitary confinement were 67% more likely to be reincarcerated compared to the general prison population. The risk of reoffending also worsens with longer stays in isolation. Inmates released directly from solitary confinement are twice as likely to recidivate (Luigi, Dellazizzo, Giguère, Goulet, Potvin, et al., 2020). Solitary confinement is dangerous. It creates physical and mental harm that often takes years and possibly inaccessible healthcare to address. Beyond that, it contributes to higher recidivism rates, making it more likely for someone to commit crimes after their release.

SC is often used as a punishment, and while its effectiveness in enforcing compliance is debatable, it is undeniably effective in instilling fear. One stay in solitary confinement is enough to leave most people terrified of returning. But that fear comes at an extreme cost. It leaves people battling a plethora of debilitating mental and physical health issues for the rest of their lives. For most, the reasons they end up in SC do not justify the cruel and excessive punishment they endure. Solitary confinement is not just used for those who break rules or clash with corrections officers. You are also at risk of being placed in SC if you have a history of mental illness, threaten to harm yourself or others, or are seen as a potential target for violence from other inmates. If you are a person of color, the chances of finding yourself in solitary confinement also increase (Numa, 2024). Black and Latino men and women are overrepresented in prison populations and are also more likely to spend time in SC compared to white inmates. A 2019 study of federal and state prisons found that Black men made up 40.5% of all incarcerated men and 43.4% of those in solitary confinement despite only comprising 13.1% of the U.S. male population that year. Black women accounted for 21.5% of incarcerated women but 42.1% of all women in SC. Latino men made up 15.4% of the male prison population and 16.9% of those in SC (Eskender & Zhu, 2022).

These disparities reflect more than just differences in incarceration rates, they expose a deeper issue of systemic racial bias within the criminal justice system. Marginalized communities are not only more likely to be arrested and convicted but also disproportionately subjected to the harshest forms of punishment, like solitary confinement. The overuse of SC on Black and Latino inmates is a consequence of America's history of racial injustice, from slavery to the "War on Drugs" and modern-day policing. Implicit biases continue to shape prison policies and practices, reinforcing these inequalities (Western & Wildeman, 2009).

The idea that solitary confinement helps maintain order in prisons falls apart when you consider the evidence. It increases recidivism rates and contributes to worsening mental health symptoms like psychosis and hostility. Prisons and jails can fall short of providing adequate mental health care, so most people in SC are left to suffer without proper support. By the time they are released, they have been set up to fail, spending the rest of their lives battling the trauma and health problems caused by their time in isolation.

## IV. Why Some Support Solitary Confinement

When people are overtly violent and highly resistant to other forms of corrections, SC is used to protect staff and other inmates from harm. It is used as a way to separate someone who is violent and constantly going against rules from the rest of the prison population so that no one gets hurt. It also serves as a way to correct a person's behavior by taking away their privileges and leaving only the bare minimum. SC helps maintain safety and order in the prison and makes sure things are running smoothly (Samenow, 2021). A 2010 study named "One year longitudinal study of the psychological effects of administrative segregation" done at a Colorado State Prison by Maureen O'Keefe found that there was no significant psychological decline in the participants after a year in administrative segregation (AS). It also found that there were improvements in attention, memory, and other cognitive functions using the Saint Louis University Memory Scale (SLUMS). When the US Government Accountability Office was conducting a review of the federal Bureau of Prisons (BOP), the BOP cited the Colorado study to show that confining and separating inmates has very little effect on their well-being (Haney, 2018) and could actually benefit them.

While people may think that solitary confinement is useful for the reasons mentioned above, SC is not only used when an inmate is being violent.

People can be put into solitary confinement for reasons as small as talking back to a correctional officer and as big as hurting another inmate or staff member. There is a disproportionate number of people with serious mental illness, as well as Black and Hispanic men, who are sent to solitary confinement far more frequently than others. This overuse of solitary makes it a "cure-all" for any problem that arises in certain prisons (Shapiro, 2019). In the argument that Samenow (2021) made, he was clear that SC should be used as a last resort and with caution because of its extremely harmful nature. This typically is not the case. Unfortunately, at any time, more than about 122,000 people are held in SC for at least 22 hours (Casella et al., 2023). It is highly unlikely that solitary confinement is an effective way of keeping safety and order when considering all of the harmful side effects that someone can experience after being in solitary confinement, especially an increase in the likelihood that someone becomes more hostile and has a higher chance of committing a violent crime. The study done by Maureen O'Keefe in 2010 has become very controversial among solitary confinement researchers. There were two major issues with how the study was conducted, the first being that all participants had been in punitive segregation (PS). PS was a form of solitary confinement that was designed to be used for a limited amount of time while inmates waited for their placements into either administrative segregation or general population (GP), and it was unclear how long each participant stayed in PS until they were given their placements. This meant that both the control group and test group had experienced a form of solitary confinement which would make it extremely difficult to compare the groups and get reliable data. The other major problem with the study was that participants did not always stay in their groups. During the course of a year, some participants were taken out of AS and put in GP, while others were placed into PS or AS after being taken out of GP (Haney 2018). This meant that the comparison groups were contaminated, making the findings even more unreliable. There is virtually no reliable and recent data that proves that the use of solitary confinement helps correct and change inmate behavior in the long term. On the contrary, there is an overwhelming amount of data that shows the complete opposite: it causes an increase in suicidal ideation, psychosis, aggression, depression, higher recidivism rates, a greater chance of unnatural deaths, and musculoskeletal problems, among other things. Despite the lack of evidence supporting the use of solitary confinement, it is still widely used in jails and prisons all around the United States, and it is hard to understand why.

Why would we continue using a practice with no pros and a concerningly long amount of cons?

#### V. Alternatives to Solitary Confinement

The answer is we should not, there are alternatives focused on rehabilitation that would be far more effective in protecting, correcting, and maintaining order in correctional facilities. The first step toward abolishing SC is to wind down its use gradually. All facilities should start by documenting the details of everyone they have in SC, this includes identifying features, the reasons for their placement, steps taken to de-escalate before SC, and ongoing reports about their behavior. This kind of record-keeping would provide transparency and help assess the true necessity of SC in each case. Individual care plans created by mental health providers should also be introduced for everyone in solitary. These plans would focus on the inmate's personal interests to provide mental stimulation, include regular meetings with mental health professionals and family, and outline clear steps for safely integrating them back into the general population.

Involving inmates in the process makes the plan more effective and easier to follow. When they have a say in shaping their care plan, they gain a sense of autonomy, making them more likely to engage with it. Instead of feeling like just another rule imposed on them, the plan becomes something they actively contributed to, which can increase their commitment to following it. To ensure accountability, the care plan should be time-limited, accessible to the inmate, and regularly reviewed by health professionals. Another important part of reform is detailed incident reporting whenever force or restraints are used. The reports should include the type of force used, the steps taken to de-escalate before force was used, how long force was used, and written statements from both staff and the person involved. Superiors and the warden should sign all plans and reports to ensure facility leadership is aware of all incidents (Physicians for Human Rights Israel & Associazione Antigone, 2023). Heightened transparency and rehabilitation-focused care plans would ensure that solitary confinement is no longer a punishment without purpose but a process of growth and reintegration. Rehabilitation must be at the forefront of corrections, and it is crucial that people understand that SC is not rehabilitative by any

means. New training programs for staff on de-escalation techniques, conflict resolution, and the effects of solitary confinement are also needed.

To truly make changes in corrections and abolish the cruel practice of solitary confinement, there need to be systemic changes in policy and legal reform. In late 2023, a new bill called the End Solitary Confinement Act was introduced. It would require everyone who is incarcerated in a federal facility to spend a minimum of 14 hours out of their cell and have meaningful group interactions. If, for any reason, someone may need to be segregated in their cell, it would be limited to a maximum of four hours a day, with hourly check-ins, and only after all other de-escalation measures have been exhausted (End Solitary Confinement Act, 2023). If passed, this bill could transform the lives of thousands of people who currently spend over 20 hours a day in isolation. I hope this bill will become law and influence other states around the country to adopt similar policies. With these changes, solitary confinement, as we know it, can finally end and be replaced with practices that promote safety, rehabilitation, and meaningful change in correctional facilities.

## VI. Conclusion

Solitary confinement is a deeply flawed practice that does more harm than good. Despite its widespread use in the United States, the evidence overwhelmingly shows that it fails to rehabilitate, worsens mental and physical health, and increases recidivism. While some argue that solitary confinement maintains order and safety in correctional facilities, it is often overused and disproportionately affects marginalized communities. The prison system should be focused on rehabilitation and reintegration. Instead, it leaves people with lasting trauma, making it harder to succeed once released. It raises the question, what is the true purpose of incarceration? If the majority of people are being rearrested and committing new crimes after their release, then what is the point of these facilities? The lack of reliable evidence supporting its effectiveness, coupled with the overwhelming data on its harms, highlights the urgent need for reform. By gradually phasing out solitary confinement and using humane alternatives focused on rehabilitation, we can create a correctional system that prioritizes safety, fairness, and reintegration into society.

Solitary confinement has no place in modern corrections, and the time for change is now.

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# Solitary Confinement: Perpetuation of a Carceral Society

Riley Quinn

Dating back to as late as the 1700s, solitary confinement has been used as a tool within the prison industrial system, beginning as a form of corporal punishment and shifting into a correctional measure in the current day. In the 1900s, this form of punishment was phased out due to the inhuman nature of the tool. Once the "Tough on Crime" Era re-emerged within America, a resurgence of solitary confinement also followed suit, leading to its continued use in modern times. Although the majority of states restrict solitary confinement, there is still use of this correctional tool seen today. Solitary confinement is unjust as it causes physical and mental injury to prisoners, creates an outlet for abuse of power by staff, and provides no concrete benefits to outweigh the harm it inflicts.

The punishment of solitary confinement needs to be further established before any critical analysis can be delved into. While there is no universal definition for solitary confinement, it is generally agreed upon to be physical isolation where an inmate is confined alone in a cell for 22 to 24 hours a day, with minimal interaction with other individuals (Penal Reform International, 2013). This time period can range from a couple of days to years in some severe cases. Forms of isolation are considered to be a last resort, using the shortest amount of time possible to lessen the effects felt from the isolation and depravity. It's reported that at least 122,840 people are locked daily for around 22 hours in the United States (Casella, 2023). With the basic definition laid out and the numbers of the last year displayed, the harms of corporal punishment can be more easily explained.

During periods of solitary confinement, individuals are confined to a singular room, deprived of meaningful human interaction, unable to receive critical services such as medical care, are deprived of stimulants, and in severe cases can be denied basic needs. During extreme depravity, the body is placed under extreme levels of stress, resulting in higher blood pressure, irregular sleeping patterns due to time blindness, muscle atrophy from a lack of movement, and extreme sensory deprivation which can all contribute to the manifestation of physical ailments or the heightening of ones that are already present. A study conducted in 2020 by researchers apart from the University of California Irvine Department of Criminology sought to find the physical health ailments brought on by prolonged exposure to solitary confinement. 225 prisoners described the symptoms they had experienced while in solitary confinement (Strong et al., 2020). These symptoms were broken into three categories: symptoms due to deprivation conditions, symptoms due to limitation

of healthcare access, and chronic musculoskeletal pain brought on by deprivation and limited access. Participants experienced similar weight fluctuation and skin irritation, connecting the physical affliction to their experience in solitary confinement. They were denied nutritional food and physical activity, resulting in the fluctuation of weight specifically. Musculoskeletal pain was found to be debilitating and untreated due to a lack of medical care. Other health issues such as higher blood pressure, seizures, kidney stones, etc. were worsened due to the lack of care participants were able to receive due to the deliberate deprivation. While these health ailments are extreme due to the environment, physical health deterioration is less commonly talked about when discussing the impacts of solitary confinement, leading to the more discussed topic of the psychological ailments brought on by this prolonged solitude, effects that are further exacerbated by the physical conditions the body is forced to endure.

The severe social isolation and sensory deprivation in solitary confinement leads to psychological distress, resulting in manifestation of depression, anxiety, paranoia, hallucinations, warped perception of reality, manifestation of post-traumatic stress disorder (PTSD), and an increase in suicidal thoughts. A lack of social stimulation, deprivation of time, sensory deprivation, and a lack of physical activity leads to the brain deteriorating, impacting cognitive function and mental well-being. There are a couple ways in which the brain is affected during these periods of isolation. The hippocampus, the part of the brain responsible for learning and memory, can shrink due to the severe stress, anxiety, and PTSD the brain is constantly under during the experience (Kim et al., 2015). Because of this, memory issues can arise, along with overall cognitive decline. When the hippocampus shrinks, the cognitive decline of the brain shrinks in relation to the time taken. Because solitary confinement speeds up processes of stress, anxiety, and fear, this process is exacerbated, leading to severe symptoms despite the short time frame. The amygdala, responsible for processing emotions such as fear and anxiety, can lead panic attacks, heightened anxiety, difficulty regulating emotion, and to impulsive behavior if it is constantly stimulated (Inman et al., 2018). Along with mental ailments, stimulation of the amygdala can result in physical ailments as well like excessive sweating, increased heart rate, and rapid breathing. The social isolation and stress created by solitary confinement can disrupt serotonin, dopamine, and oxytocin levels while conditions increasing cortisol as a result of the brain trying to cope with the high levels of

stress it is under. This increase can lead to symptoms of depression or mood swings due to neurotransmitter levels being severely impacted. All of these changes within the brain can result in the development of issues such as isolation syndrome, hypersensitivity, hallucinations, cognitive difficulties, intrusive or suicidal thoughts, self-harm behavior, and more, often showing within the first few days or weeks. In 2019, a study was conducted to analyze psychological distress in inmates who had gone through solitary confinement. The study, Psychological Distress in Solitary Confinement: Symptoms, Severity, and Prevalence in the United States (2017-2018), found four main findings: half of the participants "had at least 1 clinically significant symptom within the BPRS anxiety-depression factor," participants had high rates of documented mental health issues, discovery of a broader range of symptoms of psychological distress such as hypersensitivity and a loss of personal identity, and that symptoms of psychological stress persisted even after release within incarcerated individuals (Reiter et al., 2020). These data trends led to the conclusion that the current study of solitary confinement is ineffective and does not fully capture the extent of the issue when compared against data from non-incarcerated individuals. The biggest takeaway that is relevant is the increase in mental health symptoms, the trend of self-harming behavior, and the difficulty to reintegrate into society after release. A 2019 study conducted in North Carolina found "individuals who spent any time in restrictive housing were 24% more likely to die in the first year after release" (Brinkley-Rubinstein et al., 2019). Within the first two weeks after release, individuals were found to be more likely to become reincarcerated or pass away due to opioid overdose and were more likely to die from suicide or homicide within the first year after release. This reveals that individuals who go through solitary confinement, also referred to as restrictive housing, have shortened life spans due to the prolonged exposure inflicting mental and physical ailments onto the individual, severely worsening mental well-being and overall quality of life for the individual, while showcasing the difficulties they have to reintegrate into normal, everyday life after such a traumatic event

One of the mental afflictions caused by solitary confinement is cognitive deterioration, which can include the worsening of memory caused by the hippocampus being placed under too much stress. This deterioration is best exemplified in the Reykjavik Confessions, an unsolved case that took place in Reykjavik, Iceland. In 1974, 18-year-old Gudmundur Einarsson and 32- year-old Geirfinnur Einarsson had both gone missing in towns separate from Reykjavik

(Cox, 2014). At the time, police began to dig deeper into the cases due to the lack of disappearances in the area and the closeness in the disappearance of the two men who, despite having the same last name, were entirely unrelated. Two individuals stood out to the investigation team: Saevar Ciesielski, a known petty criminal in the area, and Erla Bolladottir, Saevar's girlfriend. Erla had confessed to the crime in custody, stating she remembered the night Gudmundur had gone missing despite it occurring long before her interrogation. She had stated that the night Gudmundur had gone missing, she had overheard Saevar and his friends the police immediately zoned in on. The head whispering, a detail that investigator had gotten close to Erla's face and stated "We are going to help you recall everything. You will not be able to leave here until you tell us what happened to Gudmundur Einarsson" (Cox, 2014). After this statement, Erla was confined to solitary confinement, left only to question her own memory and testimony. Lengthy interviews, officers who were 'nice' and 'helpful' to help her remember, and being deprived of her child who was left alone at home were the brutalities Erla had to endure. After a 10 hour long interview, police had produced a statement that Erla signed stating Saevar and three of his friends had wrapped the body of Gudmundur in a sheet. When Saevar was presented with this statement, he stated he may know information about the case, implicating his close friends Kristjan Vidar Vidarsson, Tryggvi Runar Leifsson, and Albert Klahn Skaftason, all of whom faced lengthy periods in solitary confinement and the eventual production of their own statements, with Albert dealing with the isolation the worst. Each man admitted to either killing Gudmundur or disposing of his body, solving the first disappearance for the police. The next problem was the second disappearance of Geirfinnur. Erla was deemed to be the best way to get information from Saevar, leading to her prolonged period of time in solitary confinement. For a second time, the police stated "We have a reason to believe you have experienced something traumatic concerning Geirfinnur's disappearance - we are going to help you remember" to Erla (Cox, 2014). Erla, believing that cooperation could get her out of custody, glady helped again despite her getting no freedom she was hoping for. It took a year and a half for police to decide on the case of Geirfinnur, with Kristjan and Saevar both admitting to killing him along with the help of a mysterious 'foreign man.' This led to them detaining Gudjon Skarphedinsson, a 32year-old teacher. Karl Schutz, a cop brought into the case, told Gudjon "You should confess because you will feel better afterwards - tell us the truth and you will feel better forever." At the end, Schutz had convinced all six people,

Gudjon and Erla included, that they were guilty of murdering Geirfinnur. During this period, the two bodies were never found despite investigators taking them out at least 60 times to look for the remains of the two men. With six written confessions and hazy memories, all six were sentenced for the murders of Geirfinnur and Gudmundur, with Saevar receiving life in prison and the others receiving sentences ranging from three to twelve years. The time spent in solitary confinement was never ending for the group. Erla spent over 242 days, Gudjon was kept for around 425 days, Tryggvi was locked for 655 days in solitary confinement, and Saevar spent a total of 1,533 days in police custody.

With confessions written and sentences handed out, the case of Gudmundur and Geirfinnur should be solved. However, no bodies of the men were found and the statements produced were done while the suspects were experiencing extreme social isolation, sleep deprivation, and drug administration. Gudjon, who had kept a diary during his captivity, had stated that the words written down were not his. In the beginning of the journal in November, he had stated to have 'known nothing,' but by December he wrote "I can't remember anything and I'm losing my mind." If Gudjon did not remember, what was the purpose of confessing? Throughout the case, investigators repeatedly stated that there is no limit to how long they can put an individual in solitary confinement, stating they will help the suspects remember. In the case of Erla, she had written multiple statements under the guise that she will be let go from the isolation. During the beginning of the case, most individuals stated they knew nothing of the people or events, but by the end they were signing statements police had helped them to remember. While being a clear display of coercion, this production of statements, a timeline, motives, and false memories is a clear display of the mental impact prolonged solitary confinement can have on an individual, with the entire group of people becoming convinced they had murdered two people they barely remember. The case best exemplifies memory distrust syndrome, where an individual has severe distrust of their own memory due to outside factors, with it being coercion and solitary confinement in the case of the Reykjavik Confessions. Isolation, intense police interrogation, and emotional intensity all worked to trigger the syndrome in all suspects, who all became doubtful of their own accounts. Because of their extreme psychological distress, Saevar, Erla, Kristjan, Albert, Tryggvi, and Gudjon all became compliant in the punishment of themselves as they no longer believed the memory they held was reality. This warped perception exemplifies the extreme dangers of long term solitary

confinement as it can completely alter the procession and fairness the justice system is said to uphold through its continued use.

Solitary confinement existing within the prison structure allows for the correctional tool to be used as a form of exerting authority over others. The act of sentencing an individual to solitary confinement can be done for three reasons: to serve as a disciplinary measure, to maintain order, and to coerce inmates into compliance. If an inmate were to start a fight, caught having contraband, or talking back to a guard. The rules for applying solitary are loose. In 2015. President Barack Obama announced the 'overuse' of solitary confinement in U.S. prisons and established "guiding principles," meaning that these statements were not legislation and, therefore, had no severe consequence if not followed. These five principles stated that individuals should be placed in the least restrictive setting necessary, to have clear reasoning for the use of confinement, have a plan to return the inmate to less restrictive housing as soon possible, receive regular review of restrictive housing use, and have as correctional staff be regularly trained in the use of restrictive housing (FACT) SHEET: Department of Justice Review of Solitary Confinement, 2016). While these principles were said to be adopted, there was no move to fully integrate these principles into concrete legislation. The most recent proposal is H.R. 176 titled the Restricting the Use of Solitary Confinement Act, which had been introduced but not proceeded further. Similarly to the last "guiding principle," the wording of this bill is extremely loose, not restricting the use of the correctional tool as punishment. It included the right for inmates to receive medical and mental evaluations before containment, the restriction of use for non-disciplinary reasons, the need for reasonable cause for confinement, etc (Watson Coleman, 2021). However, because there are no clear guidelines for what constitutes 'reasonable cause' and a 'disciplinary reason,' this leaves room for correctional staff to abuse this former corporal punishment. One such instance of this abuse of power through solitary confinement is seen in the culture to protect fellow guards and officers. "At Sing Sing Correctional Facility, officers fractured a man's eye socket. In both cases, corrections employees charged the men with assault and sent them to solitary" (Neff et al., 2023). This shows one instance where restrictive housing was used as a means to conceal a crime committed by a guard. Other such acts can include falsifying reports, covering up for fellow officers, and using solitary confinement to restrict the inmate's access to the proper tools and resources to file a complaint. Because of these coverups and the lack of accountability, actions such as this and the

culture of abusing power is perpetuated within the criminal justice system. There are few resources provided for inmates to seek justice for these actions, lack of solid evidence due to faulty reporting, and little restrictions placed upon specified use of solitary confinement, this work culture will continue to be perpetuated until solitary confinement is further defined or removed as a correctional tool and punishment entirely.

The ethics of why solitary confinement should be used is hard to define, which gives leeway to a stronger question: why is solitary confinement still in use in a modern day society that has no real need for it? The main concepts are that the correctional tool can be used to isolate dangerous individuals within prison to maintain order and safety, to protect vulnerable inmates who may be subjected to assault by other prisoners, and to maintain general order in prisons by deterring problematic behavior. The first reasoning has little concrete evidence to back this up. Main uses of solitary confinement are for maintaining order and correctional punishment, neither of which concern themselves with protecting the other inmates, but rather the guard's authority. Solitary confinement should also be used in small increments, meaning holding an inmate within it to protect the others would be unethical for the individual in holding. The next instance is to protect vulnerable inmates which, similarly to the dangerous inmates, is not done nor would it make sense in context. These vulnerable populations, consisting of mentally ill individuals and minority groups, being placed within solitary confinement would only exacerbate their issues, as solitary confinement and solitary housing are separate entities. A simple solution to avoid this could be the creation of specific cell blocks to populations rather than immediately resorting to an further protect these extreme solution of protection through isolation. By taking this use of solitary confinement, staff is able to better portray the act as an act of good when used, providing a 'reasoning' for the action. The last reasoning, maintaining order, justifies that solitary confinement has been used to serve as a correctional tool to deter negative behavior such as assault and disrespect of guards. However, this one purpose is not able to negate all the harms that the punishment inflicts. In the closing remarks of Solitary confinement: Lived Experiences and ethical implications by David Polizzi, Polizzi states that "The conditions by which solitary confinement is "strategically" employed must be viewed as an intentional act of rationalized retribution. As such, it implies an intentional desire to construct a system of punishment that elicits an intense degree of psychological harm" (Polizzi, 2017). The foundation of solitary confinement

derived from corporal punishment, eventually shifting into a correctional tool. This tool was founded on the basis of the pain of the individual, which makes its use, purpose, and the effects of the tool extremely clear. Due to the physical and mental Ailments brought on by confinement and the perpetuation of abuse of power within the Prison Industrial Complex, the negative consequences of the tool seem to be too severe to ever argue for the benefits of it, which appear to be very few in actuality. While most countries utilize some form of restrictive housing, the U.S. is regarded to be one of the top countries that consistently use the punishment. Reaction to the overuse of solitary confinement within the U.S. prompted a United Nations (UN) human rights expert to state that "There seems to be a State-sanctioned policy aimed at purposefully inflicting severe pain or suffering, physical or mental, which may well amount to torture" and that "This deliberate infliction of severe mental pain or suffering may well amount to psychological torture" (Melzer, 2020). The action of solitary confinement is deemed to be a violation of human rights according to the International Covenant on Civil and Political Rights. With there being a debate over whether the action is a human rights violation, justification for the action should not be found if it is so close to being deemed as utterly inhumane. Stepping aside from the humanitarian aspect, there is a huge cost taken on by utilizing the isolation method. The average cost for a prisoner stuck in solitary is estimated to be around \$75,000, a cost that is triple the amount it typically costs to incarcerate an individual (Reiter, 2018). With an estimation of around 41,000 to 48,000 individuals having experienced solitary confinement in 2021, meaning that this cost is nothing to scoff at (Resnik et al., 2022). Instead, the cost is estimated to be \$410.1 million spent annually in the state of California only. These resources can instead be allocated to more pressing issues, such as the upkeep of prison facilities, improving living standards within correctional institutions, increasing funding for hiring correctional guards and medical staff, and increasing training for correctional staff. This allocation could lessen the burden placed on these sectors of the correctional infrastructure, which can in turn lead to more benefits such as the lowering of mental health conditions in prisons, decreasing recidivism among former inmates, and lessening the mental burden placed on correctional staff. All of these negative points gained through the implementation of this correctional tool should lead to the justified conclusion that solitary confinement as a correctional measure needs to be abolished. The mental and physical turmoil inflicted onto prisoners, the use of the tool to target minority groups, and the sheer cost of the use of solitary all weigh down the proposed, but not justified, pros that the tool can be used to bring. Rather, the tool is instead a weapon to further punish those already experiencing their retribution, being relegated to a tool of power and control rather than one of safety and learning that the tool is paraded around as. There are alternatives that can be used instead of solitary confinement such as the implementation of mandatory rehabilitative courses for inmates acting out of line, group therapy, and the temporary removal from inmates without the deprivation of light, food, water, and complete human contact. The biggest barrier for implementing these measures is a common denominator: money. By cutting funding to solitary confinement and funneling it back into mental health reform within prisons, the need for solitary confinement and restrictive housing can be eliminated, helping to end the era of corporal punishments as a form of behavioral reform.

Use of solitary confinement has seen a sharp increase in recent years due to the initiative of the government to crack down on crime. Serving as a behavioral tool, correctional tool, and deterrence, having solitary confinement take such a rooted spot within the American criminal justice sphere displays a carceral society, one where behavior is regulated through punishment and incarceration. The action of using solitary confinement as a correctional tool is highly contested in the criminal justice sphere. While there are proposed arguments as to why the punishment should be used, there are a number of negative outcomes that take away from this argument, laying out the foundation for why perpetuation of this action is harmful to both the individual and the society it thrives in. Currently, solitary confinement contributes to the worsening of inmate physical and mental health, while perpetuating correctional staff power abuse. Removal of this correctional measure can allow for safer treatment of inmates, easier reintegration into society post-prison release, decrease in inmate frustration, and create a more humane justice system by removing a punishment guised as a tool that provides little to no benefit in the society that perpetuates it.

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How Does Privatization Affect the Carceral State?

Ezster Winkemayer



(Guenther, L., 2015, CCA/CoreCivic facility).

Plastech Corporation; Anagram; Impact Design: what do these three manufacturers of wide-ranging everyday products all have in major U.S. common? These and a myriad of other mass conglomerates all currently profit from the labor of inmates incarcerated in American private prisons and enjoy massive capital gains - Anagram alone was valued at nearly \$9,000,000 USD as recently as 2018 (Wu and Brady, 2020). With large contractors such as MINNCOR who offer labor contracts to companies like those who rely on private prison labor, paying inmates as little as between "\$0.50 and \$2.00 per hour," the benefit to the contractors and corporations is obvious (Wu and Brady, 2020). But what about the benefit for those who must perform the labor; and is this a question that anyone profiting from this labor is even asking? What effects does the privatization of prisons, including the labor produced therein, have on this country's system of surveilling, criminalizing, and incarcerating its citizens – otherwise known as the carceral state? These are some of the themes explored in this paper, beginning with a brief history of private prisons and the impact they have had on inmate populations, conviction rates, inmate quality of life, and the U.S. economy. This initial analysis is followed by an examination of the social implications of the privatization of prisons and those of forced labor as a punitive measure, as well as a look into the connections between the privatization of prisons, corporate revenues, and the state of punishment in modern day America. Most importantly, this paper investigates the effects that the privatization of prisons has had, and continues to have, on those who must live daily within the reality of the carceral state – the incarcerated population.

#### INTRODUCTION

Louisiana, 1844 – just before the end of legalized slavery in the U.S., one penitentiary was turned over to a private company which used the facility as a factory for prison laborers to manufacture clothing (Young, 2020). This was one of the first examples of prison privatization, although systems mining the labor of enslaved convicts through convict leasing programs had been in place since pre-Jim Crow. Before the advent of private prisons, state prisons thought of as a "privilege," and seen as a space for "reformation," were (Muhammad, 2011) something reserved strictly for white Americans at the time. Arriving in 1865 was the Thirteenth Amendment loophole which outlawed slavery with one meaningful exception - "except as a punishment for crime whereof the party shall have been duly convicted" (U.S. Const. amend. XIII § 1). In a perverse dichotomy, the Thirteenth Amendment at once abolished one kind of slavery and expanded another. The Thirteenth Amendment championed an excessively dangerous legal construction which has, historically, been used to "extract labor from those trapped between the walls of America's prisons" (Young, 2020). So, how is the labor extracted?

Firstly, employment is a requirement of all qualifying inmates of state and federal prisons with the typical wages of prisons ranging from as low as 3 cents per hour in Louisiana and as high as 97 cents per hour in Colorado (Zandt, 2024). With the highest state prison wage still being under one dollar per hour of typically hard labor, combined with the additional forced component, an arrangement not unlike that of convict leasing is created. In a sense, these convicts are being leased to corporations, not dissimilar to the convicts leasing widespread through the Jim Crow South. This reaffirms Michelle Alexander's 2010 postulation that mass incarceration is "the New Jim Crow," and, further, a "stunningly comprehensive and well disguised system of racialized social control" (p. 4). This unholy union of exploitative corporations and a carceral system once theoretically meant for rehabilitation has, essentially, created warehouses of individuals who are technically property of the state and who labor tirelessly for the benefit of private interests.

As of 2020, "private prisons incarcerated 99,754 American residents," which then represented "8% of the total state and federal prison population" (Buday and Nellis, 2022). This number had been rapidly rising in the past two decades alongside the 14% increase of the public prison population which has taken place since 2000. However, since 2012, the population of private prisons has decreased significantly, a foreboding sign for agencies such as the Bureau of Prisons, or BOP, which is "the largest prison system relying on privatization," whose "reliance on private facilities increased by 79%" since 2000 (Buday and Nellis, 2022). This concurrent recent decline in prison population and increased reliance upon private prison labor could create a dangerous situation in which the government and the private interests they are financially connected to become motivated to maintain and somehow inflate their dwindling populations of prison labor.

Today, CoreCivic, formerly known as the Corrections Corporation of America, or CCA, is America's largest private prison corporation and collected "\$1.6 billion annual gross revenue from more than 60 facilities in 20 different states" in 2014. On top of this revenue, CCA collects over "\$96 million a year in state taxpayers' money each year," (States of Incarceration, 2015) to run just a few of their facilities. Clearly, private prisons are big business, and contribute the cheap labor required to keep costs down and earnings up for some of the biggest companies in the country. Industries currently reliant upon cheap prison labor manufacture products ranging from circuit boards, as in All-Wire Inc. of California, to processed potatoes, as in Dickinson Frozen Foods, out of Idaho (Wu and Brady, 2020). Economic arrangements such as these, of course, create delicate relationships because private prisons must "answer to both the institutional environment of corrections and the competitive market environment of business," (Wright, 2010, p. 80) two institutions which have competing and conflicting goals.

The goals of private prisons functioning as for-profit businesses pose large ethical concerns as to how the privatization of prisons will ultimately affect the U.S. carceral system, and, arguably most importantly, what impacts
this could have on the lives of the inmates of prisons themselves. Are private prisons, which warehouse inmates to provide cheap labor to benefit corporations who the prisons then generate capital from, anything other than a reiteration of American slavery? In 2012, CCA's U.S. Securities and Exchange Commission (hereinafter "SEC") filings read much like the documents of a slave-trader and even warned investors that profits would decline if the demand for prisoners declines. Meaning, "if the world's largest police state shrinks, so does the corporate bottom line" (Ford, 2012, p. 9). By reducing the value of human lives to dollar amounts, represented merely as figures on a spreadsheet for the benefit of investors to manipulate, a dangerous precedent is revisited. This system loudly echoes the philosophies of American slavery, another economic system which translated the lives of human beings into capital gains.

# HISTORICAL BACKGROUND

Prisons generating low-cost labor have been an intrinsic part of the U.S. prison system since its inception, with the history of this construction primarily benefiting government interests prior to the involvement of private industry. Although privatization and profiteering were not the modus operandi of the earliest U.S. prisons, the history of the carceral state is one in which inmates and wards of the state have long created cheap labor to be mined for the interest of one entity or another. The idea of private workhouses, wherein prisoners labored to offset the costs of their incarceration and to supplement the jailers' salaries, was first popularized in England in 1555, an idea which was adopted by the colonial states. This construction eventually led the British to send many convicts to the American colonies to be used as hard labor, which simultaneously provided both profit and punishment (Appleman, 2021, p. 5). These humble beginnings laid the groundwork for American carceral labor profiteering and the privatization of punishment.

By 1785, the newly established states born from the original British colonies began to implement incarceration as a punitive measure, using local jail houses or houses of correction. This was a turning point in the freshly forming American criminal justice system, the period in which incarceration became the cornerstone of criminal punishment. The organization of prisons began to receive more attention, and by the 19<sup>th</sup> century, inmate labor played a central role in the inception, organization, and spread of carceral institutions. The "reformist" ideas of the early 19<sup>th</sup> century were less about the actual

rehabilitation and reform of the prisoners themselves, and more concerned with the stratification of social hierarchies as a means of social control. Additionally, these "reformist" prison policies were heavily influenced by concerns about the cost and profitability of carceral institutions (Appleman, 2021, p. 8).

From the launch of the carceral state and its early evolutions, the costs and benefits of incarceration have been at the forefront of U.S. carceral discourse. The history of prison profiteering cannot be discussed without invoking the image of chain gangs, the chained-together prison laborers of the late-19th and early-20th centuries - a visual and historic representation of the ways that state governments and private companies have long financially benefited from low cost prison labor. At the turn of the 20<sup>th</sup> century, using chain gangs to repair roads was a cost cutting measure employed by many Southern state governments. To use an example provided by Willamette University professor Laura I. Appleman, "in South Carolina, a low-skilled cotton mill hand was paid \$1.25 per day in 1915," yet "housing, clothing, and food for chain gang members cost only \$0.20 per day, pay for guards was only another twenty cents, per day, and then miscellaneous costs added merely \$0.15 per day" (Appleman, 2021, p. 22). Not only did the capital generated by inmate labor include the maintenance cost of the inmates themselves, but this for-profit carceral system also provided labor at half the cost of non-prisoner labor, which clearly benefited state governments to no small degree.

Of course, state governments are far from the only entities enjoying the benefits of low cost prison labor; the private sector has been generating wealth from this same pool of labor since the very beginning of the American carceral system and continues to financially benefit from it today. Private companies and individuals have been eager to take advantage of inmate labor cost savings, even using cheap prison labor to aid in the response to natural disasters (Appleman, 2021, p. 34). A constant which remains unchanged throughout the history of the prison system is the economic advantage that inmate labor cost savings provides to both state governments and to private industry.

# CONTEMPORARY CONTEXT

In the 21<sup>st</sup> century, private industry plays an integral role in nearly every aspect of mass incarceration and criminal justice, from the smallest to the largest components (Appleman, 2021, p. 38). While in the present day, the scale of private industry's involvement in the U.S. criminal justice system is staggering, this did not happen overnight. The history of the prison industry, what some scholars refer to as the prison industrial complex, is the history of brutal prison labor, labor which has been a source of wealth for both the state and private industry (Appleman, 2021, p. 38). So, how profitable are prisons and who enjoys the wealth generated by prison labor? Moreover, how does privatization factor in?

In a thorough analysis of the carceral state and state-sanctioned punitive structures, it is essential to consider the actual ramifications of incarceration on the most personal level; what it means to be incarcerated to the individual who has been incarcerated. A ubiquitous need for incarcerated individuals is that of communication with the outside world, a way to connect with family members and friends who are not incarcerated. In the 21<sup>st</sup> century, this is accomplished through telephones, which are owned and operated by private companies such as Global Tel\* Link, "The Next Generation of Correctional Technology" (Segura, 2013).

Global Tel\* Link, (hereinafter "GTL"), is a third-party private company which facilitates prison inmate communication with outside contacts through the mandated use of for-profit phone accounts which inmates and their families pay for. Inmates and their families must pay GTL to be able to communicate with each other, which is one of the few ways inmates have to retain their connection to their loved ones and to the world at large. GTL pulls in over \$500 million per year, essentially extorting families by forcing them to pay exorbitant rates simply to use the phone, rates that are sometimes as high as \$1.13 per minute (Segura, 2013). This creates an absolute behemoth of a monopoly for GTL, one which is highly profitable for the company and client alike. By offering kickbacks in the form of commissions to the prisons and jails it serves, GTL has no problem securing contracts and maintaining its highly profitable monopoly status. In the same instant that higher kickbacks to prisons and jails secures greater numbers of contracts for companies like GTL, higher kickbacks translate into higher phone rates for inmates and their family members (Segura, 2013).

When considering the privatization of prison services, such as phone services being provided by companies like GTL, even state and federal public prisons are part of the private sector on some level. This slow-but-steady privatization of the carceral state has created powerful financial incentives for companies like GTL to prioritize profits over efficiency and to cut corners wherever possible, as actors in the private sector are known to do, all in the interest of maximizing the bottom line. More significantly, the privatization of prison services sets up a system which benefits from mass incarceration, and aids in the creation of policies that fuel mass incarceration. Although "defenders of for-profit prison services pitch them as superior, efficient, money-saving options for cash-strapped states and localities that can ill-afford the costs of mass incarceration," these privatized services can end up incurring huge unseen costs to inmates and their families, as evidenced by GTL's audacious pricing of phone calls (Segura, 2013).

Phone services are just one example of how the private sector infiltrates the prison system and creates kickbacks for prisons and profits for private companies. Public prisons, both federal and state, outsource various functions and services to private companies, which is leading to the privatization of these institutions. Of course, full privatization of prisons has already boomed in the U.S., and in 2020 just under 100,000 Americans were incarcerated in private prisons. This number has been on the rise and has increased by 14% since 2000 (Buday and Nellis, 2022) before its more recent decline. As Liliana Segura, Associate Editor of The Nation, emphasizes, "no phenomenon is more emblematic of prison profiteering than the rise of private prisons," because private prisons operate on a business model built on the profits of punishment (Segura, 2013). Regardless of whether the rates of incarceration in private prisons continue to trend down or experience another significant increase, companies like GTL will continue to profit from the inmate population of private and public prison facilities. So, how do these companies create their profits, exactly?

# HOW'S THE MONEY MADE? PRISON SLAVERY AND CORPORATE PROFITS

Similarly to the hotel industry, one which is built on the need to keep its beds as full as possible, the private prison industry must, too, rely on the filling of prison beds to maximize profits. Private companies serving public and private prisons make billions of dollars per year based on this very principle. Companies such as GTL, with its over \$500 million in earnings in 2013, and CCA, which brought in a whopping \$1.76 billion in revenues in 2012, are clearly heavyweights of private industry (Segura, 2013). Not only do these companies all profit from the labor of incarcerated people, but they also contribute millions upon billions of dollars to the national GDP. Figures such as these illustrate the nation's dependence on what can only be described as the borderline-slave labor of incarcerated people – an economic relationship that has cemented companies like CCA and GTL as titans of the private prison industry.

A closer look at the history, involvement, and power of CCA unmasks industry as its newly rebranded corporate iteration, this leader of the CoreCivic. As of 2021, CoreCivic generated \$1.9 billion in revenues, a small but clear improvement on their 2012 figures. Obviously, the for profit carceral industry is a successful one, and as of today, CoreCivic "owns or manages 74 prisons and jails in the U.S. with a total capacity of 74,957 beds, which are 56% of all privately owned prison beds in the U.S." (AFSC, 2022). Financial gains such as these become even more impressive when factoring in the complete lack of taxes paid by CoreCivic for a substantial period. Between 2013 and 2020, CoreCivic was incorporated as a Real Estate Investment Trust (REIT), making it no longer subject to federal corporate income taxes. Of course, as a REIT, CoreCivic was required to distribute 90% of its income to stockholders, making it too reliant on loans from banks which eventually decided to stop financing private prison companies like CoreCivic. As of 2021, CoreCivic has reorganized as a taxable corporation, which, clearly, has not slowed down their growth nor impeded their impressive multiple-billion-dollar earnings (AFSC, 2022).

CoreCivic is still the largest owner of private prisons and the "largest private owner of real estate used by government agencies in the U.S." (AFSC,

2022). Because it also owns some prisons without managing them directly, CoreCivic is also the second-largest private prison operator, after GEO Group. Besides its domestic operations, CoreCivic owns 50% of AgeCroft Prison Management, a joint venture with Sodexo that operates the HM Prison Forest Bank in Salford, England, for the U.K. (AFSC, 2022). This harkens back to the earlier beginnings of prisons and the carceral state, one in which the U.S. and the U.K. worked together to reap the profits of low-cost prison labor, one which historically was shared between the crown and the colonies. Mergers such as CoreCivic-AgeCroft embody the present-day incarnation of the U.K. colonial prison profit pipeline.

CoreCivic is a top-earning profiteer of the U.S. prison system, an excessively powerful entity who earns revenue based on the mass incarceration of Americans. From the companies who profit from providing prisons a service, such as GTL, (Segura, 2013) to the prison corporations themselves, of which CoreCivic is the prime example, the entities and individuals profiting from low-cost prison labor are primarily these behemoth, faceless conglomerates. These companies, of course, comprise shareholders and executives who are only concerned with earnings, not the rehabilitation of those from whose labor they profit. Companies like CoreCivic have transformed the carceral state into a network of businesses working together to provide their shareholders with the most diversified portfolios, not with pretending that anything that happens in their facilities is even remotely rehabilitative.

Despite former President Biden's 2021 executive order ending the federal use of private prisons, CoreCivic and other private prison corporations have sought ways to circumvent limitations to federal contracts by instead contracting with local county and state facilities which hold federal prisoners (AFSC, 2022). As in other trades, corporate officers often find clever ways around certain regulations, even executive orders signed by a President. As impossible a question as it may seem, one cannot help but wonder: if the profit of facilitating private prisons is absorbed by these corporations, who pays the true cost of incarceration?



(Young, S., 2020, Hallway in Prison Facility).

# FINDINGS: WHEN THE STATE SERVES THE INTERESTS OF CORPORATIONS, JUSTICE IS LOST

The most popular argument for the privatization of prisons by its proponents is that private facilities cost the government less than public facilities, specifically due to the cost cutting measures utilized by private prison corporations. By streamlining and corporatizing the carceral state, a more efficient structure of punitive facilities is promised. However, this might not be a wholly accurate representation of the facts, as a 2007 University of Utah study has already described how "cost savings from privatizing prisons are not guaranteed and appear minimal" (Young, 2020). This evidence is obviously far from convincing that the proposed financial savings which prison privatization proponents have promised will ever amount to substantial figures.

Moreover, lower-cost facilities are not synonymous with well-run facilities, and it is the very same cost-cutting measures employed by private prison corporations which make private prisons so dangerous. One of the first

and most crucial services private prisons cut back on to reduce their overall operating costs are cleaning services. A 2016 Justice Department report indicated that inmates did not have access to proper healthcare in private facilities and observed a higher rate of inmate-on-staff and inmate-on-inmate assaults. This means that not only are private prisons filthier and more physically dangerous, but also that inmates also do not have access to clean, proper healthcare as needed. Research from the Arizona Department of Corrections asserts this, showing that many of its private prisons went out of their way to avoid accepting individuals who were suffering from severe mental conditions (Young, 2020). This picking and choosing of who gets the privilege of being incarcerated in a private facility is a representation of who is profitable to these companies and who is not.

In addition to the confirmed poor living conditions of private prisons, critics of privatization also consider the ethical implications of a system in which the owners and operators of prisons have a vested interest in maintaining mass incarceration. To be able to truly cash in on incarceration, obviously it must occur in great scores; hence mass incarceration contributing to the revenue streams of the owners and operators of private prisons. This reliance on mass incarceration translates into a need for legislation which incarcerates more people and goes in the reverse direction as prison reformers and advocates for prison abolition. Moreover, profiting from mass incarceration leads private prison corporations to lobby for government policies and candidates that will put more people in prison. CoreCivic alone spent an average of \$1.4 million per year between 1999 and 2010 in federal lobbying efforts; clearly, they are investing in mass incarceration, which in turn boosts their profits (Young, 2020).

Is this model of mass incarceration needed to generate profits for the private sector sustainable? Furthermore, is the exploitation of prison labor a reasonable result of the criminal justice system? What are the societal implications of the reduction of human lives into low-cost labor for the private sector? The choices set forth by Sydney Young in *Capital and the Carceral State: Prison Privatization in the United States and United Kingdom* (2020) include maintaining privatization, reforming private prisons, and abolishing the privatization of prisons altogether. However, the main takeaway is that these questions are being addressed, and many critics of privatization are actively working toward reform and abolition. Whether the answer is maintenance,

reform, or abolition, all sides of this argument can agree that prison corporations must be held accountable for their mismanagement and negligence regarding the lives of the inmates who they house and generate profits from (Young, 2020).

Since the early days of Colonial Era private workhouses, wherein prisoners labored to offset the costs of their incarceration and to supplement the jailers' salaries, the benefits of prison privatization have been clear. From chain gangs building roads for half the cost of non incarcerated laborers to the incredible system of labor being generated by private prisons in the 21<sup>st</sup> century, the groundwork to profit from the low-cost labor of incarcerated individuals has been a part of the American prison system since its early beginnings (Appleman, 2021, p. 8). Private companies like GTL enjoy billions of dollars in annual revenue for the services they provide to prisons, which come at a relatively low cost to the prison owners and operators. However, services such as the phone services provided by GTL do present immense costs to the inmates and the inmates' families; it is almost as though there is a double charge for this service, when considering the exorbitant cost to the inmates and their families.



(Budd, K. M., 2024, Percent of Imprisoned People in Private Prisons, 2021). As has been discussed throughout this paper, private prisons are big business in the U.S., with CoreCivic being the largest U.S. private prison corporation to date (Segura, 2013). In 2021, CoreCivic generated an unprecedented \$1.9

billion in revenue, a number made even more impressive when considering private prisons have just around 100,000 of the 2.3 million total prison population. In 2023, CoreCivic operated 43 jails and prisons, 39 of which it owns, and generated 52% of its total annual revenue from federal prison and immigration detention authorities. Even former President Biden's previously mentioned 2021 attempt to bar federal prisons from using private facilities to house inmates proved unsuccessful in the face of a company with such unchecked power. As set forth earlier in this paper, CoreCivic successfully dodged an executive order to continue business as usual, which, in this case, is the business of warehousing inmates with the sole purpose of generating capital gains from their labor (AFSC, 2022). It is clear that in addition to their powerful revenue stream, CoreCivic also holds a great deal of influence over even the most powerful leaders of this country.

While certainly having proved to be advantageous for corporations, the benefits of privatization for the state's population of taxpaying citizens are harder to define. There exists a myriad of ethical concerns regarding the privatization of prisons and the effect they have on inmates' quality of life. In many places, it has been shown that the cost-cutting measures of private prison corporations are directly linked to facilities not being up to what many Americans consider humane standards. In many cases, facility cleaning and maintenance are areas where cost-cutting measures are first implemented, leading to filthy facilities, and adjacently contributing to an environment rampant with violence and squalor (Young, 2020).

