

TIME/CUT

Indiana Prison Newsletter

Issue 8 • Summer 2022

**Dangerous and Illegal
Conditions at Madison**

**Wage Theft &
Exploitation of
Incarcerated Workers**

**In Memory of Those
Killed by Medical
Neglect at IWP**

**Beyond “Reformist
Reforms”**

& more

Presented by:



TIME/CUT

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Dangerous and Illegal Conditions at Madison & Retaliation against Whistleblowers

February 2022

Conditions are just so bad here. No one is doing anything to alleviate the situation either. In fact, IDOC has a job position for incarcerated people to present complaints/issues to authority labeled a dorm representative. Our dorm representative was demoted from her position for “writing letters to the warden.” Of which, none of the issues she presented or which have been presented for months have been addressed: everything effectively ignored.

If you recall, back around May, 2021, I had written a letter to the safety hazard manager addressing unsafe conditions. The letter consisted of the fact that incarcerated people are locked out of inside areas by doors with no ability to notify officers to be let in. Locks are not on doors at the other side of the campus, and initially when we moved here, the doors were propped open. Of course, if I go into a fib outside a door, or if people fight, or have any other plethora of emergencies, gaining entrance inside or to an officer is impossible. The warden herself made a personal appearance reprimanding me for writing Ms. Manning about the situation, which dealing with IWP, we now know emergency call buttons behind locked doors are illegal for general populations [The same issue was protested and addressed there during summer 2020]. Here, the doors prevent ingress out of freezing cold temperatures or high temps in summer months. The warden informed me that face to face, she would not deal with me like IWP did, she told me I could not transfer from the factory job she made me work to a Televerde sit down job (although I have a serious heart condition) because of my letter writing. And the doors are still locked. No door bells exist or any notice for c/o's. A friend of mine almost received a conduct report for throwing items at the c/o's office window. Had the window been broken I am sure she would have been.

So, we have three locked doors to get through to enter/exit the building making it impossible to knock. Also, the c/o south lower is responsible for overseeing a makeshift and hidden “lock down” unit. Hallway 2 holds persons locked inside cells with no emergency call buttons and two doors separating their unit from the c/o. The c/o is supposed to do periodic checks, which further aggravates the situation with locked doors.

So, anyone who attempts to present issues of policy violations and health and safety violations is retaliated against.

People are crammed on top of each other with no room inside the cells for their personal belongings. People's personal items are stored in hallways on the units because the rooms are so overcrowded. IDOC policy calls for 15 persons for 1 shower and toilet: yet, we have 3 toilets and 4 showers for over 70 - 80 people. No guidelines exist for special requirements, but certainly any court readings I have investigated would require more space than is given. Women on top bunks don't even have ladders and the ends of beds are crammed against walls or other beds.

We have 2 phones for all these women, no electric outlets in the cells, only 35 chairs for people to use in the common area. We do not have enough tables for the population to sit at. Since we moved here in April 2021, we have basically been on Covid restrictions forcing us to eat our meals on our unit. Yet, no space is available for people to sit and eat. The unit consists of Royer factory workers, first shift and second shift. On the weekends (everyone's days off) no relaxation is permitted for everyone nor are people able to eat meals at tables or in chairs. People use yoga mats to sit on the ground and eat. Fighting is common due to lack of space: an easy fix with more tables and chairs

To aggravate the masses, outside recreation is not available during hours conducive to both first shift and second shift schedules, if it is available at all. Outside rec may be available for an hour three days a week, in the warmer months. No one is even required to give this side of the prison outside recreation. Inside options are not for socializing, and only hold 8 people maximum capacity. The available hours for the “gym” are not conducive to second shift factory workers, and work release incarcerated people, who also live on this side of the prison, are denied fair or equal access. The warden recently implemented a rule denying tv's in the dayrooms to be on until 4pm. Second shift gets no access to television because personal tv's are only available on the other side of the prison (this side is the east campus or MCU II; the other is the west campus or MCU I). With zero programming available for this side (only available for the west side) and the only activity a 40 hour work week, mental health is rapidly deteriorating. The 6 people who are not working at Royer on this unit are assigned “support staff”. They are not permitted access to opportunities which all other people at the prison's west campus are (such as edu, vocation, etc). Visitation, when in person, is so curtailed, the c/o monitoring the area is involved in visitor's conversations. No vending machines are available (available on the westside) and only 3 visits are permitted per hour. During visitation hours: sat/sun and wed evenings, outside recreation is also denied (only a restriction on this side of the prison).

Of course, personally, I have been refused Americans with Disability protections. Instead, I was forced to work in a factory, denied the same employment given all other similarly situated incarcerated people with my training in the last mile computer coding program (thru sit down work at Televerde: I am the only graduate having been denied employment)

My health condition deteriorated while working at Royer. I have been medicated severely by the local cardiologists due to “not being able to monitor me in a hospital setting” because of me being incarcerated. I initially was reassigned from the factory to a sit down library position, but due to the warden’s direction, was reassigned immediately to a unit cleaner. My medical restrictions state, “sit down job”. The people who work in the library sit down all day. The law library is basically non-existent. No computer access for people needing to type legal work, no research materials digital or otherwise. It is all bad and speaking out clearly results in retaliation.



Everything We Know About the Protests in Akron

July 2022

by Drew Scofield

from News5Cleveland.com

AKRON, Ohio — Akron police have released more information about a protest for Jayland Walker Wednesday night that saw individuals come from other states across the country to rally against police brutality and ended with arrests.

According to the police department, dozens of protesters were gathered in front of the Harold Stubbs Justice center around 8:30 p.m. when some of the individuals involved blocked traffic to a nearby street.

Police said they “provided information and direction to demonstrators on where they could safely and legally protest,” but protesters continued to block the street.

“Officers gave multiple orders to disperse, and warnings were issued that failure to comply would result in arrests. After members in the group failed to comply with the orders and continued to block the intersection, officers moved in and placed two men under arrest,” police said.

One of those individuals is Jacob Blake Sr., the father of Jacob Blake, a man who was shot by a Kenosha Police Officer seven times and left partially paralyzed.

The shooting led to massive protests and unrest across Wisconsin and the nation. That Kenosha officer, Rusten Sheskey, was not criminally charged in the shooting. Jacob Blake Sr. has been a vocal participant in police-related protests since then.

Twitter video of the protest shows the moment police officers arrested Blake Sr. “He’s handicapped, that’s Jacob Blake Sr. You know who that is, right?” a witness said in the video. The video also shows a protester being punched repeatedly by an Akron police officer while being held by several other officers.

Blake Sr. is currently in the hospital, according to Akron Municipal Court. His condition and reason for being in the hospital have not been released.

Justin Blake said his brother, Jacob Blake Sr., traveled to Akron to peacefully protest and show support for the Walker family.

Justin has been told his brother got out of a van to check on the activist who was being punched by police who officers turned their attention to Walker Sr.

“Nobody understood why there were trying to arrest him. He was explaining he wasn’t in the street,” Justin Blake said. “At the end of the day, the police officers arrested my brother in such a brutal form that he had to go directly to the hospital.”

Another male protester, a 37-year-old from North Carolina, was transported to the Summit County Jail following the arrest. Blake Sr. and the other man are both charged with the following:

- Riot, a first-degree misdemeanor
- Resisting arrest, a first-degree misdemeanor
- Failure to disperse, a minor misdemeanor
- Disorderly conduct, a minor misdemeanor

In total, seven people were arrested at the protest. Among those was Bianca Austin, who is the aunt of Breonna Taylor.

Taylor, who was employed as an EMT, was inside her home in Louisville, Kentucky when police conducted a “no-knock raid” on her home. Thinking the police officers were intruders, Taylor’s boyfriend, Kenneth Walker, shot at the police. Louisville Metro Police officers returned fire, striking and killing Taylor.