As set forth in the Introduction of this paper, the earliest American prisons were already for-profit institutions, meaning that prisons have essentially always been private to some degree. In early 20<sup>th</sup> century prisons, as masterfully detailed by Laura I. Appleman in the groundbreaking Bloody Lucre: Carceral Labor and Prison Profit (2021), the capital generated by inmate labor covered the cost of maintaining the inmates and provided labor at half the cost of non-prisoner labor. This is a model which greatly benefited state governments and the taxpayers who employed them (p. 22). It is through this model of supposed efficiency and the promise of revenue that the private sector caught wind of the immense yield with very little overhead costs that could be gained through the use of low-cost prison labor.

As made evident by GTL's wide profit margins, prisons do not need to be owned by private companies themselves in order for private companies to squeeze hundreds of millions of dollars out of the labor of their inmates. With hundreds of millions, even billions of dollars, per year in revenue to consider, it would be difficult to imagine the private sector not taking advantage of prison labor which costs them as low as \$0.50 to \$2.00 per hour (Wu and Brady, 2020). With costs of labor so drastically low and potential revenues so incredibly high, the privatization of prison services and of the prison system itself creates the ultimate pool of cheap, forced labor, and contributes to a system of mass incarceration purely for the sake of maintaining absurdly high corporate revenues.

The true costs and ramifications of prison labor contributing to mass incarceration in the U.S. massively outweigh the benefits of privatization, which, as confirmed by the research conducted herein, are predominantly financial benefits for companies in the private sector who rely on cheap prison labor to manufacture their products. Privatization, as an important example, provides essentially no benefits to the taxpayers footing the bill for the costs of many state and federal prison facilities and services. As provided by tax records courtesy of the SEC, CoreCivic (formerly CCA) received over \$96 million per year in state taxpayers' money each year to run just seven Tennessee facilities, according to a 2014 report (States of Incarceration, 2015). Based on these figures, it appears that privatization provides little impactful benefit to taxpayers and in fact may be costing them more money for prison services; not to mention the cost to inmates and their families.

# UNDERSTANDING LIMITATIONS AND MOVING FORWARD

Although a wealth of research exists regarding the profits of private prisons and the quality of life afforded to inmates by the profiteers who own these prisons, in addition to thoroughly recorded history about the carceral state as a whole, there are some gaps in the available research. Some gaps in research regarding the carceral state and the effects of privatization are areas such as long-term effects of privatization, as well as the long-term effects of poorly compensated hard labor on the prison population. More research is needed in the area of financial benefits to the state regarding privatization, as there are gaps there, as well. For example, more data points can be located showing the strain private prisons have on taxpayers, and while claims can be found concerning the great savings to the state afforded by privatization, not much empirical evidence has been located to back up these claims.

Of course, some gaps in research cannot be rectified without the simple passing of time, as long-term effects are hard to gauge for a system like mass incarceration which has only truly blossomed over the past 20 or so years (States of Incarceration, 2015). One particularly remarkable gap in current research regarding the carceral state and privatization is the laser focus researchers seemingly have on the U.S., U.K., and other Western nations. There are considerable areas of interest regarding the carceral and punitive systems of, for example, East Asia or West Africa, yet very little research exists concerning non-Western carceral and punitive systems.

To achieve a fully well-rounded, well-researched, and well-informed understanding of the effects privatization has on the carceral state as a whole, research must be expanded to include non-Western nations, as well as the research of the distant past, of civilizations who have already implemented similar punitive systems which produced capital. Profiting from the low cost labor of human beings is not a new concept, and, as such, it would be worthwhile taking a more extended view into the past, beyond that of the 19<sup>th</sup>, 20<sup>th</sup>, and 21<sup>st</sup> centuries, for guidance. Taking a more phenomenological approach in carceral research is also recommended, as the intimate and personal experiences of those surviving the daily realities of prison labor and life within the carceral state will provide the most critical analysis of these systems of labor, incarceration, and capital.

The most productive research can only be conducted through a critical lens, especially if the punitive pendulum is swinging toward reform in this area. It is clear reform is needed not only within the carceral state itself, but more so in the research methodologies used to view this topic. Without taking a more personal, close-up, qualitative approach, the meaning of the



(Budd, K. M., 2024, Number of People in Private Prisons, 2000-2022).

research will be lost on the researcher. By taking the humanity out of carceral research, the point is lost completely; these are human beings, individuals experiencing the carceral state, and more data points must be collected regarding the conditions of these very real individuals laboring for the carceral state in order to truly understand the ramifications of this system of punitive forced labor.

# CONCLUSION

Although the privatization of prisons and prison services first began as a means of offsetting the cost of housing inmates (Appleman, 2021, p. 22), the creation of a system which generates cheap labor has clearly benefited private companies much more than any other party involved. The true cost of prison labor, of course, is the impact on the inmate population, whose lives are taxed with the burden of forced, often manually hard labor from which they receive no benefit, and who are further forced to pay the costs of prison services, such as the high-priced telephone communication services provided by GTL discussed above. As made glaringly obvious by the research of Cindy Wu and Prue Brady, the entities who benefit the most from prison labor are corporations and conglomerates of the private sector who manufacture products using strictly inmate labor at a fraction of the cost of even minimum wage (Wu and Brady, 2020).

The stark reality of the modern carceral state is that of a machine operating in perpetuity, one which is fueled by the lives of incarcerated Americans who are fed into its machinations on an endless conveyor belt. The machine of mass incarceration then generates enormous wealth from the labor of these individuals, whose lives are ultimately nothing more than a means for already well-established companies to continue to increase their revenue. Rising rates of incarceration go hand in hand with skyrocketing earnings of companies benefiting from cheap prison labor. This is a disturbing scenario teeming with opportunities to take advantage of some of the most vulnerable members of the population and is, simply put, not a reasonable result of the criminal justice system.

To close with the words of the brilliant social reformer, prison abolitionist, and civil rights activist Michelle Alexander (2010), "As a society, our decision to heap shame and contempt upon those who struggle and fail in a system designed to keep them locked up and locked out says far more about ourselves than it does about them" (p. 171).

The willingness of the average American to not only stand by and watch as people who struggle are warehoused in prisons intended only for the harvesting of cheap labor, but also to willingly purchase and consume products manufactured by exploitative prison labor, directly contributes to the system of mass incarceration Alexander dubbed the New Jim Crow (Alexander, 2010, p. 11). In this way, it is the responsibility of every American to cut off the stream of wealth that continues to flow from the system of mass incarceration, since without demand, there can exist no need for supply. While fundamental structural changes must take place to dismantle the mechanisms of mass incarceration, it is also up to each individual American to take a stand against companies who take advantage of low-cost prison labor, and to cut off the head of the snake by refusing to support all products manufactured using the forced labor of incarcerated people.

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# Discussing the Difficulties Language Barriers Impose on Legal Proceedings

Marissa Frias

# What Difficulties Do Language Barriers Impose on Legal Proceedings?

"In a criminal proceeding, rights are con-veyed in words. Words have meaning. If the words have no meaning to a defendant, then such a defendant has no rights. A trial without rights is . . . a sham" (Judge Donna Carr, 2001; Urbina, 2004).

# Introduction

Thousands of people are criminally and civilly tried by the United States government everyday. English is the language of common-law, in which most legalese stem from. Courtroom discourse has notorious been dominated by niche legalese, a subset from day-to-day English. For a defendant who does not speak English, or has a limited English proficiency (LEP), language barriers can impose difficulties on any court proceedings where Legal English may dominate. barriers are perplexities in communication or Language comprehension between individuals speaking different languages and dialects. The Legal English used in legalese is designed to make legal proceedings sound official, but can also be difficult to understand. Due to preconceived gaps in discourse between Legal English and day-to-day English, discrepancies between both native-English and non-native English speakers (or limited English proficiency; LEP) is posed. This can potentially lead to difficulties carrying out criminal proceedings. Difficulties such as lack of interpreters or accurate interpretation for defendants, loss of nuance in translation of legal text, delays in proceedings, diminished defendant credibility (DDC) in testimonies, and due process are all at stake when defendants do not speak the dominant discourse. Conducting criminal proceedings solely in Legal English puts LEP individuals at risk of injustice. On many occasions language can be the only thing standing between a defendant's freedom and their incarceration. Through critical analysis taken from a variety of literature, this paper focuses on the difficulties language barriers impose on legal proceedings.

### Literature Review

### Interpreters:

With a significant flux of Latinos/as immigrating to the United States, there has since been a positive correlation of said Latinos/as passing through the legal process, both civilly and criminally. Such increases of this ethnic minority's population entails a greater demand for legal interpretation, and will continue as the number of cases increases. There are an estimated 26 million LEP/English as a second language (ESL) individuals living in the United States. An approximated 13 million reside in states that do not require court ordered interpreters in most civil cases (Abel, 2009; Alanen, 2009; Troshynski; Bejinariu; Willis, 2021). Martin Urbina's 2004 Language Barriers in the Wisconsin Court System depicts the inequalities and hardships faced by specific Latinx communities passing through Wisconsin's legal system. Based on a 72-county survey conducted in Wisconsin, Spanish was the most common language for which interpreters were needed (Urbina, 2004). Although this data shines light on the need for interpreters, qualified interpreters are not always used during legal proceedings. Unqualified interpreters pose a serious threat to the fairness of a defendant's proceeding- often omitting or adding to a testimony, encourage defendants to negotiate, plea guilty, go to trial and at times may make up words to mask their language deficiency (Urbina, 2004; Araiza, 1997; Crawford, 1992). Interpreters may sometimes exacerbate LEP defendants further by not interpreting at all, leaving several parties (prosecution, defense, jury, judge) misinformed on the current events of the legal proceeding.

Throughout the history of the United States, there has never been legal policy proclaiming any official language of the country. However, some states and politicians have shown support for enacting English-only movements, Wisconsin included. These movements aspire to deem English the only official language of the United States, thus advocating for English to be the official language used in any government operation. Despite the apparent need for qualified interpreters, "Some judges have been reluctant to mandate bilingual assistance to those with limited English proficiency...discourage non-English speaking Latino/as from learning English" (Urbina, 2004; Pantoga, 1999). Literature on Puerto Ricans has also demonstrated experiences of prejudice and discrimination due to language barriers (Urbina, 2004). Biases such as this puts millions of individuals with limited proficiency in English in jeopardy for

injustice. There is no existing legislature within the Constitution stating the right to an interpreter. Additionally, statutes providing language barrier protections for ethnic minorities can be antithetical. Up until the 1970s, there were little to no protections for non-English speakers in the country such as English literacy tests, non-bilingual voting statutes and little access to assistance with English in public schools. The United States ex rel. Negrón v New York case of 1970, where native Spanish speaking Rogelio Negrón was subject to a trial where no effort was made to translate proceedings into Spanish, "recognized the need to provide interpreters to non-English speaking defendants during criminal proceedings" (Urbina, 2004). Unfortunately, interpretation rights were not extended to many civil matters (ex: adoption or divorce) under this statute. It was not until Congress passed the 1978 Federal Court Interpreters Act, "mandating the use of qualified interpreters in both civil and criminal proceedings in federal court for those who do not understand English" (Urbina, 2004). However, the case of Perovich v. United States (1907) states that appointing a respective interpreter is utterly under the trial court's discretion. Some states, such as Wisconsin, are financially responsible for providing interpreters if defendants cannot afford one.

Preconceived implications exist that a person who is bilingual has full ability to communicate in criminal proceedings. Oftentimes, interpreters are assigned the job solely because they are bilingual, even if there is little-to-no interpreting history or training. Urbina's research concluded that even though some Spanish speaking interpreters believed they knew the language well enough to interpret in court, this is not always the case (Urbina, 2004). If an interpreter's verbatim transcript contains inaccuracies, it is of little use to the defendant and court. Although interpreters can be necessary in every state court, the pool for such interpreters is limited. The pool for qualified interpreters is even smaller, "Often leading to devastating ramifications" (Urbina, 2004). Wisconsin, as of 2003, had no definitive conditions for a qualified interpreter, leaving the courts to decide who is or is not qualified; "The statute was so vague that it gave judges and lawyers no way to determine whether the person called in as 'interpreter' was in fact qualified, and essentially forced us to take it on faith that he or she was doing an adequate job" (LaVigne, 2003). We've seen time and time again what happens when authoritative figures are given vague instructions to enforce on a group of people- it falls nothing short of oppression. Limiting the qualification process to potentially biased judges and attorneys puts defendants, and plaintiffs, at risk

for an unfair trial. Because interpreters may be unavailable at times, the court is subject to use whoever is available at the moment to assist in interpretation. Such interpreters could be anyone readily available to the court, regardless of relation to the defendant. This includes fellow inmates or, in some cases, children helping their parents. These interpreters may only understand how to translate certain legalese on a basic level, while unknowingly disregarding other important case-related factors. The high demand for interpreters has led to a large amount of unqualified interpreters being used. If there is an interpreter who can somewhat understand the legalese and speaks the language of the defendant/plaintiff, for the sake of time the court will appoint them. Once they begin interpreting, their job is to continue on. A common misconception is that all words in one language can be directly interpreted into another language, or word-for-word interpretation. This is not the case, as the interpreter must also take cultural and legalese differences into account. Active interpreters must use a variety of cognitive skills, all acting simultaneously, in order to precisely interpret.

There are no federal regulations that require interpreters in all jurisdictions. Unqualified interpreters increase the risk of misunderstanding during criminal proceedings; "An interpreter who confused 'hat' and 'gloves' until corrected by a bystander in the audience" (Urbina, 2004).

Seemingly simple mistakes as this could be the difference between freedom and incarceration. Qualified interpreters have to perform mental gymnastics, in real time, switching between languages and formalities to relay information between the court and defendant. For courts to deem an interpreter 'qualified', they "generally operate under a rebuttable presumption that an interpreter in the performance of his official duty has acted regularly. As long as the interpreter is providing 'continuous... translation' courts will usually assume the interpretation is adequate" (LaVigne, 2003). This can be very problematic, as it is highly subjective. It is important that interpreters are not viewed as 'one size fits all'. It is even more important that trial judges, the deciding factor of the interpreter's credibility, understand this.

Urbina last introduces a set of seven steps believed to ensure adequate defendant/plaintiff interpretation in court. The first step is to determine the necessity of an interpreter, understanding any language barriers the defendant/plaintiff may have. Following up, a "language hearing" should be held where the magnitude of a defendant's linguistic understanding is measured. Second, if it pleases the court that an interpreter is needed, courts should

examine the interpreter's competency or any possible biases the interpreter has in hopes of eliminating any unqualified interpreters. Third, interpreters need to be certified after passing the federal court certification exam in which three elements are incorporated: "minimum level of competence, interpreters are bound by a code of ethics and high standard of professionalism" (Urbina, 2004). These certifications, Urbina proposes, should be conducted through a screening mechanism in which more unqualified interpreters are weaned out. Similarly a lawyer obtaining their law licenses from their school and bar examiners, legal interpretation should follow similar strict guidelines. Lawyers and interpreters work hand-in-hand during some cases. Wouldn't it be beneficial to their client if they were both qualified for the job? A client may not feel comfortable with a lawyer who only knows some rules of the law, or mistakes 'hat' with 'glove'. Why are interpreters not held up to the same standard? Urbina suggests interpreters be switched out every 30 minutes to ensure precise interpretation that faces little-to-no lag-time or possible fatigue.. Fourth, continuous training for interpreters should be implemented, as many other prominent professions require, in any historic or modern terms- as well as their cultural effects. Fifth, a monitoring system to adequately advocate and facilitate legitimacy of Sixth, translation is necessary. using technology combined with multi-linguistics tools (written translation or video interpreting) can be introduced to combat courtroom language barriers. Seventh, defense and prosecution parties should challenge any inadequacies or incompetent interpretation immediately. These steps could very well solve many recurring issues regarding language barriers in the courtroom. The most significant point addressed by Urbina is the necessity to challenge preconceived notions of language barriers at play not only within the Wisconsin Court System, but the entire criminal justice system and to challenge preconceived notions of language barriers.

# Nuance:

Interpreting Legal English can entail more than simply just translating words. Being a courtroom interpreter requires that the interpreter understand complex legal concepts and other cultural contexts while simultaneously being able to convey such concepts and contexts to defendants, attorneys, juries and judges. Legal English is full of specific terms with specific meanings. For example, *mens rea* directly translates to *res para hombre* in Spanish; 'res for

men' when directly translated back to English) that may not always have direct translations to other languages. Thus, it is implied that translated terms are incapable of grasping the entire legal significance of the original term. In her 2022 article on language barriers, Moya outlines the obstacles LEP defendants oftentimes face during their time involved with the criminal justice system. She explains that poor interpretation can lead to misunderstanding of charges or other legal proceedings at hand; "In 2016, a Spanish-speaking defendant in Virginia thought he was was being accused of rape when his interpreter used the term "violación" to describe a criminal violation" (Moya, 2022). Other examples of mistranslation provided by Urbina have had similar occurrences; "Words like offense (crime) and appearance (coming before the court) are often translated as ofensa (insult) and apariencia (physical appearance). The word plea is often translated literally as supplication (supplication) or entreaty"... The case of battery, which is often translated as bateria. To non-English speakers Latinos/as, bateria simply means a mechanical device- a car or stereo battery" (Urbina, 2004). Inaccurate interpretation such as these can lead defendants to confusion, frustration, hopelessness or potentially agreeing/disagreeing with something they do not understand. Another idea Moya imposes is that LEP defendants face linguicism, as it is prevalent all throughout criminal legal processes. Linguicism is linguistic discrimination in which "ideologies, structures and practices which are used to legitimate, effectuate, regulate and reproduce an unequal division of power and resources (material and immaterial) between groups which are defined on the basis of language" (Gonzales Rose; Moya, 2022). Especially with languages not commonly used in legal context, little is done to ensure the defendant is being accurately represented, or what is articulated by attorneys and the judge, by the interpreter.

In my honest opinion, I would be terrified if I was somehow caught in the middle of a completely new criminal justice system, in a country speaking a language both unfamiliar to me.

Not only can translations cause a loss of nuance for a defendant, but cultural contexts may also be lost. Legal systems are embedded within their respective cultures, where differences in legal concepts vary from one jurisdiction to another. An LEP defendant from a different country will most likely have a hard time understanding that they are the one calling the shots on their representation, especially if they are not accustomed to defense attorneys. For example, "For Dr. Pita Loor...challenge that arose... related to the defendant's own cultural identity: the educational, racial and class hierarchies that exist in Ecuador were internalized by the client, and it was difficult to explain to him that, even when working with white male lawyers, he had the final say over any decision being made" (Moya, 2022).

In order to alleviate the loss of nuance when interpreting Legal English courtroom discourse, interpretation is required at the most qualified level. Interpreters must confidently understand legal jargon in both languages, understand how to apply cultural contexts from both source and target as well as legal concepts. Although interpreters are court officers, they must work together with the defending attorney to ensure proper representation of the defendant.

# Delays:

A defendant facing language barriers may encounter having their proceedings delayed due. This can occur for several reasons; lack of interpretation, inability for attorney and client to communicate, complexity of translation, etc. Due to the lack of interpreters present in certain jurisdictions, defendants may have to await trial in jail or in their community for longer before a qualified interpreter is instilled; "2002, attorneys representing two Latinos... unable to speak to their clients to assemble a defense for more than a month because the court did not provide an interpreter right away" (Urbina, 2004). A 2021 University of Nevada study conducted by Emily Troshynski, Alexa Bejinariu and Carolyn Willis "Lost in Translation: Experiences of ESL/LEP Civil Protection Order Petitioners" analyzes different experiences of LEP individuals, specifically victims, in civil protection cases. Although the study focuses on victims instead of defendants, many translation and interpretation issues are studied, reassuring that language barriers are a systemic issue.

LEP defendants are required to wait for interpreters to translate and communicate with any judicial bodies (such as their lawyer or a judge). Oftentimes, this may slow down the process for individuals to properly comply with New York City's 24 hour arraignment rule. Most delays in court proceedings for LEP defendants occur because of unavailable court-ordered interpreters, frequent recess requests from the counsel or the interpreter running late to a hearing. As stated in the 1975 article by Williamson Chang and Manuel Araujo 'Interpreters for the Defense: Due Process for the Non-English Speaking Defendant', finding an interpreter for a defendant speaking a less

commonly-known language can pose even longer delays; "When the defendant only understands a rare language, and the trial is held in an area where multilingual experts may be few, the delay could be lengthy and costly" (Chang; Araujo, 1975). Housing defendants in a prison or treatment facility for long periods of time can be costly and unnecessary if there seems to only be an issue regarding translation. This unavailability of interpreters may cause the defendant to have to use an informal interpreter such as a family member or friend: "the failure of the court system to consistently provide professional interpreters means that the cases are sometimes delayed or that parties have to use unqualified translators" (Troshynski; Bejinariu; Willis, 2021). Interestingly enough, prior research from Troshynski, Bejinariu and Willismention documents the unfortunate impact that delays, specifically protection order cases, have on the victim's understanding of legal processes. If there is an absence of respective interpreters, the counsel will have to do their best to communicate with their client which takes immense focus and determination. More importantly, this facilitation takes time; "Without an interpreter, the defendant's counsel might be forced to request recesses frequently in order to work out communications problems with the defendant" (Chang; Araujo, 1975). Delays in proceedings may cause defendant's to remain in jail for longer periods of time if there is no interpreter available, or the inability to provide civil protections regarding the 2021 study. Delays in proceedings may also be the cause of confusion as to who is providing an interpreter. This mishap occurred multiple times, leading to a delay in proceedings. It appeared there was confusion as to whether the responsibility of providing an interpreter fell on the State Attorney's Office or the trial court" (Ihmud, 2023). Efforts made to ensure defendant comprehension of legal proceedings can cause a delay in hearings, longer delays than for a defendant who spoke the dominant legalese at play.

# Diminish Defendant Credibility (DDC):

Difficulties in expressing oneself is often an occurrence faced by LEP individuals, posing possible threats to their credibility in diminishing ways. First, a defendant who struggles articulating themselves may have difficulties effectively explaining the series of events or other important case details. This may correlate to the individual seeming dishonest or withholding information to jurors or legal counsel. As previously stated, there is little accountability when

determining an interpreter's qualification for court proceedings involving LEP individuals. There is even less accountability in recording what the individual is saying because everything recorded by the court reporter is filtered through the interpreter (Moya, 2022). Client-attorney trust and communication is also extremely prevalent in ensuring attorneys represent their clients to the fullest extent. If an interpreter is used in legal proceedings, oftentimes a lot of communication is between the interpreter and attorney; "Client autonomy; when communication occurs primarily between the interpreter and the attorney, the client [defendant] may feel powerless to express their concerns when their desires or goals are not being accurately represented" (Moya, 2022). Other diminished defendant credibilities potentials include interpretation paraphrasing; "Because some defendants provide long explanations to what was asked, it is not uncommon to find interpreters paraphrasing what was said by the defendant" (Urbina, 2004). This quote may correlate into there being inconsistencies with the defendant's testimony, further discrediting the defendant. If there is continuous paraphrasing of defendant's statements, the context of that statement is at risk for being lost; "Some interpreters make the mistake of correcting the testimony of the defendant, and/or interpreting what is being said to the defendant in a much lower vocabulary" (Urbina, 2004). Paraphrasing can be particularly problematic in legal settings, due to details being omitted from the case. Even an exaggeration of words presented in a different manner than how the individual or counsel originally phrased it can be detrimental to the outcome of a case. It is important that an interpreter understands the individual they are working with, as well as the court discourse and environment they are working in. The harm that may unfold in diminishing defendant credibility can exceed far beyond the walls of a courtroom, highlighting the necessity of equitable treatment for individuals involved with the criminal justice system.

# Due process:

The Fifth and Fourteenth Amendment's Due Process Clause, a fundamental legal principle ensuring fairness in legal proceedings, requires that any government personnel cannot deprive an individual of their liberty without respecting their legal rights and following through the criminal justice system. English is the preferred language used in courts, set by some state requirements, which can disproportionally place a burden on non-English speaking defendants. Such disproportionalities infringe due process clauses; "Denial of an interpreter

to a non-English-speaking defendant involves both an infringement of fundamental rights and a use of a suspect classification... infringes on non-English speaking indigent defendant's sixth amendment right to counsel, while communication barrier between the defendant and counsel severely restricts the defendant's right to confrontation [of witness]" (Chang; Araujo, 1975). Adequate confrontation of a witness requires the ability to properly cross-examine but is impaired when the defendant does not understand such testimonies that may be challenged. Many defendants raise the right to confrontation when claiming the need for an interpreter, as seen in cases such as Luera v. State (1933) and Escobar v. State (1926) where defendants claimed their right to confrontation was denied because they did not understand the English being spoken by the prosecution's witnesses. Authors Chang and Araujo compare an LEP defendant as similar to a mentally incompetent defendant, as the language barrier may infringe their ability to efficiently participate in their cases. Unlike a case involving mentally incompetent defendants, there are no hearings held before trial to measure defendant's language abilities or inabilities [in regards to English] to request respective interpreters. Additionally, a defendant's request for an interpreter may be overlooked by their attorney resulting in that attorney failing to request respective interpreters thus infringing their constitutional rights and harming attorney-client relationships.

According to a statistic from the Innocence Project, an astronomical 40% of Latine exonerees falsely confessed because they did not understand English. (Selby, 2020; Moya, 2022). Cases in the past, such as Padilla v. City of New York (2013), address the discrimination between LEP individuals and NYPD officers in which federal, state and local laws were violated on the basis of providing improper language support. This caused police to actually arrest the victims, instead of the perpetrators in this specific case of domestic abuse. With the over 2,400 interpreters working in the NYPD's Language Initiative Program for 85 languages, they are only 'necessary' to officers in "particularly complex cases" (Mova, 2022). It is my understanding that all interpretation encounters are necessary. Further, interpreters are officers of the court and oftentimes not an advocate for the defendants, even though some defendants may believe this to be true. LEP defendants rely on their interpreters very heavily and may disclose certain information meant for their lawyer. This can disrupt matters of representation in confidentiality, hindering attorney-client relationship. We see this with plea bargaining sometimes, because

misinterpretations can obstruct a defendant's conscious knowing, voluntary and intelligent entities of pleading guilty.

LEP defendants are also at risk before court proceedings, at the civil level regarding police; "Language barriers may influence whether a defendant is able to provide a voluntary confession to the police, knowingly and voluntarily consent to a police search, waive the right to trial by jury, or fully understand the elements and consequences of the charge, the constitutional rights waives and the significance of a plea in plea bargaining negotiations" (Urbina, 2004). These small errors violate a person's constitutional right under the Fifth Amendment right to a fair trial. In order for the system to ensure equity, there must be a call for legislative provisions that guarantee interpreters for LEP defendants at every stage of their journey through the criminal justice system. Discussion

# Research Discussion:

After extensive research on this topic of language barriers, I concluded the answer to my original research question would be "a lot". Although language barrier imposition on court proceedings is very dense to sum down easily, its precedence should be relevant to everyone living within the American criminal justice system- or any criminal justice system for that matter. There are a lot of difficulties within legal proceedings caused by language barriers. The research provided me with several answers- that difficulties on legal proceedings stem from lack of interpretation, loss of nuance, delays in proceedings, diminished defendant credibility and violation of due process. Key components from this discovery was the idea that a system, such as the U.S. criminal justice system, has a lot of work to do if fair justice is to be served. Justice cannot be provided to a person if they are treated unfairly during the process. LEP individuals are some of the most vulnerable within the criminal justice system. A recurring question prevalent throughout the research is "Why? And How?". Why was this system built on such ideas of oppression? Why hasn't anything been done about this? How can I advocate for LEP defendants, in a system so set in its ways?

# Proposed Solutions:

These proposed solutions, at the fundamental level, could challenge language barriers in legal proceedings. One solution is to facilitate cultural competency for Americans at a young age, such as beginning the practice in primary schools. If people are taught the significance of cultural humility, a state of mind in which a person continues on a lifelong understanding of others, more empathy towards people of different cultural backgrounds using different languages would exist. Through representation of other cultures, there would also exist a deep appreciation for cultures. Additionally, at the legal level qualified interpretation must be proposed. This does not necessarily solely apply to interpreters . It can apply to changing legalese as a whole. The application principles embedded into the Constitution are supposed to evolve in response to evolving societal values and circumstances. There is a demand for better interpretation of the legal system, so proposing that legalese be rewritten with the ability to smoothly shift back and forth between languages could be a great start in representation and understanding for all.

# Further Research: What level of legal information do Americans have?

Legal competency is an area that can most definitely benefit from further research. The previous research I conducted intrigued me to think about the amount of knowledge Americans have about the legal system, regardless of what language they speak. Many times, people confess to crimes or are wrongfully convicted because they simply do not understand their due process rights. This phenomenon can extend further to a societal lack of knowledge on the legal system. In a scholarly perspective, a forensic linguist could conduct this study using a rather large sample of Americans who are literate at any age. Through a survey, the linguist can ask questions about the legal system to test the knowledge of everyday Americans. If there is an overall misunderstanding of certain statutes, or proceedings then the researcher may conclude the average American has little knowledge of their legal system and vice versa. This would be an interesting research project to conduct because results may show that legalese, or other legal proceedings, are too difficult for the average American to understand- or not. Understanding that legal information may be unknown to the average American may allow for an overall assumption that legal information is not as well-known as it could be, furthering the need for legal education

I am looking forward to continuing my research on language barriers, and hope to extend my focus onto other languages. The literature provided several instances of deaf individuals, Bengali and French. Somewhere to start. I also want to further research the intersectionality of racism and language barriers, as both can be true during a case.

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# The Inmate Bill of Rights and the California Model Can Transform Prison Rehabilitation

Gabriel Singer

# Introduction

Imagine a prison system which provides education, self-help groups, quality medical care, a balanced diet and family bonding programs with the idea of supporting and encouraging rehabilitation. Wouldn't it be beneficial if the 98,600 people who are housed within the California Department of Rehabilitation (CDCR) were better prepared to live positive and productive lives after release? With a 41% recidivism rate (CDCR-recidivism-report, p. 1), the current way CDCR is managed has not created an environment which successfully rehabilitates. Similarly, in California in 1968, the Inmate Bill of Rights was signed into law (Morain, 1994, pp. 17-27), which granted a certain set of rights which the California Department of Corrections and Rehabilitation (CDCR) had to adhere to beyond the protection of constitutional laws for incarcerated people. These rights were in the California penal code which focused on adequate food, visiting, medical, books and periodicals (Bergerson, 1972 p.3). At the time this was a way for California to ensure that a certain set of rights were afforded to inmates in an attempt at facilitating their rehabilitation. However, this relatively enlightened period ended in 1994, when CDCR started to follow the Federal Standard which changed the focus from rehabilitation to custody. Under the federal standard, wardens can impose restrictions if they are "reasonably" related to some prison interest (Morain, Governor Arnold Schwarzenegger's 1994, p.36). In a 2007 report, Rehabilitation Strike Team stated, "The correctional culture is now focused mostly on custody concerns rather than rehabilitation" (Strike Team, 2007, p. 10).

The California model draws on national and international best practices to change and improve the corrections environment through staff training and other resources (cdcr.ca.org). For instance, the Norway prison system has been an exemplary model for rehabilitation which has influenced other prison systems. The Norwegian jail is regarded as one of the most innovative and humane jails worldwide and serves as an example for efforts to reform jails and engage in prisoner rehabilitation (Negi & Tripathy, 2023, para. 3).

The California model is inspired by the Norwegian system due to the success rates in rehabilitation and re-entrance into society. Through rehabilitative programs like education, self-help groups, improved medical and an inclusive environment the California model intends to create life inside the prison system which can closely resemble life outside the system (CA-Model—Magazine/cdcr.ca.org). Through examining two different eras of rehabilitation, this paper will propose how integrating The California model can foster a rehabilitative environment that mirrors life outside prison, ultimately reducing recidivism and ensuring a safer society.

# From The Inmate Bill of Rights to the Federal Standard

In 1968, the Inmate Bill of Rights signed by Governor Ronald Reagan, was a significant step towards emphasizing rehabilitation rights. Then, in 1974, Governor Edmund G. "Jerry" Brown expanded the Inmate Bill of Rights into what it is today. The intention of the Inmate bill of rights was to create a system of rehabilitation instead of simply punishing individuals for the crimes they have committed. For example, if an incarcerated individual wanted to educate themselves, they could purchase the materials they needed, without restrictions. Not only did the inmate bill of rights state that incarcerated people retain the same rights as someone who is not incarcerated but also limited the way the institution can limit those rights (Morain, 1994, para.12). This meant that institutions dealing with staff shortages, inmate behavioral issues or budget problems could not simply impose prison lockdowns but rather had to find alternative ways of prison management. This was the problem Prison Officials had with the Inmate Bill of Rights because it limited the control of CDCR and made sure incarcerated people had rights which should be protected. In an interview with Department of Corrections attorney Pam Smith- Steward for the Los Angeles Times Newspaper, Smith-Steward states, "The (California) law says we may only restrict inmate rights if we can show a security link," Smith-Steward said. "It isn't right. It's insidious" (Morain, 1972, para. 15).

Although the Inmate Bill of Rights had initial success, there was a growing presence of opposition. Since 1987, the Department of Corrections has tried to dismantle it, however they have had limited success (Morain,1994, para. 33). In 1994, the societal perception of the Inmate Bill of Rights shifted after the kidnapping and murder of 12-year old Polly Klaas by former inmate, Richard Allen Davis. The Inmate Bill of Rights became a symbol of "coddling" in the criminal justice system (Ibid), which led California's legislatures to

introduce new bills to repeal it." For example, Robert B. Presley (D-riverside) introduced a bill to the Senate which would abolish the inmate bill of rights and lower the cost of prison spending (Morain,1994 para. 35). In addition, the California Assembly with the support of Governor Pete Wilson was working on similar bills to repeal the inmate bill of rights and adopt the federal standard (*Ibid*). This has led to the United States Supreme court to allow prison officials broad authority to restrict general federal constitutional rights and continually supports "reasonably related to legitimate penological interest" ideology (Mackay, 2019, p. 43). Prison officials prioritize security and lockdowns over rehabilitation efforts, creating a loophole that allows programs like education, self-help groups, and visitation to be canceled instead of finding alternative solutions. The federal standard poses a challenge to prison rehabilitation reform.

# Implementing the California Model

In 2024, Governor Gavin Newsom introduced a new structure for CDCR called the California Model, through Executive Order N-16-22, to renew rehabilitation efforts. (CDCR/strategic-plan/cdcr.ca.org, p.1). The California Model uses a theory called "normalization" which was adopted from the Norwegian Model (cdcr.org).

The "normalization" theory, which strives to make the prison environment as comparable to life outside of prison as is humanly possible, serves as the cornerstone of the prison system in Norway. This concept aims to mitigate the adverse effects of imprisonment and boost the likelihood of a successful return to society (Negi & Tripathy, para.3).

Through dynamic security, peer support, education programs, and a trauma-informed approach, the California Model creates a rehabilitative system that mirrors society outside prison. Providing adequate education, medical care, and self-help groups without the limitations of traditional prison systems, like lockdowns. However, one glaring weakness of the California Model is addressing staff shortages and inmate behavioral issues. The California Model magazine recognizes significant limitations, by stating," The CA model is not going to stop all bad days or violence within our system, but it will hopefully reduce the number of bad days and violence our staff experience now" (cdcr.org, 2024, p. 2). One can argue that even with this pioneering initiative

the California model cannot live up to its expectations because the California prison system is still under the federal standard. This standard is very much an institution centered ideology; the institution's needs come before the rehabilitation of incarcerated individuals. Without the removal of the federal standard and the reintroduction of the Inmate Bill of Rights, it is questionable if the California Model will ever come to fruition.

# Conclusion

Governor Brown expanded the Inmate Bill of Rights to change the trajectory of California's prison system and emphasize rehabilitation. There were many issues with the system that were seen through the behaviors of the incarcerated individuals, which called for reform. In a 1985 Los Angeles Times article called California's Increasingly Violent Prisons author John Hurst reported, there is an increase in violence in California overcrowded prisons with assault against both inmates and staff alike (Hurst, 1985, para. 10). Hurst continued to write, "There are not enough jobs or opportunities for training, education and recreation" (Hurst, 1985, para. 51). Even with the best intentions, the inmate Bill of rights without proper rehabilitation programs will still see negative behavior continue which limits the ability to rehabilitate. Broadening rehabilitation opportunities will be challenging if these limitations persist. With 90% of incarcerated people returning to their communities (CDCR, 2024, p. 9), prisons must support personal growth and goal achievement. In addition, when an incarcerated person engages in rehabilitative programs their recidivism rate is between 26.1%-21.1% (CDCR-recidivism-report, n.d., p. 6). This shows that individuals who engage in these programs while incarcerated are less likely to return to prison, which in turn, creates a safer society. Achieving this goal requires removing the federal standard and reinstating the Inmate Bill of Rights while the California Model is being introduced in California State Prisons. This way neither the incarcerated population nor prison officials could interrupt someone's ability to rehabilitate and finally successfully reintegrate back into society.
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## Impacts of Parental Incarceration

### Julianne Cervantes

# The Far-Reaching Impacts of Parental Incarceration on Children and Families

Millions of children across the United States experience instability due to parental incarceration, which creates a cascading effect that impairs their growth and development. Once a parent is taken away, the household is not the only thing that shifts, but also the child's world as well. As soon as their only form of parental figure is taken away, they might deal with switching schools they feel foreign to, live with unfamiliar relatives, and take on a severe emotional burden way beyond their years. Parental absence disturbs family relationships, causes financial difficulties, and subjects children to social stigmas that can harm their mental and emotional health. These effects are especially severe in marginalized communities, where systemic inequalities in the criminal justice system disproportionately impact Black and Hispanic families, perpetuating cycles of poverty and disadvantage (Gaston, 2016; Turney and Goodsell, 2018). Without sufficient support, children frequently suffer academically, emotionally, and socially.

This paper examines how parental incarceration leads children into cycles of emotional, financial, and social hardship. These challenges begin once a parent is removed from a home, interfering with a child's sense of safety and stability. Although the lives of children are not individually the same, the dynamic, irregular routines that these children are forced to adapt to are all too familiar and they face a series of difficulties because of parental incarceration. It also explores how institutional injustices intensify these effects, especially in disadvantaged areas, and draws attention to the lack of effective resources for dealing with these problems. By reviewing existing research and real-world examples, the goal is to advocate for educated policies and interventions that minimize harm and increase resilience in impacted families. The purpose is to help readers understand that parental incarceration is a pressing issue that disrupts child development through problems such as financial instability, social stigmas, and broken family dynamics.

#### Disproportionate Impacts of Parental Incarceration on Marginalized Communities

Parental incarceration is a severe problem that disproportionately affects underrepresented groups. 1 in 14 children in the United States have

experienced parental incarceration, with rates as high as 12% in rural areas and 8% in metropolitan areas (Muentner et al., 2023). These regional differences demonstrate how socioeconomic circumstances, local laws, and unequal access to legal representation all contribute to systemic injustices in the legal system. Children affected by parental incarceration often face a wide range of hardships such as unstable housing, sibling separation, food insecurity, difficulty in school, and struggle with emotional stress and social isolation. Such problems are particularly serious in communities of color, where incarceration rates are significantly higher; for instance, children who are black are 7.5 times more likely than white children to experience parental incarceration, reflecting long standing systemic racism (Gaston, 2016).

Beyond racial inequities, parental incarceration has significant effects especially those from vulnerable and underrepresented areas. on children, Children of incarcerated parents are more likely to struggle academically, suffer from anxiety, depression, which feeds the cycle of disadvantage (Gaston, 2016). Such challenges escalate in areas where structural disadvantages including high unemployment, inadequate schooling, restricted access to affordable mental healthcare, and aggressive policing procedures are already prevalent. Structural injustices make these families' struggles worse, especially in underground rural and urban areas where children are forced to navigate through their daily life without stable housing, reliable transportation and safe learning environments. The psychological trauma of losing a parent to incarceration, these systemic barriers make it very difficult for families to heal and for kids to thrive. Designing community-based solutions that can break these harmful cycles and create overall fairness requires an understanding of how all of these issues intersect.

The difficulties that families of incarcerated parents experience are made worse by the existing criminal justice system, which also perpetuates national suffering and structural injustices. Due in large part to policies such as mandatory minimum sentencing and the "war on drugs," which disproportionately concentrate on vulnerable populations, Black children, for instance, are 7.5 times more likely than white children to have an incarcerated father (Gaston, 2016). Despite disrupting families, these policies also produce cycles of instability and poverty. The financial instability brought on by a parent's wage loss worsens the stigma, emotional trauma, and behavioral issues that children are more likely to experience. These discrepancies demonstrate how urgent reform is.

#### **Prioritizing Families and Alternatives to Incarceration**

Reducing incarceration rates, according to some, could jeopardize public safety, especially by preventing nonviolent offenders from going to prison. However, research shows that alternatives to incarcerations, like treatment-based interventions, community monitoring, and restorative justice programs, do not raise crime rates and, in many situations, produce better long-term results (Turney & Goodsell, 2018). By addressing the fundamental causes of criminal conduct, such as trauma, addiction, and poverty, such programs that prioritize family reunification and provide support services have been demonstrated to lower recidivism. Reducing incarceration rates can aid in ending cycles of disadvantage and promoting more stable family structures, particularly for individuals who are disproportionately impacted by racial and economic inequality.

The society we currently share would be vastly distinct if these possibilities were given consideration. We could utilize those funds to invest in housing, education, job training, and mental health care rather than the prison industrial complex itself. Families would be allowed to rebuild their lives instead of being split, and children would have absolute access to the help they require to grow up. It is not only just to put families at the core of justice reform, but it is also essential to create communities that are safer and more resolute. It is both equitable and essential to implement justice changes that put families first.

#### **Exploring Support Systems for Parental Incarceration**

Understanding how to reduce these damages is crucial since parental incarceration has negative effects on children. Assessing the most effective support networks, such as school-based interventions, trauma-informed counseling or mentorship, can provide solutions to end adversities. Knowing which support systems are most effective can help policymakers develop focused policies that can strengthen family resilience and lower long-term costs to society. Furthermore, the hope to draw attention to the need for family-focused policies is important to remember in order to end the damaging intergenerational cycles of incarceration.

To break this down, it is explored through the Power-Control Theory, developed by Hagan, Gillis and Simpson argues that changes to authority and

family structure have a major impact on a child's conduct and general wellbeing. The theory, first introduced in 1985, examines how power relationships in families influence children and their predisposition to participate in dangerous or criminal activities. The balance of power in the home frequently changes when one parent, usually the father, is imprisoned. The mother is now left to handle both financial and caring duties, with little to no outside assistance. Soon this change leads to less stability, emotional availability, and supervision, which are essential parts of child development according to Power-Control Theory. Without regular parental supervision and structure, children could be more susceptible to emotional distress, behavioral issues, or academic disinterest.

#### Advocating for Family-Focused Policies and Community-Based Solutions

A shift to family-focused policies and community-based programs must be implemented to address the effects of parental incarceration. One important approach is removing mandatory incarceration for nonviolent acts, which can reduce the number of parents behind bars as well as the pain that separation causes. Reforms like increasing access to parenting classes, counseling services, and kid-friendly visitation areas are crucial for families who are already impacted.

Researchers have also emphasized that: Reducing or eliminating federally mandated incarcerations for lower-level nonviolent crimes could help to reduce the number of incarcerated parents. Policies that place incarcerated parents in facilities closer to their homes and create more child-friendly visitation spaces would decrease some of the geographical and safety barriers to visitation (Mihalec-Adkins & Schlafer, 2022, p.2).

Community-based projects are also essential. Programs that offer financial assistance or opportunities for mentorship reduce the financial and psychological strain on impacted families. Such examples like Project Rebound at San Francisco State University raise how educational opportunities for formerly imprisoned individuals can help restore familial security. Project

Rebound provides intellectual, emotional, and financial support to students, of which are parents, who are reconstructing their lives after incarceration. The methodology not only reduces recidivism but also enhances the long-term results for their children by enabling these people to seek further education and find secure employment. Through these factors, it meets one of the main objectives of family-centered reform, which is to prevent incarceration cycles by providing opportunities and support. Such initiatives give children access to resources, emotional support, and trustworthy relationships, all of which lower their risk of adverse outcomes like school dropout or engagement with the juvenile prison system. Children of incarcerated parents are more likely to become incarcerated themselves, but this cycle is broken over time by such care. These actions contribute to the development of a more stable society by tackling underlying issues such as poverty, trauma, and opportunity imbalances. In this sense, a stable society is one in which families stay together, children can excel in educational and social environments, and state investments put welfare ahead of punishment. By funding these measures, policymakers can enhance the welfare of families and children while addressing the fundamental causes of structural inequality.

There are several advantages for society, legislators, and communities when measures are put in place to address parental incarceration. By lowering the expenses associated with sustaining sizable jail populations, incarceration rates for nonviolent crimes can be reduced, saving public funds. The predicted \$28 billion in savings over the next ten years can be used to fund community efforts that support families and enhance the lives of children (Mihalec-Adkins & Shlafer, 2022, p.2). By emphasizing justice and rehabilitation rather than punishment, these reforms promote confidence in public systems.

#### Prioritizing Support Networks to Break Cycles of Disadvantages

For children and families in our society, parental incarceration poses serious and lasting problems. These issues, which range from systemic inequality to financial instability and emotional trauma, require immediate change. Based on research showing the beneficial effects of interventions like counseling programs and lower punishment for nonviolent offenses, this study indicates that resolving these challenges necessitates a change towards family-centered policies and community-based strategies. These results make it clearly apparent that giving impacted families' support networks top priority can end cycles of disadvantage, improve perseverance, and reduce impact between generations.

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When the Village Fails: Assessing the Effectiveness of Child Protective Services (CPS) Interventions in the United States

Marissa Singh

#### Introduction

The child welfare system in the United States is like a tapestry carefully woven by many hands, reflecting the African proverb, "It takes a village to raise a child." Each thread– parents, social workers, educators, and community members– play a crucial role in providing warmth and security. But when strands are left loose or pulled too thin, the fabric weakens, leaving children vulnerable to slipping through the gaps. For many children within the system, their village fails them, as they experience maltreatment or horrific forms of abuse, often at the hands of those entrusted with their case.

Each year 3.6 million cases of child abuse are reported in the United States. Child Protective Services (CPS) investigates allegations of child abuse and neglect reported by family members, health care professionals, schools, or sources close to the child. Despite these investigations, child welfare agencies in the United States have repeatedly failed to protect vulnerable children, leaving them exposed to continuous abuse and in the worst cases, their deaths. These systematic failures– rooted in the intersections between the child welfare and criminal justice system– have left a bitter taste. Why is the child welfare system– a system designed to protect– failing the very children it was meant to help? In this paper, I will assess the effectiveness of Child Protective Services and propose reforms that can be implemented to ensure the safety and well-being of every child.

#### Case studies: Victims of the system

The first time I read about the Gabriel Fernandez case, I wondered how the social workers assigned to his case did not do everything in their power to remove Gabriel from the horrors he suffered from under the care of his mother. As a social worker of child welfare, it is their duty to respond to reports of abuse and act on those reports to decide the necessary protocols to be taken to keep the child safe and healthy. In this case, that child was Gabriel. Gabriel was an 8-year-old boy who suffered horrific abuse from his mother Pearl Fernandez, and her boyfriend, Isauro Aguiree in 2013 in Los Angeles County, California. Reports of abuse and neglect were filed with CPS and the Los Angeles County Department of Children & Family Services (DCFS) by Gabriel's teacher and family. The reports began between the years of 2012 and 2013. In the 2017 prosecution of Aguirre, Gabriel's teacher Jennifer Garcia provided testimony stating that Gabriel has disclosed to her the abuse he experienced at home which she, as a mandated reporter, reported to DCFS at the beginning of 2013. In the subsequent months, Garcia saw an increasing number of abuses, burns, cuts, and other injuries on Gabriel. Garcia reportedly made many calls to DCFS until she discovered that Gabriel was subjected to further abuse as a result of her calls rather than being removed from the household and protected from

Fernandez and Aguirre. Gabriel endured relentless physical abuse at the hands of Fernandez and Aguirre. Gabriel was forced to sleep in a small cabinet and was forced to consume cat litter, cat feces, spoiled food, and his own vomit. Gabriel was also victim to sexual abuse. An anonymous informant from DCFS issues an official document that revealed a consistent pattern of negligence by the agency. This document highlights incidents where DCFS had been informed of the abuse and living conditions occurring in the Fernandez family residence on many occasions having heard a first account of the abuses from Gabriel. (Review: Netflix's The Trials of Gabriel Fernandez, Charlotte Hinkamp) The social workers assigned to his case had falsified documents and failed to accurately record details about the extent of his abuse and the conditions in which Gabriel was living. Further, the social workers failed to take necessary measures to remove Gabriel from the care of Fernandez and Aguirre. On May 22, 2013 authorities responded to an emergency call at the home of Gabriel, where he was reported to be unresponsive. Gabriel was moved from Antelope Valley Hospital to Children's Hospital Los Angeles where he was reported brain dead and suffered extensive injuries. Gabriel died two days later.