RELATED: Jacob Blake’s father, Breonna Taylor’s aunt

arrested in Akron, Ohio during protest over police shooting

According to police, officers used chemical agents to disperse the crowd, which gathered at Cleveland Clinic Akron General Medical Center and blocked traffic again.

“Subjects in the group reportedly blocked Wabash Avenue making it difficult to access the entrance to the emergency room which led to a lockdown of the hospital. City EMS services were temporarily redirected. Once the parking lot and street were cleared, normal service was restored,” police said.

The department said that while they support the right to protest peacefully, “acts of violence and property damage are illegal and will not be permitted.”

Akron Mayor Dan Horrigan issued the following statement Thursday:

“Akron residents have valid frustrations and anger right now and I hear that. What I want the community to know is that I have been committed to transparency, community dialogue and engagement. I remain willing to come to the table and have the hard, important conversations we need to have. I understand that some organizers won’t be willing or able to talk just yet and I respect that, but I want to be clear that when they are ready to talk, I will be here. Utilizing an experienced, third party, independent entity to mediate these difficult conversations ensures that the dialogue will remain productive. In the meantime, we all have a part to play in deescalating violence in our city and condemning the unlawful acts of those who intentionally and violently disrupt those who wish to peacefully express their views. I’m calling on everyone to urge peace in our city.”

Community organizers respond

On Thursday morning, the Freedom BLOC, including Rev. Ray Green Jr., along with Brad Stephens from Serve the People - Akron and Ben Gifford with Akron DSA spoke at the news conference to release a statement about enacting change in the city.

“We are not here to have a conversation when we are under militarized occupation, while there are guns pointed at us, with tear gas and pepper spray choking us,” organizers stated in a news release. “We are here to see accountability. Residents of Akron and surrounding communities are

getting hurt and dying. The local police have waged war on peaceful protesters and innocent neighbors. It is the police who have escalated at every step. Disarm and demilitarize all local police entities and forces.”

Jayland Walker’s death

On the night of June 27, Jayland was shot multiple times by Akron police after a traffic stop turned into a pursuit and a foot chase that ended in a parking lot near Firestone Park.

During a press conference with Akron police where the department released body camera footage of the moments leading up to Walker’s death, authorities showed reporters a narrated video of specific moments during the pursuit and shooting, including, near the start of the pursuit, what looks like a muzzle flash captured on an ODOT camera that police say occurred while what sounds like a gunshot is captured on body-cam.

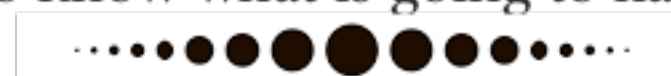
When Jayland’s vehicle slowed down he jumped out of the passenger side door wearing a ski mask and fled from police. It was during this foot chase that Walker’s movements “caused the officers to perceive he posed a deadly threat to them,” and they opened fire in response, striking him.

The entire incident lasted just minutes.

Biden remarks on Jayland Walker’s shooting

During a trip to Cleveland on Wednesday to discuss his economic agenda, prior to the protests in the Akron later in the evening, President Joe Biden addressed the Akron Police shooting of 25-year-old Jayland Walker early in his speech, saying the Justice Department and FBI are monitoring the case, and said if the evidence reveals any violations of federal law, the Justice Department “will take the appropriate action.”

“I want to make one serious comment about the shooting and death of Jaylen Walker. The Justice Department of Civil Rights Division of the FBI field office in Akron, Ohio, and the local US Attorney’s Office are closely monitoring and reviewing what happened,” Biden said. “The FBI continues to coordinate with state and local partners to provide resources and specialized skill. If the evidence reveals potential violations of federal criminal statutes, the Justice Department will take the appropriate action. And I just want you to know what is going to happen.”



Captive Labor: Exploitation of Incarcerated Workers

June 2022

from ACLU.org

Our nation incarcerates more than 1.2 million people in state and federal prisons, and two out of three of these incarcerated people are also workers. In most instances, the jobs these nearly 800,000 incarcerated workers have look similar to those of millions of people working on the outside. But there are two crucial differences: Incarcerated workers are under the complete control of their employers, and they have been stripped of even the most minimal protections against labor exploitation and abuse.

A new ACLU report, *Captive Labor: Exploitation of Incarcerated Workers*, explores the use of prison labor nationwide. Here's what we found:

PRISON LABOR REPORT SURVEY:



70%

said they were not able to afford basic necessities with their prison wages.*



64%

said they felt concerned about their safety while working.*



70%

said they received no formal job training.*



76%

report being forced to work or face additional punishment.

Sources: * from our survey, others from a BJS survey

ACLU

From the moment they enter the prison gates, incarcerated people lose the right to refuse to work. This is because the 13th Amendment to the U.S. Constitution, which protects against slavery and involuntary servitude, explicitly excludes from its reach those held in confinement due to a criminal conviction. The roots of modern prison labor can be found in the ratification of this exception clause at the end of the Civil War, which disproportionately encouraged the criminalization and effective re-enslavement of Black people during the Jim Crow era, with impacts that persist to this day.

Today, more than 76 percent of incarcerated workers surveyed by the Bureau of Justice Statistics say that they are required to work or face additional punishment such as solitary confinement, denial of opportunities to reduce their sentence, and loss of family visitation. They have no right to choose what type of work they do and are subject to arbitrary, discriminatory, and punitive decisions by the prison administrators who select their work assignments.

U.S. law also explicitly excludes incarcerated workers from

the most universally recognized workplace protections. Incarcerated workers are not covered by minimum wage laws or overtime protection, are not afforded the right to unionize, and are denied workplace safety guarantees.

Incarcerated workers typically earn little to no pay at all, with many making just pennies an hour. They earn, on average, between 13 cents and 52 cents per hour nationwide. Wages remain stagnant for years, even decades. In seven states, incarcerated workers are not paid at all for the vast majority of work assignments.

Yet even these abysmal wages are not theirs to keep. The government takes up to 80 percent of these wages for “room and board,” court costs, restitution, and other fees like building and sustaining prisons. These wage deductions generally leave incarcerated workers with less than half of their gross pay. Workers are left with even less disposable income because prison systems charge incarcerated people exorbitant costs for basic necessities, like phone calls to loved ones, hygiene products, and medical care. Almost 70 percent of surveyed incarcerated workers said they were not able to afford basic necessities with their prison wages.

Because incarcerated workers' wages are so low, families already struggling from the loss of income when a family member is incarcerated must step in to financially support an incarcerated loved one. Families with an incarcerated loved one spend \$2.9 billion a year on commissary accounts and phone calls, and more than half of these families are forced to go into debt to afford these costs.

At the same time, incarcerated workers produce real value for prison systems and state governments, the system's primary beneficiaries. Nationally, incarcerated workers produce more than \$2 billion per year in goods and more than \$9 billion per year in services for the maintenance of the prisons.

More than 80 percent of prison laborers do prison maintenance work, which offsets the costs of our bloated prison system. Many prison workers are assigned to general janitorial duties like sweeping or mopping, while others are assigned to grounds maintenance, food preparation, laundry, and other work to maintain the very prisons that confine them.

Another 8 percent of incarcerated workers, assigned to public works projects, maintain cemeteries, school grounds, and parks; do road work; construct buildings; clean government offices; clean up landfills and hazardous

spills; undertake forestry work; and more. At least 30 states explicitly include incarcerated workers as a labor resource in their emergency operations plans for disasters and emergencies. Incarcerated firefighters also fight wildfires in at least 14 states.

State-owned businesses employ 6.5 percent of incarcerated workers and produce over \$2 billion in goods and services sold to other state entities annually. Less than 1 percent of workers are assigned to work for private companies, which generally offer higher pay but are still subject to exorbitant wage deductions.