The Gabriel Fernandez case received widespread attention throughout the United States, prompting demands for justice and extensive reform within the child welfare system. Despite many reports filed with DCFS and interviews conducted by social workers— witnessing the abuse Gabriel endured and the conditions he lived under— there was no immediate intervention or assistance by social workers or law enforcement. If Gabriel was removed from the care of Fernandez and Aguiree, it is possible that he would have lived to be 20-years-old today. Gabriel's case was not the first child the welfare system has failed nor the last.

8 years later following the Gabriel Fernandez case, 8-year old Sophia Mason, a child in the welfare system, died within the care of family. Sophia was raised by her grandmother, Sylvia Johnson, from the age of one until she was seven. However, in early 2021, her mother, Samantha Johnson, regained custody, who suffered from untreated mental illnesses. Sophia endured extreme

abuse and neglect at the hands of Johnson and her boyfriend, Dhante Jackson. Johnson and Jackson perpetrated mental, emotional, sexual, and physical assaults on Sophia on multiple occasions. Sophia's body was found on March 11, 2022– the date of her death is unknown.

Authorities reported that Sophia was forced to live in a metal shed in the last months of her life. Sophia's grandmother and aunt Emerald Johnson submitted referral reports to Alameda County CPS on many occasions. In a claim made by Sylvia Johnson against the County of Alameda, it states that starting in January 2021, Alameda County received referrals alleging that Sophia's mother had abused her. It was discovered that Sophia had injuries on her entire body and had not attended school for several weeks. In an interview with Alameda County CPS, Sophia confirmed that her mother had grabbed her neck while she was mad- covering her mouth. In the following months, the claim alleges that Alameda received emergency referrals alleging further abuse and that Sophia was being exposed to sexual acts. Sophia's aunt, Emerald, made numerous attempts to remove her from the care of her mother and Jackson and tried to gain legal custody of Sophia by filing a report with Alameda County. In a meeting it was observed that Sophia had bruises and scabs on her legs and despite the clear evidence of abuse, Sophia was allowed to stay in the care of her mother. Alameda County failed to investigate Sophia's maltreatment and the abuse she suffered from. Sophia's aunt and grandmother advocated for her and fought for her case's visibility- Sophia's family and her community are demanding the agency be held accountable for their failure to protect Sophia. The social workers did not fulfill their responsibilities to protect Sophia from her mother and Jackson

The cases of Gabriel Fernandez and Sophia Mason exhibit a disturbing pattern of systematic failure within child welfare agencies. Despite multiple reports from school officials and family members of reports of abuse and neglect, both children were betrayed by systems designed to protect them. Law enforcement, CPS, and other agencies came into direct contact with these children and witnessed their injuries and inhumane living conditions firsthand. However, no action was taken to remove them from their homes or provide them with proper assistance. In Gabriel Fernandez's case, social workers at DCFS received repeated reports from Garcia and relatives, yet they failed to intervene appropriately. After the first documented case of suspected abuse, CPS should have immediately launched a thorough investigation and conducted a home visit to assess Gabriel's safety. His visible injuries– bruises, burns, broken burns, and severe malnourishment– and poor living conditions were clear indicators of life-threatening abuse. Given the severity of the abuse inflicted upon Gabriel, he should have been immediately removed from his mother's custody and placed in a safe foster home or with relatives willing to care for him. Similarly, in the case of Sophia Mason, despite the reports and referrals made to Alameda County CPS of Sophia's physical injuries, neglect, and exposure to sexual abuse, Alameda failed to act. The physical signs of abuse and torture Sophia endured should have been evidence of an unstable and unsafe home environment. Sophia should have been immediately removed from her mother's custody immediately and placed in the permanent care of her aunt or grandmother. Any contact from her mother should have been permitted. However, CPS allowed Sophia to remain in the custody of Johnson and Jackson.

The concerns of many in the United States following Gabriel's and Sophia's case and those involved in similar incidents, revolve around the effectiveness of our child welfare system and the reasons for the failure of CPS to fulfill their duty of protecting children. Every state has its own Child Protective Services agencies and although these agencies conform to identical procedures, variations in execution might impact the results. Following receiving referrals of allegations regarding child abuse and/or neglect, from family members, medical professions, teachers, or neighbors, CPS conducts an evaluation to determine whether or not the reports are legitimate. Following the initial assessment, a thorough investigation if warranted will be conducted. Investigations conducted by agencies will include evaluating the child's immediate well-being, interviews with the child, family members, and collecting information from schools, medical professionals, and other sources. After the investigation, CPS will evaluate the level of risk to the child based on the information, further determining the appropriate course of action.

CPS will develop a case plan aimed at ensuring the safety and wellbeing of the child, whether that may involve providing support services to the family such as parenting classes or counseling. In more severe cases, CPS may seek legal involvement by petitioning a court to remove the child from the household.

When CPS fails to intervene following reports or referrals of child abuse or neglect, the physical toll it has on a child is severe. Many children suffer from broken bones, malnourishment, internal injuries, and permanent scars– all of which were present in Gabriel and Sophia's case. Continuous abuse can result in chronic pain and developmental delays because of the prolonged neglect and malnutrition. Malnutrition during critical growth periods can affect brain development, leading to delayed speech, impaired memory, and learning difficulties. Further, severe stress from abuse disrupts the development of the brain's prefrontal cortex. This results in a difficulty concentrating, poor impulse control, and delayed motor skills in children. The betraval by the system- when CPS and law enforcement fail to intervene- can cause children to live in a perpetual state of fear and helpness. When no action is taken, the child learns that no one is coming to save them. Sophia's grandmother and aunt filed multiple reports of abuse and neglect, yet CPS still left her in the hands of her abusers. Prologned abuse without the proper intervention increases the possibility of children developmenting mental health disorders such as Post-Traumatic Stress Disorder (PTSD), depression, anxiety, and suicidal thoughts. Individuals with four or more Adverse Childhood Experiences (ACES) were found to have a higher risk of depression and other mental health disorders in adulthood. (CDC - ACEs Study) When this abuse escalates without proper intervention, children are more likely to suffer from serious health complications, self-harm, and early death. Children with high ACEs have a significantly higher risk of premature mortality. (CDC - ACEs Study). In 2023, more than 75% of child abuse deaths involve neglect, while 42% involve physical abuse. (U.S. Department of Health & Human Services, Child Maltreatment Report) Thus, children like Gabriel and Sophia, suffer for long periods of time before dying at the hands of their abusers.

#### The Current Function of CPS

In 2022, the United States received 4.276 million reports of child abuse. A total of 7.5 million children were documented as victims of child abuse. (Child Maltreatment & Neglect Statistics, American SPCC) Children are brought to the notice of the state or local child protective agency when individuals from the public report suspected cases of child abuse or neglect. These referrals or reports are submitted by the child's educational institution or health care professionals, as well as by those within the child's social circle, such as family members, friends, or neighbors. These reports may undergo examination by CPS to determine the accuracy of the report and further assess the child's safety concerns or alternative, a procedure that prioritizes the family's needs. Child maltreatment is most common among infants, particularly those under the age of 1, with a rate of 22.2 per 1,000. In 2022, a total of 1,990

children in the United States died as a result of abuse and neglect. (Child Maltreament & Neglect Statistics, American SPCC) Child abuse in the United States claims the lives of 5 children everyday. At least one parent is involved in 81.8% of child deaths. Abuse happens at home usually by a family member. When a child is identified as a victim of abuse or neglect and receives assistance from CPS, there is a concern about the possibility of further instances of mistreatment. Recurrence may manifest in incidents of the same type of abuse or neglect or different forms. In Gabriel's case, the abuse and neglect he received at the hands of Fernandez and Aguirre worsened after CPS intervention. Thus, the social workers failed to properly assess the severity of the abuse Gabriel endured as the caseworkers closed multiple cases prematurely without conducting thorough follow-ups. In the case of Sophia, reports of physical and emotional abuse had been made multiple times over the years. However, it is reported that previous CPS involvement failed to remove Johnson's custody rights- despite clear evidence that she was unfit to care for Sophia. Jackson had a violent criminal history, but Sophia was still left in their care. When Sophia was reported missing, there was no urgent response from CPS or law enforcement to locate her. CPS closed reports prematurely and failed to escalate concerns after clear indications of physical and psychological abuse. Similarly, in both cases, there were high caseloads and limited resources resulting in the poor follow ups and rushed investigations by social workers. That however, is not an excuse for the negligent caseworkers assigned to the cases. Most children who are the subject of a child abuse report have one involvement with CPS at some stage in their life. Other children are reported more than once, leading to re-reporting where they are repeated investigations or assessments conducted by CPS. It was found that out of the 1,396,998 children reported to CPS, 32% were the subject of a second report within 60 months. Out of the total number of 336,022, 17% of those children were victims of child abuse again within a span of 60 months. (Findings from NCANDS, Research Summary) An issue of concern across the United States is why there are maltreatment recurrences following the intervention of CPS.

#### Challenges within the system

CPS agencies in the United States face a significant number of cases that exceed the resources at their disposal due to inadequate funding, resulting in agencies being understaffed. This frequently results in prolonged investigations by social workers and inadequate monitoring of children who CPS has received referral reports of. In the case of Gabriel Fernandez, the social workers claimed to be underfunded and the overwhelming number of cases dealt with contributed to their poor responses to Gabriel's case. Greg Merritt, a former DCFS Supervisor, stated that the social workers under his supervision were handling an average caseload of 30 to 38 simultaneously. Merritt himself was responsible for overseeing as many as 280 cases. (The Case of Gabriel Fernandez: Social Work and Public Responsibility, Rachel Robison-Greene)

Following the cases of Gabriel and Sophia, along with other cases where children were victim to child abuse and neglect, individuals have voiced their anger and criticism towards the United States child welfare system for failing to fulfill their responsibilities, which resulted in the tragic deaths of these children. Too many children have continued to be victims of abuse or have died following the intervention of child welfare agencies yet the blame cannot be placed entirely on social workers assigned to such cases. CPS and other child welfare agencies are severely underfunded. Therefore, they do not have the resources or staff to handle the high number of cases they receive. Reportedly the median salary for a social worker in the United States is about

\$46,270. In order to address this issue, there should be increased federal and state funding for CPS agencies to ensure that CPS has adequate resources to handle cases and help families effectively. Funding should be allocated based on the specific needs of the jurisdiction, considering population density, poverty rates, and previous caseload levels. Social workers would have reduced caseloads and be able to complete investigations and respond to reports in a timely manner protecting and helping the child or family in urgent need.

#### **Calls for action**

There is a need for workforce development and support for social workers in the child welfare system. The state needs to implement comprehensive training programs that focus on the latest practices in child welfare, risk assessment, and family engagement strategies. This is so that social workers can handle heavy work loads and the diverse cases thrown at them. Social workers need mental support to be able to handle cases head on as child welfare is a mentally demanding job. The state needs to provide ongoing support and mental health resources for workers because in a field such as theirs, it can be difficult having to witness what multiple children or families go through. Support and mental health resources will further reduce burnout and turnover rates as the number of cases a worker can oversee at a time can become overwhelming. Furthermore, by allocating resources to modern technology, child welfare agencies can enhance their data collection and analysis. This includes utilizing analytic tools that can help in identifying high-risk cases at an early stage. By integrating data systems, all relevant parties within child welfare agencies will have up-to-date information regarding children and families. With the use of this data collection and analysis, social workers can meet the needs of families immediately and help support and protect children from maltreatment and forms of abuse.

#### Solutions

To assist families involved with CPS, states can develop policies that mandate the provision of comprehensive support services such as mental health counseling and substance abuse treatment. Local agencies can create accessible programs that address the root causes of family challenges– tailored for the specific needs of each family. Many families struggle with transportation, costs, or long wait times for mental health services. Local agencies can establish walk-in counseling centers in community hubs, such as schools, libraries, or family resource centers, to provide accessible therapy. There could be mobile crisis response teams, where trained professionals– such as social workers and therapists– are deployed to de-escalate situations and connect families with specialized support. Agencies should recruit diverse mental health professionals who understand cultural nuances and lived experiences by families in child welfare agencies.

The United Kingdom has implemented Family Drug and Alcohol Courts (FDACs) to address cases where parental substance misuse threatens child welfare. (Family Drug and Alcohol Court) FDACS offer a therapeutic approach, providing parents with tailored support to overcome addition while working towards family reunification. Thus, FDACs focus on rehabilitation for parents instead of punishment. If CPS were to implement FDACs within their framework– parents struggling with substance abuse would receive the support needed to achieve recovery and maintain custody. By integrating this model into CPS reforms, we could create a more compassionate and child-centered system that emphasizes prevention and the protection of children's rights. In addition to

a rehabilitation-focused recovery, parent's overcoming substance abuse can be assigned parent peer mentors. These are people who have successfully navigated recovery while keeping custody of their children. Thus, they can provide emotional support and guidance to parents experiencing CPS involvement. Many addiction recovery programs require parents to separate from their children for the time-being, which can discourage them from seeking recovery. To combat this issue, local agencies should offer outpatient family-based treatment programs where parents can receive care while maintaining parental responsibilities.

#### Conclusion

The village that it takes to raise and care for our children is interwoven; children within our child welfare system urgently require immediate intervention and assistance from maltreatment and abuse. When does it become too much children, too much Gabriel's or Sophia's, who our agencies have failed, before we acknowledge that the system is fundamentally broken? The excuse that agencies are underfunded and understaffed no longer account for the names of the children that were not protected. We are the village, and it is our responsibility to care and look after the children within these systems. The time for action is now. We must demand accountability from Child Welfare agencies and advocate for the well-being of all children.

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## Juveniles Incarcerated in Adult Detention Facilities: An Analytic Review

Abigail Kelly

#### 1. Introduction

According to Zhang et al. (2023), in 2021 there were 2,250 youth incarcerated in adult facilities, including local jails and federal prisons, which declined from 10,420 in 2008. While the current number is significantly lower, 2,250 is still a substantial number of children under the age of 17 being confined in the adult correctional system. In this analysis, articles from 2007 to 2024 were utilized in order to understand the mental, physical, and prospective effects adult imprisonment has on juveniles. The sample sizes in my selected studies range from 47 to 10,126 juveniles, or individuals who served as juveniles in adult facilities. This wide range of data allows for a close examination of the effects of juveniles in adult facilities at the local and state levels to the more general and national levels. Despite each article and sample yielding its weaknesses, the studies still provide substantial knowledge to the existing literature.

Juveniles should not be confined in adult facilities for numerous reasons such as the risk of physical or sexual violence, the lack of resources designed for juvenile developmental levels, heightened rates of suicide, heightened rates of recidivism, and the impact of serving time in these facilities on their mental health. However, some research discusses that placing juveniles in adult facilities does not place them at unnecessary risk of harm due to policy changes such as the "sight and sound" requirement where juveniles cannot be detained within eyesight or earshot of adult inmates inside any institution (Greene, 2022). Hastings et al., (2015) also describe the Prison Rape Elimination Act, this policy has been curated to protect at-risk populations from physical harm in detention facilities. Hastings et al. (2015), additionally stated that this practice can be utilized to protect youth and avoid complete segregation from the prison population to avoid solitary confinement, a cruel and unusual punishment for a child.

One policy that directly contributed to the influx of juveniles in adult facilities was the "get tough policy." Many of the participants in the studies I utilized were sentenced and waived into adult court as a result of the "get tough" movement. This policy emerged in the 1980s as a claimed method of crime reduction through the use of retribution as deterrence, and the approach began to decline in the early 2000s. According to 7.4 the Get-Tough Approach: Boon or Bust? (2016), this method of crime reduction has a racial undertone and was designed by the Republican Party to blame increasing crime rates on African

Americans leading policymakers to favor punitive measures. However, juveniles cannot be merely thrown into the adult criminal system without reason. Therefore, to get a juvenile transferred from juvenile to adult court, a judicial waiver must be enacted. Three categories of waivers exist: discretionary, presumptive, and mandatory (*Judicially Waived Cases* | *Youth.gov*, n.d.). Each waiver serves a different purpose and depends on the circumstances of the juvenile such as age, the nature of the crime, or the individual's criminal history.

The current study seeks to highlight the problems of incarcerating juveniles in adult facilities. This will be discussed in three sections entailing the safety issues juveniles may face, services juveniles receive at these facilities, and prospective issues adults who served time as juveniles in adult facilities endure. Before thoroughly conducting this research, I hypothesized that the research on juveniles in adult facilities would portray significant statistics displaying the physical and sexual danger these children face. I also hypothesized that juveniles in these facilities would not have sufficient resources tailored to their development level, specifically in the areas of education or treatment. Other issues discussed in this analysis that were not originally surmised were how these facilities affect the juveniles throughout their life course, therefore, inmate mental health post-incarceration and rates of recidivism are discussed.

It is important to note that several authors and researchers discuss that this area of study is still in its infancy as it is increasingly difficult to sample this population at the present time. Most research takes place using archival data from wide-range prison population surveys or reporting systems.

#### 2. Methodology

For this literature-based analysis, full-text, peer-reviewed, empirical sources were utilized and found through the search engines PsychInfo, Google Scholar, and Lloyd Sealy Library One Search. Sources from published articles' reference sections were also considered. The search for articles was performed from October to December of 2024. Keywords were used to locate relevant articles. These phrases included: juveniles, children, adolescents, physical abuse, sexual abuse, suicide, mental health, therapy, counseling, education, adult prisons, adult corrections, and adult facilities.

Articles were selected for this study if they met specific criteria. These criteria included:

- 1. Involving juveniles who had served time or were housed in an adult holding facility.
- 2. Included a sample with at least 20 participants and quantitative data analysis.
- 3. The article had been published within the past 20 years, no earlier than 2004.
- 4. The data was gathered within the United States, from either U.S. facilities or U.S. data systems. The abstracts and discussion sections of numerous articles were read to identify whether or not the article was relevant to the current study and met the inclusion criteria. Through this selection, a final 8 articles were utilized for this analysis. To organize and describe the data of each study incorporated into this analysis, a review table was created. This table included the source, the sample, the methods of data collection, and the main findings of the study.
- 3. Resource Summary Table

Study	Study Population	Method of Data Collection	Main Findings
Ahlin & Hummer (2019)	- 1,618 juveniles ages 16 to 17 housed in adult facilities.	- Data was collected from the National Inmate Survey between 2011 and 2012.	<ul> <li>Certain characteristics may put inmates at a higher risk of victimization: being younger, new to the institution, mental/developmental differences, history of victimization, substance abuse history.</li> <li>Youth in adult facilities (&lt;2%) were less likely to be victimized than youth in juvenile facilities (6%)</li> </ul>

Heide (2019)	- 59 boys convicted of murder and sentenced to adult prisons in the 1980s in an unnamed southeastern state.	- Clinical interviews - Data collected from records (charges, police reports, etc.)	<ul> <li>- 36% of participants participated in a drug treatment program.</li> <li>- 86% had taken part in Alcoholics/Narcotics Anonymous.</li> <li>- 75% had actively used drugs within the facility.</li> <li>- 90% described facilities as a dangerous place and violence as necessary for survival.</li> <li>- 45% also disclosed having been sexually assaulted/ threatened.</li> <li>- 85% disclosed having been physically assaulted.</li> <li>- 52% admitted to frequent trouble, although the rate of causing trouble declined with age.</li> <li>- 70% found it difficult to find a job post-incarceration.</li> <li>- 19 men were released, 76% were rearrested upon release, and 58% were re-incarcerated.</li> </ul>
Kolivoski & Shook (2016)	- 763 juveniles who were transferred into the Michigan Department of Corrections adult prison system.	<ul> <li>Retrieved a data set of juveniles committed to adult prisons by the Michigan Department of Corrections.</li> <li>Included data sets of juvenile prison behavior, offenses,</li> </ul>	<ul> <li>Younger juveniles tended to have more disruptive /aggressive behavior compared to older inmates.</li> <li>Race, age, mental health, time in the facility, and criminal/probationary history were correlated with the total number of misconducts.</li> </ul>

		time in prison, criminal history, etc.	
Kupchik (2007)	<ul> <li>95 juvenile respondents who were prosecuted in criminal courts residing in 5 different correctional facilities.</li> <li>2 facilities were juvenile centers, and 3 were adult placement centers</li> </ul>	- Structured interviews with inmates under the age of 21. - Respondents were recruited based on eligibility by correctional staff.	<ul> <li>The sample was overwhelmingly African American and Latino/a juveniles.</li> <li>Juvenile centers have significantly lower inmate-to-staff ratios.</li> <li>Individual and group counseling was mandatory in the juvenile setting and not in the adult setting.</li> <li>Education is mandatory for all juvenile facility inmates.</li> <li>The adult facilities specialized in the juvenile population.</li> <li>More adult facility juveniles had an assigned case worker compared to juvenile facility inmates Only <sup>2</sup>/<sub>3</sub> of Juvenile facility respondents report access to counseling, despite the facilities' mandatory counseling practices.</li> <li>Drug treatment is more accessible in adult facilities.</li> <li>Staff interactions were rated higher by juvenile facility respondents than adult facility respondents.</li> </ul>

Kurlychek et al. (2021)	- An arrest cohort of 16/17-year-olds who were detained in adult facilities in 1987 in New York State.	<ul> <li>Data pulled from the Bureau of Justice Statistics.</li> <li>The researchers followed the youth from the "Adult Criminal Trajectories of Juveniles Offenders Project" for 24 years.</li> </ul>	<ul> <li>Youth placed within adult facilities were about 5% more likely to recidivate, recidivate sooner (1.8 years), be re-arrested, and have longer criminal careers than youth who did not share this experience.</li> <li>Both adult and juvenile facility inmates have significantly high recidivism rates, although the youth with adult facilities had a higher rate of 90% compared to relatively 85%.</li> <li>Youth given youthful offender status who had their records sealed were found to have long-term benefits regardless of prison experience.</li> </ul>
Ng et al. (2012)	- 47 youth incarcerated in juvenile facilities. - 49 youth incarcerated in adult prisons in Michigan.	<ul> <li>Clinical interviews</li> <li>Responses collected from a larger study questionnaire on services offered within the facilities.</li> </ul>	<ul> <li>Youth incarcerated with adults reported lower satisfaction with youth services.</li> <li>Youth in adult facilities also had negative responses to all criteria except hours at work.</li> <li>Youth in the juvenile system had committed more serious offenses, were younger at first arrests, and were more likely to come from disadvantaged backgrounds.</li> <li>There were significant differences in counseling, medical attention, and staff quality between the two groups.</li> </ul>

			- There were no significant differences in the quantity of education, although the education materials were different, DHS juveniles were finishing high school or accomplishing college, while adult facility juveniles were working towards their GED or a part of vocational programs.
Ruch et al. (2019)	- 10,126 10- to 24-year-olds within the U.S including both incarcerated and general population youth.	- Data collected from the National Violent Death Reporting System between 2003 and 2012. - Data retrieved from coroner/medical examiner and law enforcement reports.	<ul> <li>Incarcerated youth die by suicide more often than any other cause of death.</li> <li>53% of youth who die in adult facilities die by suicide.</li> <li>Youth who attempted suicide were older, typically 20-24 years old, and white, while younger suicide completion by younger inmates tended to be young men of color.</li> <li>There are numerous mental and environmental risk factors associated with suicide rates in incarcerated youth, especially those incarcerated in adult facilities.</li> <li>History and current mental health treatment did not significantly differ between normative or incarcerated groups.</li> <li>The majority of youth suicides occurred within pre-trial facilities and the</li> </ul>

			suicide took place within the first 30 days of detainment. - Factors such as mental health substance use, and history of suicide attempts did not differ between populations
Semenza et al. (2024)	- 8,961 respondents who were incarcerated in adult and juvenile facilities between the ages of 12-18.	The Mental Health Inventory-5 was used to measure and assess the symptoms of respondents. - Used data from a nationally representative sample of youth from the National Longitudinal Survey of Youth from 1997 to 2019.	<ul> <li>The mean length of incarceration in an adult facility was 6.37 months MHI-5 scores after age 18 were higher among those who were incarcerated in adult facilities MHI-5 scores for individuals ages 18 to 37 were higher among those who were incarcerated in adult facilities as juveniles compared to those who were not incarcerated in adult facilities as children.</li> <li>A 0.052 SD increase in the average MHI-5 scores was associated with individuals who were incarcerated with adults as children.</li> <li>A 0.027 SD increase in the average MHI-5 score was associated with each month of incarceration in an adult facility as a child.</li> </ul>

#### 4. Findings

#### 4.1 Safety Concerns

The empirical literature has suggested numerous concerns for juvenile safety while being incarcerated in adult correctional facilities. While researchers

expected to find results emphasizing that juveniles face sexual assault at statistically significant rates, there was little evidence to support that claim. According to Ahlin & Hummer (2019), only less than 2% of juveniles housed in adult facilities in the sample disclosed that they had been sexually victimized compared to 6% of individuals in juvenile facilities being victimized. This same study did report that there were risk factors attributed to victimization. These risk factors include being young, being new to the environment, having mental/developmental differences, and having a previous history of victimization as well as substance misuse. While the study by Ahlin & Hummer (2019) yields significantly low results of sexual assault rates among juveniles, another study by Heide (2019) found that 45% of juveniles had been sexually threatened or assaulted.

Physical assault inflicted upon juveniles is another area of concern. Interviews performed by Heide (2019), found that 90% of the juveniles viewed prison as a dangerous place where violence was necessary for survival, and 90% had also admitted to being victimized in broad terms, whereas 85% of the juveniles had been specifically physically assaulted. Kolivoski & Shook (2016) studied the prison behavior of juveniles within adult facilities. The authors found that juveniles were more aggressive than older inmates within adult facilities, resulting in higher rates of misconduct, which reportedly would increase by 17% each year within the facility.

The risk of suicide among juveniles in these facilities was shown to be significant in a study by Ruch et al. (2019). Suicidality in juveniles was strongly associated with being new to the correctional environment, as most juveniles who committed suicide did so within 30 days of detainment (Ruch et al., 2019). Mental disorders, specifically major depressive disorder, anxiety, and substance use were also correlated with suicidality, although the proportion of mental illness and mental health history did not differ from the general population, according to Ruch et al. (2019). These authors also state that suicidality is the leading cause of death among incarcerated juveniles, where 53% of children who die in prisons do so by suicide. Overall, according to the evidence, the risk of suicidality among juveniles in adult facilities is significantly more present than the threat of sexual harm, although this is still a reason for concern.

#### 4.2 Services Provided

Juveniles are at a significantly different stage of development than adults, and therefore, it is important to assess whether or not their needs are being met through the provided services within adult correctional facilities. Kupchik (2007), a study that surveyed juveniles within adult facilities that specialized in youth populations, found that juveniles in the sampled adult facilities had access to substance use treatment, counseling, educational programs, and medical care.

While the surveyed juveniles stated that they had significant treatment availability, their institutions reportedly had higher inmate-to-staff ratios and lower emphasis on treatment. Ng et al. (2012), also compared the services provided to youth in different facilities and found that youth in adult facilities had lower satisfaction with services than those in juvenile facilities. There were five service areas examined in this study: education, work, counseling, health, and staff quality. The only area of study that juveniles from the Department of Human Services (DHS) did not report having more support than Department of Corrections (DOC) juveniles was in education. In the remaining four areas, DOC juveniles had significantly low ratings of service availability and service satisfaction where work was rated 63 points lower than DHS juvenile placement, counseling was rated 58 points lower, health was rated 57 points lower, and staff quality was rated 12 points lower.

#### 4.3 Prospective Issues

The focus on the current incarceration of juveniles within adult facilities can be emphasized when the impact this incarceration may have on young individuals as they develop is more understood. A study by Semenza et al. (2024) utilized the Mental Health Inventory-5 with adults who had been incarcerated as juveniles within adult facilities. The authors found that the mental health of respondents tended to decline depending on whether they were detained in an adult facility and how long they were held within the facility. The standard deviations of the MHI-5 mean score were found to increase by 0.052 at baseline for children held in adult facilities and also increase by 0.027 for each month a child was detained within the facility (Semenza et al., 2024). Heide (2019), also performed a follow-up study on inmates incarcerated in adult facilities as youth and found that there are several variables related to the success of an inmate's life

after prison. The authors found the variables that had the highest predictor of success after incarceration were education and length of incarceration. Specifically, juveniles who had completed their GED were twelve times more likely to be successful after incarceration compared to their counterparts who did not complete an education. They suspected that the length of incarceration allowed for more time to be put toward the juveniles' education and therefore raised the likelihood of them completing their education.

Recidivism rates are another aspect of potential prospective issues a juvenile incarcerated in an adult facility may face. According to Kurlychek et al. (2021), recidivism rates were most prominent among juveniles incarcerated in adult facilities, as they were found to be five percent more likely to reoffend compared to those in juvenile placements. These juveniles were also found to recidivate sooner, only 655 days after release, and more often with 11 arrests prior to initial incarceration. However, it is important to acknowledge that both samples of juveniles had significantly high recidivism rates in this study with 85% and 90% rates of reoffending (Kurlychek et al., 2021). The authors stated that these similar results of recidivism may stem from their sample being made up of serious offenders. This study also noted that some juveniles had their records sealed and found that these individuals had long-term benefits compared to their counterparts whose records were not sealed. This was found as the youthful offender label only had a .88 hazard rate, significantly lower than those who served time in prison, resulting in a 1.2 hazard rate (Kurlychek et al., 2021). Additionally, Heide (2019) found that out of nineteen of the 59 individuals in the sample were released from prison and only 8 of the 19 did not recidivate in any capacity (Heide, 2019).

#### 5. Discussion

The results of this analysis display variability in the consequences of juvenile incarceration within the adult correctional system. However, most of the data points to negative incarceration qualities as reported by youth and individuals who have been through the adult correctional system as a child. Most of the results of the selected studies aligned with my hypotheses, however, not all did. I hypothesized that there would be significant results suggesting sexual victimization among youth in adult facilities, however, one of the most recent studies by Ahlin & Hummer (2019) found significantly low results of victimization among juveniles in these facilities. Nonetheless, this unexpected

outcome of sexual victimization should not overshadow the overwhelming results of the detrimental circumstances of juveniles within adult facilities.

Some correlations among the studies include risk factors for harm within facilities, according to Ahlin & Hummer (2019) and Ruch et al. (2019), being new to an institution and mental health may influence physical and sexual victimization as well as suicidality. These results suggest that better integration into the system may assist juveniles in fostering a more accomplished mental transition and decreasing the probability of being unintentionally put in harm's way. By this, I mean successfully decreasing the high cognitive and emotional burden of transitioning from the general public to the prison environment.

Although the execution of proper entry into the justice system may positively serve youths, it is also important to discuss reentry back into society once their time has been served, especially if they served time in a facility that was not conducive to their developmental level. Steinberg et al. (2004), discuss this particular aspect of the juvenile justice system and where its faults lie. Not only do law-involved juveniles already struggle to integrate with society, but spending time secluded in a strictly punitive environment continues to weaken their ability to adjust (Steinberg et al., 2004). Detention facilities often have an emphasis on punishment and training/education, however, the adjustment necessary for a functional life in society is not nurtured by these two aspects despite their goal of creating a sense of responsibility (Steinberg et al., 2004). Rather, a therapeutic, community, case management, or a combination reentry approach is likely to foster more sufficient outcomes for a young offender (Development Services Group, Inc., 2017). Reintegration requires multiple steps and is not simply enacted once a juvenile has already served their time; the process begins while the individual is still incarcerated with intervention strategies and then later community restraint once the juvenile is moved back into the community.

Other commonalities within the literature can be identified in Ng et al. (2012), and Kupchik (2007). Juveniles detained in adult facilities in the Kupchik (2007), study sample displayed overall higher ratings of services provided compared to Ng et al. (2012), study sample, although neither group had mandatory counseling or education, and both groups reported lower staff quality than the juveniles in respective placements. Juveniles in respective placements reported more positive staff interactions, which could be significantly consequential to their development by fostering their psychosocial abilities and creating healthy bonds with an authority figure.

Another notable correlation can be seen within the demographics of the participants in two of the studies. In Kupchik (2007), and Kolivoski & Shook (2016), their samples were disproportionately African American and Latino/a compared to White individuals. The researchers acknowledged this in their study. This difference in reported ethnicities/races within these studies could be a reflection of larger issues at hand than sampling issues, though that possibility should not be neglected. This significant difference in the demographics of the prison population in comparison to the general population could be attributed to the "get tough policy" and its implications for attributing crime to non-white individuals. Since the policy was still active in the early 2000s when these researchers' samples were collected, the authors were likely interviewing juveniles who were placed in adult facilities as a result of punitive-focused practice rather than rehabilitative-focused practice. This disproportionality could also potentially reflect causal factors of delinquency in the school, community, and family domains (Shader, 2003). These domains may specifically affect the demographics within punitive facilities due to systematic racism and, therefore, lack of funding towards protective factors within these communities. This lack of funding, with the addition of unnecessarily punitive practices within schools, may lead to more delinquent behaviors, hence the school-to-prison pipeline. According to American University (2021), the school-to-prison pipeline and zero tolerance policies are a direct result of the "get tough era". Lack of funding for proper counseling or threat assessment in school systems may be a cause in the rise in law enforcement involvement with students, leading to lengthy suspensions, expulsion, and law enforcement referrals that can potentially end in arrest.

The studies used in this analysis largely neglected gender differences as many of the studies lacked female participants from samples and even archival data. Kupchik (2007) did not have any female participants in their study, and Kolivoski & Shook (2016) mentioned having such a small number of female offenders in their study that they omitted that population as a whole and only studied male participants. Hiede (2019) was another study that did not include a female population or even a single female participant despite the study's small sample size. These gender differences could reflect bias in both empirical research towards women and bias in the criminal justice system. According to Rodriguez et al. (2006), bias in the justice system systematically allows women who commit nonviolent crimes to get away with lesser charges, however, there were no differences in sentencing between women and men who committed violent crimes. Therefore negating the commonsense opinion that girls would be less likely to end up in criminal court. This suggests that bias may be more present in research, such as Kolivoski & Shook (2016) omitting their female population due to a low number in the sample. Just because the population of girls within the criminal system is small does not mean they are insignificant, and more should be done to understand their experiences.

The research and literature included in this analysis did, however, yield important findings, although their limitations should also be acknowledged to help assess future research implications. The most unanimous limitation among the studies I analyzed was the lack of generalizability of the results. This was due to the sample sizes and demographics available to and collected by the researchers for their investigations. Therefore, this limitation points to the need for nationally representative samples in order for results to hold significantly more merit. Another common limitation was the limited control for confounding variables. In a small portion of the studies, confounding variables were discussed but not thoroughly analyzed. Further research should control for these variables as they could be significant in interpreting and reporting results. Another potential limitation I would like to shed light on is the probability of reporting bias. In a few of the studies, researchers relied on self-report measures for vouth to detail their experiences within their respective facilities. Nevertheless, juveniles could potentially inflate or undermine their experiences within the correctional system due to stigma, fear of retaliation, or disinterest in the study. However, this is pure conjecture and should not be taken as fact. However, the point still stands that self-report methods of data collection can be tricky and yield weak results if not carefully examined or controlled.

Based on the evidence displayed within the literature, policy and funding transformations should take place. A system that is beneficial to juveniles should emphasize treatment in a facility designed for rehabilitation, not punishment. While an individual should be held responsible for their actions if applicable, their correction should also reflect an understanding of their developmental level. During adolescence, impulsivity is at an all-time high and can take many forms (Romer, 2010). As aforementioned, a lack of necessary resources on personal and public levels are causal factors of delinquency, and this deficiency has been found to play a role in adolescent impulsivity and, consequently, violence. Specifically, Vogel & Van Ham (2017), found that disadvantaged neighborhoods strengthened the influence of impulsivity on violence. This finding accentuates the fact that properly funded communities and community organizations may play a role in educating against violence and mitigating impulsivity. In addition, policy reform should include the termination of policies implemented throughout the "get tough era" within the justice system as well as the headspace that extreme punishment will correct the behavior of a juvenile without acknowledging the probability of any potential long-term adverse effects. This specific policy change should take place since it would be much easier to merely relocate the juveniles into a pre-existing facility that already caters to their specific needs rather than modify adult facilities to adjust their policies to accommodate younger inmates' educational, treatment, or staffing needs.

The funding toward institutions could potentially be redirected toward rehabilitative programs for youth. Incarceration has been found to be quite costly, as discussed by Wilson College (2024), which stated that the average cost of the incarceration of a juvenile is \$88,000 per year. Comparatively, rehabilitation of a drug offender, according to McVay et al. (2004), costs anywhere from \$1,800 to \$6,800 per year. I was unable to find specific analyses on the cost of rehabilitation for juvenile offenders. Although it can be inferred that if a juvenile is reformed and is not placed back within the system, that is money saved, therefore reducing overall costs.

Despite being unable to find statistics on the cost effectiveness of rehabilitation compared to incarceration, Piquero & Steinberg (2010), found that the general public (from four states in different regions of the U.S.) were more willing to put more tax dollars toward rehabilitative practices over incarceration in response to juvenile offenders. This further drives my point that funding rehabilitation in comparison to incarceration may better serve the community as well as our youth. With the research conducted by Piquero & Steinberg (2010), more rehabilitative policies should be endorsed by policymakers versus punitive policies that the general population do not unanimously approve of (Nagin et al., 2006). This policy should be readily applied to juveniles in the justice system, especially those who have been waived into the criminal system despite their youthful age.

#### 6. Conclusion

Based on the data analyzed in this study, there is seemingly significant variability throughout the correctional systems within the United States, varying from state to state and even county to county. This variability is not ideal when trying to understand the effects of adult incarceration on young individuals on a national scale. This is exemplified as some studies show low to increasingly high effects on one's mental and physical health as well as their lack or abundance of accessibility to services. However, the prominent finding among the research utilized in this analysis implies that children should not be housed in adult facilities. The quantitative and qualitative findings underscore that non-juvenile facilities are not conducive to a child or adolescent's developmental level. Explicitly stated by Kurlychek et al. (2021), their statistically significant findings display that "spending time in adult jails and prisons does not reduce crime." Therefore, by utilizing an evidence-based understanding of youth and the effects perpetuated by adult incarceration, I believe that policies can be established that maintain juveniles in secure facilities while they are exposed to rehabilitative practices that cater to their developmental needs.
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# The History of Bullets Against Children

## Ana Melara Larin

#### Abstract

Hundreds of school shooting massacres happen yearly in the United States. This means yearly hundreds of students, teachers, staff, parents, and whole communities are physically and mentally harmed. Yet, no change is done to protect these hundreds of innocent lives from the firearms that aim at them. In this essay, we will discuss the history and our right to the Second Amendment, then we will analyze a selection of school shooting cases and how they present issues on current firearm laws. Afterwards, we will look at the effects mass school shootings cause. And lastly we will conclude by reviewing what we can do to cause change while protecting our constitutional right and all these innocent lives. Protective measures in gun laws are necessary for the safety of the future generations of the United States.

#### Introduction

The People have the right to life, liberty and justice for all... or all except the 360,000 youth who have experienced school shootings since 1999. The issue with guns and children has only been increasing in the past few decades, especially with the rise of illegal gun sales. There have been minimal protections set to make sure that firearms don't come into contact with schools. A place which is supposed to be a safe haven for children, for them to grow, learn, and develop as the future generation of this country is oftentimes met with violence. No parent should ever have to wonder if their child will come back after school. No child should go to school with the fear that they might not return home because of a firearm that ended up in the wrong hands.

The Second Amendment is one of the People's constitutional rights as well. But allowing those who are not equipped enough to hold that right oftentimes means that these children don't have their rights to liberty of harm. Do Americans value their right of carrying a gun more than the lives of innocent children? Needless to say, the moral answer is no, but "mention the Second Amendment, and all too often people reach for their revolvers," (Whitney, 2013) it seems like this topic about guns is out of reach, there are many opposing views and opinions. So, how can we have both? History has proved that having both is very punishing, there have been countless horrific events that have proved that the right to bear arms doesn't suit all. The answer to prevent these deadly weapons from reaching the hands of those who are not equipped is to set up more regulations on these machines, it is saying that, "..our gun control laws are so lax that anyone can buy a weapon- the mentally ill, the criminal, the boy too young to bear the responsibility of owning a deadly weapon." (Whitney, 2013, p.6) This is not to say that the 2nd amendment should be erased, after all it's the right of all American citizens. This is to say that ineffective action caused by pride does not stop a bullet from ending an innocent life.

## The 2nd Amendment

The 2nd amendment entails: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." (U.S Const. art.III-XII, 1791) The Second Amendment was ratified on December 15th, 1791, which was 233 years ago. The United States was in the midst of the industrial revolution at that time, the development of different political parties and the construction of the Bill of Rights. Fast forward to now, the United States has self-driving cars, one of the most largest and diverse nations in the whole world, and has the world's biggest economies. Clearly, there has been a lot of change since the Constitution was written. Even if nothing had changed, the Second Amendment has terms written within it that specify who can bear arms and who can not. Another thing that is worth noting about the Second Amendment is that it discusses why the People need "security of a free state," which means that the necessity to have a well-regulated militia is because they are allowed to build a protection from events like invasions. It also talks about the right "to keep and bear Arms," which is the biggest thing to observe when the amendment is overlapping mass shootings. When the Second Amendment was written there were no semi-automatic weapons that only took less than 10 seconds to reload. The only guns that existed were muskets, which took a little bit more to reload, and are not very accurate when shot with, and pistols, which are used in more close-range situations, again not accurate for long distances. Now in 2024, there are semi-automatic weapons that are fed magazines that can shoot out 60 rounds per minute. With these advancements in firearms, should the laws surrounding them advance with them?

#### **History of School Violence and Shootings**

The United States is surpassing any other country in the world with its mass school shooting rate (Kerr, 2018, p.4). The history of gun violence

against children in the United States traces back to the 1800s, with the St.Mary's Parochial School shooting and still happening like the latest tragedy in Apalachee High School shooting that recently occured in 2024. School shootings are caused by multiple factors, the major ones being mental health issues and the lack of regulations surrounding gun sales. How many more kids have to be harmed for a nation wide legislative measure to be passed through all branches of the government?

The right to own guns is one that if used correctly can be very beneficial. But it doesn't take away from the fact that guns have a great toll on children's mental health and how they develop their relationship with firearms. Guns also impact how kids view their communities and overall the society they live in. The exposure that kids have to violence is a great factor for the development of mental health issues, if not supported these mental illnesses can be the ones that cause these tragic events. Furthermore, less exposure of violence and more attention to mental health issues that develop in children, can help greatly with preventing school shootings. There is a need to stop guns from perfectly landing into the perpetrators hands when they pay the right price, because who really pays the highest price in the end?

#### Straw Purchases and Gun Show Loophole

There are certain loopholes that have allowed for guns to be fired by the wrong hands simply because they pay the right price. Straw purchases are an example of this. Straw purchases are very common in some mass shooting cases, even though it is now deemed an illegal way of selling and purchasing firearms. A straw purchase usually occurs at a gun show, a place where there are many gun vendors, collectors and purchasers coming together to exchange money for guns. A straw purchase is the action of purchasing a firearm in the name of someone else to be able to clear the background check, but then providing the firearm to someone who is prohibited by law to purchase and own a firearm (Cole, 2008, p.641). Another major contributor to school shootings has been the 'Gun Show loophole.' The gun show loophole is the lack of background checks during gun sales at gun shows but most mandatory specifically during private gun sales (Cole, 2008, p.640). During gun shows there are many vendors that have signs that promote "private" sales, which are transactions that require no documentation, just money. To combat this, the

Bipartisan Safer Communities Act was signed into legislation. This act is to ensure the whole nation's safety, "Rights come with responsibilities, and the Second Amendment right to own and sell firearms does not extend to criminals, terrorists, and others deemed ineligible under existing laws passed by Congress." (Odrich, 2023, p.1) With this signed into law, it means that it closes the gun show loophole for legal sales of firearms for any physical or online purchases.

## **Columbine Massacre**

Broken bonds to society and hands loaded with weapons is what ignited the actions of the two who committed the Columbine massacre on April 20, 1999. The two perpetrators had conspired and developed a horrific plan to take out as many fellow peers. Through a disturbing process of routine activity, illegal gun transactions and psychological illnesses were the main causes of this disturbing event. The Columbine shooting was committed by two high school students named Eric Harris, 18 years old, and Dylan Klebold, 17 years old in Littleton,Colorado. This wasn't an all of sudden gun fight, it was a premeditated plan. A plan to take out as many as they could, a plan which aimed to inspire many others since "Eric Harris wanted to bomb his high school out of a desire to terrorize the entire nation by attacking a symbol of American life..." (Altheide, 2009, p.1354) Dylan Klebold, was 17 years old and experienced many mental health issues from depression to paranoia. Eric Harris was also 17 years old at the time of planning the massacre but turned 18 years old just a few days before the shooting. Harris experienced homicidal fantasies and anger issues. Long before the massacre occurred, there was already police involvement with the two teenagers. From notifications to the police from parents of peers due to online rants and kill list, to Haris and Klebold being charged with breaking and entering, theft, earlier in 1998. Rumors of evidence about pipe bombs surrounded them as well, and even though a search warrant was written it wasn't served. What would've happened warrant had been searched, would this deadly event have been if that prevented?

These signs of their behavioral issues and devious tendencies were widely known and included multiple encounters with the police, yet nothing stopped them from being "Misfits on a mission to delete us all..." (Kerr, 2018,

p.1358) Armed with propane bombs and their illegally obtained guns, they set up at their school and committed the horrible event that brutally took the lives of "12 of their classmates and a teacher. The two young men then com-mitted suicide in the school library, where many of theirvictims were slain." (Lickel et al., 2003, p. 194) From the evidence of the crime their original plan of using bombs malfunctioned so they ended up using the illegally obtained guns they had.

How does Columbine show us the issues with gun regulations? Well, because multiple loopholes in gun sales allowed Harris and Klebold to be armed and cause a massacre. Initially Harris and Klebold didn't want to use the firearms in their possession, as their main tools to wreak harm on their fellow peers and teachers. Instead they wanted to cause harm by using explosives that they had strategically placed at high traffic areas of their campus. Neither Harris and Klebold were legally permitted to buy the guns used because they were both underage at the time of purchase. They decided to get Klebod's girlfriend to purchase the three firearms. The purchase in this case is an example of a straw purchase. This is because Keblolds' girlfriend legally purchased the guns at a gun show because she was at the legal age of purchasing. She could clear the background check with no issues but after the purchase she provided the weapons to Klebold and Harris (Obmascik et al., 2019). They were both not permitted under the law to own or purchase guns at the time because of their age, so that made this transaction illegal for Klebold and Harris. Another thing to ask is if she was also guilty of the massacre as well?

Authorities weren't sure if she actually had committed a crime because she was of legal age and her motives were not known. But she did in fact provide the firearms to two minors, so it violated a statute of the state. "When tragic events occur as a result of human action, people feel a need to assign responsibility," (Lickel et al., 2003, p.203) at the end she was not held accountable for her crime of arming the two underage males and instead she was just declared a witness and Harris and Klebold both committed suicide. From a perspective she was let go and never held accountable for the pain that she enabled to happen. This tragedy is an example of what can happen with loopholes like the straw purchase. Someone who has their right to purchase can end up handing weapons to those who have clear mental health issues and are not permitted to own such weapons.