Prisons spend less than 1 percent of their budgets to pay wages to incarcerated workers, yet spend more than two-thirds of their budgets to pay prison staff. The revenues from commodities and services generated by imprisoned

laborers prevent policy makers and the public from reckoning with the true fiscal costs of mass incarceration. Some government officials have even voiced opposition to efforts to reduce prison and jail populations precisely because it would reduce the incarcerated workforce.

Prison policy should not be driven by a desire for cheap labor. While prison labor is not a driving force behind mass incarceration in the United States, when incarcerated people are used for cheap labor, there is a risk that our criminal justice policy will be hijacked by the desire to grow or maintain this captive labor force.

Dangerous work conditions and preventable injuries

A majority of incarcerated workers surveyed say that they received no formal job training, and many also say they worry about their safety while working. Incarcerated workers with minimal experience or training are often assigned hazardous work in unsafe conditions and without standard protective gear, leading to preventable

injuries and deaths. Prisons don't keep good records on the number of incarcerated workers injured on the job, but California reported more than 600 injuries in its state prison industry program over a four-year period. Because of poor data collection, this number likely underestimates the true impact of prison work on the health and safety of incarcerated workers.

Workplace safety and labor laws explicitly exempt prison laborers from the protections that virtually all other workers enjoy. Incarcerated people sometimes work

in inherently dangerous conditions that would be closely regulated by health and safety regulations and inspectors if they were not incarcerated. Some are exposed to dangerous toxins on the job. In numerous cases we documented nationwide, injuries could have been prevented with

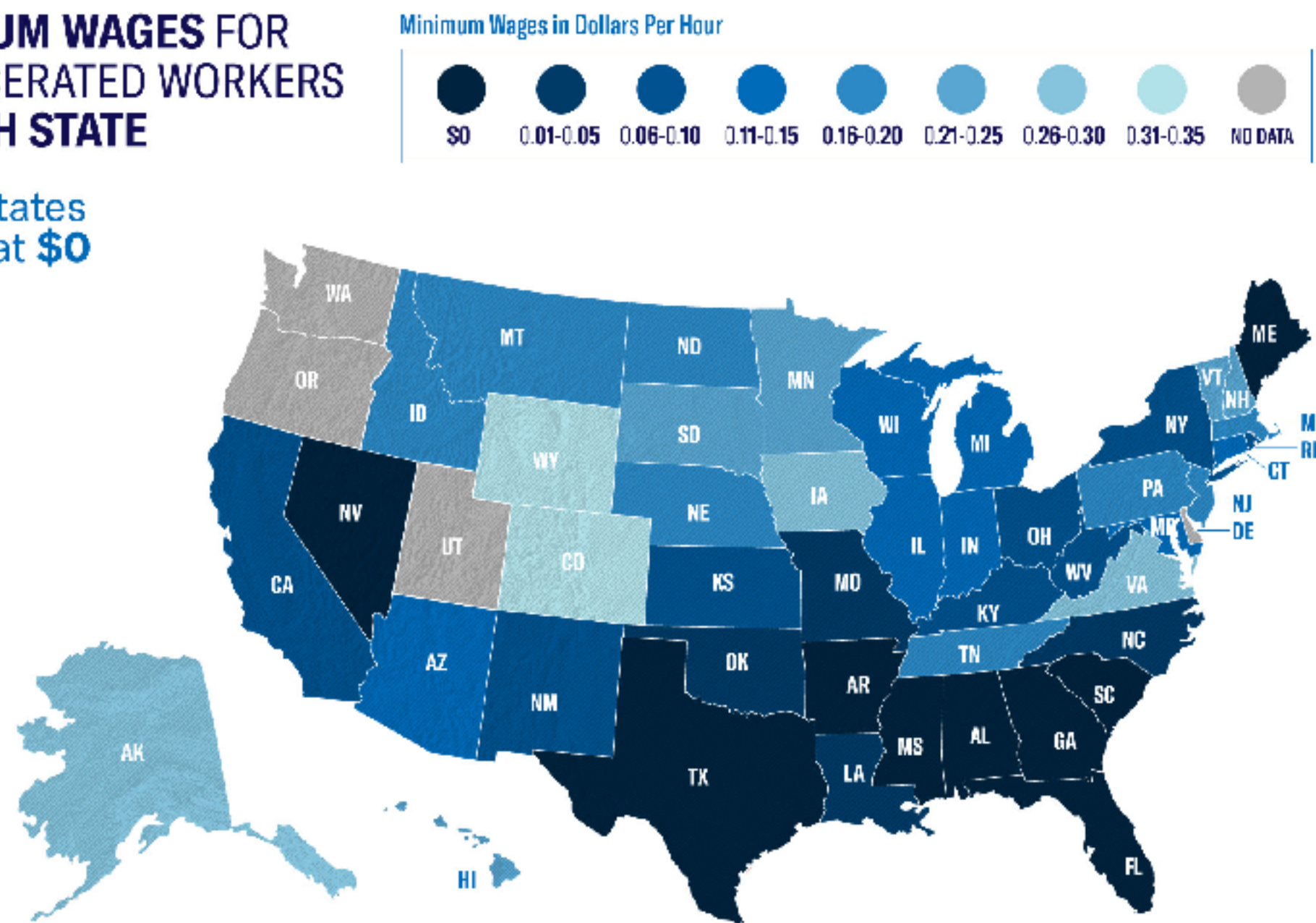
proper training, machine guarding mechanisms, or personal protective equipment that would be standard in workplaces outside prisons.