## Sandy Hook

Twenty elementary school kids did not walk out at the end of their school day alive out of Sandy Hook on December 14th, 2012, this heartbreaking event stuck in the small town of Newtown, Connecticut. This has been one of the deadliest school shootings in the United States. On that day, 20 year old Adam Lanza, struck havoc on a school filled with innocent lives, who were just trying to get educated "...a gunman grabbed three firearms and headed to Sandy Hook Elementary School. The gunman shot the locked doors in order to gain entrance into the building."(Hurley-Hanson et al., 2013, p.225). Lanza suffered a lot of mental health issues including obsessive traits, depression, isolation, and also was said to have Asperger's syndrome. It is believed that all of these psychological issues could have been the leading factors of his horrific actions. One of which was starting his day by killing his mother who was the owner of the rifle and firearms he used. Then, he went on a rampage at Sandy Hook Elementary, where "One hundred fifty-four rounds were fired from the shooter's rifle." (Hurley-Hanson et al., 2013, 227) His motive was never really known, and answers were not able to be given since he committed suicide in one of the classrooms at the end of his rampage. His actions terminally affected twenty children who never got the chance to keep growing and learning. As well as six staff that never came back home to their families. This is yet another case where mental health issues and lack of regulations around guns allowed the firearms to land in the wrong hands that took away so many innocent lives.

The right to keep a well-regulated militant style collection of firearms is well-stated in the Second Amendment, but it is also what took the lives of twenty-six people at Sandy Hook. The lack of attention to serious mental issues and the great accessibility to firearms was the leading factor of this disturbing event. Lanza's mother was the legal purchaser and owner of the firearms that were used in the massacre.

This event can be seen as the outcome of an unintended straw purchase. Even though Lanza's mother didn't intend to purchase the guns for Lanza, her firearms still landed on her mentally ill son, someone who shouldn't have been within reach of deadly weapons. A straw purchase can also be defined as, "...anyone who can easily acquire weapons by arranging for a person who is not prohibited from buying a gun to purchase it for them," (Cole, 2008, p. 640), she knew that her son was not mentally stable, yet she purchased and kept the firearms where he had full accessibility of them. Seems like a clear action of buying something for someone who is not legally allowed to obtain the certain object and leaving it within arms reach. It was unintentional perhaps, but she still had some responsibility of keeping her firearms away from those who are prohibited to do so.

## **Uvalde School Shooting**

In more recent years another devastating act of violence upon a school was experienced by the county of Uvalde in Texas. A big state that wears their right to bear arms with pride, felt small and shattered when the news of the murderous rampage pierced a hole through the hearts of everyone. The Uvalde School shooting happened on May 24th, 2022, at Robb Elementary, "19 children and 2 teachers. The Uvalde massacre is the second deadliest on record, following the 2012 shooting at Sandy Hook Elementary." (Rossin-Slater, 2022, para. 1) This shooting brought a lot of backlash towards the responding law-enforcement in the area, because they waited one hour until going inside to apprehend the gunman.

18 year old former student Salvador Ramos left 400 police officers in a frenzy while they were trying to analyze the situation. He held thirty-three students and three teachers hostage. Imagine how much horror and fear all those inside felt when they saw a gunman holding a semi automatic weapon at them or all those who heard the bullets that pierced doors down. Imagine how all of this could have been prevented if law enforcement had better resources. Days prior to the shooting Ramos posted pictures of the semi-automatic weapons he had purchased on his 18th birthday. What would have happened if the police officers had taken action as soon as those images and subtle threats were posted.

After investigation of this massacre, it was found that "Almost 400 officers from several local, state, and federal law enforcement agencies responded to Robb Elementary..the law enforcement officers waited more than an hour for a Border Patrol tactical team to arrive and breach the classrooms, despite nationwide active shooter protocols that call on officers to stop an attacker as soon as possible." (Méndez, 2023) Lots of questions of why police didn't react quicker surfaced, but also questions on how the shooter was able to obtain the firearms arose as well. Was his purchasing of the firearms used legal or illegal? The answer is he bought the two AR-15s legally right on his 18th birthday, a week before the shooting (Coronado et al., 2022, para. 2). This is a great example of the overarching effects of the gun show loophole, just

because he passed the background check he was allowed to purchase. What would've happened if he was required to have a psychiatric screening to be allowed to purchase the AR 15s? Would he have passed those requirements? Probably not.

Furthermore, why is it allowed for an 18 year old to buy semi-automatic weapons right when they turn 18 years old, but not allowed to buy an alcoholic drink at a bar or store until they are 21 years old? The answer is simple, because it is not legal to provide alcohol to underage young adults, because drinking can cause negative effects on theri still developing frontal lobe. But the underdeveloped frontal lobe shouldn't be a concern for the purchasing of firearms, right? Their decision making part of their brain is still not developed, yet they are allowed to buy a tool of mass destruction that not only causes negative effects if not used correctly, but can permanently stop other youth from developing. What would happen if the age for the Second Amendment was raised until 21 years old or perhaps until the frontal lobe is fully developed, would that decrease a senseless act of violence like the one that scarred Uvalde?

## **Apalachee High School**

Tragedies like the ones mentioned above still haven't stopped. The most recent school shooting in the United States was in fact in 2024. The Apalachee High School shooting which was perpetrated by a 14 year old, named Colt Gray. He inflicted harm on his own school community. Everyone that day expected a regular school day of learning and interacting with each other, but that day turned into a heartbreaking nightmare. The tragic truth about this event is that it could have been prevented like the others mentioned above. This shooter had given warning signs of his intentions. Gray had also had interactions with authorities before. At the age of 13 years old he was flagged by police for allegedly threatening harm against his middle school, "There had long been signs that Colt Gray was troubled. Colt and Colin Gray were interviewed about an online threat linked to Colt Gray in May of 2023. Colt Gray denied making the threat at the time." (Associated Press, 2024) When authorities talked to him for the first time. Colt claimed he would never threaten to harm a middle school online and so police just left with a warning. His father, Colin Gray, firmly backed his son. It was found later during investigation that Colin was the one that had provided the firearm used in the shooting to Gray. He had handed his son the rifle that led to tragedy on

September 4, 2024. On that day Gray arrived at school on a hateful mission that led to "Two students and two teachers were killed and nine other people were injured." (Burke et al. 2024) Gray used his Christmas gift from his father and took the gift of life from four people.

This case is very complicated because it challenges the concept of who is responsible for heinous events like this one. Clearly, Colin aided his son to perpetrate this harm. Reports show that Colin Gray had taught Colt how to use firearms on their weekend father and son camping trips. He claimed it was a way to get Colt away from the bullies. A big issue of this case is Colt's age, he was clearly under the age of having a permit to carry a firearm. So the question came, would he be charged for adult time for his adult crime? And would his father be charged for his actions as well ? Colt was indicted for a total of 55 counts, those included four counts of premeditated murder, four counts of felony murder, aggravated assault towards children, and his father was indicted for 29 counts, which included second-degree murder, involuntary manslaughter, and reckless conduct (Associated Press, 2024). And at the end of their trials the justice system decided to charge Colt with four counts of felony murder and also charge Colin with involuntary manslaughter and second-degree murder. Yet, Colin declared himself not guilty. But how can someone not be guilty when they were the ones that helped ignite the fire?

There are so many issues in this case. The biggest one being that a gun reached a minor's hands, someone who is prohibited under law to own a firearm, was enabled to take innocent lives away. Not only had his father gifted him these firearms but he also had already told police officers that he taught him how to use them properly and that Colt had open access to guns in his house, which he had primary custody of. Not only that but the district attorney found that, " He had knowledge of Colt's obsessions with school shooters. He had knowledge of Colt's deteriorating mental state. And he provided the firearms and the ammunition that Colt used in this." (Associated Press, 2024) The biggest issue here is that Colin decided to disguise the accessibility his son had to guns as a hobby they both shared. This hobby emerged when Colt's parents split and he had bullied him. Colin had shared images of Colt smiling while smeared with blood and the minor holding a gun, claiming that was a great day. Sad to see that the father knew of Colt's mental health issues, his obsessive traits to harm and violence, his obsession with school massacres, and still decided to leave deadly weapons in his hands.

This is an example of a straw purchase but in a deeper sense. Perhaps, Colin hadn't bought the semi-automatic rifle with the intent of his child harming others, but perhaps he did. Colin still bought a firearm for a minor, that makes it an illegal purchase and illegal ownership. He provided a firearm to someone who was prohibited under law to own one, that is clearly a straw purchase. The lack of accountability towards the father the first time police were dispatched into his home is truly horrifying. The father knew all of these obsessions and mental issues his son was experiencing due to bullying and other factors surrounding them and yet decided the solution was to teach his underage son how to load and use deadly weapons. Colin Gray is just as guilty as Colt Gray. They clearly misused their Second Amendment.

#### **Benefits of the 2nd Amendment**

Not only is the Second Amendment a right that all American citizens are entitled to, it is very much, "an important part of the American tradition." (Whitney, 2012, p.19) The right to purchase and have possession of legal firearms is something that Americans have carried through centuries. And it is a privilege that Americans possess with a lot of honor and respect. Used for leisure or for protection, they are tools that aid those who use them to feel empowered. Reasons for owning guns can range from wanting to go hunting with friends on the weekends, going to shooting ranges to release stress, forms of protection for oneself or for one's family.

Reality is that owning a firearm is beneficial if those who own them can responsibly and appropriately use them. Multiple surveys have led to the answer that, "Gun owners increasingly cite protection as the main reason they own a gun. And a large percentage (79%) say having a gun makes them feel safer. At the same time, nearly as many (78%) say that owning a gun is something they enjoy." (Pew Research, 2013) Owning guns can be something that helps the owner with their daily lives whether that is by using them for enjoyment or just as a method of protection in case of harm perpetrated against them. The Second Amendment is an important right that Americans hold, but it is also a responsibility for those who own them. There shouldn't be a ban on all firearms, just more regulations to make our communities safer.

#### Impacts of Guns on Youth

After all that has been discussed, the belief that guns have a great impact on youth is still greatly true. These range from mental health impacts to the education inequality that gun violence in school produces, the truth is children, youth, and their entire communities are greatly impacted by illegal use of firearms and the easy access to these weapons. Without questioning, school shootings cause a great impact within the communities that suffer these great losses. Those who experience these disheartening events firsthand, are affected greatly, "Common knowledge about traumatic events and psychopathology would suggest that any exposure to such trauma either directly (as witnessing or surviving an assault) or indirectly (by hearing or seeing images of the event) would lead to long-standing psychological impact." (Cimolai et al., 2021, p.1) These tragic events can be the factors of the development of mental health illnesses, like PTSD, anxiety, or other psychological illnesses. These psychological issues can be carried over to the children's test scores and cause a decrease in their academic grades due to the fact that they are exposed to this sort of violence directly or indirectly. The issue is that they are not the only ones that are impacted when one of these life-altering events happen.

In the digital age that we live in, it is easy to expose other communities from the catastrophes that happen, "The media attention that gun violence and its aftermath garners makes it virtually impossible to ignore and has a reach beyond just where it occurred." (Cimolai et al., 2021, p.1) There are so many ways for mass shootings to go viral, and they usually have a lot of media coverage. Usually they expose the perpetrator to the public, which can lead to emotional stress to all. Children who see the news of school shootings may develop anxiety about going to school and sometimes even fear of attending in-person classes. Which can cause a blow to attendance and therefore affects the whole education systems of these communities. Not only does it affect the youth but those who are supposed to care and protect for the youth. Parents, teachers, and whole communities are met with a moral panic of not being sure what to do. Is it safer to homeschool your children? But how can that be attainable when parents can't afford to stay home and not work? Is it selfish then to send your kids to school, even if they might be victims of a crime? Parents need to work to provide for their necessities, but also a necessity of a child is to get an education. From another perspective, is it even worth it to go to college to get your degree in education? Are those studying to be teachers, and K-12 administrators willing to risk their lives and impact their nuclear families and communities because of the field of work they intend to take up after graduating? But then who will educate the future generations of this country? It certainly is a deeply tangled topic that lies in the hands of the entitlement to preserve the right to bear arms with no regulations.

## What Happens Next

It is clear that we won't erase the Second Amendment as a whole. However we do have the power to take action to urge our local, state, and overall federal government to make changes in legislation that hold gun owners accountable while still allowing them their constitutional right. Many local and state governments have taken actions to make access to illegal gun purchases harder. But the work is still not done because there are still kids being harmed due to firearms being bought and perpetrated with at their places of education. There are a lot of communities that come together to advocate for stricter and harsher gun regulations and laws. One of these is "Mayors Against Illegal Guns," which is a group of mayors who have created a non-profit organization whose main goal is to advocate against gun violence. This organization was founded by Mike Bloomberg and Thomas Menino, both mayors at the time, in 2013 in New York, their main goal was to combat illegal gun transactions and motivate more regulations on firearms as a whole as stated on Everytown's website.

Another non-profit is the Sandy Hook Promise, which was also founded in 2013 by some of the parents of the victims of the Sandy Hook shooting and others in their community. Their goal was and is to push legislators to enhance the current regulations and add stricter restrictions on large magazines. As stated on the Sandy Hook Promise website, they also aim to promote training for police and schools in case of a mass school shooting and mental health services that can pinpoint mental health issues so that they can be treated and potentially prevent other tragedies from happening. There are many others trying to make an impact to prevent these horrible events from taking place. They all have the same motivations and the Sandy Hook Promise encapsulates their motives. A small part of the meaningful pledge that the Sandy Hook promise says, This is a Promise. To Truly honor the lives lost by turning our tragedy into a moment of transformation. This is a Promise. To be open to all possibilities. There is no agenda other than to make our nation a safer, better place. This is a Promise. To have conversations on ALL the issues. Conversations where listening is as important as speaking. Conversations where even those with the most opposing views can debate in good will. This is a Promise. To turn the conversation into actions. Things must change. This is the time. This is a Promise. We give to our precious children. (Sandy Hook et al., 2013)

Mayors Against Illegal Guns and Sandy Hook Promise, are just two of the many trying to make an impact on legislation and overall the safety of schools, to prevent these horrible events from taking place.

There needs to be a push not to restrict our Second Amendment but to have more regulations around it. These can range from psychological screenings done alongside the background checks, yearly reevaluations for those who purchase or want to purchase, and stricter penalties for illegal gun sales. As seen from all the cases above Columbine, Sandy Hook, Uvalde, and Appalachee, all of them had mental health issues that were the underlying motivators to committing such crimes, so psychological screenings should be prioritized for gun regulations. And reality is that "most Americans support new gun control legislation such as broader background checks or bans on assault-style weapons and high-capacity ammunition clips." (Pew Research, 2013) So there is an urgent need to keep working together to maintain firearms from those who should never be allowed to pull the trigger.

#### Conclusion

The Second Amendment is our constitutional right. When," Even our language smells of gun-powder," (Whitney, 2012, p.2) the right to bear arms is worn with pride by many Americans, but may that pride not withhold us from protecting those who are most precious to our country. It is a fact that the Second Amendment doesn't mean the same thing that it meant 233 years ago. It is clear that school shootings keep increasing in the United States and it is shown by the continuous tragic events like those at Columbine, Sandy Hook, Uvalde, and Apalachee. All had different scenarios, all had legal and illegal methods of accessing the firearms, but they all came to the same gut-wrenching fact of losing far too many innocent lives. No child should fear going to school, no teacher or staff should fear going into work one day, and no family member should worry about the fact that one or more of their loved ones may not come back home after a day at school. The need to make sure we hold those who are in positions of power to the responsibility to stop the rapid fire of bullets that impact too many schools and communities. The strongest weapon the United States has is its people, so let's come together to protect our precious children, who are the future of our beloved nation.

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Gun Control and Violence

Aqsa Ahmed

#### Introduction

With each and every gunshot fired, there are ripples of pain and pleas for justice, mandating that we address the nation's perspective on weapons and security. The dispute surrounding firearm ownership is deeply rooted in the assumption that possessing a handgun enhances personal safety, providing individuals and families with a means of defense in a frightening, dangerous situation. However, as gun ownership rises, so do cases of gun-related violence and accidents, raising concerns about whether more firearms truly create a safer environment. Households with firearms are more likely to have accidental discharges, domestic violence, and even suicide than those without firearms. Rather than minimizing violence, gun ownership increases the chance of victimization since situations that can normally get de-escalated can turn deadly with a gun. While people argue that owning a gun enhances personal safety, it has been found that increased gun ownership has increased dangers and risks for people and families.

## Historical Context - Gun Control Over The Years

Gun control has an extended history, as both governments and society has had difficulty achieving a balance between safety and personal freedom. The Second Amendment was signed into law on December 15, 1791. This amendment reads as follows: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." In the late 18th century, this right was created in order to allow people to guard themselves and the communities they live in. This historical setting set the stage for the current argument over whether weapons provide personal safety or increase the likelihood of violence (Gray, 2018).

As the world evolved, so did the tension about gun-related crimes in the early twentieth century. The National Firearms Act (NFA) of 1934, the first federal gun control law, was passed in response to "gangland crimes" such as the infamous St. Valentine's Day Massacre. The National Firearms Act established strict regulations, including a hefty taxation on certain kinds of arsenals. This legislation constituted an unprecedented change in federal engagement in gun

control, suggesting that the government recognized some level of restriction as important for public safety (Gray, 2018).

Following the death of President John F. Kennedy and Martin Luther King, Jr. in the year 1968, widespread support for more powerful gun controls caused the enactment of the Gun Control Act (GCA). This law reinforced prohibitions by prohibiting the entry of firearms with "no sporting purpose" and forbidding certain groups, such as convicts and the mentally ill, from acquiring firearms. It also mandated that all weapons be serialized so they can be traced and located. The GCA symbolized an increasing recognition that, while the right to carry weapons is important, it must be controlled with measures that ensure that guns do not end up in the hands of people who may endanger public safety (Gray, 2018).

With that said, in 2010, President Obama agreed upon a law allowing licensed gun owners to carry firearms in national parks. However, by 2013, the The Undetectable Firearms Act was renewed to ensure guns remain detectable by security machines, addressing issues related to growing numbers of plastic firearms (Longley 2023). During the 2016 Orlando and 2017 Las Vegas shootings, which made use of assault firearms, Congress started looking into it. Senator Dianne Feinstein urged criminalizing bump stocks to prevent semi-automatic firearms from shooting as quickly as fully automatic ones. While this bill did not pass, the Trump administration later prohibited bump stocks following the 2018 Parkland shooting, triggering new discourse regarding military-style guns (Longley 2023). Congress introduced the Bipartisan Background Checks Act in 2019, which widened background investigations to cover private purchases. However, it endured opposition in the Senate, illustrating the difficulty of implementing comprehensive federal gun legislation. The Bipartisan Safer Communities Act, signed into law in 2022, is the most substantial federal gun legislation in decades. The bill enhanced background checks for young consumers and backed "red flag" legislation that temporarily removes firearms from violent individuals in question (Longley 2023).

## Method

To collect sufficient evidence for my research paper, I applied a variety of ways of verifying that the data was complete, correct, and credible. My goal was to determine whether owning a gun makes people safer from violence or puts them at greater risk. To accomplish this, I undertook significant research using a number of resources and techniques.

First, I consulted with professors from John Jay College of Criminal Justice who specialize in forms of criminology, law, and sociology. These conversations gave me invaluable creative insights into gun violence and safety. They also directed me to trustworthy sources and papers that I could use in my research.

Second, I visited the library on my campus numerous times to read books, peer-reviewed papers, and public publications about gun ownership and its impact on safety. The library's databases proved very valuable for discovering detailed statistics and case studies. This helped me comprehend the overall patterns and trends in gun-related incidents. I did this to get an understanding of my topic and research.

In addition, I reviewed numerous internet articles and websites from credible sources, such as news outlets like CNN AND ABC NEWS, research organizations, and non-profit groups dedicated to public safety and the control of guns. I compared my findings with a variety of different sources to guarantee their accuracy and avoid depending on biased or outdated information.

To gain a clearer and more visual understanding, I watched experts deliver presentations, speeches, debates, and personal stories from individuals affected by gun violence or gun ownership. These firsthand accounts added a powerful human element to my research, helping me connect with the real-world impact and experiences behind the issue.

Finally, I methodically checked the reliability of the facts and data utilized in my paper. To ensure my arguments were well-supported and credible, I triple-checked every figure, statement, and claim. This approach increased my confidence in presenting my results and conclusions. By combining these methodologies, I was able to gain a comprehensive grasp of the subject and answer the question of whether possessing a gun improves safety or increases risk.

## Findings

The belief that firearms provide security is well embedded in American culture, with many people perceiving firearms as an effective tool to defend themselves and their family. However, studies and current data reveal an alarming picture. Gun possession, rather than enhancing safety, has been shown in research to raise the risk of injury, increasing the likelihood of unintentional injuries, domestic violence occurrences, and suicide. Contrary to the general impression concerning firearms as dependable tools for private safety, they frequently turn into causes of danger, not only for the gun owners but for everyone in the household as well. By cultivating a culture of gun ownership, we may unconsciously expose ourselves to more danger, creating a vicious cycle where the very weapon intended for our safety has the opposite effect.

According to research, carrying a gun at home drastically increases danger. People who live in households with handguns are "twice as likely to die by homicide and three times more likely to die by suicide" than those who live in gun-free homes (Jordan 2024). By placing a weapon at home, it can increase the likelihood of injury and death taking place. Imagine a household facing domestic dispute, and in an argument where words or even physical altercations could have been the worst result, the presence of a gun rapidly turned an argument into a deadly confrontation. The gun raises the level of danger, making it much easier for anger or fear to escalate into catastrophic results. Similarly, for someone suffering from mental illness, particularly depression, having a firearm at arm's reach can turn an instant of pain into a tragedy that leaves loved ones devastated. Guns in the home, particularly ones that are left unsecured or loaded, pose an imminent danger to kids and adolescents. The numbers are alarming: "74% of firearms used in school shootings were obtained from the shooter's or a relative's home" (Jordan 2024). This implies that guns, which are intended to provide security, are frequently the very tools that end up resulting in unfathomable despair. When firearms are easy to acquire, they can easily fall into the wrong hands, whether it's a curious toddler, a distraught teen, or even someone with malicious intent.

Accidental shootings are an additional unfortunate reality. Children are inherently curious, and when they come across a gun, they typically have no idea the risks associated with it. What may begin as harmless exploration—finding a pistol in a drawer, on a shelf, or even underneath a bed—can promptly become lethal. A child could mistake a gun for a toy or underestimate that it is loaded. According to research, children who reside in homes with guns are at a much increased risk of unintentional shootings, with the results leading families to be irrevocably heartbroken (Hopkins 2023). Even if no incidents occur, simply keeping a gun in the house can create an unpleasant and highly dangerous issue. With that said, an unattended loaded gun could result in a moment of rage, fear, or despair into an irreversible accident.

It came to light that owning a firearm contributes to the chance of violence rather than reducing it. Contrary to common belief, having a gun increases the risk of homicide, suicide, and accidental death. This is concerning because most gun owners fail to safeguard their firearms correctly. An estimated 4.6 million children live in households with loaded and unsecured firearms, raising the possibility of unintentional shootings or access by people in distress (Hopkins 2023). 4.6 million children is a significant amount of children present in homes with unsecured guns. Not only is this not safe but extremely reckless as this puts children at a consistent and daily risk.

Out of the millions of accidents to choose from, one of the Most staggering was the school shooting of Sandy Hook. On December 14, 2012, Adam Lanza, a 20-year-old male, executed one of the bloodiest school shootings in the history of the US at Sandy Hook Elementary School in Newtown, Connecticut. Before leaving the house, Adam shot and killed his mother, Nancy Lanza, using one of her own firearms (Ray 2021). Not only did he murder his mother in cold blood, he used her gun to do it. Nancy had lawfully acquired many firearms, including an AR-15-style rifle that Adam used in the attack (Ray 2021). As if this was not chilling enough, after murdering his mother, he drove to Sandy Hook Elementary, forced his way inside, and opened fire. Within minutes, Adam tragically killed 26 individuals, including 20 first-grade students aged 6 and 7, as well as 6 adult staff members who attempted to protect them (CNN 2013). Many children and staff were shot and killed in cold blood. After shooting the innocent childrens and adults, the gunman then turned the handgun on himself, taking his own life.

The attack rattled the nation and destroyed families and communities. It also raised serious concerns about how someone with acknowledged mental health issues could have access to such deadly guns. After events like this, schools started focusing more on safety drills and security measures, hoping to better protect students from future threats. At the same time, it highlighted an additional problem: mental health care. While guns are easily accessible, mental health care can be more difficult to access. This brings up a crucial question: Why is it simpler to purchase a gun than it is to get mental health treatment? Gun availability and mental health care both contribute to violence prevention, but one is significantly more accessible than the other. Thus, to improve mental health care may be as vital as adopting stricter gun regulations in preventing future tragedies. With that said, the Sandy Hook tragedy became a symbol of the necessity for stricter gun regulations and attempts to avoid future mass shootings.

## Discussion

Upon analyzing all of the facts and data, it's apparent to me that guns are harmful, and having them often makes matters worse. A lot of people feel that owning a gun will protect them, but the truth is far more difficult. The research demonstrates that having a gun around raises the likelihood of something awful happening—whether it's an accident, a heated debate that turns life-threatening, or someone causing harm to themselves.

One of the most concerning things I discovered was how Frequently weapons in the home have been used in accidental shootings. Families believe they are protecting themselves, but too often, guns are misfired or end up in the wrong hands. When emotions run high, such as during an argument, having a weapon nearby can transform an undesirable situation into a fight for life and death. Take a look at the Sandy Hook shooting as it was completely unnecessary and avoidable. People and children died that day but in a way, so did their siblings, parents and friends. Hundreds if not thousands left scarred and left with memories of their loved ones. You would think that this would be the start of reform but it was not. Since then there have been countless school shootings and regular shootings. Additionally, I learnt about the relationship between guns and suicides. Guns are so deadly that when they are used in a time of despair, there is almost no room for second thoughts or intervention. Having a gun close by makes it extremely easy for someone in a crisis to make a final decision in the heat of the moment.

The belief that firearms protect victims of crime is not as strong as many people believe. Yes, some people have used guns to defend themselves, but this is unusual given how frequently guns are misused or stolen. The truth is that guns in the home are more likely to be dangerous to the people who live there than to put off an invader.

On a wider spectrum, I observed that regions with more guns experience more gun violence. It was found that "higher rates of firearm-related deaths among youth in high-poverty counties indicate that increased exposure to guns does not enhance safety but rather contributes to heightened violence, including homicides and accidental deaths (Johnson 2021)."The data presented here shows the correlation between poverty, gun prevalence, and higher firearm-related death among children. The fact that a small fraction of young people from high-poverty regions are responsible for an overabundance of gun-related deaths suggests that more weapons in vulnerable groups intensify rather than prevent violence. This demonstrates that having more weapons in a community does not make it safer—it makes it increasingly dangerous. Guns intensify tensions and create a never-ending cycle of violence.

Many gun owners claim that owning a gun makes them feel safer, however the research does not support this. The risks of owning a gun, such as accidents, theft, or emotional decisions, outweigh the likelihood of needing to use it for self-defense. Safer alternative options, such as improved home security or non-lethal instruments, make sense in far more ways.

Finally, based on all of the facts, I believe that weapons cause more issues than they solve. They make everyday circumstances more dangerous, cause avoidable deaths, and fail to provide the safety that people expect. I believe that decreasing gun ownership and developing wiser ways to stay safe is the best way ahead for families and communities.

## Conclusion

The current state of gun control and its impact on safety are extremely important given that it directly affects the lives and well-being of individuals, families, and communities. At its foundation, this study investigated whether owning a gun makes people safer or increases their risk of harm. This is an important topic since gun violence, unintentional shootings, and suicides are recurrent and severe issues that have long-term consequences for society. Understanding the role of gun ownership in these tragedies is imperative for developing solutions that save lives and make communities safer for every person.

The assumption that possessing a gun ensures personal safety is universal, but data suggests the opposite and disturbing reality. Guns pose considerable risks, including as unintentional discharge, abuse during times of conflict, and access by children or individuals facing mental health crises. These risks outweigh the apparent benefits of owning a handgun for defense. Instead of promoting safety, weapons regularly intensify situations, making debates deadly and converting moments of despair into irreparable tragedies.

The biggest takeaway from this investigation is clear: while weapons can provide a sense of assurance, they do more harm than good. Key themes such as the association between gun ownership and an increased risk of homicide, suicide, and accidental death illustrate the dangers of relying on firearms for protection. Non-lethal weapons and enhanced safety precautions offer more secure ways to protect oneself and loved ones.

In conclusion, this investigation demonstrates that Minimizing gun ownership while implementing stricter safety measures are both essential steps toward creating safer homes and communities. This topic concerns everyone since the existence of guns in our society has a direct effect on our daily lives. Understanding the true risks of gun ownership and encouraging safer alternatives can help us strive toward a future in which fewer lives are lost and more families are protected.

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Mending Minds and Bodies: Analyzing Immigration Policies & Interviewing Community Members

Elizabeth Silverio
### Abstract

In this paper, I explore the effects of various United States immigration policies on physical, mental, emotional health and perceptions of safety and support among undocumented New Yorkers. Through both a root cause analysis of these policies and interviews with undocumented people who seek support from community-based organizations, I demonstrate how these systemic barriers negatively affect their well-being by reinforcing a cycle of fear, vulnerability, and resilience through seeking community. Ultimately, these policies not only impact undocumented immigrants and advocates working to address the broader systemic barriers that create inequalities and exclusion.

If access to health care is considered a human right, who is considered human enough to have that right is a statement from Paul Farmer who is a medical anthropologist and physician. In an individualist country like the United States this quote brings up discussion on who can access the various systems that have been established (ex. Educational, health/wellness, legal, etc.).

Undocumented people must be brought into the discussion as they do not have equitable access to everything our system has to offer, especially in health care/wellness compared to what a documented person would typically have access to. Undocumented people do not get their needs met when they are needed and that is why it's important to understand how this came to be and the impact that this has on the lives of people. As we unravel the history of immigration in the United States, we must ask ourselves what the connection between policies is that have been established, societal beliefs, and the health and wellness of undocumented people. How does the socio-political environment of an undocumented person affect their access to healthy living? Rather than questioning the humanity of others, we must ask ourselves what we can do to educate ourselves on the connection between immigration and healthy living. Strengthening our understanding of this country's history broadens our perspective on the ethics of policies. Knowledge can unite people to advocate for policy reforms such as increased access to healthcare and mental health through community based support. Doing so empowers people in their neighborhoods to use their assets whether creative or organizational to advocate for undocumented immigrants' rights and to reconstruct the systems that have harmed this community.

#### **Historical Background**

#### **Creation of state borders**

The United States has an extensive history with immigration and there are various historical events that people must analyze to understand the relationship between immigration policies and the treatment that people received because of this. The first historical event that will be discussed is the relationship between Mexico and the United States as this bleeds into the history of how state borders came to be and the creation of policies. Policies seemingly making their way back in today's current time like SB1070 passed in 2010 in AZ involving profiling people, questioning immigration status, and deportation (Barjaras, 2018). In 2024 we see similar bills attempting to be passed like SB4 that profiles people who seem like they came to the US illegally and deport them back to Mexico despite their country of origin (Sullivan, 2024). As we further discuss policies in the past and present, they can be analyzed to see the swings in occurrence. In the article titled Mexican Americans and historical trauma theory: A theoretical perspective by Antonio Estrada the author provides us with historical background on the immigration relationship between Mexico and the United States. The United States is a country that has placed its values and emphasis on expanding occupied territory, slaughtering those in the way, and capitalizing off the resources (agriculture, minerals, etc.) in said territory by exploiting people's labor. Impacting undocumented people as they are the ones who work in these fields like agriculture, meaning that policies later passed would affect these workers differently than their documented employers. The justification for this was the notion of a divine being telling settlers to expand and conquer, also known as Manifest Destiny. This ideology led to the displacement of indigenous people and the creation of policies targeting marginalized groups to maintain "order". The idea of "Whiteness" being the standard through the force of assimilation of indigenous people and other groups of people through family separation. The beliefs behind Manifest Destiny continue to shape present day immigration enforcement through dehumanizing policies. Consumed by greed, in 1846 the U.S declared a war on Mexico that lasted two years. This war resulted in Mexico signing the treaty of Guadalupe Hidalgo in 1848 which led to the surrendering of the following Mexican territory: California, New Mexico, Nevada, Arizona, Colorado, Oklahoma, and parts of Utah. Residents living in these areas were displaced from their homes

while others decided to stay in what was now part of the United States. Those who remained in these states were granted U.S citizenship after a year, the first generation of Mexican Americans rose (Estrada 2009). The U.S government intended to use guaranteed citizenship as compensation for taking Mexico's land. The weight of the U.S's action resulted in negative consequences for Mexican Americans/ Mexicans that lived in the country as they were discriminated against, exploited, segregated in the communities they lived in and the schools that they had access to, overall, there were different rights granted compared to the dominant majority who held power and control. Article IX of the Treaty of Guadalupe Hidalgo states "The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic... shall be incorporated into the Union of the United States. and be admitted at the proper time... to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction." (Treaty of Guadalupe Hidalgo 1848) Despite this section clearly stating that Mexican Americans should have the same rights and protections as U.S citizens. The reality was different, as Mexican Americans faced barriers in accessing education, economic opportunities, political involvement, and were subjected to policies that specifically targeted them.

Demonstrating that despite a signed treaty under the law, Mexican Americans were denied the American belief of life, liberty, and the pursuit of happiness. As the country grew diverse with people from different countries, exclusionary immigration policies developed. This process began with the authorities stopping people who didn't fit the look of a stereotypical "citizen" and asking them to provide proof of their citizenship. People who could not provide documentation were deported. As social and economic problems arose Mexican Americans were blamed and were the catalyst for the creation of the border patrol in 1924 to solve problems the country was having through mass deportation. This mass deportation was known as "operation wetback" that started in 1930 lasting through 1950s which consisted of deporting Mexicans despite their citizenship status (2009). The immigration system was and continues to be oppressive to Mexicans because they were removed from their land, discriminated against, negatively portrayed which led to harmful policies being formed, and dehumanized. Through time this system has expanded to be oppressive towards undocumented immigrants.

### **Changing Policies**

Immigration policies impact everyone differently depending on their identity like gender, race, abilities etc. Historically, policies have benefitted the dominant majority as they were the ones in charge of establishing these policies. The people that make up this population are men that have been racialized as white that have given themselves the power of creating systems that will benefit a select few while excluding everyone else. In the context of policies relating to the relationship between the US and Mexico, is the Bracero Program of 1942 that allowed Mexican workers to work in the agriculture field while World War 2 was happening. Often the people working on these fields were being capitalized on. In 1952 the Immigration and Nationality Act was passed which involved measuring the number of immigrants coming from Asia to put the immigration wave to a halt. In this act there was a portion that stated that providing shelter/housing to undocumented people was illegal. This was hypocritical because those who employed undocumented people were often of the dominant majority and were not penalized for using labor of undocumented people (Emmanuel 2020). Demonstrating how policies impact people differently, in this case undocumented people are the ones at risk of being deported and harmed if they seek shelter. Whereas employers can get away with using people to get their labor done and have low stakes for loss. This act was glanced over and helped continue the exploitation and power dynamic between undocumented people and their employers by paying them low wages, working long hours, and expecting people to stay put knowing they can be deported if they would not comply. Those in power view people as disposable who can be used for profit and the minute that they're no longer useful or needed, policies are made to get rid of people who made their contributions. The relationship between Mexico and the United States played a big role in the creation of the immigration set up that impacts people till this day. The system harms and oppresses undocumented people while White documented people experience a privileged version of this structure, as the set up was made for them.

### Ellis Island: Waves of immigration in NY

Another historic example I would like to mention is the opening of Ellis Island as this highlights the treatment/portrayal of the different waves of immigrants that arrived in the United States. In 1892 the first wave of

immigrants arrived, a majority came from European countries, some spoke English, and were literate. These were some advantages that helped people transition to living in the country to which they were welcomed with open arms. This is important to acknowledge because the first wave of immigrants had a direct pathway to citizenship through the Naturalization Act of 1790, where the only requirement to becoming a US citizen was being white and having "good" values and morals (U.S Capitol). Demonstrating how the first wave of immigrants was portrayed positively with "American" values as they were given a direct pathway to citizenship. Eventually the European immigrants that came to the U.S were all considered white, and they'd gain new benefits/rights such as being able to own property, having a bank account, etc. During the late 19th century to the early 20th century the second wave of immigrants arrived and were considered diverse due to their physical characteristics. Some people struggled economically, didn't have access to equitable education, therefore they faced challenges with literacy, and as a result they received less support from the country. The lack of acceptance towards this wave could be viewed as xenophobia because the second wave did not look like the "stereotypical" American with light skin, blonde hair, and blue eyes. Differences in treatment between people who were categorized as white, and nonwhite was evident with the Chinese Exclusion Act of 1882 that prohibited immigration from Asia for 10 vears (Cabaniss & Cameron 2017). This act represented hostility towards Asian immigrants because they were working in the railroad industry for lower wages which others saw as a threat to the job market. Immigrants who were considered non white were negatively portrayed in the media through harmful labels, having discussions about excluding immigrants, and generalizing the experiences and values of every immigrant. The Chinese Exclusion Act signaled a group of people and was based on xenophobia where Chinese immigrants found themselves segregated into communities with other fellow Chinese immigrants. Demonstrating how in times of adversity communities unite to support each other. In addition to passing policies that excluded immigrants the portrayal of people was also negative. In an article titled "unassimilable and undesirable: New elite's discursive construction of the American immigrant during the Ellis Island years" by Emily Cabaniss and Abigail Cameron the authors speak about how immigrants were talked about and portrayed. The text states "over two thirds of all articles (67.9%, 106) enumerated immigrants in some way. While some articles reported actual counts or percentages, others,

like this, used more abstract terms estimating population sizes as 'hordes', 'scores', 'crowds', and 'masses."

Demonstrating that journalists and news reporters used vocabulary to intensify the number of immigrants that were arriving in the U.S. In addition to doing this news reporters would also tweak statements that immigrants have made to generalize the immigrant experience and to create a narrative that they wanted to sell. Some of these narratives were of the helpless or hard-working immigrant who is in search of the 'American Dream'. There is a range of portrayals that people in the media can allude to, and while on the surface some may seem good like the hard-working immigrant. The reality is that these narratives can be harmful to people, because it creates an illusion of people who are "deserving" and "undeserving" of receiving support and empathy from the country and others living here. This can negatively impact individuals to believe that their value as a person is determined by their number of accomplishments and gratitude for being in the United States. Creating pressure for young people to have many accomplishments to be seen, where there lies hope in being acknowledged and presented with citizenship. Ultimately, being complacent with the treatment one receives in the states. Internalizing the concept of the 'grateful hard-working immigrant' can divide communities where people avoid being seen as 'one of the bad ones' who seek help during times of hardship using public support or holding the government accountable for the systemic racism that impacts undocumented immigrants in climbing the mobility ladder and accessing various areas of life within the U.S. It's interesting seeing how these beliefs are persistent during the current representation of immigrants that arrive in the country. There were also discussions about excluding immigrants in the newspaper, the article claims "Articles discussed outright exclusion most often (27.6%, 43), including banning immigration from regions or denying entry to certain groups. Other articles (21.8%, 34) discussed detaining or quarantining immigrants. Fewer articles (14.7%, 23) mentioned deporting immigrants already in the United States" (2017). These ideas were seen as taking preventative measures for sickness (immigrants were portrayed as being sickly because of the living conditions they were living in), burdens, and a threat to the US system that benefits the dominant majority. Rather than trying to understand why some immigrants were living in unwell conditions and seeing the cause of this, the majority blamed people for living in their conditions. This period helps us understand how the media influences public beliefs, beliefs on the topic leading to the creation of policies, and the impact of the policies on the lives of people. It was seen that immigrants that entered the country were not all welcomed the same and eventually had different paths and access to citizenship and other rights. When we look at the opening of Ellis Island and compare it to today's current events we see the parallels in publications, vocabulary, and beliefs back then to today when talking about immigrants.

### Literature Review

The literature on immigration has demonstrated that the United States has a long history with immigrants and through these years there have been various changes in beliefs about what rights undocumented immigrants have. One of the main topics of discussion is understanding how immigrants experience the system differently compared to people who are documented and considered part of the dominant majority. Researchers have conducted studies to determine the health of undocumented people in NY by measuring the percentage of people enrolled in health insurance to see how often this population seeks medical attention (Khullar. D & Chokshi, D. A. 2019). Immigration impacts a person's mental health because the act of leaving your country to go to a new one can be challenging due to the circumstances of why you're leaving. In addition to the emotion of leaving behind what you once knew and considered home. Arriving in a new country can also have its obstacles as you're navigating a new system that wasn't designed with inclusivity in mind making it difficult to access resources. One study involved interviewing community members to determine how they perceive their health based on the environment around them and how it's been like for them to navigate local resources (Lee, J., & Zhou, Y., 2020). It can be difficult to navigate around, using transit systems, etc. People will often treat undocumented people differently and they may face disparities in accessing things like healthcare which is essential to living a healthy life. A study conducted on the feelings of trust and subjective health among Mexican immigrants demonstrate that Approximately 56.4% of Hispanics in NY don't seek medical care when they need to and 51% of people report having fair/bad health the reasons for this could very well be the difficulties in accessing care (Gaitán-Rossi, Vilar-Compte, Ferré-Eguiluz, et al 2023). The literature review supports the statement that undocumented immigrants encounter a different version of the U.S system and this along with their environment can hold an impact on their physical/mental health and not having the access to healthcare can intensify these conditions.

The United States prioritizes expanding, conquering, and capitalizing on resources using people. A historical event that highlights these values is the interaction between the U.S and Mexico (Estrada, A. L., 2009). From declaring a war on Mexico, causing them to surrender a chunk of their territory through the Guadalupe Hidalgo act, and creating the first wave of Mexican Americans. The U.S's priority was gaining new territory without a care if people were already living in these areas. People were displaced from their homes while others saw themselves staying trying to make the best out of this situation. Those who stayed were granted US citizenship at the cost of experiencing the system differently than those who created it. The differences in experiences are clear when looking at the policies that were passed, one of which involved racially profiling people to ask for proof of citizenship and if the person could not provide it on the spot they would be deported. Policy and public opinion go hand in hand during economic downfalls there was a rise in anti-Mexican beliefs which fueled Border Patrol to start an operation from 1930-1950s called "operation wetback" (2009). While the number of people who were deported is unclear, this mass deportation targeted people of Mexican descent, including U.S citizens. Setting a precedent for future immigration policies by criminalizing Mexicans using vocabulary that dehumanizes and is unwelcoming. Normalizing the stereotypes of Mexicans through use of media and policies that shape the public's perception because by influencing the public's views it makes it socially acceptable to create and support policies that create barriers for this population to access health and wellness. The relationship between the public's perception and policy are connected because if people believe that a population like immigrants are dangerous, they're likely to support punitive policies and hold prejudiced beliefs about Mexican immigrants and Mexican Americans.

Another historical piece that's important to acknowledge is the opening of Ellis Island because this allows readers to view the different experiences that first and second wave of immigrants had while entering the United States (Cabaniss & Cameron, A.E. 2017). The first wave of immigrants who looked like a "stereotypical" American, spoke English, and were literate adapted quickly and were welcomed to the country faster compared to other immigrants that did not fulfill all these qualities. These factors affected the welcoming of people, and laws were created that helped the people who assimilated compared to other immigrant groups. The Nationality Act of 1790 made whiteness a

requirement for obtaining citizenship. This requirement was rooted in the belief that Europeans were superior due to their fast assimilation to American culture. Creating the "White" race formalized this belief and created structure as White people became the majority to maintain power and gatekeeping through exclusionary acts like the Nationality Act of 1790. People of color like Chinese immigrants faced the Chinese Exclusion Act of 1882-1902. Prohibiting Chinese immigration because of the racial tension when White people sensed a threat to the job market which turned into a hostile environment towards Chinese immigrants. This exclusion act would shape up immigration policies like the Travel Bans in 2017 that made it difficult for immigrants and visitors to come to the United States where people from different countries had their backs turned on them by the federal government. In addition, historical policies create the standard on the process for people to live the "American dream" through what's required to obtain citizenship/naturalization. This time period demonstrates the process of integration into the United States varies for each immigrant who's entered the country.

These historical events are important to look at because they set the blueprint on how immigrants are to be treated, their accessibility to rights, and the way policies will be created in response to immigration. The U.S Department of Homeland and Security has created Immigration and Customs Enforcement (ICE); this system is known to cause harm on undocumented people. In recent years undocumented people that have been detained by ICE have spoken about the conditions of living and concerns that people had (Diaz, Ortiz, Sanchez, et al 2023). Ranging from mental health to physical health there is a common experience and feelings that are reported about feeling ignored. Interviews were being conducted in English and Spanish, where people were being detained for 30 days during the rise of Covid-19. The results demonstrated that people were prone to getting sick with Covid due to the unsanitary conditions, people who had not previously struggled with their mental health were now experiencing symptoms of anxiety and depression due to the uncertainty on how their family was doing. These experiences add up and impact the well-being of undocumented immigrants that are later released, expected to live a normal life after all the traumas.

The healthcare system is one that has been harmful to historically excluded groups. It's not difficult to imagine how accessibility varies when gender, ethnicity, race, and legal status are taken into consideration. Statistics from Khulla & Chokshi (2019), demonstrate that among adults aged 18-64, 45%

of undocumented adults are uninsured, 23% of documented immigrants are uninsured, whereas 8% of US born citizens are uninsured. Looking at these numbers we see that undocumented immigrants make up most of the people and there are many reasons for this, the main one being the lack of insurance/care catered to this group. For example, on a federal level undocumented immigrants are restricted from receiving insurance because of their status and are limited to care that doesn't cover everything, such as Medicaid. It is up to the state in which people reside to determine whether they create programs where undocumented immigrants can have access to healthcare (ex. NY with NYC Care). The disadvantages to not seeing a primary care physician are that someone's well-being could be at risk because they go under notice. On top of this, immigrants may face other challenges in their day to day lives that's impacted by their legal status that influences their socioeconomic status. Another deciding factor is the policies that impact people from accessing healthcare such as 212 (a4) of the Immigration and Nationality Act under the Department of Homeland Security that categorized people as "public charge" meaning that the person relies on public assistance and if considered this they will be denied permanent residency. These policies often cause people to reconsider whether they should go and seek medical attention when they need it so that they are not considered a public charge.

Another factor that influences the health and wellbeing of undocumented immigrants is the way the communities undocumented people live in are perceived. The structure of our communities can make people think that their neighborhoods are full of resources or that their neighborhood has been neglected (Lee & Zhou 2020). The sociopolitical environment in which people reside is important and it was seen that residents and service providers in Corona, New York felt that there was not enough support from the state/gov and how they felt that this was due to the population of undocumented immigrants living here. The lack of support and structure of these systems can lead undocumented people to engage in self-risk behaviors as a method for survival and coping with mental health. Some of these behaviors include self-medicating to cope with mental health. Working in dangerous jobs (ex. construction, agriculture, and sex work) where these jobs pay undocumented people low wages, higher risk for injuries, and a lack of legal protection. Undocumented people may find themselves working in these types of jobs as they reduce barriers for people who don't have documentation like citizenship papers and degrees. When people experience injuries or sickness from their jobs they may

not regularly see a doctor due to the lack of accessibility in healthcare for undocumented immigrants. All these factors and barriers add up and contribute to the wellbeing of undocumented people. My study adds to the literature review because I'm going to do a root cause policy analysis, and I'm going to present the results of interviews.