The pandemic only made prison labor more coercive and dangerous

Given the vast power disparity between incarcerated people and their employers, incarcerated workers are an exceptionally vulnerable labor force. These workers were especially vulnerable to exploitation during the COVID-19 pandemic. As most of the country stayed at home, incarcerated people faced brutal working conditions. Many reported being forced to continue working and were threatened with solitary confinement and having their parole dates pushed back if they refused to work. Workers in at least 40 states were forced to produce masks, hand sanitizer, and other personal protective equipment during early pandemic lockdowns as COVID-19 tore through prisons — even as they often lacked access to these protective tools themselves. Others were forced to launder

MINIMUM WAGES FOR INCARCERATED WORKERS IN EACH STATE

Some states will be at \$0



bed sheets and gowns from hospitals treating COVID-19 patients, transport bodies, build coffins, and dig graves.

Nearly a third of incarcerated people have contracted COVID-19 since the start of the pandemic, and more than 3,000 have died due to overcrowding, lack of access to virus mitigating tools like masks and vaccines, and inadequate access to health care. Yet even as COVID-19 turned prison sentences into death sentences due to COVID-19, 16 states denied incarcerated essential workers early access to vaccines.

Dead-end jobs

Most prison workers surveyed by the Bureau of Justice Statistics — 70 percent — said the most important reason for working is to develop skills that they can use to build careers after release, but prison labor programs fail to provide incarcerated workers with transferable skills. In reality, the vast majority of work programs in prisons involve menial or repetitive tasks, and prison industries jobs and vocational training programs are declining nationwide, while maintenance jobs increasingly represent a larger share of work assignments.

Formerly incarcerated people are released with little money and face barriers to employment, including discrimination and state occupational licensing restrictions that bar people with conviction records from work in the very fields they trained in while incarcerated.

The majority of incarcerated people wish to be productive while in prison. They want, and often need, to earn money to send home to loved ones and pay for basic necessities while incarcerated. They want to acquire skills useful for employment after their release. Studies show that people who had some savings when they left prison and got jobs after their release were less likely to recidivate than those who did not.

Prison work that provides meaningful experience and skills, rather than pure punitive exploitation, is in all our best interest. Yet despite the potential for prison labor to facilitate rehabilitation, the existing system very often offers nothing beyond coercion and exploitation.