### **Data and Methods**

Understanding the historical foundations of immigration restrictions helps explain why such policies are enacted and their ongoing severity. I conducted a thorough literature review, a policy root cause analysis, and interviews. I used an array of academic databases to find scholarly peer reviewed articles about historical events on immigration, systems that have significantly impacted people's health, policies that were created to prevent and shame people from seeking medical attention, and how current Hispanic/Latinx immigrants view the socio-political environment in the state of New York. I will analyze and interpret the readings and interviews by using root cause analysis. Root cause analysis means looking at the cause of a problem and seeing how we could work in remedying the issue while taking into consideration everything that has led to this moment. This is important because often, people will try to address the problems without fully understanding what led to these disparities in the first place. If you approach a problem without diving in the root cause, then the solution you envision will only touch the surface of the problem. In addition to reading articles, I also decided to interview community members to listen to the experiences of individuals who are navigating health and wellness in New York. It is important to acknowledge that the interviews conducted are not enough to provide a solid conclusion about the experiences that undocumented immigrants face in accessing health care. Obtaining insight from community members and their experience in navigating health and wellness in NY is important for various reasons. When implementing policies, it's common to see how actions/bills are proposed involving a community without having consulted it with the community members that are going to be impacted. Listening to people is helpful in making solutions revolving around this issue, while also getting the opportunity to connect with community members. Future research should include interviews with direct service providers to gain even more insight about the topic of discussion. The readings support the statement that immigration policies were created as a form to oppress individuals from accessing various opportunities. Those behind these policies are the dominant majority who have created power dynamics between the immigration and health structures that keep undocumented immigrants stuck in a position where health access is difficult. As a community we must analyze the structure of these systems by educating ourselves on the topic and updating our beliefs as necessary to create a society in which people are not treated as disposable and foreign.

### **Presentation of Findings**

### **Root Cause Analysis**

The Department of Homeland and Security (DHS) was created after 9/11 which was an event that significantly impacted people in the U.S because it caused fear and made people in government reevaluate the security in the country. The DHS was made to prevent an event like this from occurring again and a branch that was added to carry out this goal is Immigration and Customs Enforcement (ICE). ICE's role in "protecting" the people living in the US is through enforcing laws surrounding products that are exported in the country, border patrol, and immigration. Despite the DHS and ICE having a mission of protecting people living in the country through enforcing laws, the actions taken to execute this are at the expense of violating the rights of people who have crossed the border. The discussion of ICE detention during the height of the pandemic provides insight on how the people who were detained felt and how the practices enforced reflect the trends in immigration laws and public health policy. In the article titled Harmful by Design- a Qualitative study of the Health Impacts of Immigration Detention people's experiences is being highlighted about what it is like to be detained and seeing the implication for the health of immigrants. Some themes that overlap in these stories are unhygienic feeling mistreated, facing barriers when asking for care conditions. (physical/mental), and facing a decline in health after detention. The unhygienic conditions involved overcrowding, insufficient toiletries, unhealthy food, unstable temperatures. These were not livable conditions and on top of it a global pandemic was occurring which made it an environment where Covid could thrive because there were no preventative actions or healthcare measures if people contracted Covid. The unsanitary conditions reflect public health policy as ICE failed and denied to provide health and wellness services for

people. Setting people up to experience long term health effects where treatment is challenging upon release due to systemic barriers undocumented immigrants experience in seeking healthcare (ex. lack of insurance, payment, and fear). The correction officers' actions described by former detainees show how the criminalization of immigrants influenced the dehumanizing behavior that correction officers engaged in from denying health and wellness services, isolating people, and using their power to break people down physically and emotionally. One interviewee stated "He had the COVID full blown, you could say that it was so bad he couldn't walk. Instead of them sending him to a facility where they could provide better care for him, they kept them in the box, which is solitary confinement, and just fed him aspirins." (p2034). Demonstrating that people's health was not taken into consideration to prevent getting ill and how when people were ill, they were treated inhumanely by not allowing them to seek medical care. This gives us a glimpse on how correction officers working in this institution have assigned themselves the roles of gatekeepers by simply giving the person aspirins and not referring them to a doctor. Interviewees mentioned that another method of gatekeeping was when people asked for medical/mental health consultations they would be met with barriers firstly in language as there were no interpreters, and documents needed to request services were in English and secondly having 2-3-week delays in their request for services. Being detained by ICE impacts someone's physical and mental health because it'll be an experience that people will carry with them for the rest of their lives. A person testified by saying "Those kind of traumas don't go away overnight... I am walking down the street and I am afraid that immigration could come at any moment to get me... I've just leveled off a little bit mentally, and I've stopped having those dreams of imprisonment, those nightmares. But you keep thinking that immigration may come anytime. You don't feel free." (p.2034). This testimony demonstrates that inhumane treatment and experiences during their detainment at ICE makes people fearful and anxious to be detained once again. The trauma can develop into Post Traumatic Stress Disorder (PTSD) and can impact their everyday lives in establishing trusting relationships with people and other systems due to the fear of being harmed for their immigration status. Leading to the person to navigate feelings on their own and not seeking outside help that takes its form through self-isolation, taking a toll on mental health and the development of depression or other mental health conditions. Additionally, when people are detained there's no preparation or transitional support programs that assists undocumented immigrants transition into civilian life. A participant in this interview mentioned they sought out to community organizations to seek support in scheduling a doctor's appointment. After reading the interviews it's seen that ICE agents and correction officers use their power/status to fuel the unsafe environment by putting people through unlivable conditions. Individuals who engage in this power trip are guilty, but the US government is ultimately responsible for this as they've historically set the standards on how undocumented immigrants should be treated.

The healthcare system has the power to exacerbate the oppressive nature in restricting access to care for undocumented immigrants. This is especially difficult when we consider how the healthcare industry can be harmful to minoritized groups. Accessibility varies when discussing the quality of treatment and equity in obtaining health care especially when considering a person's race, ethnicity, gender, citizenship, and legal status are taken into consideration. There is a difference in insurance rates between people who are undocumented and documented. Adults between the ages of 18 to 64 23% of documented immigrants, 45% of undocumented immigrants, and 8% of US born and naturalized citizens are uninsured. (Khullar. D & Chokshi. D. A. 2019). Looking at these numbers show us how undocumented immigrants make up most people who are not enrolled for insurance and one of the reasons for this is because of the policies that are made that discourage people from seeking medical assistance. One policy is the Department of Homeland Security Notice of Proposed. Rulemaking under section 212(a)(4) of the Immigration and Nationality Act which was passed in 2018 under the Trump administration that says that people who are considered a "public charge" will be denied residency. This makes people reconsider using services like Medicaid so that they're not considered a public charge. This can be an explanation as to why there's a high percentage of undocumented immigrants being uninsured because they may believe that receiving care such as Medicaid can be used against them if they apply for residency/citizenship. This type of policy can promote individualistic beliefs, that a person must be able to handle themselves and find solutions to their problem without seeking help. People in the community then internalize these beliefs which contributes to the stigma of asking for help. Another policy that is more direct in its action is when Donald Trump was in office, he expanded ICE's involvement in arresting undocumented immigrants. The text states "Since 2017, reports have emerged of ICE officials entering hospitals and arresting and forcibly removing patients and their visitors... The understandable hesitation many immigrants now feel in seeking medical care has led some to

call for the establishment of sanctuary hospitals. The atmosphere of anxiety has implications not just for immigrant patients, but for all patients, as immigrants constitute 2,446,230 of the 15,490,310 (16%) employed in the health-care workforce, especially as registered nurses, psychiatric aides, and physicians." (p 2170) This causes anxiety and panic within the community as there's a threat to people's safety which makes people avoid going to the doctors even if they put their health at risk. The policies and actions above are punitive with the objective appearing to be to derail people from seeking health care. There are not enough federal programs that address healthcare in the undocumented community which explains why a high percentage of people are uninsured. Every state has their own numbers and percentages of people with insurance and in New York there are approximately 8.4 million who are uninsured (Kiefer 2021). Medicaid attempted to address healthcare as it gave free care to people below the poverty line, but the eligibility involved being a US citizen or documented immigrant who fulfills status requirements. At this point it's up to the state in which people reside to determine if there should be programs made to address healthcare in the undocumented community. In 2019 New York created a program called NYC Care which provides service at low/no cost to people who don't qualify for health insurance or for people who cannot afford insurance. The program provides people with selecting their provider, receive preventative care, and get mental health/substance use services in NYC health and hospital's. As of February 2024, this program has surpassed 125,000 members (NYC Care, 2024) which demonstrates that there are some actions taken to currently address health insurance in the documented community. However, not every state has a program like this and even within NY there are community members that are not aware about this and are still not having their health needs met.

The neighborhood where people live is important to analyze as it contributes to someone's well-being. Safety and support that people feel in their communities is influenced by the sociopolitical environment of the state and country. If there is an anti-immigrant sentiment in the country it can influence the public's perception on what rights undocumented people are "deserving" of and can then influence laws that are established that will ultimately impact people. In the article titled How do Latino Immigrants Perceive the Current Socio-Political Context? Identifying Opportunities to Improve Immigrant Health in the United States. The perspective of residents living in Corona, Queens are highlighted when asked about their perspectives on the migrant experience, sociopolitical context, health access, and mental/physical health affects these experiences may impact them. Questions were asked to service providers about observations they've made regarding the community they're working in. Service providers and immigrants came to similar conclusions about the sociocultural context in NYC, specifically Queens. They mentioned discrimination towards immigrants, an unpredictable future because of people who are in government passing/denying bills, confusing or incorrect information passed around that sends people into panic. A religious leader had claimed the following "[there is] a lack of services, lack of funding, poverty... this is my perception, okaynothing scientific about it, but I'm really convinced that it is because Queens is heavily immigrant (religious sector)". The religious leader's perception on the lack of services and funding in neighborhoods where it's heavily immigrant populated can demonstrate that immigration policies influence accessibility to resources. If the president creates anti-immigrant policies and sentiments across the country, states and cities that have a high immigrant population can get funding reduced or not receive acknowledgement to support this population. Based on the United States' history it aligns with the historical policies in which hostile and anti-immigrant values lead to policies that target and harm the community. The uncertainty in the future can be seen when taking into consideration policies surrounding immigration. In previous section, we have seen how policies often change and impact people like when we saw the creation of the Bracero program as an opportunity for Mexican immigrants to work in agriculture only for 10 years later to have another policy punish undocumented people who were being sheltered but not punishing those who employed them which led to exploitation. The frequency in which policies affecting undocumented immigrants are altered can make people confused on what's going on in the sociopolitical environment of the state/country. As this builds up, we can make connections on how bills passed on a federal and state level can impact people's wellbeing and connection to support in their community. There's impact on people's physical health like making programs that exclude a portion of people and there are other states like NY that try to address this by creating programs to be inclusive. There's also impacts on mental health which can be difficult to see but upon reading interviews from people living in Corona and others living in NY the overall environment contributes to the feelings of sadness, fear, and hopelessness. A member claims "Honestly, it's sad when I think that we are human beings, and it's sad that they divide us into categories -You are this or you are that... (male, Peru, age 35)". This quote stood out to me because it shows how the US system is one that's made to categorize people using concepts like race, gender, and citizenship. While these concepts may be man-made, the impact that they have on the lives of people is real.

Throughout each section we've seen how undocumented people have been targeted because of their citizenship status and due to this they are denied access to health care and other opportunities to live a healthy life.

### **Interviews conducted on Community Members**

During my internship at a community-based organization in Sunset Park, Brooklyn, which serves the Latinx immigrant population in areas of Education, Health, Immigrant Rights, and Mental health. I conducted interviews with community members who sought mental health services. The goal was to understand how people felt about the support they received before and after engaging with these services, to understand the impacts on wellbeing. These interviews aim to improve wellness services for the community.

### Soledad Compañera: The Loneliness of Undocumented Immigrants

The first question was intended to give us an in depth understanding of how interviewees identify themselves and how these identities impact their mental health. Maria S, a mother, grandmother, and widow expressed that these roles shaped her experiences. Coming to this country and being a single mother of three daughters was difficult, but she found support in her husband, who she met later and helped in raising a family together. Maria spoke about the feelings of solitude and isolation that's experienced from immigrating to a new country. She states "Realmente no ha sido fácil porque eso de emigrar a otro paísactualmente no se si gané o perdí porque pierdes amistades, pierdes prácticamente a tu familia, pierdes todas tus raíces, pierdes un montón de cosas""It really hasn't been easy to emigrate to another country- actually I don't know if I won or lost because you lose friendships, you practically lose your family, you lose all your roots, you lose a ton of stuff". This statement gives us an understanding of how lonely it is to leave your home country as you become separated from friends and families while also feeling like you've lost a piece of yourself through your roots. When these feelings of isolation are combined with the barriers in accessing resources to healthy living in a new country, it creates physical and emotional challenges that are bound to impact someone's wellness.

Another interviewee, also named Maria, shared how her identity as an undocumented person has contributed to her fears and frustrations about the future. She expressed uncertainty with the upcoming change in presidency, which she felt would bring confusion and instability for other undocumented people like herself. Maria explains it was difficult to navigate her mental health with these feelings of fear and frustration as she had worries about insurance not covering mental health services and not knowing where to go for support. The lack of knowledge about resources available, fear of being denied care due to her immigration status demonstrates the barriers existing within the healthcare system for undocumented people to access healthy living as there's not enough resources where people can go to seek mental health support. These barriers and the loneliness felt can contribute to people hesitating in seeking help which can further complicate someone's wellness.

# Mental Health Before Seeking Support at Community Based Organization (CBO)

Before people sought support from community-based organizations, people relied on their own methods to navigate mental health and wellness as best they could. Maria explained that she struggled to look after her mental health because she wasn't aware of organizations that could help and worried about financing these services when insurance doesn't cover mental health services. A particular stressor in her life involved helping her husband update his information and fix legal documents that had to be done in Mexico. After six years navigating this situation, they were able to clear the stressor that impacted them and their children's legal documents. Circumstances like this can be time consuming and stressful knowing that if unresolved could affect other areas of life. These challenges don't leave a lot of time for people to look after their mental health as people are often occupied with work, family responsibilities, and fixing unresolved issues.

Maria S expressed that she had once received emotional support from her husband, but his passing significantly impacted her mental health, leading her to slowly isolate herself and becoming an huraña. This term is used to describe someone who's introverted and often unsociable. She further described herself as not having many friends or going out a lot which impacted her wellbeing as she saw herself falling into depression and developing anxiety. These feelings led to a realization that she wanted to gain purpose and do more with her life. Maria S spoke with her daughter to find places where she could seek support for her mental health as well as learning skills that could complement her daily life.

Both Maria and Maria S shared the challenges they encountered that impacted their mental health and wellness. Despite these challenges both women found the way to navigate their situation. Maria experienced stress and tension that came from her immigration status as well as familial challenges she countered along the way, feeling overwhelmed and fearful that she couldn't seek supportive services due to finances and a lack of resources. On the other hand, Maria S experienced a lifestyle change after the loss of her husband that led feelings of depression and anxiety to arise. Impacting her social life, she decided to seek guidance from her daughter in search of an organization where she could be supported. Both women went through different life experiences that demonstrate how intersectionality is important to consider when looking at mental health. The themes of loneliness in a new country, unique challenges impacting daily living and well-being, and the barriers in accessing mental health support, due to financing these needs. Demonstrating the need for creating accessible mental health services for all.

# Support from a Community Based Organization: Programa de Emociones y De Raíz

After navigating these challenges Maria and Maria S found a community-based organization in Brooklyn, New York, where they sought help and spoke about the mental health programs they participated in. Including individual counseling, Grupo de Emociones, and De Raíces.

Maria shared she first heard of the community-based organization from a friend and decided to attend their Mercadito Solitario program, which provided groceries to community members. As she continued attending, she learned about other programs and courses in areas of education, health, mental health, and immigrant rights. One program that caught her attention was De Raices, which brought curanderas (holistic healers) to teach people about using herbs as natural remedies and promote wellness. Maria mentions "Nos dio una bolsita que tiene el salvia, el palito santo, el sahumerio, el carbón... Incluso nos hizo a cada uno que participamos- que éramos como 20 una paliacate (un pañuelo rojo) ... y con nuestras propias manos y palabras lo curamos y cada vez que hagamos algo así tenemos que ponernos eso." *"she gave us a bag that had sage, the sacred wood*  (Bursera graveolens), incense, charcoal.. She even made each one of us who participated- it was about 20 of us a red headband.. With our own hands and words we cleanse it and every time we do something like this [cleansing ourselves] we put it on."

Demonstrating that the curandera provided participants with the necessary tools like incense and headbands for them to use when they feel overwhelmed to relieve themselves from any stress they may carry. They could light up the incense to cleanse themselves and do breathing exercises. When asked if she was familiar with this practice, Maria mentioned that growing up she had seen her grandmothers participating in these types of practices. However, her dad discouraged it by calling it bad. When she participated in this workshop, she came with an open mind to learn more about the practice to see if it was helpful. She mentioned that this experience taught her how to relax through using natural remedies and still practices these techniques today. De Raices takes a holistic approach to mental health, which is important to acknowledge, as many Latinx people may not feel comfortable or familiar with typical western practices for wellness. Demonstrating a need for mental health providers to explore alternative practices that relate to people from different cultural backgrounds without judgement. In many Latin American countries seeking curanderas is a common practice that can be meaningful tracing back to familial practices in families. People may hesitate to share these experiences due to fear of being misunderstood and negatively perceived. Mental health providers must be culturally competent and create safe spaces where these healing practices are respected and accepted as a form of wellness in the process of working with a community member in seeking mental health care.

Maria S shared that she first heard of this community-based organization when her daughter found their Facebook page. Leading to her participating in a yoga program they hosted many years ago. Over time she became involved in the various programs and courses offered by the organization, including one called Grupo de Emociones. This program aimed to understand your emotions, controlling anger, and finding positive ways to navigate these emotions. When asked about something she learned that stood out to her she said "Todos venimos cargando culpas que no son de nosotros... Aprendí que cada quien toma sus propias decisiones, que yo no soy responsable de las decisiones que toman los demás por lo tanto yo no soy culpable. Y son cosas que vienes cargando desde que eres niña... Es como un quesito que hay que poco a poco irlo deshebrado." "We all carry guilt that is not ours... I learned

that everyone makes their own decisions, that I am not responsible for the decisions that others make, therefore I am not guilty. And these are things that you carry ever since you're a little girl... It is like a piece of cheese that you have to unravel little by little." Maria S speaks about how we all carry guilt that isn't ours and that throughout her participation in the group she learned that everyone makes their own decisions and that she is not responsible for the decisions others make, that she is not to blame. That these guilts are often carried from when you're a child and that it's like string cheese, something you must slowly untangle. Maria S mentioned her participation in the group changed her perspective on guilt she was previously carrying which helped her in continuing the healing process. Before coming to the CBO Maria S received mental health support from a psychologist who would meet with her via WhatsApp in the afternoon, instead of Zoom, as the psychologist wasn't comfortable with it. Maria felt that there wasn't enough time to discuss topics she wanted to address, she often felt unheard and unsupported which led to her seeking wellness services elsewhere. Coming to the CBO she describes it as "al cielo a la tierra" "from the sky to the earth" demonstrating how she feels supported by the mental health providers who have empowered her in her healing journey.

Both Maria and Maria S expressed feelings supported by the community-based organization in Brooklyn, NY. The organization provides a safe space for the Latinx immigrant population. Both women came to seek mental health services by participating in various programs like individual counseling, Grupo de Emociones, and De Raiz. These programs offered personalized care through communicating with people in ways they were able to understand their emotions. Maria explored holistic healing and learned about the cultural practice of curanderas while Maria S explored Grupo de Emocion to process guilt that she has been carrying for years. Both women described the organization as a space where they can come to socialize with people through these services/groups and a place to seek support where they're treated with kindness and understanding.

### Cultural and Upbringings Influencing Women's Health

The last question I asked Maria and Maria S. was what recommendations they would give to human service professionals when working with undocumented people, specifically women in providing mental health care. The stories of both matriarchs highlight themes of upbringing and culture that influence how women navigate mental health and wellness. Maria mentioned there should be a focus on addressing Domestic Violence (DV) as many women experience this. During childhood, individuals are introduced to gender roles that set an expectation of the traits they should incorporate. Many of these expectations are rooted in machismo culture that pressures men and women. This culture makes DV more likely to happen because expectations that aren't followed can lead to ridicule and violence. For example, in a household that upholds these traditions, a woman who doesn't conform to the norms may face emotional or physical abuse. This especially affects women, as they are encouraged to stay in these environments to avoid being shamed for not upholding traditions. Economic dependence on their partners makes it difficult to leave as they may not have finances to rely on.

Maria's insight calls attention to the need for human service professionals to be aware of the role DV has in mental health. These topics must be viewed with an intersectionality lens to understand how our family upbringings and societal pressures can impact women's lived experience. Understanding this allows for inclusive and empowering environments where women are supported in taking control of their lives. Maria S shared similar sentiments when she spoke about her upbringing in Mexico at a religious school where she was taught how to do home maintenance tasks. She mentioned not being taught how to defend herself and how this type of upbringing can impact young women growing up. As mentioned earlier, our identities play a significant role in the experiences we encounter through adulthood and how human service professionals must understand the relationship between intersectionality and wellness to provide effective care.

Another concern both women expressed was immigration as Maria sees that there are constant changes in immigration policies that create an uncertain environment for undocumented people. With the change in presidency, there's confusion as to what people could expect in terms of federal and local politics. Human service providers that work with this population must remain informed about the policies in the states in which they reside and view immigration through a root cause lens to understand how historical events and socialization led to the sociopolitical environment on how immigrants are perceived and the challenges that undocumented people continue to experience.

### Discussion

The United States has an extensive relationship with immigration and immigrants. Upon arrival people may encounter barriers with different structures, one of the most prominent ones being the healthcare system as your citizenship status determines your eligibility for insurance. The barriers in accessibility are a result of policies that have been passed to purposely exclude individuals from receiving access to necessary care. Policies are often shaped by the way society views a group of people, if they are viewed negatively then laws that target and persecute people will be put into place. To understand how the U.S views immigrants we must look at historical events that provide us with insight on how these exclusionary behaviors started. The first historical event is the relationship between Mexico and the U.S as this highlights the creation of state borders and policies that determine who maintains power and who is excluded. The second historical event is the opening of Ellis Island as this shows how immigrants were treated differently based on physical appearance and the racialization of European immigrants as being white which gave them power. Meanwhile non white immigrants were excluded from holding power and were portrayed negatively by the media and backed up by policies. The historical and political aspects of immigration are important to consider when looking at the lack of accessibility in health care on a federal level. Demonstrating how it's up to each state to determine what they should do to provide or deny healthcare to undocumented immigrants. In this paper I analyzed the different systems that are put into place in the United States and used root cause analysis to determine the basis for the policies that are passed and research how they impact undocumented immigrants all over the country and in New York. Based on the research collected there have been various laws/bills passed that impacted the undocumented community starting from the 1942 Bracero Program that gave Mexicans the opportunity to work in the agricultural field, 1930-1950s with Operation Wetback involving deporting people who were perceived to be undocumented back to Mexico but not persecuting those who employed undocumented people, and recently 212 (a4) of the Immigration and Nationality Act that created a new category of "public charge" and denied undocumented people permanent residency if they were labeled this. The policies discussed demonstrate the shift in acceptance and tolerance for undocumented people contributing to a hostile and unsafe environment. This environment is a reason that undocumented fear seeking help from government institutions and feel

unsafe when hostility is being transmitted. The socio-political environment where undocumented immigrants reside impacts their access to support, causes distrust in the system in place, and can influence the health & wellbeing of a person. This information is significant because as people part of a society we must observe the structure of things to see who benefits and who doesn't. Our current immigration policies are exclusionary and harmful by creating barriers for undocumented immigrants to access healthy living. As we better understand these issues, we must push for reforms that dismantle exclusionary policies and create a more inclusive healthcare system for all individuals, regardless of immigration status. This includes strengthening community-based organizations as they contribute to the safety and solidarity that undocumented immigrants experience. CBOs usually tailor their programs based on the population they serve, if they service the Latinx undocumented immigrant community then they'd have mental health services that can use traditional individual and group meetings while tapping into the cultural aspect of using holistic healing. On top of this the services provided would be in Spanish or other indigenous languages which can make community members feel comfortable in attending CBOs. These organizations are helpful whenever our federal/state government doesn't address the needs of everyone which is why advocacy work is important. Advocating for policies that criminalize undocumented immigrants needs to be dismantled so that everyone in our society is viewed as human and makes the passing of discriminatory and harmful policies/structures unacceptable. Promoting policies that improve accessibility and equity to healthcare, wellness, and community support, we can begin to have a healthier society where people can live fulfilling lives no matter their immigration status. By working together to advocate for policy changes, community support, promoting accessibility and equity, we can rearrange the established system that has created barriers for undocumented immigrants to lead healthy lives. Our collective effort will demonstrate the importance of accessing health and wellness services for all to foster a supportive society where everyone regardless of their immigration status can feel in solidarity through accessing physical and mental health services.

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The Price of a Dream: An Analysis of the Exploitative Systems Facing Migrants Trying to Enter the United States

Efren J. Corona

For migrants, the United States represents the promise of a new life, a dream that fuels what might be the most dangerous journey of their lives. Historically, migrants have traveled in pursuit of opportunity, driven by the hope of securing a better future for themselves and the next generation. However, for the countless individuals unable to secure a legal path to citizenship, the journey to this promised land is not one of opportunity but of exploitation, pain, and betrayal. Many will inevitably face a grim reality, where their pursuit of a better life ends in the grip of exploitative systems that profit from their desperation. This analysis aims to provide a broader understanding of the forces driving migrants into the arms of human traffickers through deceptive promises and the entrenched systems of for-profit detention and cross-border human trafficking.

### Origin of the Journey: Why Migrants Seek a New Life

The journey that draws a migrant to the U.S. results from a broad range of reasons, from financial desperation to threats on their life or for political asylum. People from all over the world are pushed to leave their homes due to economic instability, violence, or political persecution. What compels them to take the dangerous and uncertain route toward the U.S. is often the belief that there is no other choice. Poverty, crime, and oppression act as catalysts, pushing migrants to make the journey. However, the hope of a better life is often clouded bv a critical question: who profits from their suffering? Whether corrupt government officials back home, criminal networks that control migrant routes, or seemingly legal yet deceptive agents promising "safe" and "legal" alternatives, these individuals and groups exploit the dire need of the migrant. What has been created is a false promise working to sell the idea of a better life but in reality, ensuring that the migrant's pursuit of safety and prosperity is obstructed at every turn. It would not be fair to call this simply an "American problem," as if the horrors begin and end with American lawmakers.

Interestingly, globalization and the advent of social media have resulted in a shift in the demographics of the type of migrants not typically seen taking these dangerous routes. Platforms like WeChat, Instagram, and Facebook have become essential tools for both traffickers and legitimate organizations, offering a space where promises of opportunity and success are easily made, and broken. The global nature of these platforms has expanded the reach of dishonest actors seeking to exploit anyone they can. Social media is becoming a true marketplace where vulnerable individuals are lured by the false hopes of a better life. Larger nations like Indian and Chinese migrants now represent anomalies in the broader migration trends reaching a global audience and are no longer a simple cross border issue. Despite the two nations having some of the world's fastest and largest growing economies, recent data from U.S. Customs and Border Protection shows a dramatic spike in undocumented people of Indian and Chinese nationals migrating crossing U.S. borders on foot. Historically, illegal migrants from these two nations were more commonly seen in the category of visa overstays, but the changing global paradigm of what used to be simple cross border migrant movements has drawn some to Latin America in an airplane and then take the foot route to the United States. What might be contributing to this is the extreme visa backlogs making legal pathways increasingly inaccessible, leading more individuals to seek dangerous routes.

### **Those Who Profit from Desperation**

Like the old saying goes "never let a good tragedy go to waste", the systems in place that migrants interact before reaching the United States is one shaped by a system that often turns a blind eye to their suffering. We now lay witness to a complex international network of people and systems that profit from the migrant's journey from the day they decide to make the trip, to the day they arrive at the border. Some of these exploitative groups are entirely illegal smuggling networks that operate in the shadows, using human trafficking as their primary source of income that use stolen ID and fake passports. These criminal organizations not only endanger the lives of migrants but also take advantage of their vulnerability, charging them exorbitant fees for what is often a journey fraught with danger and deceit. In particular, the Indian student visa system offers a prime example of this predatory behavior. Many recruitment agencies and consultants' prey on students seeking education abroad by charging exorbitant fees for university placements and visa processing, while often offering little to no real assistance. These agents promise students a better future, only for them to find themselves stuck in a cycle of debt, working long hours in exploitative conditions to pay off the fees. Employers in countries like the U.S. or Canada might hire these international students under the guise of offering "career-building" opportunities, frequently take advantage of the students' vulnerable status by offering low wages or imposing excessive working hours. While it may be legal to sell services that promise opportunities for a better life, the ethical implications of profiting from the dreams of the vulnerable cannot be ignored. In some ways, these groups show little regard for the humanity of the migrant, prioritizing financial gain over their well-being.

Those migrants that understand the nature of their journey is going to be illegal are a different story. They are people who understand that what they have to do is by law criminal, yet it is something they must accept out of desperation. These are the migrants that are forced to cross through the southern border from Mexico to the United States. These are individuals that either depart from economically unstable nations like Venezuela, or fly into countries with loose visa restrictions like Ecuador as their launching point. These migrants have chosen to undertake one of the most dangerous foot routes on the planet for the sake of a better life. Inadvertently This journey itself is where dreams can turn into nightmares. Along the route there are countless entities that see these migrants not as people but as commodities to be exploited. The dangers are vast and multi-layered. Corrupt border officials in countries along common migration routes often see the movement of people as an opportunity to demand bribes or impose fees for safe passage, forcing migrants to deplete the little money they have. Human traffickers, posing as guides or "coyotes," promise safe passage but often abandon migrants in life-threatening conditions or sell them into forced labor or sexual slavery.

### Into the hands of Criminals

The Darien Gap, which is a sparsely populated land bridge that connects South America and North America. The area is dominated by powerful Mexican cartels like Los Zetas and the Sinaloa cartel. The Colombian side of the Darien is inhabited by Colombia's most powerful drug cartel, the Gulf Clan, which uses migrants as a key source of income and drug distribution. All these cartels intercept caravans, extort families for ransom, and force migrants to work in drug production or distribution as a condition for their passage. Migrants who cannot pay are subjected to violent attacks, or worse–some are even killed as warnings to others. These criminal networks exploit migrants' desperation, making an already difficult journey even more dangerous which is enabled by the broader issue of neglecting the wellbeing of migrants

The exploitation does not end with the cartels. Migrants are also targeted by smaller, but equally as vicious groups, and even opportunistic individuals. These bandits patrol isolated stretches of land, robbing migrants of their meager possessions. Moreover, predatory drivers promise transport but leave travelers stranded in hostile environments. In some cases, even local communities further along the Pan-American route, such as Tapachula in Chiapas, Mexico, are complicit in schemes to cheat or harm migrants, selling overpriced goods, false documents, or fake travel services. For many, the perils of being targeted by criminals eventually compound into overlapping systems of neglect and outright hostility from governments who see them as a burden. In transit countries, these people are a burden on local resources. In other regions, such as Tamaulipas, Mexico, there are overcrowded, unsanitary, and violent detention centers. Additionally, in San Pedro Sula, Honduras, local authorities crack down harshly on undocumented travelers, often collaborating with the very criminal networks they are supposed to combat, such as MS-13 or Barrio 18, which are notorious criminal gangs with a presence in Central American countries, who target migrants for extortion, robbery, or forced recruitment. This hostile environment leaves migrants with little choice but to rely on the same exploitative networks they initially hoped to avoid. In some cases, people who are smuggled may become victims of human trafficking or exploitation during their journeys or upon reaching their destination. They may be forced into labor or sex trafficking, or their families may be extorted. They can also be exploited by criminal networks in other ways.

### The Coming of the Migrant Detention Industrial Complex

With the election of United States President Donald Trump, facilitating migrant detention has become a profitable endeavor. Companies run detention centers or temporary housing under contract with federal organizations ICE (Immigration and Customs Enforcement). These privately owned contract facilities are infamous for providing substandard care and overcrowded conditions as a cost-cutting measure aimed at appeasing shareholders. As the

migrant crisis intensifies, many detained are left in limbo, further marginalized and vulnerable to exploitation. Private corporations like the GEO Group, CoreCivic, and the Management and Training Corporation (MTC), exploits vulnerable individuals through a system that was designed to generate value, not to perform a civic duty. In fact, with Donald Trump assuming the Presidency, The GEO Group, one of the largest private detention companies in the U.S. made the news which had seen its shares skyrocket by 32%.

Immigrant detention centers demonstrate how private companies are more focused on maximizing profit than ensuring the safety or well-being of detainees. If we say we are people who strive to facilitate human rights, why do we neglect those people who have undergone tremendous trauma and hardship. It feels like We've chosen to shield responsibility via corporate bureaucracy and crony backroom dealings. The GEO Group, CoreCivic, and MTC maintain powerful lobbying influence that has ensured that the flow of detained migrants remains steady and profitable. The government's attempt to manage the flow of migrants has, in effect, turned into a lucrative business venture for private companies, with each detained individual representing a financial asset. This shift in policy from treating immigration as a humanitarian concern to an economic incentive is a clear and egregious display of profiting off misery.

### A Step toward Ethical Solutions for Migration Challenges

To address the humanitarian crisis occurring from the migrations we need systemic reform that transcends just laws is imperative, not necessarily allowing open immigration, but confronting the issue of immediate needs for safety. Governments must prioritize ethical facilitation policies that provide humane housing, involving every legal authority involved, which includes the country of origin of the migrant. Social media companies must be held accountable in helping stop trafficking networks who operate on their platforms in addition to international partnerships between social media companies and law enforcement can help dismantle criminal organizations preying on migrants. Perhaps most importantly, policymakers must move beyond viewing migration as a burden or threat, reframing it as a humanitarian issue requiring collaborative global action, most importantly with the involvement of migrant's country of origin.

A dream should not be exploitation, suffering, or death. Accountability for those who profit from misery, and ensuring the humane treatment of migrants is the ideal vision. A system that balances security with compassion can serve as a model for ethical policy. Achieving this balance requires not only legislative action but also a collective commitment to preserving the dignity and rights of all individuals, no matter their origin or the path they take.

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## Separation over Immigration in the Latino Community

Izzy Taveras
### Anti-Immigration Sentiments in the United States

Immigrants are the soul of the United States, and they're one of the reasons this country is the global superpower it is today. Despite this, the US has a long history of immigrant hatred. One of the earliest examples of this would be the Alien and Sedition Acts of 1798, which restricted immigration and speech out of fear of a war with France and unrest among French nationals (National Archives, 2023). These pieces of legislation have stayed prevalent throughout history, such as the Chinese Exclusion Act of 1882, which prohibited Chinese laborers from entering the U.S. for 10 years and continued to be renewed for decades afterward (National Archives, 2023), and more recently, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 which continues to affect immigrants today, criminalized various forms of visa violations, many of which could have been handled outside of the legal system before the passing of this law (Fragomen, 1997).

As such, anti-immigration sentiment has stayed strong until today, with President-elect Donald Trump promising to "invoke the Alien Enemies Act of 1798 to target and dismantle every migrant criminal network operating on American soil" (Forbes Breaking News, 2024). These statements, coupled with rising anti-immigration rhetoric in the United States have started a cycle that many immigrants in the US have gone through before: arrival, settling, and assimilation. Within the Latino community right now, this cycle has evolved to spreading assimilationist and nativist ideals from established immigrants to newly arrived ones.

In New York City, a city steeped in immigrant history and a well-established sanctuary city, there's been an influx of immigration since 2021, which can be attributed to the heavy restrictions on travel during 2020, causing a higher immigration rate the following year. This influx was also bolstered by the added populations of undocumented migrants from other states, leaving the city to scramble for accommodations for migrants (eventually housing them in hotels), much to the anger of the rest of the public. Since a majority of foreign-born individuals in NYC are of Latin-American origin (Mayor's Office of Immigrant Affairs, 2024), they took the brunt of this anger and eventual hatred not just from anti-immigrant groups, but from immigrants within their own community.

Many Latinos in NYC are immigrants themselves, the only difference being that many of them arrived about a decade or two ago, when immigration

views and policies were incredibly different than those today. Nowadays, immigrants who may have felt secure in their place in this country are now faced with the difficulty of their identities as immigrants being dissonant from attempting to achieve the so-called American Dream they're trying to achieve. In order to decrease this dissonance, many have decided to increase the importance of the American Dream and disregard their immigration status. As a result, there's a high cognitive dissonance now, with established immigrants separating themselves from new arrivals due to the heightened anti-immigrant stances throughout the country. Not only has this been seen on social media and media outlets, but many Latinos have witnessed it for themselves, such as myself. Many of my family members believe that allowing immigrants into the country is the primary reason for our receding economy and that political figures who run anti-immigrant campaigns are the solution, the most dominant politician being President-Elect Donald Trump, who built his 2016, 2020, and 2024 campaigns on anti-immigrant ideals and repeatedly criminalizing and dehumanizing immigrants by saying things such as "[Immigrants are] not humans, they're animals" (Layne, et al., 2024). Despite hundreds of statements like this, Trump had a notable increase in Latino supporters from 2016 to 2024 as seen by various exit polls for the past 3 elections.

Social identity theory and crimmigation theory will both be used to examine the occurrence of intergroup conflict in the Latino community as the result of Latinos beginning to separate themselves from immigrants thanks to the rise of the criminalization of immigration.

#### Theories

Now that you have all of this background information, we can attribute this phenomenon to certain sociological and criminological theories, one of which is social identity theory, coined by Henri Tajfel and John Turner in 1979 in their article, *An integrative theory of intergroup conflict*, and discusses the interactions within and between groups (Turner & Oakes, 1986). It states that there are two ends of a spectrum of self-concept (interpersonal-intergroup continuum): interpersonal behavior, defined by personal experiences and relationships and unaffected by the groups they're a part of, and intergroup behavior, defined only by their group membership. There is also an additional belief system of social mobility and social action. Social mobility is defined as the general assumption that the society in which the individuals live is a flexible and permeable one, so they can move into another group, while social action is "the relations between social groups are perceived as characterized by marked stratification, making it impossible or very difficult for individuals, as individuals, to invest themselves in group membership".

More importantly, the theory also posits that subordinate social groups are more likely to turn to methods such as devaluing their own group and displaying positive attitudes toward the dominant group to compensate for their lower status and in hopes of social mobility. While these subordinate groups can develop positive identities, there remains the possibility for subordinate group members to act derogatorily toward their own group. Even with the development of positive identities, the dominant group will still attempt to maintain the status quo to stay dominant, trying to continue to show conflict in the subordinate groups, seen through lower self-esteem enhanced by comparisons with other subordinate groups instead of dominant groups, since "competition between subordinate groups is sometimes more intense than between subordinate and dominant groups". Tajfel and Turner relevantly use the example of American Whites in the Southern United States "rapidly [abandoning] their stereotypes of the Blacks as "childlike" in favor of openly hostile and derogatory ones" to ensure their dominance would persevere. Overall, SIT's examination of intergroup and intragroup dynamics would be an excellent tool for examining anti-immigrant attitudes in the NYC Latino community.

The second theory that can be applied is crimmigration. While criminalization can be seen as a broad term, we can further narrow down exactly immigrants are affected by criminalization with the theory of how crimmigration. The coining of this term can be credited to Juliet Stumpf in 2006, where she defined crimmigration as the "criminalization of immigration law". Her article was written only 4 years after the creation of the Department of Homeland Security (DHS), which was created due to the infamous September 11th attacks in 2001. Since then, the DHS and subsequently the US Immigration and Customs Enforcement (ICE) agency, have been the increasingly notable faces of the criminalization of immigration in our society. They've caused illegal immigration and other immigration-related crimes to become more heavily criminalized and as a result, publicized in the years following its creation. since Therefore. its creation, crimmigration has expanded to "immigration-related conduct" and "the process of prosecuting immigration violations [resembling] criminal procedure" (Stumpf, 2020). People have started to view immigrants as the reason behind why there's been a rise in crime rates

and a suffering economy despite data showing otherwise. For example, a 2018 study went over crime rates between 1990-2014 to discern whether undocumented immigration increased violent crime; the study found that it did not (Light & Miller, 2018). Regardless, many immigrants in the U.S. are a direct target and scapegoat for the public due to crimmigration. Therefore, crimmigration is a direct reason why anti-immigrant attitudes are on the rise in New York Latino communities.

## Divisions in the Latino community

In recent months, we've seen a rise in Latinos-many of them immigrants themselves—calling for mass deportations and to get immigrants out of the US. Bolstered by a history of criminalization, many Latinos distinguish themselves from newly arrived immigrants. Now, as we enter an era similar to the one we faced after the 2016 election it's becoming clear that the first Trump presidency laid the foundations for anti-immigrant rhetoric that is now ready to be built upon in his 2025-2029 presidency. During the 2017 presidency, there was much in-fighting over deportation tactics at all levels of government, with police chiefs refusing to work with the DHS and mayors warning community organizations of raids (Platt, 2020). Despite his deportation numbers being lower than Obama's, it was his unrepentant pushing of racist and anti-immigrant rhetoric that caused more fear than under Obama (Pew Research Center, 2020). Now, there's no telling what the 2025 presidency will look like. Trump repeatedly pushed anti-immigrant sentiments and criminalized immigration throughout his 2024 campaign, and immigrants are now agreeing in an effort for self-preservation and group separation thanks not only to Trump but the government and our country as a whole.

As previously mentioned, this phenomenon can easily be attributed to how members of subordinate groups—in this case, Latinos—will often act derogatorily towards their group in self-interest and search for a more stable, less oppressed, social group. These actions have caused a heightened sense of separation in the Latino community, now creating two subgroups: recent immigrants and established immigrants. Established immigrants will be considered those who have resided in the United States with documentation, or both, for a decade or more. Recent immigrants have been here for 5 years or less, with and without documentation. One can note that mainly established immigrants have been at the epicenter of this separation, but not much attention is focused on the reason behind it: assimilation. It has been a tried and true method that assimilation is the quickest way to grow closer to the dominant class: white, native-born, Americans.

It's well-taught in American classrooms that white immigrants were heavily discriminated against in the 1800s and 1900s until new scapegoats such as non-white immigrants arose. And how did these immigrants manage to escape this scapegoating? They assimilated, and this is the path we're witnessing American Latinos going down to escape the rapid criminalization of their predominantly immigrant population, and the dominant outgroup is doing its best to help this assimilation along. This method was not previously effective, as it's been established that when Latinos perceive their fates and identities to be more closely connected with undocumented immigrants, they're more likely to have positive views of undocumented immigrants and participate in collective action on their behalf (Serrano-Careaga & Huo, 2019).

However, looking at surveys after the 2024 elections, many Latinos are starting to take an anti-immigrant stance and agree with anti-immigrant policies, and it's clear that this is regardless of the strength of their connection to their Latinidad, instead it's their connection to their past as immigrants. Especially in the 21st century, immigrants are predominantly seen as people of color, causing the United States, an institution with a deep and continuing history of racism, to have an even greater disdain for immigrants. So, for immigrants to achieve the so-called American Dream that many came here for, they are forced to shed not just their immigrant status but also their culture to avoid further discrimination.

Many Trump supporters in the 2024 election were notably Latino, thanks to his pushing of anti-immigrant rhetoric. In a survey done by Hickel, et al. (2024), Latinos were shown to have increased immigrant resentment, which likely has only increased in the years since. A previous study by Hickel, et al. (2020) also affirms the assumption that this resentment of immigrants is a way for Latinos to "signal their dissociation from the Latinx community and solidify their passage into the US-American social group." Through this data, we can reasonably assume that the study done by Serrano-Careaga & Huo in 2019 would have drastically different statistics in 2025. This study asserted that this connection with immigrants was often influenced by fear for themselves or anger in favor of immigrants, with fear being the predominant emotion in those with lower feelings of connection. Now, the fear has become normalized. Fear is what has allowed Latinos to be complicit in immigrant hatred because they have no other choice but to be anti-immigrant to continue living in the United States, a country

so embroiled in racist—and as a result—anti-immigrant sentiments that it will not allow immigrants to succeed without shedding their immigrant status.

## Conclusion

While this paper was written to repeat the assertions from previous scholars that the ingroup separation within the Latino community and spread awareness of the subject, there still needs to be more research on this topic done. Many are taking the heightened amount of Latino Trump supporters as a surprise while it is anything but and is instead of centuries-worth of immigrant hatred in this country. Social identity theory explains this clearly as Latinos trying to separate themselves from the increasingly negative and criminalized viewpoints of outsiders, while crimmigration adds onto this by painting the backdrop as to why these viewpoints exist in the first place. Wider surveys, interviews, and focus groups are some of the best ways to better understand where these voters are coming from and why they feel the need to separate themselves from their group membership. By gathering a wider database of thoughts and opinions on immigration from various ages, genders, and races within the Latino community, we'll be able to increase and push cognizance of these issues and hopefully come closer to allowing the newly formed ingroups and outgroups to understand one another. The most important aim of this research should be ensuring that this separation is recognized as a method of keeping *all* oppressed groups, not just Latinos, from realizing exactly why they are still fighting for the few resources we have while the dominant group hoards the majority of them. It is only through realizing that the dominant group wants to keep its power at the cost of oppressed groups to achieve intercommunal unity.

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# Not So Neighborly: Analyzing Anti-Migrant Feelings in Queens Village

Parsva Shah

#### Introduction

Sirens wailed in Queens Village on night in 2022, as police contained a protest where residents of all ages gathered to express their disdain for the new migrant facility being opened in their neighborhood. For hours, crowds of black and brown faces held up posters and screamed "go back to where you came from!", "get out of here!", among other explicit phrases. Although the banners mentioned concerns about resources, one couldn't help but feel the irony: this neighborhood was an enclave of immigrants. However, they stood against a vulnerable population seeking the same sanctuary their own families once found. Inside the facility, migrants, most of whom looked similar to the protestors outside, likely heard the commotion outside and were reminded that even in a sanctuary city, welcome could feel conditional

For decades, if not centuries, Americans have prided themselves on being a "nation of immigrants." Such pro-immigrant attitudes strongly juxtapose a rising sentiment among Americans who disapprove of the colossal influx of undocumented migrants through the US-Mexico border over the last 3 years. According to statistics from The Hill, over 10 million undocumented migrants have crossed the southern border into the country since President Biden took office on January 20, 2021, a population larger than most states in the country (Matthews, 1). Many blame the Biden Administration's border policies for this, as many point out that the number of unauthorized immigrants in the nation stayed relatively stable from 2017 to 2021, only increasing from 10.2 million to 10.5 million over the period, as stated by Pew Research (Passel, 1). Critics cite President Biden's executive orders, which have reversed funding allocated by Trump to build a wall along the border (Matthews, 1). Opinions on the reasons for this influx range from economic opportunities in the United States to strife and conflict in migrants' home countries. The vast majority of migrants are from Central and South America, but there are also many from Africa and Asia (Passel 1). Contentions heated up about the border policy as the state government of Texas even took the Biden administration to the Supreme Court after federal agents cut razor wire that the state of Texas had set up along the Rio Grande River (Howe 1). This issue continues to concern Americans, who, on average, considered this crisis the largest problem America faces in a poll done by Gallup (Jones, 2). A poll by Pew Research concurs, finding that 78 percent of Americans consider the stream of undocumented migrants to be either a "crisis" or a "major problem" (Passel, 1).

General disapproval increases even more in regards to how we handle this influx. That same Pew survey found that 80 percent of Americans disapprove of how the government is handling the crisis (Passel 2). Hundreds of thousands, if not millions, of migrants have been transported to sanctuary cities. Major cities along the border have been overwhelmed by the massive influx of migrants. To alleviate this, southern states started bussing undocumented migrants to northern sanctuary states. Many see it as a way for red states to exert their frustration out on blue cities that vote for liberal immigration policies. White House officials have condemned this as a political maneuver meant to use migrants as political pawns against liberal cities (Alvarez 3). As stated by the Office of the Governor of Texas, Greg Abbott, Texas itself has sent busloads of migrants to sanctuary cities such as New York City, Philadelphia, and Los Angeles (Abott 2). The majority of undocumented immigrants do not possess work licenses issued by the government, and obtaining one may take years, if it happens at all (Gamboa, 3). However, their costs are immediate. They require clothing, food, shelter, transportation, medical attention, and education in public schools, among other costs. New York City is expecting to spend 12 billion dollars through 2025 on costs associated with providing for the migrants (WelcometoNYC, 2). A considerable proportion of this expenditure is allocated towards the over 200 emergency shelters set up over the last three years (Crowley, 2). These shelters, mostly in the neighborhoods of New York City, have been met with intense protests. Large protests have been organized around the city as local residents protest the placement of migrants in their neighborhoods. Many residents cited concerns about economic strain on taxpayers, and safety issues, while others advocated that such migrants should be welcomed into our communities with open arms (Fahy, 3). Notably, a migrant shelter in Oueens Village that houses roughly a thousand men is a hotbed for protests. Dozens of protests and counter-protests have been staged at this site as the NYPD continues to maintain a secure perimeter outside the facility (Crowley,

2).

## Literature Review

Existing research has tended to study how white resident populations' hateful rhetoric against undocumented migrants is a function of deeper contempt towards racial minorities. For instance, studies have shown that far-right

nationalist rhetoric has created cultures of white supremacy that foster hatred for undocumented non-white migrants (Marciniak 2014; Amaya 2024). Marciniak's (2014) study found that online far-right discussions created sentiments of white nationalism that were linked to anti-undocumented immigrant perceptions. In the same vein, Amaya's (2024) research, which studied the manifesto of a mass shooting in 2019 where a white assailant gunned down innocent Mexican-American immigrants, found that a long-standing sentiment about America being a "white country" was what brainwashed the shooter into committing such a heinous crime. Other research, such as that of Bloch (2019), expounds on this culture of white nationalism and finds that there exists a narrative where whites cast themselves as victims. This study finds that, under this narrative, many white people believe non-white immigrants unjustly take resources that whites deserve. This has held in other contexts as well. In Ekman's (2019) study, white-nationalist propaganda circulated on the internet directly correlated with hate speech against undocumented migrants.

In addition, research has tended to focus on how resident populations tend to perceive migrant populations as threats to the safety of their communities. Studies (Catalano 2013; Wang 2012) have showcased that Americans have tended to scapegoat undocumented migrants for crime, creating a narrative that perceives undocumented migrants as a threat. Catalano (2013) finds a link between linguistic patterns in media that paint Hispanic migrants as criminals and negative impacts on Hispanic communities such as hate speech and discrimination. Wang (2012) studies states in the Southwest and finds that such narratives usually aren't based in reality at all; immigrants and especially undocumented migrants are responsible for large amounts of crime, as anti-immigrant narratives would state. This has held true in the context of anti-immigrant sentiment in Europe. As revealed by Couttennier (2024), media media-bias against migrants in the European media that falsely portrayed them as criminals led to anti-migrant protests and legislation. Similarly, research (Samson, 2015) has shown that Asian-Americans often view undocumented immigrants as those who break rules, regardless of their race.

Thus, existing literature has focused on anti-immigrant sentiment that is rooted either in racism or in fear of migrants committing crimes. Something that hasn't been studied extensively is how Black and Hispanic communities, such as Queens Village, view the migrant crisis. In fact, almost 70 percent of Queens Village residents identify as Black or Hispanic (NYU Furman Center, 2). Similarly, the anti-migrant sentiment of largely liberal populations like that of Queens Village hasn't been studied; most research on the topic has focused on the impacts of far-right rhetoric. Because Queens Village is largely liberal, with over 69 percent of Queens voters voting for Joe Biden in 2020 (Griffin, 3), my research surrounding the anti-migrant protests there will serve to answer the gaps I've identified. I'll be asking: How do residents of Queens Village perceive the migrant housing facilities in the neighborhood? I'll be able to contribute to the conversation by understanding how this migrant crisis impacts inner city neighborhoods such as Queens Village, as well as why many liberal populations are expressing anti-migrant sentiments. This gap in literature highlights a crucial intersection of politics and community dynamics. While existing studies focus on the connection between xenophobia and racial hatred, they have ignored anti-immigrant sentiment that may be fueled by economic or resource-based concerns, especially in under-resourced and underprivileged communities like those in Queens, New York. This raises pressing concerns that challenge our urban policy decisions. Many may argue that we must protect and uphold the human rights of migrants but is it just to hand this responsibility to other disenfranchised communities who may not consent to it? Or is justice better served by crafting policies that equitably distribute responsibilities and address the systemic inequalities that fuel these divisions? This study aims to understand the perspective of those in Oueens Village and explore these nuances within the concepts of migration and sanctuary.

#### **Research Methods**

This research relied on sixty in-depth, semi-structured interviews that lasted roughly thirty minutes each. The sixty interviewees all resided and spent the majority of their lives in Queens Village, Queens. 10 of the interviewees were in each of the following age groups: teenagers, twenties, thirties, fourties, fifties, and sixties. Each of these interviewees was someone I knew through my social networks. It was crucial that I interview residents of Queens Village who have spent most of their lives in the neighborhood, so they would have a perspective on how the neighborhood has changed over time. Although I didn't filter for this, most of the sixty people I interviewed were either immigrants themselves or had parents who were immigrants. This worked in my favor because this is representative of Queens Village, a neighborhood where the vast majority of people are either immigrants or first-generation Americans. Furthermore, the fact that most of them had an immigrant or first-generation background allowed me to gain insight on why Queens Village, an immigrant community, protested so heavily against the migrant facilities after they were constructed.

In each interview, I started with very broad questions, such as asking interviewees for their views on the Biden Administration or the overall "migrant crisis." This way, I could gauge the overall political opinions of a person and understand the context within which they view the migrant facilities in Queens Village. From these broad questions, I would turn to more focused questions about the protests in Queens Village and the emotions of the respective interviewees about such events. I made sure to ask general questions to interviewees about their experiences in the neighborhood and how it's changed over time. These questions helped me contextualize the perspective of someone in Queens Village and how they may perceive their neighborhood changing after migrant facilities were created.

#### Analysis

#### Distaste for the Biden Administration

The first common theme I came across in my interviews with residents from Queens village about the migrant facilities was a general *distaste for the Biden Administration*. My interviewees tended to give me long and detailed reviews of how they felt the Biden Administration had failed or disappointed them to some degree. These complaints tended to focus on President Biden's foreign policy but also cited other major political issues such as the border crisis or poor economic conditions. These lengthy responses tended to emphasize opinions that the Biden administration was mediocre or weak. For instance, one of my interviewees told me...

> He tries to toe the line too much. He is wishy-washy on many issues, which makes his presidency look very mediocre...I think he could have done a lot better. Let's take the Middle East, for example. I get it that Democratic Party has ties to Israel but now they are realizing that this has led to a stagnation of Biden's administration. There is a lot of bombing of civilians. I don't like how much he has lent to Netanyahu. It's clear he doesn't give a fuck about Gazans and now suddenly he

cares. That makes it like I am painting it has black and white, but that's how I see it. His wishy-washiness is something that turns off many liberal votes. It doesn't look good when he's making public statements about Gazans as soon as elections are being held.

Another interviewee concurred with the others about President Biden's foreign policy but also added that they feel that the Biden Administration simply doesn't care about domestic affairs, citing what they deem as empty promises the Biden Administration made to them during the campaign in 2020...

It's clear as day. I think his foreign policies are stupid. He sends all this money to Ukraine, he sends all this money to Israel, he literally... America is paying some other country to bomb kids and Gaza if you really think about that and they can't even take care of their own homes. The kids in Chicago, for example, are getting killed, but no one really cares. We care about foreign policies, not our own country, not the infrastructure, not anything is going on. Our country's falling apart. For example, what's going on with the Ukraine situation? And when it's time to vote, he'll talk about Chicago all the time. When it's time to vote, he's just going to bring up all the stuff he did, which was a boatload of nothing, especially for inner-city folks, right?

Another interviewee actually didn't have strong opinions on foreign policy but instead blamed the Biden Administration for the lack of decisive decision making...

Yeah I see protests in the city everyday over the Israel and Palestine issue. I don't really know about that. I don't think Biden knows about that either at this point. One day he's pandering to one group, another day he's pandering to another. Regardless, I do think that there's a cunning effort by his administration to turn everyone against each other. We are so divided. Everyone's divided more now more than ever, especially over the Middle East and migrant issues. I don't even like calling it a migrant issue as much as it's a humanitarian issue. They are people, not statistics.

As these quotes demonstrate, a widespread dislike for President Biden and his policies exists within Queens Village, which is a traditionally liberal immigrant community. Words like "wishy-washy", "ambivalent," and even "stupid" show that the frustration people in the community feel about this

administration is complex and multifaceted. In addition, the fact most of the interviewees spoke extensively about the war in the Middle East shows that Queens Village residents' primary concern regarding this administration may not be the migrant crisis, but rather the foreign affairs of our nation. This distaste for the foreign policy of the Biden administration seems rooted in the sentiment that the Biden administration simply doesn't care about the concerns of its constituents. This sentiment clearly crossed over to the interviewee's comments about the migrant crisis because that also seemed rooted in the sentiment that the government simply doesn't care about the citizens' concerns. In fact, one interviewee was forthright in saying that they felt that President Biden panders to audiences for votes, while another interviewee mentioned how "it doesn't look good when he's making public statements about Gazans as soon as elections are being held." Even those who see the migrant crisis as a humanitarian crisis still view the Biden Administration disfavorably, calling him "cunning". It's clear there is a sentiment among residents of Queens Village that they have been deceived by this administration. There are also humanitarian concerns about the migrant crisis. The shipping of migrants between cities as well as the marginalization of migrants through government policy makes people see the migrants' existence as a problem - which many residents of Queens Village blame the Biden Administration for. Such negative views about the administration may shape the way they perceive the migrant crisis and the facilities in the neighborhood.

#### Concern about Resource Allocation

The second theme I discovered in the interviews with the Queens Village residents is a strong *concern about resource allocation* regarding the migrant facility. Specifically, some of the interviewees showed a great deal of apprehension that the resources being used for the migrant facilities could have been utilized to improve the lives of people already in the United States. Each of the interviewees was concerned about issues like homelessness and budget cuts and cited concerns that there simply might not be enough for everyone. There's clearly skepticism about whether these resources should be allocated to Americans already here and whether or not the current situation is fair. For instance, one of my interviewees said...

Yeah, honestly, it's ridiculous. I mean, it seems that whatever we have right now is already so much that the city can't even continue to provide for everyone. Here we have veterans that are homeless, we have migrant facilities that probably aren't even in the best condition, and expanding anything further seems to be an impossible task. I can't even believe that they would even consider doing something like this. At the end of the day, we have a responsibility to everyone who's a citizen, and I guess we've already taken a responsibility for everyone who's already in one of these migrant facilities.

One of my interviewees was actually incredibly shocked when I told him it was projected that 12 billion dollars were being spent by New York City through fiscal year 2025 to support the migrants. They immediately expressed confusion about how this is feasible...

> Okay, I had no clue that we were giving \$12 billion worth of services through taxpayer dollars to these migrants. That's actually really surprising to me, and honestly, I don't really know how I feel about that... We've had plenty of people who are struggling in New York who could have used the \$12 billion. So why did all these funds just materialize now? Why don't we have the ability to constantly help the homeless population or people who may be laid off or unemployed? Hearing that statistic makes me want to ask more questions. So I would need to take some more time to really research the topic and get to know all the figures that are involved when it comes to how we are funding the migrant population.

As these quotes demonstrate, many Queens Village residents are concerned that the migrant facilities may be taking resources that would otherwise go to people in the community. Words like "ridiculous" and "ironic" appear in the transcript often, showcasing the frustration of Queens Village residents. This pairs with words like "struggling" and "unemployed," often used by interviewees to describe how Americans are dealing with poor economic conditions. The combination of anger towards resources being allocated to migrants and irritation with current economic conditions seems to make the interviewees bitter about the current situation. Such resentment may impact the anti-immigrant sentiment in Queens Village.

However, other residents have differing views on the protests and view this anger is misplaced. They express that they believe that migrants are scapegoated for the resource distribution issues that have always existed in the city. For instance, one interviewee said,

I understand why people do view these migrants as "aliens.". I get it. They look different and don't speak any of the languages that we do. Sometimes they can cause issues, like crowding on buses. However, is it really their fault that inflation is screwing the middle class? Is it their fault that housing has always been inaccessible? Were things fine before these migrants showed up or have things always been not okay? The truth is that these issues existed long before this year.

Another interviewee concurred, stating that the problems caused by capitalism are so large that placing any blame on undocumented migrants doesn't make sense...

> I saw the protests. I saw how angry everyone was. However, that anger was grossly inappropriate. In a world where rich people clearly don't pay their fair share of taxes, some poor refugees aren't the reason the budget isn't balanced. It also probably doesn't matter if a country that is in trillions of dollars of debt really chooses to help other people who really need it. A country that's so dead set on capitalism is always going to run into budgetary issues as the rich get richer and the poor continuously get poorer. Protests outside of a migrant facility change none of that.

Thus, although many residents are frustrated with the city spending money on migrants, other residents use words like "ridiculous" and "misplaced" to describe this anger. There are plenty of residents who find that larger systemic failures in our capitalistic society can't be attributed to a few thousand migrants who arrived in the past year. This holistic view of the issue sharply contrasts the limited views of those who feel intense fury towards migrants.

An additional interviewee expressed a sense of inequality, saying that wealthier people in America used underprivileged communities to perform their virtue signalling. They point out how many inner cities like those in New York City and Chicago are used to create migrant facilities, but never suburban neighborhoods of these same cities...

> I have nothing against these migrants. My own ancestors were migrants who fled political persecution. So trust me, I understand why

we choose to help them. Our politicians love to brag about how we're a nation that helps poor and hungry people from across the globe. However, they only use our communities to do so. It's as if they're mocking us. Our working-class community has plenty of homeless people who are ignored by these same politicians. It's ridiculous. Why is it just us who have to take these migrants? I don't see any migrant facilities in New York suburbs. There's none in any of these wealthy places. Anytime they don't want to deal with a problem, they send them to the ghetto.

This interviewee explains their support for refugees and sympathizes with those who have left their countries out of fear of persecution or disaster. However, they point out that the brunt of this responsibility has fallen to communities that are the least qualified to bear them. Justice is not merely about meeting immediate needs but also about balancing competing claims in a way that upholds the dignity and rights of all. When a community that has long struggled with poverty and underfunded public services sees billions allocated to new migrant facilities, it fosters resentment—not necessarily towards the migrants themselves, but towards a system that appears indifferent to their own suffering. This dynamic pits vulnerable groups against each other and completely obscures the glaring issue of systemic inequity.

#### Media Distortion on the Issue

The third theme I discovered in my interviews with residents of Queens Village was a *media distortion on the migrant issue*. Interviewees who were against the migrant facilities explained they feel that the media covers for migrants and doesn't report fairly on the crimes they commit. On the other hand, interviewees who supported the creation of migrant facilities felt the media unfairly scrutinized migrants and the facilities. For instance, an interviewee told me...

I feel like it's the people of the community versus these outsiders. I've worked near migrants and they are constantly getting in trouble. My job is right next to the facility. They get into fights all of the time. They are doing drugs everywhere. It's ridiculous. And no one knows this because the media shows them to be victims. They aren't victims at all. And the media is complicit.

Similarly, another interviewee expressed their frustration as they felt that media corporations covered for migrants because corporations in general profit from a flow of undocumented migrants...

> It's so obvious what is going on. There's like a few different media corporations that own all of the media sites, radio stations, T.V. channels, and websites. These media corporations have a vested interest in helping those who give them money. They get money from advertisers, mostly other large corporations. In addition, these media corporations are often owned by billionaires who own other large corporations. It's so clear to me that undocumented migrants help large corporations replace Americans eventually, as the migrant's descendants are born citizens. This way, foreign labor continuously destroys our wages and the people at the top keep winning.

However, other interviewees stated the opposite, saying that the media unnecessarily emphasized crimes committed by migrants, stating that corporate media has had an agenda to turn citizens on to migrants, to try to distract people from other issues in society. In fact one interviewee said...

> What the media has done is disgusting. I see it all the time on T.V. and even on social media. If an undocumented person commits a crime, the headline will say "migrant committed crime". What is the need to mention that the perpetrator was a migrant? Why does it matter? Why would the media want to emphasize that? It's so clear that the corporate media covers for their billionaire sponsors and donors. Everyone knows they are all in bed together. The people at the top get away with not paying taxes, committing white collar crimes, and defrauding us all. They use the media to divide and conquer. When we are too busy being mad at poor migrants, we can never understand who controls our country and exploits us all - the rich.

Another interviewee agreed, saying that the media unnecessarily selected crimes and stories about the border in general that would make the issue larger than it is. They stated...

It's incredibly peculiar. We've always been a nation of immigrants. We've welcomed everyone. Suddenly deciding that this new wave of migrants is a "crisis" is strange to me. Why do we call it a migrant crisis? What's the crisis? What is really wrong with letting more people in and helping them. Why does the television call it a crisis?

Although the perception of the media and its role in this controversy is quite mixed, quotes from both sides of the debate are incredibly telling. On the surface level, it seems that your perception of the media's coverage is shaped by personal biases and political views. On a deeper level, words like "outsiders" and "replace" show the extreme polarization here. It's ironic that immigrants and first generation immigrants themselves would perceive a new wave of migrants as "replacements" or "outsiders". It's incredible the interviewees didn't see the irony here. On the other hand, those who condemned the media as scapegoaters used words like "peculiar" and "intentional" to point out how the media selects certain stories to craft anti-migrant narratives. The most interesting thing here is that interviewees on both sides suggested that the corporate news media has ulterior motives and doesn't serve the regular person. Although they came to opposite conclusions about these motives, there's clearly widespread distrust in news media, which may actually create a perception of media conspiracy, regardless of whether it exists or not.

## Perceptions of Migrants as Lazy

The fourth theme I discovered in my interviews with residents of Queens Village was a *general perception of undocumented migrants as lazy*. Many interviewees tended to emphasize that they felt migrants exploited the community without providing anything in return. Many of them shared stories of how they felt angry when migrants took seats on the bus while others had to stand. Many interviewees insisted that the migrants choose not to work, while others were sympathetic for the migrants and acknowledged the barriers that undocumented people may face while trying to get employment. For instance, an interviewee told me...

It's disgusting. I see a group of grown men with no families just sitting around. Children stopped playing at the park across from the facility because these migrants sit there and smoke and do drugs all day. There's been multiple times these migrants got into fights, sometimes they have weapons. Idle minds do the devils work. They have nothing to do and eventually they will only cause more problems. The other day, a migrant started harassing one of my neighbors and tried to follow her home. You've put more than a thousand military age single men in a civilian neighborhood. It's pretty clear why I feel unsafe for myself, my sister, my mother, and the other women in the community. What did we do to deserve this?

Similarly, another interviewee makes a distinction between migrants who immigrate with families and those who immigrate alone, saying that they feel that migrants may not have the best intentions for the community and for our nation...

> Two hundred years ago if thousands of military-aged men came across the border and wanted stuff for free, they would be considered invaders. Now we consider them "refugees". I'm not saying their bad people or that I wouldn't do the same if I was from the same place. But they came here with no family. I have kids. I know that having a wife and kids means that you have a sense of duty to not commit crimes, to provide, to work, and to set an example. Most of these migrants are between 20 and 30 years old with no family here. They have no incentive to do the right thing. If they commit crimes, the Soros-funded DA's protect them. They get free food and water everyday. They are a burden for us all. I wouldn't mind if they were women and children but having to take care of men like this is strange. They don't want to work, don't have to, and probably will never work.

In contrast, an interviewee recognized that migrants face unique challenges, including both social and economic marginalization. They contended that the protests were negligent to the truth that migrants didn't work because they couldn't...

Yeah, the protests were pretty much two blocks from my house. I could hear it. It was so loud. There's this idea that somehow the men in that facility are lazy and burdens. However, those people can't work. You need a work permit for just about anything in this country. There's plenty of good people who can't get jobs because they don't have a stupid permit. There's also plenty of people who could work and choose not to. Look at the street corners. There's plenty of people who just enjoy government benefits and they could work if they wanted. You have the wrong enemy. The migrants also don't speak English.

## That's not their fault. These protests are clearly incredibly bigoted.

As these quotes make clear, there is clearly a strong misconception of the migrants being "lazy". This is clearly a heated topic, especially because many interviewees clearly point out that migrants "don't work" and "don't have to work". These interviewees can also point out other things they feel migrants do wrong, such as use drugs or sit around in a park. However, very few interviewees identified that the reason these migrants didn't work is because they *can't work*. They may choose to abuse drugs because they are isolated socially and economically. While the vast majority of interviewees were able to criticize the symptoms of marginalization, very few interviewees could identify the root cause.

#### Lack of Consent from the Community

The fifth theme I discovered in my interviews with residents of Queens Village was a *lack of consent from the community*. My interviewees tended to emphasize that a large reason people in Queens Village are unhappy with the migrant facilities being constructed in their neighborhood is because they never consented to it being built there. They describe that they had no say in where the facility was built, who was housed, or the impacts of the facilities. Interviewees expressed that they felt the government forced the community of Queens Village into accepting migrants, with no preparation or consent from the residents. They felt cheated that democratically elected politicians approved plans that never went to vote or were even discussed with the citizens of the Queens Village community. For instance, an interviewee told me...

Well yeah, of course it's forced. At the end of the day, we live in a democracy, but we never voted on what's going on. We never voted on

having these micro facilities made or these housing facilities or any of the budgets around the migrants or anything that's going on right now. We never voted on where we would build it or whether or not or how many people we'd house or you know whether or not they would go to our schools or not. We never had any of these decisions; we've just been forced to study the impacts, whether it's cut budgets or less services for our citizens or for our veterans or for our homeless people. It's something that never went to vote, neither is it something that politicians even talk about; it's just something that we're all supposed to ignore like it's one big secret. Of course, it's forced on us because we never had a choice in it and we still have to deal with the repercussions every single day. It's not surprising that people are going to feel like we didn't have much of a choice in this at all. If anything, I'm surprised that people are somehow cool with it now and that there are no protests anymore. But it doesn't seem very much like a democracy at all.

Similarly, another interviewee expressed their frustration that government officials, who don't have to deal with the consequences of their legislation, make decisions for the community...

I mean, there was a lot of protest, but I wasn't really happy, to be honest, and no one really likes the fact that people up in Albany, okay, the legislator Kathy Hochul, made an executive decision to put the migrants here without anyone's consent. Nobody agreed to this, you know, that stuff. That's where the frustration comes from each community. Nobody agreed to put these guys here, but they put them here regardless of whatever the people's belief is. So, that really comes into question: Is the government really serving its people and the people who pay the taxes for this country and for the city? Yeah, that's nothing, that's where a lot of outrage comes from down here 'cause supposed to be a democracy, right? It's supposed to be a representative democracy. But it's, who's representing us? Kathy Hochul, who puts the shit here. Not Eric Adams either, right? Some of these people that are making decisions for us don't seem to be the ones that care about consent at all. One interviewee also added that they recognized the historical pattern of lack of consent communities of color have faced in the past. They point out how they feel the creation of the migrant facilities feels just like redlining and other historical injustices...

We protested for days. They don't listen to us. They don't ask us anything. We have no leaders from our community in decision making positions. This is just like my childhood in the sixties. We protested but to deaf ears. The people in power never cared about us, and they still don't care now. It's not about the migrants or the facility. It's about our right to basic determination. I see no difference between the creation of this facility and trapping us into these neighborhoods with redlining. Both ways, we have no real consent about the future of the neighborhood. There's no real justification for this.

The exclusion in the decision making process exhibited by this conundrum reflects a part of Queens Village's larger history of political neglect. The pattern of past injustices and then this lack of content displays a pattern of marginalization that exacerbates the discontent of residents. There seems to be a gap between the expectation of the political system that should represent the interests of everyone and the reality of the political system acting unilaterally. This gap questions the "fairness" and "equity" about policies that assist migrants, but against the will of citizens in disenfranchised host communities.

As these quotes make clear, a large part of the frustration that my interviewees felt was because they felt like they had no say in the creation of the migrant facilities, even though it impacts their communities every day. Words like "forced" and "outrage" express that interviewees felt that people in the community should have been consulted before the facilities were created there. This couples with an overall frustration with the government; one interviewee explains that they feel that "we're all supposed to ignore like it's one big secret", explaining that they feel that politicians just sweep this issue under the rug. In the same vein, another interviewee remarks "who's representing us? Kathy Hochul, who puts the shit here. Not Eric Adams either, right?". In addition to a lack of consent of the community, my interviewees clearly felt like the needs and concerns of their community weren't being represented at all.

Marginalization of Undocumented Immigrants by Legal Immigrants

The sixth theme I discovered in my interviews with residents of Queens Village was an active stigmatization of undocumented immigrants by immigrants. My interviewees, most of whom were immigrants or first generation, consistently displayed cognitive dissonance by repeatedly ostracizing the migrants as "outsiders", "invaders", and "burdens". This cognitive dissonance was bridged by explaining how they felt that legally documented immigrants were somehow completely different from undocumented migrants. For example, one interviewee told me...

My parents came here from Guyana and they worked so hard. They never got a hand-out. They never got anything from the government. They worked their way up. They earned their place here. They did it the right way. They waited for a visa, a green card, and citizenship. They didn't just walk in. They consider this soil sacred, not just some place to exploit for opportunities. This is completely different from these migrants. These migrants have no intention of ever contributing here.

Similarly, another interviewee expressed their beliefs that recent waves of migration are completely different from previous waves of immigration.

America has been a nation of immigrants. Everyone is an immigrant or a descendant of one. My parents came here from Korea in the nineties. They kissed the ground when they got here. Similarly, other waves of immigrants came here with their families because they wanted to be American. They wanted to contribute to this country and saw it as a place to base themselves and their families. They changed their names and loved American culture and civil liberties. They didn't see America as a utopia, but as a new frontier and a dream.

These new migrants are single men coming here, with no intention of ever learning English or genuinely contributing to our society. They see America as a utopia to exploit. They weren't allowed in like we were. They forced their way in. Three days ago, some girl was raped by a migrant. It's disgusting but I understand why it happened. People across the world see America as a utopia. They go on MTV and think every girl here is promiscuous. So when single male migrants come here, they realize that although others may have some money, they don't have any. Furthermore, when girls here don't particularly care for them, it offends them because they see our women as easy. Soon enough, we are creating monsters who will steal what they see our country good for.

This theme, which likely shapes every other theme of this study, explores how immigrants and descendants of immigrants negatively view the latest wave of migrants and condemn them as fundamentally different from them. Words like "monsters" and "exploit" are shocking, especially coming from people who are first generation or immigrants themselves. Although there aren't overt racial overtones, there are supremacist undertones as people repeatedly rationalized their views with generalizations about the migrants. What's the most shocking was when the interviewee explains why they believe the new wave of migrants is increasingly susceptible to be criminals, especially sexual criminals. The combination of an unconscious bias against undocumented immigrants, media scrutiny, and every other theme has led to immigrant communities, which were once progressive strongholds, to have completely changed their tune. It's clear they've dehumanized migrants so much that they genuinely see them as a completely different group from other immigrants. While the tool for this separation in the past may have been racial or religious, the vector that immigrant communities use now is the legal documentation, or lack thereof.

This brings with it an interesting conclusion: inherent hierarchy is part of the American culture and legacy. In the similar way that Irish and Italian immigrants were considered as "other" and eventually assimilated into the white American identity, it seems that immigrants who have legal documentation are starting to assimilate into the conservative American identity. In the same vein as how assimilation of white groups created a hatred for Blacks and other minorities, it seems that documented immigrants assimilating into the American identity creates an active marginalization of undocumented immigrants. This means that as any group in the United States assimilates into the mainstream, they can only truly do so by discriminating against a group which is then deemed as "lesser". In the past, the group that was disenfranchised may have been Italians, Asians, African Americans etc, but it seems this new disempowered community is the latest group of undocumented migrants.

Furthermore, there's a shared identity that immigrants are proud of that is rooted in the idea of uplifting themselves through hard work and dedication. Although this is admirable, no one has a real justification for why every immigrant deserves to struggle. There's an expectation that all immigrants should live these austere lives of service and discipline, one that may have been crafted through the centuries of persecution immigrants felt. Seeing migrants now housed by the government seems to conflict with this shared identity that immigrants and first generation Americans revel in it.

## Conclusion

In this paper, I studied the perception that residents of Queens Village have about the migrant facilities constructed in their neighborhood. Given the hotbed of anti-migrant protests and the long-standing tradition of Queens Village as being an enclave for immigrant families, this study aimed to understand anti-immigrant sentiments in cities that are typically liberal.

Through sixty in-depth and semi-structured interviews, I was able to closely study the perceptions of residents of Queens Village surrounding the migrant facilities, as well as their underlying concerns. Most existing literature surrounding the topic studies anti-immigrant sentiment in the United States as a function of racism or xenophobia. My research supplements such research, as it finds anti-immigrant sentiments in Queens Village to be a function of concerns around resource allocation, and a lack of consent from the community. Although Queens Village is a neighborhood with massive black and brown populations and prides itself on being an enclave for immigrants, it seems as though there's a concerted effort to paint undocumented migrants as an underclass, while uplifting documented migrants as "doing the right thing" and "American."

With more time and resources, I would study how different neighborhoods with migrant facilities throughout New York City feel. It would be interesting to interview residents across the different boroughs and see if their concerns align. Furthermore, seeing the differences in point of view between men and women in communities, as well as different racial groups, would be helpful for future research. Future scholars should focus on how rhetoric on the internet within American immigrant communities has shifted since this last wave of migration. In addition, interesting research could be done on how this rhetoric impacted voting patterns of immigrant communities across the nation during the last election. Furthermore, both pro-migrant and anti-migrant interviewees explored how they had a strong distrust for the media, citing theories of media conspiracy. Although much broader than the scope of this project, this can be studied.

This study has many real-world implications. For one, it suggests that residents of "sanctuary cities" might not be welcoming of migrants for a number of reasons, including concerns about resources and economic concerns, media distortion on the issue, and marginalization of new migrants. I'd recommend that policymakers ask community leaders about decisions about resource allocation as well as facility construction so that the community has an idea of how their tax dollars are being spent. In addition, I'd recommend that local transit and other public services be bolstered in areas where migrant facilities are built so residents don't feel the burden of the migrant facilities. I foresaw that this issue would have large-scale implications for the Democratic voter base, which came to fruition during the election. As I predicted, record numbers of inner city voters voted independent or Republican. Furthermore, my predictions of a larger grass-roots political call to action to secure the border and at least control the number of people coming in have also become a reality.

My findings also question the nuances behind our ideas of justice, and especially global justice. Through the calls of activists for developed nations to host refugees from around the world, there is rising anti-migrant rhetoric, which is clearly much more complex than previous academia has addressed. Beyond the political victories and virtue signaling, questions arise about consent around distributive justice. Is it just to hand resources to refugees if the citizens of host countries don't consent? As vulnerable groups turn on each other, the deep sense of betrayal exhibited by those interviewed in Queens Village expresses a failure to include marginalized communities in decision-making processes. True justice demands not only equitable policies but also the inclusion of those most affected in the decision-making process.

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Art as a Rehabilitation Tool

Lujain Alghaban

### Abstract

The carceral experience presents many detrimental impacts on the wellbeing of people who are incarcerated. In a broken penal system in the United States, fine arts programming can be one of the more effective alternatives to punishment and can be implemented in the restructuring of this system. The primary aim of this review paper was to examine the impact creative art programming in correctional institutions had on the people who are incarcerated with a specific focus on the effectiveness of these programs on the people's mental health, likelihood of being rehabilitated, and reducing their recidivism. This paper conducted a meta-analysis of nine published studies on the implementation of creative art programs in correctional institutions to evaluate and examine the effectiveness of these programs, and it relied on the framework of labeling and general strain theory. The findings of this paper revealed that the implementation of creative arts programming in correctional institutions was linked to the (1) fostering of social cohesion and rehabilitation in prisons, (2) positive effects on the emotional regulation and personal growth of the people who are incarcerated, and (3) the ability to reduce recidivism and promote education among the people who are incarcerated. Despite the positive findings, it is important to highlight the publication bias that exists in this subject and the lack of studies that report negative outcomes of these programs. This review paper identifies that future research should focus on exploring the perspectives of people who are incarcerated and highlighting their voices and stories. Negative outcomes should be reported and not neglected to determine the true effectiveness and longevity of these programs in the future restructuring of the penal system.

*Keywords:* penal system, creative art programs, recidivism reduction, rehabilitation, offenders.

## Introduction

Incarceration is a harrowing and dehumanizing experience for many individuals who find themselves sitting behind bars in their six-by-eight-foot prison cells. The individuals are immediately stripped of their autonomy upon their arrival into the prison and find themselves facing an inner turmoil of trying to better themselves in an environment that is not supportive of such a notion. Those who try not to succumb to the demeaning labels society ascribes to them find resilience and solace within the programming available in prisons. Fleetwood (2020) highlighted the testimonial of Russell Craig, a person who was incarcerated, describing how helpful fine arts programming was to his personal growth when talking about a painting he made of his prison ID.

Art was like my tool, and then I found art in the prison, in the system. It says, "PA Department of Corrections" — "De-part-ment"—so it says "art" in the middle of "Department." So I underlined "art," because that word happened to be hidden inside "Department." That just was, you know, interesting how that was there for me. Art was my tool, my vessel, to navigate out of this system, out of that kind of lifestyle that just was going nowhere (Fleetwood, 2020, p.24).

Implementing creative art programs in the penal system can potentially create the change needed to repair the broken system. Textor (2022) highlighted the critical role art programming can play in restructuring the prison system by providing help to individuals on a personal level and creating changes on a systemic level. Art has the power to heal people, and those people incarcerated in correctional institutions deserve opportunities to change their lives. I believe everyone deserves a second chance to turn their life around, and creative programs within correctional institutions can provide the space for individuals to change their behaviors. These programs can offer the inmates a reprieve from the brutalizing and isolating experiences incarceration holds for them.

The United States penal system is broken because it has lost sight of the mission to reform the individuals they have deemed harmful to society, among other various social factors and issues that have committed to its downfall. The only promise this system has delivered is the consistent incarceration of people at high rates and removing them from society. In 2022, the Bureau of Justice Statistics revealed that 1.2 million people are incarcerated in correctional institutions across the United States (U.S. Department of Justice et al., 2023). This high incarceration rate, coupled with a 66% recidivism rate documented in a 10-year longitudinal study by the U.S. Department of Justice, is a clear indicator that the penal system is in need of repair (Antenangeli et al., 2021). Punishing for the sake of punishment is not the goal that should be at the forefront of the criminal legal system. The criminal legal system needs to be restructured for actual change to occur in the behavior of the people incarcerated within it.

Textor (2022) emphasizes the notion that many people have experienced mental health issues during their imprisonment, and the
environment of the correctional institutions only further damages their mental health. One of the only places in correctional institutions that can improve the quality of life of the people who are incarcerated is the creative art programs. These programs help people process their emotions and elevate their self-esteem and self-confidence that the prison environment has broken upon their arrival into the system. They can also develop relationships built on trust because of the vulnerability they display when participating in these programs with other people who are incarcerated, which creates a community that provides them with the support they need.

Creative art programs have been around prisons for centuries; however, only in the past few decades have these programs been examined and evaluated to determine their impact on the people who are incarcerated. Littman & Silva (2020) touch on the history of these programs and how they were initially formed and led by the people who are incarcerated, who took it upon themselves to create a space for them to form social connections. Littman & Silva's (2020) systematic review examined 25 pre existing studies on prison art programs in the United States and other countries to analyze the outcomes of these programs on the people who are incarcerated. Their findings revealed that these prison art programs produced a variety of positive social-emotional outcomes for the people who are incarcerated and improved their community relationships. Their literature review highlighted the need for future empirical research on these programs, which would be helpful for society to better understand how influential these programs can be not just on the people who are incarcerated but on their families, communities, and correctional institutions (Littman & Silva, 2020).

Textor (2022) shared a powerful story of a male participant who participated in these art programs and how the poetry he wrote in the art program allowed him to restore the relationship with his daughter, which had been dormant for years. The creative writing program he participated in during his time in the correctional institution equipped him with the tools necessary for rebuilding the broken relationship with his daughter by allowing him to display his vulnerabilities. The man shared poems with his daughter, which led to a series of exchanges between the two, eventually allowing them to restore their relationship. Kumar (2020) presented multiple powerful stories from male participants in a writing program in prison who reported how impactful this program was in helping rebuild and restore their identity as individuals while simultaneously allowing them to unpack the elements behind their behaviors, which led them to where they currently were.

The influences of creative art programs go beyond the positive social-emotional outcomes on the mental health of the participants who are incarcerated. They even have the ability to provide the people with an opportunity for employment after their release from prison. Dahesh (2024) highlighted the importance of employment for the released inmates in keeping them from recidivating after they re-integrate into society. The creative art programs provide the possibility of teaching the participants skills that can be useful for obtaining employment after they are released. Participating in areas such as painting, drawing, graphic design, and other art fields can allow the people who are incarcerated to develop skills they could apply when released in jobs related to the art field and other fields that use similar skills (Dahesh, 2024). I believe that such programs are vital not only in fostering the creativity within these individuals but also in providing them with skills and tools that could potentially allow them to successfully reintegrate into society. Employment is especially important for the released individuals who were incarcerated because it provides them with a secure and stable routine that will alleviate any potential strain that could cause them to re-offend (Dahesh, 2024).

Rehabilitation promises to offer the people who are incarcerated the tools to change their criminogenic behavior to ensure they carry this new rehabilitated behavior back into society when released. There are many ways in which rehabilitation can take place in correctional institutions, but the method I am most interested in exploring is the approach through creative art programs. I am a firm believer that art has the power to change someone and offer them the tools to better their behavior. This paper is informed by the structure of the labeling and general strain theory.

# Methods

This review paper was guided by the following research questions: How influential are creative art programs on the mental health of people who are incarcerated? What role do these creative programs play in the possibility of reducing recidivism among people who are incarcerated? How effective are these programs in providing a social support and community network for people who are incarcerated? Those questions outlined above served as the foundation of my paper and research efforts to find sources aligned with my interests in creative art programs in correctional institutions. The discovery of those sources included in this paper was made possible by the keywords I used on search engines such as Google Scholar and the database of the Lloyd Sealy Library. The keywords I used are penal system, art programs, rehabilitation, and recidivism. These terms yielded various scholarly articles that aided in my literature review of these creative art programs and the development of this paper.

The process of determining the relevance of these articles in correlation to the topic of my paper was moderately easy; however, I did run into my fair share of difficulties in finding the exact sources that fit the criteria I wanted for my paper. The initial criteria I had for determining the relevance of these articles were a publication date from the last 14 years, the inclusion of a discussion on the operation of creative programs in correctional facilities, either jails or prisons, and a discussion on the effect of the rehabilitative or recidivism programs on the population of people who are incarcerated. To remedy the problem of finding relevant articles that fit the scope of my research that I faced in the early stages of my research, I modified the search terms mentioned above and used combinations of two or three search terms to see which combination of terms would provide me with the results that matched my initial criteria. Certain searches I performed included the keywords penal system, art programs, rehabilitation or prison, art programs, recidivism, etc. The ability to explore the effect of these keywords on my searches ultimately led to a collection of scholarly articles that informed the contents of this paper.

The scholarly articles used in this paper are a collection of qualitative and quantitative empirical studies that focus on evaluating the effectiveness of the creative art programs operating in correctional institutions in the United States and other countries that have published studies on this matter. The nine scholarly articles that were specific to the effectiveness of the program are either meta-analyses or original studies. The articles that are meta-analyses are Dahesh (2024), Kumar (2020), Littman & Silva (2020), Oliver (2017), Pesata et al., (2022), and Textor (2022). The articles that are original studies are Halperin et al., (2012), Parker (2022), and Van Der Meulen and Instead, 2020). It was essential for me to include studies conducted in the last 14 years to ensure the relevance and effectiveness of these programs I was evaluating. This also helps highlight any limitations these publications found and allows for more thought to be given to future studies that can be done in this field.

There were two sociological and criminological theories that were integral to the framework of my research on this topic: the General Strain Theory and the Labeling Theory. Both theories are renowned in sociology and criminology for their unique explanation of the motivations behind criminal behavior. General strain theory is a sociological theory developed by Robert Agnew (1992) who updated and altered the version of classic Strain Theories that Robert Merton had created (Agnew, 1992). This updated theory focuses on the broader concept of strain, more specifically, the role negative emotions and treatment by others have on the propensity of someone to commit an offense. Agnew believed that the experience of strain or stress could generate negative emotions that could create pressure for a person, and the only solution to alleviate this strain would be participation in criminal behavior. In this paper, the General strain theory is used to explain how participation in art programs that elicit positive emotions in correctional institutions can relieve the strain that people who are incarcerated might feel during their imprisonment and upon release. Alleviating this strain would deter them from participating in criminal activities and encourage them to gain access to employment with the help of the skills they acquired from these programs (Dahesh, 2024).

Labeling theory is a sociological theory that believes people's behaviors are influenced by how others have labeled them (Becker, 1963). This theory is applicable to my paper because the population being discussed in this paper are people who are incarcerated who, upon entering the doors of the penal system, are branded with the label of "criminal" or "convicted felon." This label is difficult for them to shed, and at some point, they will tire of trying to shed that label and decide to adhere to it because that is how society sees them. This theory is a self-fulfilling prophecy because the labels can be negative and pose so many obstacles for the individuals who have been prescribed that label by society that for them, the only thing left they can do is live up to that label. In this paper, this theory is used to demonstrate how other labels such as "artist", "writer", "poet", "musician", and others have the potential ability to influence people who are incarcerated in a positive way, allowing them to re identify themselves to the world through their participation in creative art programs.

# Findings

This review paper examined and evaluated nine published studies and articles on the operation of creative art programs in correctional institutions. The

nine sources revealed interesting results about the effectiveness of these programs, the effects they provided the people who are incarcerated on their mental health, and whether or not they reduced the likelihood of recidivating for the people who are incarcerated. I have organized the findings I have found in this paper into three key ideas that relate to: (1) the powerful role the arts programs play in the fostering of social cohesion and rehabilitation in prison; (2) how art programs serve as tools for the emotional regulation and personal growth of the people who are incarcerated; and (3) how the art programs have the ability to reduce recidivism and promote education among the offenders.

# The Powerful Role of Creative Art Programs in Rehabilitation

It is well-known that the incarceration experience is a deeply isolating and harrowing experience for an individual to go through (Mooney & Shanahan, 2020). The criminal justice and penal system promises to reform individuals by sentencing them to incarceration to rid them of their criminogenic behaviors. Yet, these systems fail at that goal because of the punitive environment in those institutions, which does not positively support reformatory change. Punitive and retributive measures do not encourage the reform of the individuals who go through the doors of correctional institutions. They are costly measures to maintain, and the only thing they successfully achieve is breaking the spirit of these individuals and worsening their prospects in society after incarceration.

The penal system needs to be restructured and reformed, as the United States' high incarceration rate has proven the ineffectiveness of this system (Textor, 2022). Many alternative approaches to punitive measures could be applied in restructuring this system. However, one method that is reasonably effective and valuable to both the people who are incarcerated, and society is the implementation of fine arts programming. Textor (2022) believes fine arts programming in the penal system can positively influence people who are incarcerated on a personal level while simultaneously restructuring the justice system from one that emphasizes punishment to one that emphasizes rehabilitation.

Harsh and cruel punishments have not been able to yield the positive results that the penal system wants to better the overall society. However, creative and fine arts programming has been able to remedy some of the flaws that the penal system hasn't been able to address for decades. Art has historically been responsible for a multitude of societal changes, with particular historical events such as the Enlightenment period in the 18<sup>th</sup> century changing the way punishment was enacted and leading to the evolution of the penal system (Oliver, 2017). The rehabilitative component of creative arts programs has delivered promising results pertaining to the strengthened social cohesion bonds among people who are incarcerated and positively influenced their personal development as well as allowing them to take accountability for their actions.

There has been a recent shift and interest towards the arts in the United States society in its relationship to enhancing the wellbeing of individuals. Pesata et al. (2022) found that implementing these art programs in group settings can impact the social cohesion and functioning of individuals in their relationships with one another. Van Der Meulen and Omstead (2020) discovered a similar finding in their study conducted with women incarcerated in a Canadian corrections facility where the women reported feeling a deep connection and bond forming between them and the other artists present with them in this program. Both studies shared the sentiment that these programs helped aid the personal development of the individuals participating in the programs and strengthened their ties to the group and social community.

The strengthened social ties and community are essential to the mental health of incarcerated individuals as it can be challenging for them to allow themselves to be vulnerable with others and restore broken bonds. The incarceration experience makes it difficult for these individuals to heal this part of themselves. However, these creative art programs provide them the opportunity to slowly rebuild a part of themselves that was broken.

# Art Fosters Offender's Emotional Regulation and Personal Growth

The experience of life as a human being can be complex and challenging for many individuals in society. However, those who exist in our society without the proper tools or knowledge to process their emotions and challenges in their life experiences can find living incredibly difficult. Not everyone has found themselves equipped with the cognitive and emotional tools which could ease their navigation and interactions with people in their daily lives. Many people who find themselves confined within the walls of correctional institutions are there because the nature of their crimes revolves around conflict and unprocessed emotions of anger and frustration, they had with the individuals involved. The lack of tools needed to process these emotions led to this outburst and the unfortunate offense they committed because they were unable to properly self-regulate their emotions (Parker, 2022). Parker (2022) analyzed the effectiveness that art programs in prison had on the emotional regulation of the people who are incarcerated. She found that the art programs provided the people who are incarcerated the ability to unpack their prior behaviors and develop healthier ways to self-regulate their emotions.

During the art program sessions Parker (2022) studied, the correction officers were not present, and that helped the offenders benefit even more from their time in the program because they were not under the constant supervision and surveillance of those officers who could put them down for trying to better themselves. Correction officers often hold a mindset that the people who are incarcerated are inherently bad people and nothing that they try to do will ever change that part of themselves because of the "criminal" label enforced on them. Thus, their absence in these sessions and perhaps, the lack of constant surveillance, encouraged the people who are incarcerated to participate more and increased the therapeutic outcomes on their behavior. Many offenders who participated in the art programs reported higher levels of self-confidence, self-respect, and an enhanced sense of their personal identity (Parker, 2022).

Kumar (2020) explored the impact reflective writing programs in correctional institutions had on people who are incarcerated, and the results were overwhelmingly positive. The writing programs provided solace for the inmates and encouraged them to process their emotions through a healthy outlet. It teaches them a different way to view their situation while building up their self-esteem and helping redefine who they are. One participant in Kumar's (2020) study, Naji, delivered a powerful testimonial on how this writing program allowed him to gain a new understanding of his life and criminal actions, which landed him in prison. This new understanding of his life encouraged him to change his ways and take accountability for his actions and role in the offense he committed. It is because of this reflective writing program that provided him with a variety of writing prompts to reflect and unpack his actions which has allowed him this ability to hold himself accountable for his past behaviors to avoid repeating them in the future.

The influences of creative art programs go beyond the positive-social emotional outcomes on the mental health of people who are incarcerated. They even have the ability to provide the people who are incarcerated an opportunity for employment after their release. Dahesh (2024) highlighted the importance of employment for the people who are incarcerated in keeping them from recidivating after they re-integrate into society. The creative art programs provide the possibility of teaching the participants skills that can be useful for obtaining employment after their release. Employment is especially important for released people who were incarcerated because it provides them with a secure and stable routine that will alleviate any potential strain in their lives that could cause them to re-offend (Dahesh, 2024). The general strain theory supports the role income from a job and education can play in alleviating the strain on these individuals' lives (Brezina, 2017).

# The Benefits of Creative Arts Programs: Promoting Education Among Offenders and Reducing Recidivism:

Several studies found it possible for creative art programs to promote education among people who are incarcerated and reduce recidivism. They demonstrated these program's ability to not only help individuals on a personal level but also help restructure society on a larger scale (Textor, 2022). Littman & Silva's (2020) systematic review examines 25 studies on prison art programs in the United States and other countries to identify outcomes of these programs on participants who are incarcerated. Their findings revealed that these prison art programs produced a variety of positive social-emotional outcomes for inmates and improved their community relationships. Littman & Silva (2020) noted that there were a few studies they reviewed that reported reduced recidivism rates from people who are incarcerated who participated in the arts programs. However, they also noted that this evidence was limited and inconsistent across studies.

Halperin et al. (2012) explored the impact of a rehabilitation arts program in the Sing-Sing correctional facility in New York on the participants' behavior and engagement throughout the program. The program they studied, Rehabilitation Through the Arts, which was founded in 1996, was voluntary for participating people who are incarcerated and therefore were not forced to enroll in them. They emphasized that it is important that the people who are incarcerated voluntarily choose arts programs rather than feeling coerced to participate. The autonomy of the people who are incarcerated as a significant element of Rehabilitation Through the Arts. Empirical results of the program's efficacy demonstrated that this approach increased the self-confidence and self-esteem of people who are incarcerated (Halperin et al., 2012).

#### Discussion

This review paper found useful research as well as critical ideas in relation to the implementation of creative art programs in correctional institutions through the analysis of the preexisting published studies. A main finding I found in almost all of the studies spoke to the positive impact these programs had on the wellbeing of people who are incarcerated. Many participants of these programs in the studies published reported feeling more connected, self-confident, and having higher self-esteem which helped alleviate the mental strains of incarceration they were facing. Dahesh (2024), Halperin et al. (2012), Kumar (2020), Littman & Silva (2020), and Parker (2022) are among the studies that highlighted the positive impact the creative art programs had on people who are incarcerated.

This overwhelmingly positive impact puts forth an essential message that alternative punishment methods exist that reduce the detrimental effects of incarceration. It is evident that in the penal system people who are incarcerated are denied many basic human rights because it is believed that access to those rights is a luxury. But in actuality, there is nothing luxurious about the carceral experience. Terwiel (2018) discusses this notion when referencing the effect high temperatures in correctional institutions have on offenders. High-ranking officials of the prison possessed opinions that the absence of air conditioning in the institutions was to minimize the comfort people who are incarcerated might experience and deter them from returning. Ironically, these officials equated a fundamental right to proper living conditions and health to luxurious comfort in an institution that differs radically from normal and luxurious housing options.

Terwiel (2018) found that alongside access to basic rights such as food, water, and heated cells that prisoners had demanded to make their carceral experience better, they also requested access to art supplies. This finding surprised me at first, but after a while, I realized that it is not that unusual of a demand because, given the brutal carceral experience, it makes sense that the prisoners would gravitate towards art to make sense of their experience and express their emotions. In addition to the positive impact on the wellbeing of the people who are incarcerated, the creative art programs helped strengthen and foster social bonds and communities between the people who are incarcerated. This finding demonstrates how creative art programs can have the ability to foster the inclusion for this population in our society.

Creative art programs also offer people who are incarcerated the opportunity to be morally included through their participation in programs where they can become "artists" and "creatives" instead of "criminals." These programs made the carceral experience less daunting for the participants of the program because it provided them a community where they were included and not excluded as they typically were from society. This feeling of inclusion has the opportunity of limiting the strain they individuals would face from society and is necessary for their rehabilitation.

Opotow (1990) critiqued a narrow scope of justice that can be detrimental in society. This can occur when justice is applied differently to people who are morally included versus those who are morally excluded in society. People who are incarcerated are a category of morally-excluded individuals for whom society has denied access to justice because they are viewed as "bad people" because of a criminal label. Exclusionary practices harm individuals who are seen as unworthy and they can therefore receive little to no access to the necessities and resources needed to survive and thrive in our society.

These exclusionary practices can stem from legal and social restrictions that are placed on these individuals from the moment of their incarceration. Grant (2023) analyzes how this concept known as carceral citizenship has the ability to negatively impact and exclude individuals who were formerly incarcerated from society. This exclusion can be demonstrated through legislation that has been enacted to prevent these individuals from accessing the right to vote, having stable housing, employment, and health services. Carceral citizenship is a form of disenfranchisement that creates a sense of strain in the lives of the people who were formerly incarcerated. This makes it incredibly difficult for them to successfully reintegrate into society in a way that allows them to shed their former identity and develop a new one that is not defined by their criminal activities or their criminal sentence.

The issue of exclusion is applicable to the construction of historical narratives as it has the ability to silence the voices of individuals whose narratives have been overwritten or unshared, which produces a one-sided narrative. Trouillot (2015), analyzed the concept of a historical narrative to understand how detrimental exclusion can be when silencing particular voices in our history. Today, the voices of people who are viewed as *offenders* have often been overwritten and silenced in many spheres of society. But one area in which

they are able to share their perspectives, creativity, and their authentic voices are in the creative art programs.

This review paper noted how art programs in carceral institutions offer people who are incarcerated the opportunity for personal growth, accountability, and the ability to share their voices through their artworks. Indeed, when artworks by people who are incarcerated are displayed in various art institutions across the United States, they can play an instrumental role in sharing the perspectives, creativity, and voices of those behind bars (Littman & Silva, 2020).

These findings all point to the fact that the penal system in America needs dire reformation from the top to the bottom. Indeed, some of these authors believe that art programs in carceral institutions are key to the reformation of the system. Mooney & Shanahan (2020) agreed with this sentiment that the penal system needs to change through their examination of the failings of Rikers Island. Rikers Island is a penitentiary built as a solution to the failure of the Blackwell Penitentiary, an institution that became a house of horrors. Mooney & Shanahan (2020) attributed the failure of Rikers to the lack of understanding surrounding the failings of the prior penitentiary it was set to replace. As they argue, a new house that is built with the same bricks as a previous house that fell apart and placed in a different location will still fall apart. This is the problem the two penitentiaries had, as the issues that caused the first one to fail were not addressed in the construction of the second one. The disparities of the penal system in America needs to be understood before designing and constructing more failed institutions. Thus, we must address the current issues of the penal system before constructing a reformed system.

If these disparities are not addressed, we risk the chance of history repeating itself in this never-ending cycle of failed penal institutions. This is an issue currently with the rapid dilapidation of the Rikers Island correctional facility, which has caused hundreds of people who are incarcerated within the institution to be faced with circumstances that are detrimental to their physical and mental health. Brown et al. (2020) highlights the failure of this institution, which was supposed to promote a rehabilitative approach to punishment and achieve what its predecessor failed to accomplish. The New York City Council voted to have Riker's Island close its doors by 2026 and divest the funding directed towards it to four smaller jails across the boroughs in New York City.

As a jail, most of the people who are incarcerated within Riker's Island are being detained as pretrial defendants or held on bail. It is appalling that a correctional facility that is supposed to be temporarily detaining these individuals has developed a brutal and horrendous environment that has threatened the safety of these individuals' lives. In response to the decision to create four smaller jails in the boroughs of NYC to remedy the problem of the brutal and dangerous situation in Rikers Island, people have founded the No New Jails Movement in response to the city's decision (Brown et al., 2020).

I believe the city's decision further perpetuates this cycle of failed penal institutions that do more harm than good. The money used to fund the construction of these four smaller jails could have been directed towards creative programs and other essential resources in the community that could help people and prevent them from committing criminal actions. It also could be directed towards creating ways to make the reintegration of released people who were incarcerated smoother into society. Until the issues of these failed penal institutions are addressed, it will be difficult for change to take place and for the people who are incarcerated to have a better chance in society of being rehabilitated individuals.

This paper has argued penal institutions have the capacity to advance the well-being of people who are incarcerated through the implementation of creative arts programming in correctional institutions. Doing so can aid in the reformation of the penal system and the individuals who go through it. I believe that these kinds of programs are one method in which the rehabilitation of these individuals is possible, and the majority of the literature included in this paper supports and reaffirms this notion.

However, it is important to note that of the nine studies I have analyzed surrounding this topic seven of them discussed overwhelmingly positive results, and only two critiqued these programs and offered the negative outcomes. Pesata et al. (2022) identify a critical issue in examining the published literature on creative art programs and how most of these studies reported an overwhelmingly positive support for the influence these programs have on an individual. It is necessary to consider that there is a publication bias that exists in the literature about art programming in community settings and correctional institutions.

This publication bias could be due to the pressure the people who are incarcerated face when participating in the creative programs. They might feel inclined to report more positive results and impacts they experience from the program in fear of having it taken away from them by the administration of the correctional institutions if they were to voice any negative concerns. For many individuals these programs provide them the space and time to work on themselves and to escape the brutal environment of the correctional institutions which only want to put them down for making any progress in their personal growth. Therefore, they might feel worried that they would have these programs taken away from them if they reported anything other than positive results.

In my review of the literature on art programming in correctional institutions, I have found only two studies that reported negative outcomes of implementing these programs and faced difficulty finding any more that had a similar sentiment. One paper I reviewed on this subject focused on art programs from another perspective and critically critiqued them, highlighting the negative outcomes they could produce for society. Van Der Meulen and Omstead (2020) examined an art program in a women's correctional facility in Canada to determine the effectiveness of this program as a rehabilitation and recidivism reduction tool. They did not negate the positive impact this art program had on the mental health of the women who are incarcerated based on their examination of the program, but they also highlighted the bigger issues these forms of programming pose for the wellbeing of society.

These authors argue that prisons should not be conceptualized as a place that provides therapy and healing for people who are incarcerated. Framing the correctional institutions as this healing place that treats people for their harmful behavior takes away from the bigger problem of legitimizing neoliberal divestment from community programs in favor of criminalizing more people (Van Der Meulen and Omstead, 2020).

This poses an important critical observation surrounding the implementation of art programs in correctional institutions because while they can support the mental health of the people who are incarcerated, they cannot solve the multitude of societal issues that are at the root of the crime these individuals commit (Van Der Meulen and Omstead, 2020). Society should focus on providing funds to those necessary resources in the community setting to deter these individuals from committing crimes to avoid implementing them as a last resort measure in correctional facilities.

I agree with the suggestion of Van Der Meulen and Omstead (2020) solely based on the fact that so much money is dedicated to the construction of these correctional institutions and the law enforcement agencies that focus on the criminalization of people. However, this suggestion might not be entirely feasible given the complexity of criminal behavior and the factors that cause people to commit those crimes. It is a relevant critique that should be considered when communities deliberate about restructuring penal institutions.

I believe it was necessary to seek out these perspectives on art programming that were not overwhelmingly positive because it is crucial to understand the overall impact these programs would have in a positive or negative way. This is necessary when examining any societal issue because one should not only look for one perspective but for many in order to evaluate the effectiveness of the solutions proposed for those societal issues.

Art can be healing and provide solace to individuals who are incarcerated behind bars, but their introduction to this healing tool should not be done behind prison bars and instead should be in the community before the commission of the crime. I believe that if these programs were made available to these individuals before they committed crimes it could have had an ability to impact their lives positively and give them the change and agency they desire as members in society.

# Conclusion

The aim of this review paper was to examine the impact that creative art programming in correctional institutions had on the people who are incarcerated with a specific focus on the effectiveness of these programs on the individuals mental health, likelihood of being rehabilitated, and reducing recidivism. Overall, the incarceration experience has a detrimental impact on the rehabilitation and possibility of increasing the recidivation likelihood for the people who are incarcerated (Kumar, 2020). This is an issue for the United States society, given the high recidivism rates present in this nation's penal system (Antenangeli et al., 2021). By reviewing various studies on creative art programming, this study found a positive impact on the offenders' mental health and reduction of recidivism. My analysis, therefore, showcases the effectiveness of art programming on people who are incarcerated and the importance this alternative form of punishment can serve for the wellbeing of society.

However, based on the overwhelmingly positive results in published literature on this subject this paper proposes that future work should consider exploring different aspects of these forms of programming that offer people who are incarcerated an opportunity to describe how they experienced these art programs without fearing that they must praise these programs to avoid any retribution from the correctional institutions. The future research should focus on exploring the perspectives of people who are incarcerated and highlighting their voices and stories. I believe that creative arts programming has the ability to restructure the penal system, but more research needs to be conducted to examine the feasibility of these programs and their role in the reformation of the United State's carceral system.

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The Crime of Fast Fashion

Joran Sylvester

Deviance is a word to describe criminals, people who don't fit in with certain cultures, or traditions, people who cause trouble, people who have "something wrong with them". There are many ways deviance can be used, and it's only an umbrella that can cover a lot of topics, categorizations, and certain angles of crime. One significant branch of deviance is white-collar crime, a subcategory that focuses on offenses committed in professional and business settings.

The term of white-collar crime is a phrase used to describe crime that is used in a business setting, by those professionals. The term "White collar crime" was coined by Edwin Sutherland, and by his description; "a crime committed by a person of respectability and high social status in the course of their occupation". These people abuse their power in a workplace/business, for personal profit, or just to mess up someone else's situation. There are many times of white collar crime that can contribute to the criminogenic environment such as; wage theft, corruption, market manipulation, environmental crimes, and labor exploitation. A criminogenic environment is one that allows for these criminals to commit these crimes without any penalties. These environments allow these "criminals" to adapt and learn new methods of white -collar crime, and they will get smarter as time progresses. The industry that I will be writing about that produces these criminals that hurt the average civilian will be the fashion industry. There are 2 major instances of why the fashion industry is a perfect example of a criminogenic environment because of its negative impact on the Earth, and its constant and excessive labor exploitation.

The fashion industry came a long way from being just to protect humankind from the seasons and Earth. It became a way for some to express themselves and what they believe in. From religion and traditions to sexuality and hobbies. The original use of clothing was to protect the body from the seasons. Paleolithic humans, who were hunters and gatherers used to preserve the skin of animals they've hunted (their hide) to protect themselves. This was also used as an armor in a sense to defend themselves from other attackers, or while hunting. Jumping to the Greek Period, there were many ways where fashion was incorporated into everyday life. They way someone dressed, determined their social status. For example, the upper class consisted of wealthy landowners, priests, and high ranking officials. They were seen in loincloths, silk, wreaths, and wooden sandals; all while lower classes wore whatever they could find or make on their own. What started the fashion industry that we know of today, was the invention of the sewing machine and textile factories during the Industrial Revolution (thanks to Thomas Saint). This made the once limited materials and styles more available to the general public, which allowed the purchasing of these products and pieces of art cheaper. "Haute Couture", a term created and coined by Charles Frederick Worth during the mid 1800's, was used to desire the "quality" over the "quantity" of clothes. His designs were branded, and then used models to showcase his creations, starting a trend that would last decades. Further down the line in the 20th Century, sparked the popularity of Chanel, Dior, and the legendary Yves Saint Laurent. They revived the "haute Couture" while making their clothing affordable to the general public, along with bringing about a major influence to fashion; introducing "Luxury" to everyday clothing. At the end of this century, fashion capitals included: New York, Milan, France, Italy, and Tokyo. Now, in the 21st century, fashion is everywhere. Digital platforms like Instagram and TikTok are used to draw in the brand's audience, while being entertaining and showing their clothes in use. Fast fashion is a term used to describe the rapid growth and creations of these fashion products. Brands like H&M, Shein, and Zara are the top contenders in this category, using inhumane and unsustainable ways to produce these products. This paper will dig deeper into the methods used and their effects.

Labor exploitation happens in many ways, as well as in many different industries. The act of wage theft means that the company is constantly failing to pay employees minimum wage (they are paid way less), they want employees to work off the clock, underpay those who hit the qualifications of overtime, all while making their working conditions inhumane. The criminogenic environment in the fast fashion industry allows for all to occur. One of the brands that is strongly tied to mistreating their factory workers is Adidas. They are a company that conducts both examples I have stated above, and why the fashion industry makes a criminogenic environment. They have earned a profit of \$22 billion in the pandemic, which is a 15% increase from the year before, but stole \$11.7 million worth of wages from their workers. (CleanClothesCampaign 2022). To sum it all up, this shows how much money was taken from these employees. Let me break it down so it can be easier to see how much this can affect one single worker. According to Macrotrends, Adidas had 59,258 employees globally. The average pay then was around \$22.48 per hour. With that being said, their annual salary will be \$44,960. With the amount of wages that is taken above, their take home salary of one employee will be \$200 less than before; \$44,960. So with that being said, every single employee will be robbed \$200. That \$200 lost is worth \$226 today, because of inflation over the years. That is a 13% increase, and who knows when it will rise again. Vivian Tauchmann, the coordinator of the PayYourWorkers Campaign had stated, "The problem is systemic, and brands must be held accountable for wage and severance theft through а legally binding agreement." (CleanClothesCampaign 2022). Which is true. During the Fashion week event in L.A of 2023, there were rumors of malpractices in the industry, the underpayment of models, relations between large established brands and startups, and the fact that these models were part taking in certain events that will negatively affect their reputation. The U.S Department of Labor made an investigation of these factories that made these pieces, and they discovered that they are getting paid \$1.58 per hour. That state's minimum wage was \$15 per hour. (Rosalez 2023). Another example of wage theft and labor exploitation in the fashion industry can be found in the factories that create H&M and G.A.P clothing. This source stated a very specific example of power abuse and can happen more than we know. There was a woman named Radhika, who was employed at an H&M textile factory and was assaulted by her batch supervisor. He shouted, "you are not meeting your target production", and proceeded to touch her sexually, injure her, as well as physically assault her out of her chair and onto the floor. (Hitching-Hales, 2018). There are a lot of inhumane conditions caused by the people, as well as the physical environment itself. These are the many ways where the criminogenic environment of the fast fashion industry can cause labor exploitations. This goes to show the different sides of capitalism and who gets affected in many different ways. These 4 different sides are the wealthy, the brands, the factory workers, and those in poverty. These effects are positive for the wealthy and the brands, and negative for the workers and those in poverty. The brands always are positively affected. The profit that they make, the expansion of their brand, and the attention they receive. Any press is good press, so they will take advantage of it and gain more attraction and different kinds of audiences. The wealthy are positively affected because they get to own pieces of fashion. Also, from an economic standpoint, they can invest in these brands and their stocks. Selling these stocks as they increase in value, along with selling their own purchased product, will only bring more income in for themselves. The factory workers, those who make the

product are mistreated by their managers, while being severely underpaid by the companies who make a majority of the profit. They put their lives at risk to make next to nothing, keeping them in the poverty range. With that being said, these factories are being built where these factory workers live. They are evicted, homes are destroyed and families are separated. These new factories are causing pollution to the earth, along with deforestation and destruction of wildlife.

The second reason why the fast fashion industry can be a perfect example of a criminogenic environment is the harm done to the Earth. There are a lot of nonbiodegradable and unsustainable substances in fashion, such as nylon, polyester, leather, and rubber, which are the most used and synthesized in fashion. But before I get into that, we must start off where they start off, in factories. To process and create these materials, factories use energy (which are mostly nonrenewable like fossil fuels). These fossil fuels cause so much emission, that it is predicted in 2030, that the emissions from textile factories alone will be up 60%. Also, water pollution is another large effect of fast fashion. This industry alone is at the number 2 spot in water pollution, and use. A pair of jeans at these H&M factories use 2,000 gallons of water, and a cotton shirt 700. (Maiti, 2024). The dumping of these dyes is what leads to the pollution of the water, streams lead to rivers, rivers lead to oceans, and oceans lead to the faucet in your sink. Now, with this, we can talk about what happens to these garments and items after they are used. 34 billion pounds of textiles are thrown away after use, or the use to create these clothing items. That averages 100 pounds of textiles per person a year, (Lundberg, 2022). The more income someone has, the more likely they are to litter as well. The wealthy discard 76 percent more waste than those with a lower income. (Lundberg, 2022). With this amount of pollution, there can be more than one way where this can affect the daily citizen. Matilda Lartey is an environmental activist in Ghana, and she has done research on how the US factories that are in these third world countries affect everyone. One way it affects them is that there are multiple pieces of low quality clothing that cannot be recycled or reused, so it ends up in open air dumps. Open air dumps are where gas and chemicals are used to forcefully decompose these clothes, polluting air, land and water (Lundberg, 2022). The EPA suggests adding another "R" to the phrase "reduce, reuse, recycle", which is "refuse". They blame consumerism for the excessive need of buying clothes and items one doesn't need. They also believe that this is a large impact of the emission from factories. The "want" for more product calls for a larger and quickly produced supply. Another instance can be where these clothes end up after improperly discarded, the sewers. They can prevent water flow and cause flooding. That then leads to the creation of waterborne diseases. (Lundberg, 2022). Lastly, they can burn unwanted clothing or burn them to make room for newly made items. These fires can harm the air, impacting respiratory and cardiovascular health (Lundberg, 2022).

There isn't any punishment given to these individuals, other than a fine so small that won't change any day-to-day routines for them. The reason behind it is because of the way these companies are prosecuted, and what happens after. Corporate fault is when held legally for any kind of malpractice, or crime. Anyone within the company, from a manager to factory worker to executives, can cause Corporate fault. One major example of this being in play is the Volkswagen Emissions Scandal. Volkswagen installed software within their vehicles to deceit the emissions test, making it seem like they are producing less emissions than they actually do (40 times more to be exact). They lost the legal battle, and had to pay billions in fines, recalled their vehicles, and had to pay all of their lawyers. But they have quickly gained back the money that they have lost within the next few years because of the new found investment in electric vehicles. As described above, the CEO's, presidents, or chairmen of these brands are not held accountable for these crimes, but are rewarded when they release a new product, rewarded when they increase the product they made a year, and rewarded when they made a profit; all while sacrificing the safety and pay of innocent workers trying to make a living. To combat this issue, there should be a strike system, so when all the strikes are tallied, the company will inevitably show down, or go bankrupt. Many laws are broken, such as the Occupational Safety and Health Act, the Fair Labor Standards Act, and the Consumer credit protection Act. These acts all protect, in order, the safety of all workplaces ensuring the health of workers, equal and reasonable wage (all people are to be required to be paid more than minimum wage), and the regulation of these wages. These laws are clearly overlooked, as profit and the amount of clothes these people have are worth more than the health and pay of human beings. As mentioned above, the majority of these brand's profits come from wage theft, and it gets worse every year (the adidas examples I have cited earlier in the paper). There isn't any standard held to these factories. No set of rules, regulations, or limits were set, therefore allowing these criminals to keep mistreating and underpaying these workers, as well as harming the environment that we live in. This is because of the "free market" these companies have. The

term free market describes the unrestricted competition between any company, whether they are private or not. They have the free will to expand their company into whatever territory their money can buy. For example, in Brazil there are companies such as JBS, Marfrig, and Minerva, that are causing a large deforestation of the land because of their expansion. They are destroying wildlife, getting rid of native species, and increasing the emissions that are created yearly. There are many ways to solve this issue while solving many more. Since there is a 70% reported job shortage, there should be more people located in these places acting as a "police", upholding these labor laws. There could also be courts dedicated to these issues alone, making handling them swiftly with nothing to pull them away from the problem at hand. These courts could also teach people how to run factories the right way, and in a humane way where no one gets hurt. There should also be psychologists and therapists specifically for this department, since there is no other like it. These struggles of these conditions should also be written about more. This can also lead to more protests and awareness of these issues.

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Teyvat's Governance: A Reflection of the Real-World: From Fantasy to Reality — Analyzing Political, Cultural, and Societal Parallels Between Teyvat and the Real World

Nikki Yip

# Parallels of Vigilantism and Justice in the Realm of Fiction – The Intersection of Fiction and Reality: A Sociological Analysis

#### Introduction to the Vast Fictional World of Teyvat

A nation ruled by scholars who claim to seek knowledge, yet suppress those who challenge their authority. A city where justice is dictated by divine decree, leaving no room for doubt or appeal. These are not just stories from a fantasy world-they are echoes of our own political and social struggles. In September of 2020, MiHoYo Co., Ltd. released a RPG (short for role-playing game) that shot to worldwide fame during its release. Known for its stunning visual and extensive open world feature, it quickly solidified its place within the anime, comic, and gaming communities worldwide. The game follows twin siblings who unfortunately get separated at the beginning of the game. The player takes on the role of one of the twins, known as the Traveler, and embarks on a journey across the fantastical land of Teyvat to reunite with their lost sibling. While traveling throughout Teyvat, the players are faced with different systems of governance with their distinct political, cultural, and unique societal-world themes. These reflect broader systems issues like authoritarianism, social inequality, and the ambiguous morality of power, weaving complex narratives that critically examine crime, law, and justice. In this paper, I will be analyzing vigilantism and justice in the game through the lens of social theory. Through analyzing these fictional narratives, I will aim to illustrate how they mirror and critique social and political real-world issues surrounding crime, law, corruption, vigilantism, and the complex dynamics surrounding power and governance.

# Vigilantism and Extrajudicial Actions

The theme of vigilantism and extrajudicial actions is woven heavily throughout the various storylines and quests present within the game. It comes in the form of actions taken by several characters the Traveler meets on their journey in Teyvat. These characters are driven by their own backstories and operate based on their moral agendas, with some even taking justice into their own hands, bypassing formal legal systems. The first major vigilante the players are introduced to is Diluc, a highly esteemed nobleman in Mondstandt, a nation in Teyvat known as the "City of Freedom." He's quite known for his quote, "Knights of Favonius, always so inefficient" (*Genshin Impact*). The Knights of Favonius is the official military organization of Mondstadt and the main governing body. Once a member of the Knights, even holding the prestigious title of Captain, Diluc's life was forever altered after the death of his father, which he believed was caused by the corruption and inaction within the Knights themselves when one of his superiors refused to further investigate the case of his father's death, going as far as to cover it up. After further investigation on Diluc's end, he finds out that his father's death was linked to the Fatui, a powerful and shady military force hailed from another nation. The Fatui's relentless pursuit of power and their interference in Mondstadt's internal affairs, including their attempts to control resources and manipulate multiple individuals, contributed to Diluc's hatred for the organization.

In Diluc's personal story quest, the players come to find out that he actively pursues criminals and enacts justice outside of the official structures of the Knights of Favonius under a guise in the middle of the night, symbolizing his shift from a noble knight to a lone vigilante. His personal vendetta against the Fatui and his distrust of official authority is what drives him to operate as a lone vigilante. What drove Diluc to vigilantism in the first place could probably be explained through the profound sense of anomie he feels. Anomie, according to Emilie Durkheim, is a state of normlessness. For Diluc, anomie manifests as a deepened sense of disorientation after the justice he knew and looked up for all his life has failed him. The death of his father was what ultimately drove Diluc towards this current path of his. He recognized that the established legal and social structures in Monstadt, which were meant to protect him and his family, had failed him. This profound sense of injustice fuels his desire to take matters into his own hands, to become the force of justice that society has failed to be.

Diluc's actions can also be analyzed through the lens of strain theory, developed by Robert K. Merton. Merton argued that individuals experience strain when they are unable to achieve culturally valued goals through legitimate means. This "strain" might encourage individuals to resort to alternative methods that may lead to deviance in order to reach their desired outcome. Diluc, despite his wealth and privilege, finds himself unable to achieve the goal of justice and security through the established legal system. The corrupt officials within the Knights of Favonius, who he believes are complicit in his father's death, further exacerbate this strain. "They call themselves protectors, yet they turn a blind eye to the suffering of the people. They are no better than

the Fatui," Diluc laments, highlighting his disillusionment with the existing power structures. Diluc's vigilantism, while driven by noble intentions, presents a complex ethical dilemma. While he strives to protect Mondstadt from harm, his methods often involve breaking the law and operating outside the established legal framework. This raises questions about the nature of justice and the legitimacy of vigilantism. A fterall, if the law fails to protect the people, who then has the right to define justice?

The nature of justice has long been debated, particularly when institutions fail to uphold it in the first place. In Diluc's case, his actions challenge the notion that justice must always be administered through legal channels. In this case, the "legal channels" refers to the Knights of Favonius. Diluc's disapproval of the inefficient ways the Knights of Favonius deals with problems reflects a broader reality: when systems meant to protect the people instead serve corrupt interests, individuals may feel compelled to take matters into their own hands.

Vigilantism, then, emerges as both a form of resistance and a moral quandary. While Diluc's actions address the immediate failures of the system, they also blur the line between justice and retribution. If the legitimacy of law is eroded by corruption, does that justify defying it? Or does acting outside the system risk further destabilizing the very order he seeks to protect? Diluc's story underscores the tension between law and morality, forcing us to consider whether justice is defined by legality or ethicality when institutions fail to bring proper justice. This tension between law and morality raises another critical question: can Diluc's actions be seen not just as vigilantism, but as a form of civil disobedience—a deliberate challenge to an unjust system in pursuit of true justice.

One can argue that yes—Diluc's actions can definitely be seen as a form of civil disobedience. Diluc disobeys the law by operating outside the legal system and using his own methods to apprehend criminals. In a way, by taking matters into his own hands, Diluc is advocating against how Mondstat's current government is run and challenging its authority.

According to Henry David Thoreau, the one who popularized the term civil disobedience, states, "Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be men first, and subjects afterward" (2). Diluc's "conscience"—in other words, his moral compass— brings him to uphold justice on his terms. Essentially, despite his actions being "against the law," his

conscience compels him to act as he believes is right, even if it means defying the established order.

Another example of vigilantism that many players often fail to consider is the players themselves. As an outsider not bound to any of the seven nations, the Traveler often intervenes in situations where the established authorities fail or are unable to act. For example, in Mondstadt, the Traveler actively deals with the Fatui, an action that the Knights of Favonius seem to have struggled addressing on their own, preferring to maintain a steady relationship between nations rather than prioritizing the safety of its citizens. Mondstadt's current foundation would most likely coincide with John Locke's theory on social contract. Locke believed that individuals enter a social contract to ensure the protection of their natural rights (life, liberty, and property). In Mondstadt, the residents seem to have chosen freedom and self-governance as their "contract." It can be said that Mondstadt runs on a decentralized government.

Philosophers such as Elinor Ostrom has touched upon the delicate, yet strong intricacies of a community that are able to come to an agreement about a certain way to live all that operates on a decentralized system, and Mondstadt exemplifies many of the principles she outlined in her work on polycentric governance and the commons. Throughout her works, she mentions multiple examples of communities who have managed to successfully work together. One such example is her analysis of "a series of inshore fisheries located along the coast" in Maine (Ostrom 37), highlighting how local groups are capable of establishing rules, monitoring usage, and resolving disputes to sustainably manage resources. The fishermen created rules to regulate fishing areas as well as the amount of fish that could be caught. Over time, the fishing community continued to adapt and refine its rules based on their own experience and changing conditions. This is considered one of the many successful real-life examples of humans being able to effectively manage their resources through self-governance. Even without an external force (like the government) to "force" people to adhere to rules, Ostrom underscores the significance of social norms and peer pressure has to ensure that the whole community is compliant with the rules put in place. However, it's important to note that while Mondstadt's citizens generally share values of freedom and cooperation, not all factions within the city align perfectly with this ideal. Groups like the Fatui introduce a complicated layer of conflict that messes up the operations of a harmonious self-governed nation. In real-world applications, Mondstadt's

decentralized approach will undoubtedly face challenges when it comes to different parties having their own agendas and goals.

Unlike Mondstat, however, Livue (another nation in Tevvat) runs on a capitalist economy and is ruled by a group of oligarchs named the Qixing. There are multiple minor instances where the Traveler comes across corruption within Liyue's political and business circles and subsequently investigates suspicious activities that the local authorities fail to address. In fact, the game consistently places the player in scenarios that require the Traveler to take matters into their own hands, reflecting the player's active role in shaping justice, often bypassing the limitations or failings of the existing authorities. The player's experience serves as a reflection of the conflict between personal agency and institutional authority in the pursuit for justice. While the Traveler's intervention is definitely different from Diluc's where the Traveler is not actively seeking to dismantle the existing power structures, their intervention with conflicts can still be seen as a vigilante-like engagement. The Traveler's unique position as an outsider definitely puts them in a different position compared to Diluc, who's a citizen of his own nation. As an outsider, it allows them a degree of freedom and autonomy that transcends the limitations of local power structures. This aligns with the concept of nomadism, where individuals or groups operate outside of established social and political boundaries challenge fixed identities and power structures.

Another instance of Traveler stepping into conflict would be when she traveled to Inazuma. In the beginning of her travels to this nation, the players find out about Inazuma's Vision Hunt Decree, an order enacted by the Raiden Shogun. The Raiden Shogun is a stern ruler, determined to eliminate Visions-magical symbols of elemental power and the symbolization of a person's ambitions-from her people in order to enforce her ideal of "eternity." a stark example of an authoritarian government. And the This serves as confiscation of Visions, an item that symbolizes ambition, represents the suppression of individual freedoms for the sake of societal stability. The Vision Hunt Decree will lead to a widespread rebellion within Inazuma, exposing the flaws of autocratic regimes that prioritize control over human rights. In real-world terms, Inazuma's policies evoke comparisons to authoritarian states where laws are used as tools of oppression rather than justice, emphasizing the importance of balancing state power with individual liberty. In many ways, the decree reflects the dangers of an overly centralized government. Not to mention, the people of Inazuma are unable to leave their own nation, as the borders are tightly controlled, further isolating them from the outside world. Does that sound any familiar? Inazuma's state surely bears a striking resemblance to the authoritarian rule of present-day North Korea.

When the Traveler reflects the chaos caused by the Vision Hunt Degree, she thinks: "A decree that takes away the very thing that makes people who they are ... ambition, hope, and dreams. Is this truly justice?" ( Genshin Impact ). In this moment of self-reflection, the Traveler teeters on the edge of the philosophical implications of this decree. How can a system that strips away the core aspects of human identity-ambition, hope, and dreams-be considered just? This question challenges the very definition of justice in an authoritarian state, where laws are used not to protect the rights of the people, but to maintain control and eliminate perceived threats to the established order. Moreover, the Traveler's reflection underscores a deeper philosophical concern. Specifically, it touches upon the dehumanizing impact of such a regime, where individuals are reduced to mere subjects of the state, stripped of the very qualities that make them unique. Led by this moral dilemma, the Traveler decides to intervene which could be seen as an act of resistance against this oppressive regime. By the near end of the Traveler's journey in Inazuma, a sense of class consciousness begins to emerge among the populace. This class consciousness among the citizens of Inazuma is precisely what led to the end of the Raiden Shogan's exploitation of her people.

A perspective that I personally think is worth noting is: "Justice is not just a matter of law; it's a matter of what's right. Sometimes, the law doesn't know what that is." This statement emphasizes the idea that the law is not necessarily made to be just. It implies that the legal system may serve the elite rather than true justice, mirroring the systemic issues of bias and oppression. This theme is not unique to the game itself. Across the globe, we see the law being used as a tool to enforce systemic injustice—whether it's through biased policing, unequal access to legal resources, or laws that disproportionately affect certain communities. The idea that justice is more than just following the law challenges us to question whether the systems in place are truly serving the people or just maintaining the status quo. What this perspective ultimately drives home is that we, as individuals and as a society, have a responsibility to redefine what justice means. It's not just about what's legal; it's about what's fair, right, and compassionate.

# Conclusion

Genshin's storyline effectively explores elements of vigilantism through the action of its fictional characters. The game demonstrates how individuals, driven by a sense of justice and disillusionment with existing systems, may resort to extrajudicial actions when they feel that the established order has failed them. While the game's setting and characters are fictional, the moral conflicts seen within these characters can be used to reflect the complexities of vigilantism in the real world. Although people in real life don't necessarily have magical powers to clash with villainous organizations or have to figure out how to survive a life or death battle with a deity, the struggles we encounter can still feel as monumental as those depicted in the divisions of nations in Genshin Impact. By further analyzing these fictional narratives, we can gain a deeper insight towards the factors that drive people towards vigilantism, and critically examine the potential consequences and ethical implications of such actions.

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# Societal Perceptions of White vs. Black Perpetrators of Crime as Shown Through Media Representation

Michelle Thakore
## Introduction

There has always been a surprising gravitation of audiences to the "true crime" genre. Whether through morbid TV shows, serial killer movies, or dark true crime books, individuals find themselves fascinated by this dark part of life, often becoming hyper-fixated on the genre. Within these forms of media, a stark difference can be found in how crimes and criminals are portrayed based on the race and status of the perpetrator. Crimes committed by the conventionally attractive, high-status, White male become glorified and gain much more positive media attention compared to crimes committed by Black men who come from lesser status and are antagonized by the media and by the public who perceive it.

The topic only begins to expand when considering how the media portrays the victims of these crimes. While young, White, educated women are spoken about with love and empathy, young Black victims are refused this compassion and rather ignored or even villainized as their suspected killers. When societal class and status become factors, it becomes apparent that the media gives more importance and coverage to Black perpetrators, without overtly villainizing them, who are of celebrity status.

In this paper, I will analyze three different documentaries I watched to examine how the media portrayed the cases of three different individuals: Ted Bundy, Wayne Williams, and O.J. Simpson. I watched each documentary to understand the role of race in media representation of crimes and the way society perceives it. Each documentary provides a different outlook that overarcs in understanding the media coverage of the time and their implications in this study.

# Methodology

This paper is organized in a content/relational analysis method in order to demonstrate the different factors: race of the perpetrators, race of the victims, societal status, and even fictional TV shows that romanticize the stories of White killers in a manner that is never even offered to Black perpetratorsTo delve into this media representation, I decided to watch three separate true crime documentaries that explored these individuals, cases, and the news coverage at the time. I watched each documentary individually, taking detailed notes on the types of language used to describe the perpetrators, the amount and what kind of media coverage surrounding the case, and how the victims were portrayed. Utilizing this research method of content analysis, I was able to explore the themes of race and status in relation to the type of media coverage surrounding crimes committed by White versus Black perpetrators. For an analysis of the glorified White perpetrator, I chose a Netflix documentary, *Conversations With a Killer: The Ted Bundy Tapes,* which thoroughly demonstrates news and media coverage of the Ted Bundy case. For a similar analysis, but of a Black perpetrator, I watched an HBO Max documentary, *Atlanta's Missing and Murdered: The Lost Children,* which delved into the Wayne Williams case, as well as offered an outlook into news coverage of the occurrence. Lastly, I used this same analysis method while focusing on a case that combines the variables of race, social status, and wealth by watching an ESPN documentary on the Hulu streaming platform, *O.J.: Made in America.* 

I took note of the specific terminology used for describing Bundy, Williams, and Simpson, as I was interested in seeing either glorification or antagonization demonstrated in the way the individuals were presented in the media. Additionally, I took heed of the different images of newspaper or magazine clippings that used these cases in their headlines, focusing on the adjectives used to discuss the three individuals. Television clippings of interviews and the news from that specific time, including footage from inside the court, were also noted. Through these focus points, I was able to formulate a connection between the themes of race and status to the media coverage of these perpetrators.

# Findings

# Ted Bundy

To begin with, the documentary *Conversations With a Killer: The Ted Bundy Tapes*, released on Netflix in 2019, consists of four episodes, and it includes interviews with individuals involved in his case, such as the defense and prosecution team, survivors, and individuals who knew him. Additionally, it includes footage from the trial, news clippings, and voice recordings from Bundy's interviews with the author, who recorded their meetings to write a book about the trial and the individual. The documentary was incredibly helpful because of the copious amount of footage it contained from the specific time that Bundy was active and that the investigation was underway. The

documentary demonstrated how the media often glorified Bundy after his arrest, using very positive adjectives to describe him. For example the word "mysterious" was often used to discuss Bundy, as well as "handsome" and "good-looking." Also, newspaper clippings often demonstrated an ignorance towards the crimes or victims, focusing rather on describing the aspects of Bundy they found captivating, as well as glorifying his role in his own murder trial. The fourth and final episode of the documentary provided many pictures of newspaper clippings of the time that consisted of headlines that glorified Bundy. For example, one newspaper clipping headline stated, "He's clean cut, witty, smart: An Unlikely Murder Trial Star," and another one, using the same questionable adjective, stated, "Crime Scene Star." The new coverage and their obsession with calling him a "Star," made it apparent that individuals at that time seemed to find Bundy as some sort of celebrity, confusing his involvement in a very real criminal trial as the individual charged with several murders for a breakout role as an actor in a movie. The documentary's first episode showed that the news reporters often focused on his previous career aspirations, calling him "the mysterious former law student" when discussing him as a suspect in a murder case. Furthermore, the adjectives "brilliant," "witty," "articulate," and "smart" were always peppered one way or another into either newspaper headlines or in the vocabulary of the reporter in the particular footage, demonstrating this odd fascination with focusing on him as this attractive individual rather than discussing his involvement in a murder trial (Berlinger, 2019).

One of the parts of the documentary that solidified this concept of the glorification of the White, decently wealthy, conventionally attractive perpetrator was especially evident in the fourth episode, which is focused on the case's verdict and Bundy's execution. After the court had imposed the death penalty on Bundy for his crimes in this trial, Judge Cowart gave Bundy a message, stating: "Take care of yourself, young man...Alright? I say that to you sincerely. It's a tragedy for this court to see such a total waste, I think, of humanity that I have experienced in this court. You're a bright young man. You'd have made a good lawyer, I'd love to have you practice in front of me, but you went another way, partner. Take care of yourself. I don't have any animosity towards you, I want you to know that," (Berlinger, 2019, 37:06). While media coverage has shown that news reporters and authors have often overlooked Bundy's crimes to focus on the aspects of him that they find attractive, it was utterly surprising and discouraging to see the Judge in charge

of his trial use such positive adjectives to describe, and even encourage, Bundy. Moreover, in the same episode, the former sheriff in charge of the case stated, "He was different. And he was smart. He was a challenge to the best," (Berlinger, 2019, 27:30). I felt that this was crucial to discuss because it is a clear illustration of the fascination that comes about with a White criminal, whose crimes can be heinous, yet if they are conventionally attractive, educated and have a decent status in society, can still be so glorified and romanticized, or even just spoken about with a hint of positivity, just the same as those involved in their case and trial. This Netflix documentary demonstrated that the media had a fascination with Bundy, taking time to discuss his aspirations, attractive looks, education, and personality, presenting him in a positive light, which are factors that are rarely, if ever, offered to perpetrators of color.

## Wayne Williams

Atlanta's Missing and Murdered: The Lost Children was a fascinating documentary on the Max streaming platform. It was released in 2020, has a total of five episodes, and consists of footage from the news at the time of this dark part of Atlanta's history, news coverage of the victims, the trial, and interviews with individuals who knew Wayne Williams, the alleged killer of the 30 victims, as well as interviews with parents and family members of the victims. Similar to the Bundy documentary, it also includes images of newspaper clippings and voice-overs from news reporters and individuals involved in the trial, such as the prosecution and defense teams.

This documentary provided a stark outlook into a significant crime spree in which many young Black children were missing and murdered, totaling approximately 30 victims that are known. Through this documentary, it becomes apparent that the suspected perpetrator in this case, Williams, was not presented in half the positive light that Bundy was in the news. When considering news coverage and media representation, it must be made aware that the documentary showed that this case actually received a lot less media coverage at the time because of the fact that it was young Black children who were the victims. As a result of this victim demographic, the news did not frequently tell the story of these individuals or discuss this case because, at that time, the police were often refusing to believe that these Black children were missing, but rather making them out to be "runaways" and claiming that they were criminals in their own right because they must have been involved in drugs and/or prostitution. When the news coverage of Williams is demonstrated in the documentary, it is shown that the newspaper clippings were far more focused on these crimes than Bundy's crimes, offering no outlook into Williams as an individual but rather making his alleged crimes the main headline. For example, the documentary shows in its third episode different images of newspaper clippings, including a New York Post headline after Williams was arrested, which states, "Atlanta Monster Seized," and a Daily News Report stating, "Jury to Probe Atlanta Slaying" with an accompanied picture of Williams in handcuffs. In the fourth episode of the documentary includes clippings that discuss how many "slayings" Williams was involved in, only discussing how many deaths he was linked to, never stating any personal information about Williams or his aspirations or history, but only mentioning his name and the amount of victims or crimes he was linked to at the time (Bennett et al., 2020).

As well as images of newspaper clippings, there were also statements about him, both from the news reports from the time and those from individuals who were interviewed for the documentary. Overall, there was a significant lack of anything remotely positive said about Williams. A former FBI agent who was involved in his case stated in his interview in the fifth and final episode of the documentary that Williams was "truly evil" and a "lunatic." Additionally, a news report from the media coverage at the time that really caught my interest was in the fourth episode of the documentary in which a voiceover from the news stated, "District Attorney Lewis Slayton had the last word, calling Wayne Williams 'cunning' and 'evil,' saying he's like 'Attila the Hun,' 'Adolf Hitler,' and 'Idi Amin,' believers in a master race all doing away with inferiors," (Bennett et al., 2020, 24:18). Similarly, the same episode included an individual from the Atlanta Police Department involved in the case who stated, "He's a narcissist. He's a predator motivated by whatever demons are inside his head to make him want to do this" (Bennett et al., 2020 16:55). This caught my interest because it was a clear representation of this purely one-sided representation in the news of a Black perpetrator who received no positive adjectives or mentions of his life before he was brought into the limelight for his alleged crimes, but rather the news was focused on discussing the statements which could further antagonize him to the public. None of the footage of the trial or news ever mentioned any details about Williams other than providing details that linked him to the victims, his name was only linked to an amount and to the words "murder," "slavings," or "victims." When discussing a man known to be meek and even-tempered by those who knew him, the news only focused on his "rage" and "violent outbursts" in court, demonstrating him once again in an exaggeratedly antagonistic light.

This case and how it was handled demonstrates a clear representation of race's role in the criminal justice system. From the beginning, the case and victims were not prioritized, even to the point where police officers accused the mothers themselves of murdering their children due to a lack of interest in the case paired with a negative perspective of the race of those involved. The victims received little to no attention from the police or the media until the mothers of the victims banded together to ensure that the justice system would get involved in these cases and pay attention to this growing epidemic of missing Black children in their communities. Additionally, the case is incredibly controversial due to the highly shared opinion that Williams may have committed *some* of the murders, yet not all of them, which means the police used Williams was the face of these Atlanta killings, closing the case far too soon. In the documentary itself, many of the victims' families felt that the true perpetrator had not been caught and that Williams may have been guilty of some of the charges, but not all of them. In addition, the last episode delves into the fear of a "race war," describing that one of the suspects in this case, who was strongly linked to one of the victims, was a well-known White male, Charles Sanders, who was a part of the Ku Klux Klan. While the same fibers and DNA evidence that led to the conviction of Williams were also found on Sanders, this evidence and suspect were dismissed very quickly due to the fear that if a relationship should be made solidified between these missing and murdered Black victims to the KKK, there would be a race war in Atlanta, which law enforcement was desperate to avoid. This is relevant to mention because it demonstrates this suspicion that Williams could have been used as a scapegoat for some of the murders due to his race in order to avoid this looming conflict (Bennett et al., 2020).

This documentary helped provide an outlook into the way the media and police handled the case of Black victims in poorer communities and a Black perpetrator, showing that because of the race of the perpetrator, the media only offered one perspective of Wayne Williams, and it was certainly not as congenial as it was of Ted Bundy.

## O.J. Simpson

The third and final documentary that was pivotal for my research was the ESPN documentary, consisting of five episodes, streaming on Hulu, *O.J.:Made in America*. This documentary was incredibly significant due to the importance it gives race and wealth as facets that can complicate the case of a person of color. The very first episode of the documentary delves into the history of the relationship between race and the criminal justice system, describing the ongoing tension between Black individuals and the Los Angeles Police Department as a result of the neverending lack of justice and increasing police brutality. The directors take time to discuss this relationship to set a much-needed background that illustrates the vast media coverage that was provided to the O.J. Simpson case.

The content analysis of this documentary aided in finding results that demonstrated the multifaceted role that race plays in media coverage and the criminal justice system. The documentary showed that media coverage consisted of positive language when discussing Simpson, discussing his former career as a sports superstar, and mainly calling him by the title "American Hero." The discussion did include his personality, calling him smooth-talking, charming, and attractive when discussing his presentation in the court proceedings. In the provided images of newspaper and magazine clippings, as well as the news footage, they did not call Simspon an alleged murderer or mention, but rather made statements such as, "Probably this is the most famous American ever charged with murder," "An American Tragedy," and "Could this American sports hero possibly be a murderer?" Now, in this case, we see a lack of antagonizing words, such as "slavings" or "monster," and see them replaced with "hero" becausthe race variable remains same, but the status and privilege changes, which provides a clear distinction in the role class and wealth can play in the way media covers these cases.

In the documentary's third episode, a specific statement was made about the "slow chase" that occurred on Los Angeles highways when Simpson was being sought after as a fugitive of justice. Zoey Tur, a reporter, stated, "This was not usual police behavior. If OJ Simpson were black, this shit would not have happened. He'd be on the ground getting clubbed. But because he transcended race and color, to this exalted status of celebrity, he got a motorcade," (Edelman, 2016, 31:46). This apt statement truly put into words the thoughts I had while watching this documentary and witnessing the role the privilege of wealth and celebrity status played in this case. Despite being a Black man, O.J. Simpson received this preferential treatment as a result of his wealth and societal standing, something the copious amounts of Black individuals in Los Angeles and around the globe were not privileged to because they did not have this abundant amount of money or high standing in society.

In addition, there was so much media coverage given to this case because of both the celebrity status of the alleged perpetrator as well as the race of the victims. The documentary included a news report in the fourth episode that stated, "On the three network newscasts, the Simpson story has been given more time in two months than any other topics this year" (Edelman, 2016). While the stories of police brutality and hundreds of Black victims were not a part of the news rotation, the Simpson case garnered such a significant amount of media coverage.

The documentary also delves into the previously mentioned historical context of the tense relationship between the Black community and the L.A.P.D as a result of so many years of racially driven conflict. What could be considered the most relevant case that contributed was that of Rodney King. In the second episode of the documentary, the deeply troubling case of Rodney King and police brutality, including the footage from the actual incident and the footage from the news and court proceedings of those involved, was presented to demonstrate the Black society's suffering at the hands of those who abused their power against them. This case was a notable contribution to the trial of O.J. Simpson because the documentary, and those within it, detail how the acquittal of Simpson and Black public rallying behind him through the duration of the case could have been majorly affected by the lack of justice that followed the police brutality against Rodney King, due to the fact that the cops involved were found not guilty. The fifth episode elaborates on this theory by using the phrase "payback for Rodney King," when discussing the fact that the Black community finally felt they had received a "win" when a Black man was found "not guilty" in a court proceeding. The documentary delves with great details that people were shocked that O.J. Simpson had become the face of a civil rights movement during his trial considering his obsession with "integration" into White society as he rose to fame, but this did not matter to the Black population of Los Angeles that had suffered for too long (Edelman, 2016).

### Discussion

The above-stated findings within the three documentaries demonstrate that there is a proclivity for media representation to portray White perpetrators in a far more favorable light than Black perpetrators. The exception becomes apparent only when Black perpetrators are of a higher status and wealth. During the comparison of the language and themes in these documentaries, particularly that of Bundy's media representation and Williams', there was a clear distinction between way they were spoken of in the news, with the more positive language being associated with Bundy and cold "facts" with Williams. While Bundy received flattering words that described his personality and conventionally attractive looks, as well as his infamous charming and humorous persona, Williams' name was only linked to words describing "murders" and "slayings." On the other hand, Black perpetrators who have the privilege of wealth and celebrity status may find themselves obtaining more attention and positive media coverage that is less quick to antagonize and dehumanize them. One article describes, when explaining the "guard dog" perspective of media representation, that "This perspective argues that news stories get greater attention if they identify a phenomenon as an intruder or threat" (Dixon & Williams, 2014). In other words, this perspective offers insight into why media may represent these races differently because they gain more attention when they have this "phenomenon" of an entire race now presented as a threat through their overly antagonistic representation of them. In addition, it is not only the perpetrators that the media scrutinizes but the victims as well. In the previous section of this paper, I discussed how the young Black victims in Atlanta were often demonstrated negatively. Their disappearance was often explained away, given what was considered a "reasonable" explanation to justify this ignorance and lack of empathy for these missing children by stating that they were involved in drugs and prostitution, as well as the fact that they were runaways due to poverty. One research article stated, "Here, we propose that negative stereotypes portrayed in the media about Black victims may decrease their perceived social respectability, and consequently, play a significant role in opinions surrounding the incident and criminal proceedings" (Dukes & Gaither, 2017). In other words, this repetitive portrayal that feeds into negative stereotypes of Black victims often dehumanizes them and diminishes the attention that can be given to these cases. Simpson's case not only received so much coverage due to his privilege but also due to the fact that the victims of the case were both white, including a well-known White, blonde, and wealthy woman, Nicole Brown Simpson. Wright & Washington (2018) aptly stated, when discussing the issues of disparities in the way media portray different races and ethnicities in the media, "Thus, media portrayals not only shape views of crime and victims but, because of racial differences in the depictions of victimization, also might convey to the public that some lives matter more than others." The victim variable plays a large role in this analysis because it is yet another factor that demonstrates the complications of racial stereotypes and negative outlooks on ethnicities when it comes to media representation, as shown through research and the three documentaries used in this study.

Another aspect within the documentaries that stood out to me, in accordance with race and its relationship to media coverage, was that the media delved into how Williams was presented during his court proceedings. To elaborate, the third episode of Williams' documentary describes the excessive amount of police that were in charge of handling him, approximately 15 deputies, and were constantly with him (Bennett et al., 2020). On the other hand, Bundy was handled with far less security while he was in his court proceedings, one of which was emphasized in the third episode of the Netflix documentary that describes the large manhunt that followed his escape from custody. An escape that was possible due to a serious lack of security provisions. While Williams was surrounded by 15 deputies and handcuffed, Bundy was not being watched, nor was he handcuffed in the library of the court, allowing his escape. While this does not relate exactly tomedia representation focus, it does provide a perspective into the completely different security provisions that were utilized against the White perpetrator and the Black perpetrator.

When considering the various complicated facets that make up this research focus, I feel the need to discuss the different fictionalized versions of White perpetrators that the media often portrays in a romanticized manner. The most relevant at the moment could be considered the recent series *Monster: The Jeffrey Dahmer Story*, as well as *Monster: The Lyle and Erik Menendez Story*, in which we see the dramatized versions of certain perpetrators who receive a platform in which their stories can be fictionalized and even provide them with a sympathetic backstory that acts a ploy to romanticize these individuals. These types of anthologies never extend to Black perpetrators because they receive minimal representation as is but would never receive that offer of sympathy and commiserate background. While this was a topic that I had wanted to mention because it demonstrates the different types of media representation that entail

discrepancies in the portrayal of race and its relationship to crime, it is a complicated subject that could be used for further research study.

# The Role of Intersectionality

Throughout the Netflix documentary, it becomes apparent that Bundy's status in society, his high education and career aspirations allowed him to present as an unsuspecting perpetrator. As mentioned earlier, Bundy's name was often attached to his career aspirations as compared to the crimes that he was suspected of. His status in society as a middle class White man paired with his education in psychology, law, politics, as well as his career aspirations, painted him as this individual that could go undetected in his malicious behaviors. This well-educated and well-established status, paired with his race, allowed law enforcement, media and society to offer to Bundy a positive connotation and image despite the heinous crimes his names were attached to.

On the other hand, Williams was from a poorer community in Atlanta and his aspirations were more in line with freelance news and radio broadcasting. These aspirations were even used by law enforcement and media as ways of explaining how the victims may have been lured under false pretenses. Despite being called "intelligent," "nerdy," "bright," and an "A student" by individuals who knew him, as shown in the HBO documentary, media outlets never extended such descriptive, positive phrases to Williams. While expanding on James Baldwin's words on Williams, one article offered, "Whether or not Williams committed any crime, he is already guilty of something in the eyes of the state. This makes Williams a member, rather than an enemy, of Atlanta's Black community" (Thorsson, 2020). These apt words help describe the way the stereotypes that have existed in society of a Black man, especially that of one from a poorer neighborhood rather than an abundantly wealthy man like Simpson, had already painted a version of him to law enforcement and society before he even had a fighting chance.

In a similar fashion but with a different population, the way Bundy's victims were described according to their "good girl" personalities and dedication towards their education, something that was seamlessly used in their narratives due to the fact that they were often killed on or near their campuses. This demonstrates the White female victim selling to the media that often garners more attention than any other type of victims of crime. On the other hand, the missing and murdered children in Atlanta had an age and a cause of

death attached to their name, but no mention of their personalities or education. The only other characteristics accorded to the children were accusations of prostitution, drug trafficking and the label of the "runaway." One research article offered insight into the consequences of this stereotype, stating, "Media portrayals of crime, which often emphasize the young black male street criminal, may exacerbate the perceived threat posed by minority groups by linking minority populations with crime problems" (Wells, 2000). This quote in particular felt that it lined up with discussions of the Atlanta victims because it was apparent how the media coverage around their deaths was not the first, nor the last even in this day and age, to offer this unnecessary negative outlook into minority groups that can lead to the perception of their death as being related to consequences of their own engagement in criminal behavior, which in and of itself feeds into a stereotype that unfortunately continues to persist.

Race, while it is a strong factor in these situations, is not the only determining the treatment of perpetrators. contributing element in Socioeconomic status and wealth become extremely relevant, along with celebrity status, and almost surpass the role race plays as we see in the O.J. Simspon case in particular. As discussed previously, Simpson was offered various privileges and less strict treatment while being investigated, and even arrested, as a result of his wealth and high class standing as a beloved athlete. This was especially apparent against the backdrop of the racial tensions the Black community had with the LAPD at the time. Where other Black individuals were beaten by the police, most publicized in the case of Rodney King, Simpson was offered preferential treatment. One article states, "Although he had been charged with two brutal murders, the police made no effort to take Simpson into custody, instead, negotiating a "surrender" at a time and place of his choosing...Then, when he violated that agreement, the officers did not intervene by force; instead, they languidly escorted Simpson to his house and watched while he sat in his car for an hour, telephoned his mom, and drank a glass of orange juice," (Thernstrom & Fetter, 1996). The crime and victims seemed to be overlooked in favor of the beloved sports figure who was entangled in this investigation. His wealth and celebrity status surpassed his race, allowing him to be an example of the role societal standing plays in our perceptions, and the law enforcement's perceptions, and how these legal rules become laxer, as well as the privilege that gets bestowed upon them as a result of this. This also brings attention to the surprising support the Black community had for Simpson throughout his pursuit and trial, given that he was this figure

who seemed to distance himself from his racial identity, along with the preferential treatment he received as a result of this advantage that he had over them. However, this does become comprehensible when examining the substantial amount of tragedy surrounding the Black community's relationship with law enforcement for approximately their entire history of interactions. Black individuals saw an opportunity that they might finally achieve a "win" after a history of losses, hence their unbounding support to the face of what they hoped would set a new precedent in the way the Black community has been treated by law enforcement.

## Media Coverage: Beneficial or Adverse Impacts?

## **Future Generations**

After examining these documentaries, and their greater implications in our criminal justice system and society, the question arises regarding what impact such portrayals may leave on future generations of people of color. One journal article offered the outlook on these portrayals that, "The only they potentially provide are triggering of negative contributions а misconceptions that will be unconsciously and unjustifiably attached to these individuals," (Smiley & Fakunle, 2016). In other words, if not done with caution and if this pattern of stereotypes in the news persists, this negative connotation against Black perpetrators and the glorification of White perpetrators, these renderings can continue to lead to people of color viewing themselves in this negative light that is constantly reinforced by what they see in the media, especially news platforms. Additionally, Dixon (2017) provides insight into the overall consequences these negative portraits could have in our society through an explanation of how people will be influenced by stereotypical misconceptions and this will shape their views on laws and politics as well. Both of these consequences as a result of the public's perceptions of media consumption demonstrate that if these stereotypical depictions continue, future generations of people of color will be forced to view constant repetitions of the way they are viewed by society and the criminal justice system, which can only cause them caution, hesitancy and distrust towards law enforcement.

## An Unhealthy True Crime Obsession

When looking for documentaries that would substantiate the ideas for this research paper, it became all too apparent what an abundance of entertainment there is under the "True Crime" genre. Even the idea that one could reduce the stories of real people, real events and the loss of others into a form of entertainment illustrates a problem in and of itself. While the entertainment platform analyzed for the purpose are documentaries, more and more frequently do we see fictionalized versions of true events in the criminal justice system that become exaggerated and dramatized in a manner that allows for viewers to forget that what they are viewing are real events and not to be taken lightly. One article aptly explained,

The recognition of a documentary comes from the viewer's 'knowledge' that what they are watching is a law documentary... the viewer's understanding that what they are watching falls within their own definition of a documentary is essential to the documentary form. (Morton, 2021). In other words, most of the time, audiences engage in watching a documentary with the awareness that while it may be for entertainment purposes, it is an informative piece that they are seeking to expand their knowledge of. On the other hand, when engaging in the viewing of TV shows that dramatize true crime stories, and in which writers and directors may take too many liberties with retelling a true event, audiences may forget the severity of what they are consuming. It is important to consider the consequence of this casual desensitization towards real individuals and their real stories can impact the way they view situations in their own lives and the lives of others. In one article, the author described, "Our use of, and response to, programmes of a hybrid nature may both influence our public knowledge of social matters and our emotional, interpersonal understanding of life," (Bondebjerg, 1996). The media we consume has an impact on our perceptions of the public and how we go about our lives and therefore more attention should be brought to the fact that true crime has become a genre that can often exploit real stories and those who create these TV shows and films may take too many liberties in telling another's story. Additionally, if done incorrectly, the crime itself and the perpetrators become romanticized to the point where people are expected to "root" for these individuals.

# Conclusion

In this paper, I used the content analysis method to delve into three different documentaries to examine the relationship between the criminal justice system and race, as demonstrated through the available media coverage. A significant critique must be made regarding how the media represents race and the criminal justice system, as well as the impact this has on societal perceptions of these variables. As previously mentioned, an idea for future research would be exploring media representation in the fictionalized genre, such as TV and movie representations of infamous White perpetrators, in a manner that is not extended to Black perpetrators. Media misrepresentation of race, victims, and crimes has an overall impact on how individuals view and feel about the criminal justice system. The narratives we witness through media often shape our perspectives and can drive our opinions; therefore, it is important that negative racial stereotypes and disparities in portrayals of crimes involving people of color, whether as perpetrators or victims, do not occur and slant our perspectives.

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The Importance of Identity: A Visual Criminological Analysis of Intersectionality

Daniella Krynsky

A traditional single-lens reflex camera holds a mirror at the core of its mechanism. The mirror allows for light to reflect whatever the lens is focusing on to the viewfinder for the photographer. This mechanic holds no greater significance other than its intended function to give the photographer the opportunity to preview the photograph before taking the image, but I find great poetic symbolism in it. The photographer and the subject, tied together by their own reflections and a string of light– they are inseparable. This idea became my philosophy as a photographer but also an artist viewing photographs– the images are always informed by the photographer and vice versa.

During the development of this volume of *The Annual Review of Criminal Justice Studies*, I was granted the opportunity to lead a project within the journal that included the chance to work with our authors. With this, I formulated a project that utilized the practice of visual criminology and the participation of authors interested in the concept. The project had authors, who volunteered, take/choose photographs where they identified visual moments–candid or directed– that represent intersectionality to them. After this, they would select 1-3 photos they liked the most and send them back to me. From there the author and I would have a meeting to discuss and reflect on their photographs. The core concept of this project was to gather how the next generation of criminal justice authors and scholars were identifying their personal relationship with intersectionality. Seeing, specifically in photographs, what these authors were choosing as central focuses, but also underlying unconscious decisions, and how/why these details were important photographic choices to each photographer that spoke to the prompt.

There are two important questions I want to clear up before introducing the photographs and the authors. The first of "why visual criminology?" The choice of doing this project using the study of visual criminology started with a personal interest in photography. As a current criminal justice and studio art student, with a passion for photography– I couldn't help but constantly see overlap between the two. I want to take a moment to provide background information on the history of photography to provide context to my answer of why the field of visual criminology.

To briefly summarize a few centuries of photography, it began back in the 16th century where, not photographers, but rather scientists used the phenomenon of a "camera obscura" or a pinhole camera to view eclipses (Dam, 2023, para. 5). From here, its accessibility was limited to individuals who had the money and time to invest in expensive equipment. Notably, in 1839 Alphonse Giroux produced a daguerreotype camera that is argued to be the first "commercially accessible camera." The process "...had an exposure time of 5 to 30 minutes and cost around \$7,000 in today's money. It wasn't cheap, but it was accessible" (Pam, 2023, paras. 13-14). I strongly disagree with this conclusion, as the average working person today would not be able to drop \$7,000 and further, the labor and time to create photos, hence why I do not see this as the beginning of accessible photography. A couple decades later, in 1888 photographer George Eastman manufactured and began to sell cameras. These cameras used roll film, allowed for 100 exposures, were easy to use, and photographers did not have to develop the photos themselves but instead sent it back to the company factory. They were called Kodak cameras and sold for \$25 (Pam, 2023, para. 22). This is where I believe the era of accessible photography began.

For a long time, the history of photography was piloted by wealthy white men. Marginalized and minority communities did not have access to a camera, and if they were ever subjects of a photo it was through white western lens. The stories and complexities of intersectional individuals in history are absent because their identities were not valued by the western world. In our current society, photography has finally become extremely accessible– especially following the invention of smartphones. Smartphones have become a necessity, as most communication can be done on a phone therefore for the first time in history–from working class to wealthy– mostly every person holds a camera in their pocket. This is the heart of "why visual criminology" for me; because now not only well-off wealthy individuals hold a camera, it is those previously silenced marginalized and minority communities who can now document and photograph their lives in the way they chose to. People have been given the ability to tell their own stories through their own lens.

The second question I will answer is "what exactly do I mean by 'intersectionality?" The term "intersectionality" was coined by civil rights advocate and critical race scholar, Kimberlé Crenshaw. She coined the term to help explain the oppression and violence African-American women faced (Columbia Law, 2017). Since then, the term grew new life as it helped flow conversations of social justice over the years. Crenshaw spoke in an interview a few days before the AAPF (African-American Policy Forum) 20th anniversary celebration, and Columbia Law transcribed her discussion and response to the transformation of intersectionality becoming larger than a definition of to describe bias and violence against Black women. She explains how "Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects. It's not simply that there's a race problem here, a gender problem here, and a class or LBGTQ problem there" (Crenshaw, 2017, as cited in Columbia Law, para. 3, 2017). She writes how this blanket framework can be harmful, that the idea of just using intersectionality to mean that something is complicated, as an excuse for inaction, is wrong. She sees intersectionality as a tool, whether that be to explain the complexities of these important identity layers to "explain to the courts" (legal/political action) or to implement it into public education (public resources) where people are experiencing "intersectional harm–" so that people can begin to find ways to "...see these problems and better intervene in advocacy" (Crenshaw, 2017, as cited in Columbia Law, para. 4-6, 2017). It is Crenshaw's words that intersectionality is a tool to advocate for the institutions that perpetuate harm to understand the complexity of identity and the importance of that.

With this understanding of intersectionality, and through the mode of a visual criminology, I want to challenge the contemporary stereotype that knowledge producers–authors of academic and scholarly writings– are simply that, a name for a citation. I want to use this project to explore two main ideas. The first idea is informed by Kimberlé Crenshaw's words that intersectionality is a tool to advocate for equality and equity and the complexity of identity, not a blanket term that excuses inaction because layered identity is "too complicated." The second being that the intersectional identities of academic authors deeply weave into the essays they write. Their nuanced experiences are key elements that developed their voice and the subject they choose to write about. By bringing attention to three of our authors and their relationship with intersectionality through a visual avenue, readers can begin to see why they chose to write and their motivations for critically assessing social justice issues.

The three authors from this journal that volunteered their time and labor to help me complete this project were, San Francisco State University authors Eli Lehrer, Jasmine Kimbrough, and Gabriel (Gabe) Singer. All three were given the same previously mentioned prompt and guidelines, from there these authors met with me individually for a discussion to review and reflect on their photos. These discussions were crucial to gathering exactly how these authors— the future of academic and social justice scholars— visually pictured and understood the concept of intersectionality.

### Eli Lehrer

In response to the prompt, Eli (he/they) shares three images taken in a directed manner that are stories of themself, their experience and how that informed their understanding of their personal relationship with intersectionality. These stories also informed what they wrote for this journal. Directed images are photographs where the photographer intentionally stages what is in the photograph, whether that be people or inanimate items.



Starting in no particular order, beginning with the image of Eli's personal items: jewelry and pins, a stim toy, and a weekly pill organizer. It is important to note that for the sake of the image, Eli told me how he actually moved these items from their regular place in their everyday life, and positioned them for this photo, for the sake of capturing pieces of intersectionality that show up in their life. This may seem small, but this is an incredibly important part of the image.

"This is just a thing I see in my bathroom everyday."

For Eli, intersectionality is a part of their everyday life. For composing this image he had to look in the background of his routine to see what things represent their relationship with intersectionality. This is how it is for so many people as well. So failing to recognize intersectionality or push it aside, because it is "too complicated" is akin to ignoring the very way people live every single day. Beyond the arrangement of these pieces themselves, these small possessions are much more than objects to Eli. They represent their chronic illness, being neurodivergent, and their trans and nonbinary identity– all layers to their individuality. This image is a visualization of how intersectionality represents key layers to Eli's identity and way of life.

The next image is a photo of a book page with the bolded letters "I DIDN'T ASK FOR THIS" there is text below this with some of it obscured by a container of testosterone gel. Eli first tells me about the placement of the gel and why it covers the body of text. This is because, at the time, Eli published this anthology chapter in a larger work under a different name. Hence why the testosterone gel is placed the way that it is. However, Eli preferred the harsh juxtaposition the message holds with the testosterone gel covering the feminine name. Eli then tells me more about the content of the book chapter pictured. It's a personal story where Eli writes about his experience being assaulted as well as compares their work as a nude model and non full service sex worker to their time as a student, pointing out that he was at higher risk because he was on a college campus. Eli explains to me how this deeply personal essay is a direct predecessor to their work in this volume of ARCJS. Eli explains that,

"I [Eli] started this line of academic study because of my experiences being assaulted" The lived experiences of a person can inform a huge part of the work they do. Understanding the importance of intersectional experiences helps understand the motivations behind some authors' work. Eli, specifically, identifies sex work as a layer in their intersectional identity, and an important layer that informed their publication. However, the continued motivation and passion to advocate for sex education in institutions of higher education (IHEs) comes from IHE inaction and the continued assault and harm done on campuses. One important detail Eli wanted to share and have included with this image was a story of their wife, Anaïs, who was a victim to sexual assault on a CSU campus, and how a factor in her decision of whether or not to report the incident was Eli's work. This is because it happened during the semester Eli was revising their paper for ARCJS. He tells me that experience had him directly face the way a lack of good options and good support on IHE campuses fosters harm, and how the lack of resources created a chain of events that culminated in even more harm on Anaïs, a transgender woman (a high risk demographic, Eli explains). It is stories like hers, like Eli's, like so many students, that inform

Eli's work into advocating for better preventative and responsive measures to sexual assault on IHE campuses because of its intersectional importance.

The last photo is of a bookshelf, there are two shelves of books from various authors. Eli tells me how this collection holds fiction and nonfiction, and is their favorite among other shelves and books in their home. One thing Eli mentioned to me was the importance of this last photo because the prompt asks for what intersectionality "represents" to you. Eli sees this as more than their identity, they recognize other perspectives and experiences and use that to educate themself on the nuance of intersectionality. Fiction and nonfiction, reading and learning about stories and lives of scholars who wrote about their identity.

"It's [about] learning from other people and learning about other experiences" The experiences of these other scholars, like Eli, help build and inform their knowledge of intersectionality. Furthermore, Eli sees the understanding and what would represent intersectionality as beyond their own identities and complexities, hence the importance of being open minded and continuing to teach themself.

Eli sees intersectionality as a huge part of their identity, but how other people's unique relationship with intersectionality informs their life, their academic studies, and what they advocate for. Understanding intersectionality helps understand the motivations towards Eli's work and why these images are a visualization of intersectionality to him.

# Jasmine Kimbrough

In response to the prompt, Jasmine shares images and stories of herself, her experiences, and her journey in life. The three images are meant to be seen together, in no particular order, but as one piece. These pictures were taken in both contemplative and directed styles. Contemplative photography is a manner of photography in which the photographer takes an image of the way the world is, just as an observer without disturbing or changing anything.



In no particular order, beginning with the image of the two women, this is a photo of Jasmine and her mother. They are centered in the photo and affectionately looking and holding one another. Beginning here, Jasmine chose this particular photo to highlight something that took her nearly her whole life so far to accept– that she was the product of her mother. The way she looks, acts, and believes is a reflection of the women who raised her and that was a hard pill to swallow when Jasmine was younger, because of the American expectation and mainstream standards that being a woman of color was a negative thing. It was in highschool when, like most people, Jasmine was locked in her house (because of COVID-19) when she began to accept herself and strengthen the relationship with her mother. Finally, being outside the influence of others, she began to really look at herself, and explore her identity and learn to love it. There was a moment where Jasmine saw her mother, and saw herself in her, and came to the resolution of:

"I want to look like you. I want to be like you."

The image highlights intersectionality through Jasmine's identity as a young woman of color, and how it was a woman of color who lifted her up and helped her accept and love that layer of her individuality.

The next image is a photo of a set table full of food. The food was cooked by Jasmine, the photographer, and a friend, for a Christmas celebration. Jasmine notes it is important to understand there is an inclusion of some store bought food from Jollibee, a Filipino chain, as well. The image is taken from high above the table to include every bit of food and table setting Jasmine and her friend prepared, with love, for their families and friends. The importance of this image comes from the history of Jasmine's life. Growing up the daughter of a single mother, money was tight and celebrations were not always like this. There was always the understanding to cook with what you have- no need to buy from the store if there was food at home- and to save what they could.

"Buying food when we had some at home... It was seen as a greedy thing." This was also true for the friends and community Jasmine grew up with. As their families began to grow out of financial struggle and instability, they began to have the time and money to cook an abundance of food. Jasmine explains to me that in Filipino culture cooking for family is a love language– so to have been restricted from that growing up was hard. But now, being able to do so shows a familial journey out of hardship, but also is a beautiful display of generationally learned traditions that are derived from her culture. Jasmine chooses to take photos of food constantly, because it was not always something she could do. The photo is a celebration of financial stability, the time they have to practice culture and tradition, and is full of love for friends and family. For Jasmine, intersectionality informs every bit of this photo because intersectionality highlights and recognizes the intertwined layers of class, race, and culture to Jasmine's everyday life, which is a truth so many others live.

Finally, the last photo is an image of Oakland, California, taken from the wing of a plane. Jasmine, our photographer, chooses this photo because you can see so much and so far– it's a sight that we as humans do not see everyday, and that is an important key factor to the dialogue that follows this image. The last time Jasmine went on a plane was when she was eight years old, she explained to me this because travelling was always a privilege and something her family could not afford. Being a student while also working is something that is normal for Jasmine. From highschool to college, there was always a balance between working and studying. This image was taken on a work trip from the past semester in college, but that is not the focus or the main message Jasmine wanted to highlight with the photo.

"It was like a whole new world."

Sights like the one in the photo weren't something she was familiar with, and even though it was a work trip, she explained to me that being able to see this was a monumental moment for her as she realized it was something so new and exciting. That being able to experience new things at 21 and still feel like a kid, that was exciting. Moments like this, things some people may take for granted is what Jasmine wanted to capture. She wanted to immortalize a moment in which she was soaking in what she knew was a privilege– to travel– even if it was for work. Once again, this layer to her experience, her understanding of financial instability and economic classes, and her own, is why she celebrates moments like these.

Jasmine sees intersectionality as the foundation of herself, and in order to understand herself and her journey you have to understand how those elements of race, culture, class, and gender have had an impact on her life. It is the celebration of those intersecting identity layers that is the central focus of these images.

# **Gabriel Singer**

In response to the prompt, Gabriel (Gabe) Singer shares three images taken in San Francisco that are taken in a responsive and contemplative manner. Responsive images are photographs taken in response to something that happens in the world that prompts the photographer to take a picture. Gabe tells me how these images are meant to be seen together, in no particular order, but as one piece.





In no particular order, beginning with the image of the word "MALO" graffitied on the side of a train. Gabe told me how when he walked through this trainyard and when he got to the very back and saw this, he was compelled to take a picture because of the narrative he associated with this. Gabe explains to me how when viewing this photo and reading the graffitied tag of "MALO", which translates directly to "bad" from Spanish, Gabe can imagine a young kid tagging the train with "MALO" viewing it as their nickname, essentially accepting a name that would mean "bad kid."

"They carry that stigma of what society told them and then they act it out, or they put it up on the wall." Gabe sees the implementation of intersectionality as a tool to combat hypercriminalization and classism. Gabe sees Malo (the name he has given this assumed child) as a victim of the classist cycle of poverty and youth criminalization that comes with living in a low-income neighborhood. However, two elements that Gabe recognizes within Malo, is a reflection of himself and also the potential for Malo's life. In a reflective sense, Gabe sees himself in Malo. A young kid, who is influenced and impacted by his environment, feeling unwelcome in conventional public spaces, and becoming a product of the labeling they endure- accepting the identity of "being bad." Gabe sees the other part, how Malo is expressing art, even though it's done by escaping to the very back of a train yard, it's being done. If given the resources or the chance to get out of the cycle of poverty, kids like Malo, Gabe, and so many other impacted youth would seize the opportunity. Reforms and resources like that come into implementation or even just a general understanding of intersectionality and the importance of recognizing complex identities and their fragility play into the larger picture of a person's life.

The second image Gabe shares with me is a photo of an unhoused individual at a public bus stop, using public streetlamps to draw. Gabe took this photo when stepping off the bus because he viewed what this artist was doing as something beautiful.

"He's using the public space to do something creative and purposeful." When taking the image, he did not realize it at the moment, but Gabe tells me how he actually captured a MT (municipal transit) cop stepping into the photo to have the individual removed (the yellow jacket sleeve on the left side of the image)– and that is what made this image extremely powerful for Gabe. This individual is in a public space, causing no harm, yet is being removed because of current stigmas and the hypercriminalization of unhoused individuals. Gabe,

having been system-involved, tells me about his experience with being hyper-criminalized in public spaces and how that affected him. He tells me about how when he was younger he would skate in public places, only to then be arrested for trespassing. This is why this image really connected with him and the idea of intersectionality. As previously mentioned, Gabe sees the theory and application of intersectionality as a way to combat hypercriminalization and also classism. Another important detail of this photograph is the focus on the artistnot the MT cop. As a photographer in this moment, Gabe's own experience plays a huge role in being able to recognize this person firstly as an artist, something unfortunately the general public would not because of the hypercriminalization of unhoused people. Then, furthermore recognizing his removal from the bus stop as the product of hypercriminalization. It is the lack of intersectional understanding that the MT cop and that the general public has towards unhoused people that provoked Gabe to save this image as a representation of the necessity for intersectionality to be widely understood so that people can humanize all members of our communities.

The last image is of San Francisco State University's sign at the top of campus that welcomes you to the university, in this image it is graffitied with the words "STOP FUNDING GENOCIDE" with bloody handprints. This was taken by Gabe during the May 2024 Gaza solidarity encampments led by students on SFSU's campus that called for divestment and other demands. Gabe took this picture because he is seeing art, and artists use public space to create- much like the previous two- but this one is different to Gabe. He talks about the privilege of art, and in comparison to the other two, the privilege this artist had to graffiti right on the top of campus, which is a heavily monitored public space. They didn't have to hide in a tucked away corner like Malo, nor were they criminalized for the very action of creating, like the unhoused artist. Looking at things with an intersectional lens a person can begin to take apart or look beyond the graffiti and ask themself why the artist did it, the reason why it's there, the message it holds, and all these things. In order to find the answers to those questions they must acknowledge the complexities that come with identity and the artist. That's when Gabe asks the rhetorical:

"What happens if a young person gets the resources to go to school versus never getting those resources and having to live through their art traveling the world without them?"

Gabe pushes people to consider intersectionality when viewing graffiti or just art and the use of public spaces and who uses them. Gabe sees these student activists and recognizes intersecting pieces of their identity such as the privilege they have because they are students of higher education institutions, but then also the capacity and use of their privilege to protest and demand change.

Gabe sees intersectionality as a tool, like Crenshaw did, and explains its importance for advocating the equity and equality of certain hyper criminalized groups. Gabe identifies the importance of experience and its connection to identity. The idea of digging deeper than the surface level when it comes to nuanced situations is so important and what Gabe sees as a representation of intersectionality.

There are so many small decisions made when an individual takes a photograph. When viewing and analyzing a photo the viewer may jump from the subject, to the framing, maybe the intention, but sometimes forgotten or excluded in a photographic analysis is the photographer themselves. Again, I want to emphasize the golden thread that ties a photographer to a photograph, just like an author is tied to their work. Simply because photographs can be taken in a matter of seconds in comparison to the labor of a book or academic essay, doesn't mean that the intentionality and importance of the photographer's identity is lost.

Contemporary criminology has a tendency to push the audience to only look one direction. For example, bringing up authors again, and their connection with their work. Current academica doesn't really call for authors to make notes or include their lived experiences, but to instead keep the work formal to make it scholarly. This makes it so when these authors' works are read or cited, they merely become another name on a reference page. Even in my own experience, I am guilty of citing authors without ever looking into their motivations for writing or the lived experience and intersectional knowledge they may bring into the work. Simply put, the audience reads what they're given and analyzes that. Visual criminology looks at both; the audience is given the visual to analyze themselves, but also given the detailed analysis of that photographer, which then influences the audience's impression of both. By looking at both the photograph and the photographer, the incomplete story each part would give separately is incomparable to the message and narrative they tell together. So why is it that authors are treated differently? The heart of this project was to shed light on how authors of this venue have their intersectional identities inform their everyday life and representations of who they are; and this includes their work as they use their own understanding and relationship with intersectionality as a tool to combat the current social issues they write about in their critical criminological

essays. This is the key idea, that a piece itself and the person who created it are inseparable, and to separate them would do an injustice to the story that is being told.

I want to end by thanking authors Eli, Jasmine, and Gabe. Thank you for your participation, I am grateful to have had this opportunity to work with you and hold those profoundly personal conversations that you have allowed me to share through this project. The future of criminology is bright. It is illuminated by scholars whose academic journey and passion for justice is intertwined with their unique lived experiences and intersectional identities. As future scholars continue to intersect their academics and written work with their diverse and personal backgrounds, we must do our due diligence by making sure we recognize not only the paper or who is holding the pen, but both, together.

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## About the Authors

**Abigail Kelly** is a third year John Jay student currently obtaining both her Bachelors and Masters in Forensic Psychology with plans to graduate next May. Her professional aspiration is to become a licensed counselor and provide therapeutic services to youth within the criminal justice system.

**Ana Melara Larin** is a graduating senior majoring in Criminal Justice and double minoring in Juvenile Justice and Prison Reentry at San Francisco State University. Her publication is titled "The History of Bullets Against Children". Melara Larin wrote about the history of mass school shootings, illegal firearms and their impact on youth as a way to advocate for better protections to be set in place to prevent mass school shootings. Her goal is to have readers comprehend that there is a need to protect our children from firearms that land in the wrong hands but that it doesn't mean the removal of one of our Constitutional rights. Also to bring focus to the common underlying factor that triggers these tragic events which is untreated mental illness.

**Aqsa Ahmed** is a Political Science student at John Jay College of Criminal Justice with a strong interest in law, justice, and helping others. She enjoys learning about ways to improve the legal system and is especially interested in issues like gun violence prevention. Outside of school, she cares about personal growth and supporting people in making positive changes in their lives. She plans to attend law school in the future and hopes to use what they learn to create a positive impact in their community.

**Bella Neri** is a graduating senior majoring in Criminal Justice with a minor in Political Science at San Francisco State University. Their publication is titled "Unfair Treatment in Women's Prisons." They wrote this piece to shed light on the often-overlooked injustices incarcerated women face within the prison system. Neri's paper explores the systemic factors that contribute to the mistreatment of incarcerated women, with a focus on how gender dynamics and social structures shape their experiences. Their goal is to raise awareness of the systemic issues within women's prisons, as well as advocate for the creation of an independent organization that ensures incarcerated women can safely report abuse without fear of retaliation. **Danielle Key** is a mixed-race Black woman and undergraduate student at John Jay College of Criminal Justice. She is dedicated to revolution and the Black radical tradition, envisioning a world without prisons and police—a world rooted in collective care. She rejects systems built on and sustained by oppression, centering her work in transformative justice, Afrocentrism, intersectionality, transnationalism, and decolonization. Her research interests include Black feminist abolition, the sociology of mental health, stigma, and identity formation. Danielle's scholarship challenges carceral logic and uplifts the lived experiences of those most marginalized, with a commitment to building liberated futures through radical thought and action.

**Efren Corona** is a third-year student majoring in Criminal Justice at San Francisco State University, and a 7 year Army veteran. His publication explores the exploitation that targets economic migrants. Corona wrote this with a deep commitment to immigrant rights, human rights, and public defense so people can have a better understanding on how wide the issue has gotten. As someone working toward going to law school and becoming a public defender, he aims to advocate for those most often ignored or silenced by the legal system. His broader mission is rooted in civil outreach and standing alongside the downtrodden. Through his work, Corona hopes to contribute to a more just, compassionate, and equitable society.

**Eli Lehrer** is a returned student and graduating senior majoring in Criminal Justice Studies at SFSU, and their publication "Fostering Harm On Campus: The Shortcomings of Carceral Responses to Sexual Harm Within Institutes of Higher Education" is the culmination of over a decade of work towards their BA. Lehrer choses to focus on harm fostered by IHEs (Institutions of Higher Education) because they believe institutions unwilling to understand themselves as part of this problem will not succeed in their attempts to resolve it. This paper is an invitation, and a request - protect us by upholding campus missions to *educate* students rather than seeking to control us.

**Elizabeth Silverio** is a graduating senior at John Jay College of Criminal Justice, majoring in Human Services & Community Justice with a double minor in Writing & Rhetoric and Counseling. As a first generation Mexican American student she utilized reading and writing to learn about her history, using her intersectional identity, and developing her voice for advocacy. Outside an

academic setting, Elizabeth enjoys engaging in activities for self care such as listening to music, journaling, and spending time with friends and family fostering community. Elizabeth hopes to learn more about the world, supporting others through advocacy, and being present in the moment.

**Esmeralda Garcia-Sanchez** is a graduating senior majoring in Criminal Justice Studies and Cell & Molecular Biology, with a minor in Chemistry. While her long-term goal is to work in forensic science to help exonerate the innocent through post-conviction casework, their paper, "Presumed Innocent, Punished Anyway: How Bail, Pretrial Detention, and Plea Deals Perpetuate Injustice" examines how pretrial practices function as mechanisms that disproportionately punish the poor and marginalized. Garcia-Sanchez was driven to write this after learning about the story of Kalief Browder, an African American man whose tragic experience being held at Riker's Island for allegedly stealing a backpack left him with irreparable harm. This case, like many others, showed her that these aren't rare failures but patterns, and act as a reflection of a system that demands an entire post-conviction industry just to mitigate its harm.

**Eszter Winkelmayer** is a graduating senior majoring in Criminal Justice Studies at San Francisco State University. This is their second publication in the *Annual Review of Criminal Justice Studies*, and it is titled "HOW DOES THE PRIVATIZATION OF PRISONS AFFECT THE CARCERAL STATE?" This paper is an incredibly personal work, a culmination of three years of laborious research, synthesis, and revisions, all of which have been in the interest of unmasking the true benefactors of our country's prisons and shining a light on the lives of Americans experiencing the prison system.

Florian Griese is critical criminologist studying criminology. а psychology, interdisciplinary studies, gender studies and economics at John Jay College in New York City. She specializes in state crimes, police misconduct, war crimes, Palestine, the influence of colonial and neo-colonial structures and the capitalist mode of economy on crime and society, prison abolition and alternatives to the current system. For the future, she aims to get into a critical psychology PhD, program in order to bring the knowledge of psychology into critical criminology, creating interdisciplinary knowledge beyond the limitations of the narrow approach of singular academic fields.

**Gabriel Singer** is a graduating senior majoring in Criminal Justice with a minor in Prison Reentry Studies at San Francisco State University. His publication is titled "The Inmate Bill of Rights and the California Model Can Transform Prison Rehabilitation". He wrote this to provide insight into two different eras of rehabilitation in the California prison system known as California Department of Corrections (CDCR). Singer wanted to show that rehabilitation cannot happen without incarcerated people having both rights and rehabilitative programs. His goal is for readers to understand that integrating the Inmate Bill of Rights with the California Model could create a more effective prison system that reduces recidivism and supports the successful reintegration of incarcerated individuals into society.

**Hansly Garden Mauricio** is a Forensic Psychology undergraduate student at John Jay College of Criminal Justice. Her academic interests include corrections, mental health, and the role of discrimination within the criminal justice system. This is her first publication, and she plans to continue exploring topics related to the impacts of incarceration. She hopes to pursue a career as a clinical psychologist working in forensic-related settings.

**Izzy Taveras** is a Colombian-Dominican first-year at John Jay College Criminal Justice. Taveras is a Criminal Justice major and ¡Adelante! scholar pursuing their Spanish Legal Translation and Interpretation Certificate. "Separation Over Immigration in the Latino Community" was inspired by the large turnout of Latinos who voted for Trump in the 2024 election, which they witnessed

firsthand in their personal life. Their paper argues that this paradox occurred due to established immigrants trying to assimilate into the American Dream and avoid the increasingly hostile views of immigrants in the United States. Taveras hopes to use this paper as a foundation to contribute to crimmigration and criminology studies in the future.

**Jasmine Kimbrough** is a third year student currently studying Criminal Justice and Psychology. Her paper is titled, "How Your Time Behind Bars Defines You: The Stigmatization of Incarcerated Individuals," to address the stigma incarcerated people experience during reentry and factors that can exacerbate attitudes towards them. Many ideas surrounding people formerly incarcerated have been so normalized in society we don't even realize how harmful our perceptions may be. With her publication, Kimbrough wishes to educate people on this stigma and ways we can shift away from negative stereotypes. This can allow for reentry into society to be much more welcoming, allowing bigger opportunities to open up for people adjusting to a new lifestyle.

**Joran Sylvester** is a 4th year Forensic Science major and 2nd year criminology minor, who aspires to be a Forensic Scientists, and a shoe designer. Joran wants to take what he's learned in school, and his personal experience to make the world a safe place, whether it's from using the sciences for justice, or to make fashion more sustainable. He is based in Brooklyn, New York and is deep with his Caribbean roots. Being a first-born son in the USA and a first-generation Trinidadian-St. Vincentian descendant, he incorporates both sides of his culture into everything he does. He's embraced the music, the culture, and the fashion to make it his own.

**Julianne R. Cervantes** is a student in the Criminal Justice Studies program at San Francisco State University. Their work explores the impacts of parental incarceration, a focus on how it affects children, families, and communities of color. Cervantes is especially interested in how systemic inequality contributes to the cycles of disadvantages, and they aim to advocate for restorative justice and family-centered reforms. Through their writing, Cervantes hopes to contribute to meaningful changes in both policy and practice.

**Kaya Leidigh** is an Argentine student double majoring in Criminology and Forensic Psychology and minoring in Counseling. They also work as a Peer Success Coach at John Jay College, helping students accomplish academic success. They have a passion for justice, from LGBTQ+ rights to international politics, and hope to pursue the Human Rights MA at John Jay. Their curious nature also leads to an interest in research, hoping to continue their investigations in the future.

**Kayleen Rivera** is a 21-year-old Puerto Rican writer, born and raised on the Lower East Side of New York City. A current student at John Jay College, she aspires to be an agent of change in a country that calls itself the land of the free, though true freedom remains elusive. Proud of her Latin roots, she honors her culture and the ancestors who fought for justice and equality. Through creative writing, her passion, she uses her voice to reflect today's realities and inspire others. Her work challenges readers to speak out, think critically, and embrace the power of words.

**Lujain Alghadban** is a graduating senior majoring in Criminology at John Jay College. Her paper, "Art as a Rehabilitation Tool: Exploring the Role of Creative Programs in Supporting Offenders Mental Health and Reducing Recidivism," addresses the issues of the penal system in the United States and proposes the implementation of creative arts programming as an alternative to punish individuals who are incarcerated. She wrote this paper because of her passion for art and prison reform. She believes that individuals who are incarcerated can be rehabilitated through the use of creative arts programming and that they deserve a second chance to redefine themselves as human beings.

**Kim Lonzo** is a senior in the CUNY Graduate Center's CUNY BA program. Designing his own unique degree program that intertwines sociology, psychology and dispute resolution, Kim hopes to attend law school and work with underserved communities as a legal advocate. Kim, a student veteran, attends John Jay College as his CUNY home college, serves on several committees as a member of the student council and works on campus as a mentor with the CUNY Urban Male Initiative. He is currently a Thomas K. Smith Fellow.

Marissa Frias is a first generation, Puerto-Rican/Italian, Forensic Psychology major graduating this Spring 2025. Her inspiration for this paper came from her Forensic Linguistics class taught by Tim McCormack in Fall 2023, where for their final paper, students were to choose an area in linguistics covered in class to investigate further- one of the topics being language barriers. In one of the unit's readings a quote from Judge Donna Carr ignited a new sense of advocacy for limited English proficient (LEP) defendants of the American criminal justice system in Marissa; "In a criminal proceeding, rights are con-veved in words. Words have meaning. If the words have no meaning to a defendant, then such a defendant has no rights. A trial without rights is . . . a sham" (Judge Donna Carr, 2001). She hopes to continue research in this area, and dedicates her first publication to professor McCormack, who has always shown her empathy and inspired her love for linguistics. Outside of her studies, Marissa is the founder and second-term president of John Jay's Forensic Psychology Association. Marissa would like to recognize her family and friends, her Forensic Linguistics class, Maria Newell and the entire ARCJS team for their support in enhancing this work.

**Marissa S. Singh** is an undergraduate student at John Jay College of Criminal Justice, majoring in English and minoring in Law. Originally from Jamaica, Queens, she is a first-generation college student, who is passionate about advocating for children and families impacted by systemic failures in the child welfare system. Her academic work often focuses on social justice, legal reform, and storytelling that gives power to underrepresented voices. She hopes to pursue a legal career that combines research, advocacy, and policy change to protect vulnerable populations and create more accountable institutions.

**Michelle Thakore** is in her junior year at John Jay. She is currently completing both her Bachelor and Masters of Arts in Forensic Psychology through John Jay's BA/MA Program, as well as obtaining a certification in Advanced Victimology Studies. Upon graduation, which appears to be in May of 2026, Michelle plans to engage in the academia part of the field, with a focus in research on psychopathy and personality disorders. Her work in this journal was focused primarily on exploring the relationship between media representation of crime and race.

**Nikki Yip** is a Sociology major at John Jay College of Criminal Justice. "Parallels of Vigilantism and Justice in the Realm of Fiction" explores the intersection of digital storytelling andreal-world societal issues, focusing on the depiction of political, social, and legal systems within the realm of fiction. More specifically, this paper examines a widely popular fantasy action RPG that has garnered global attention not only for its expansive world and gameplay but also for its intricate storytelling and lore. Through this narrative lens, the paper investigates how the game mirrors real-world dynamics and uses these parallels to critique and challenge existing societal structures and issues.

**Parsva A. Shah** is a dedicated advocate for human rights and environmental policy. He has worked to assist wrongfully convicted individuals, advocate for the rights of those on death row, and champion the rights of undocumented migrants. He has presented at multiple conferences on topics ranging from anti-immigrant rhetoric to climate policy. Parsva will now represent New York City at the United Nations Sustainable Pathways Fellowship. Inspired by his mentor, human rights activist Dr. Jodie Roure, and passionate about law and ethics, he aims to drive impactful change through political advocacy.

**Riley Quinn** is a sophomore majoring in Criminal Justice and Psychology at San Francisco State University. Their publication, titled "Solitary Confinement: Perpetuation of a Carceral Society," aims to confront the innate unethicalness of solitary confinement as a correctional measure. Quinn wanted to build upon this topic through an analysis on the physiological tolls and the reasoning for why it is still in use to date. By drawing upon these characteristics, they hope to inform more people about the deadly nature of the punishment and help them understand why its abolishment should be prioritized. Through knowledge people can understand how to reform a system that previously remained mystified, which is exactly what this paper aims to do: demystify the bare bones of the prison structure and help contextualize what waits for people on the other side of those prison walls.

**Tessa Olivieri** is a graduating senior at San Francisco State University, majoring in psychology with a minor in criminal justice. Their publication is titled "The Inhumane Practices of the American Women's Prison: Intersectionality, White Supremacy, and Trauma". Olivieri wrote this to introduce issues within the penitentiary and criminal justice system, specifically for female-identifying inmates. The trauma and hardships inflicted upon inmates before, during, and after incarceration are profound. They are subject to psychological and physiological changes that require extensive care and effort to mend. As recidivism rates increase, prisons instill more mental and physical damage and create a loop of release and reentry. Her goal is for people to understand what truly occurs behind the prison walls, to notice the stigma and discrepancy that humans can feel toward the prison population, and to find empathy and an urgency to support present and past inmates.