That needs to change.

We must push both state and federal lawmakers and prison authorities to eliminate laws and policies that punish incarcerated workers who are unable or unwilling to work. This will ensure that prison work is voluntary, and that

people who refuse are not held in solitary or denied other benefits because they don't want to — or can't — work on behalf of the state.

We also need to guarantee incarcerated workers the same labor and wage protections as everyone else. This includes minimum wage, health and safety standards, the ability to unionize, protection from discrimination, and speedy access to redress when their rights are violated.

We must raise incarcerated workers' wages and limit wage deductions. By paying incarcerated workers the state minimum wage, they will be able to pay for necessary expenses like child support, phone calls home, and commissary costs, while supporting their families and saving for eventual reentry into the society.

Prison workers deserve dignity. They should be properly trained for the work they perform, and we should be investing in programs that provide incarcerated workers with marketable skills that will help them find employment after release and eliminate barriers to employment and release.

Finally, we must push lawmakers to amend the U.S. Constitution to abolish the 13th Amendment exclusion that allows slavery and involuntary servitude as punishment for a crime. The 20 states with similar exclusion clauses in their constitutions should also repeal them. It's past time to end slavery in all its forms — including in prisons.



'Dangerous lapses': 5 years later, effects from a deadly Indiana State Prison fire linger

April 2022

by Virginia Black

from SouthBendTribune.com

A federal judge has criticized Indiana State Prison's response to conditions that led a 30-year-old man to burn to death in his cell. The case is now set to go to trial May 9.

The judge refused to dismiss most claims in a lawsuit against correctional employees, saying "a reasonable jury" could find workers let Joshua Devine burn more than 30 minutes without trying to put out the fire or release him.

Meanwhile, a Mishawaka woman who was on the phone with several prisoners that night — April 7, 2017 — recalls Devine's anguished screams and the chorus of other

locked-up prisoners yelling hysterically for the attention of prison authorities.

Devine's mother, Barbara Devine of Indianapolis, filed the federal lawsuit in late 2018 alleging wrongful death, negligence and several violations of Devine's constitutional rights, including failure to protect and deliberate indifference to unsafe conditions.

More on jails in Indiana: Officials still unsure how a woman accused of murder died at the St. Joseph County Jail

Court documents filed in this case, including depositions and reports, along with state and federal lawsuits involving other prisoners affected by the fire, paint a picture of an understaffed, undertrained custody staff and a prison in which electrical problems, faulty equipment, a lack of cell-house sprinklers and too few fire extinguishers contributed to the tragedy.

'Please help this man; he's going to die'

Three correctional officers were on duty in B Cell House that night. After about 9 p.m., when prisoners are counted and locked in their cells, Sarah Abbassi, Justin Rodriguez and Promise Blakely left the five-floor cell house to do paperwork in nearby areas of the prison.

The three officers "were all relatively new to the job," Chief Judge Jon DeGuilio wrote in his order allowing the lawsuit to continue, pointing out that once prisoners are locked in their cells for the night, "the only way for them to get the guards' attention about an issue was to yell and make noise."

Shortly after 9 p.m., Devine plugged in the television in his cell, and it caught fire. Warden Ron Neal issued two press releases within weeks of the incident suggesting Devine was tampering with the outlet, starting the fire. Though the fire was ruled to be accidental, the judge noted that the fire marshal determined Devine merely plugged the TV in and then tried to pull the cord back out when the fire spread to him, then to his bed and the wall, quickly engulfing the cell in flames.

Tina Church, a Mishawaka legal investigator who works with many ISP prisoners, said she happened to be speaking with a client who was still out of his cell using a phone on Devine's floor when the fire broke out.

"I could hear him," Church said of Devine's panicked

voice, even over the yelling of the other prisoners who were at first trying to help and then panicking themselves as heavy black smoke filled the range and the flames grew. "The men were freaking out. They were screaming, they were crying, they were hysterical. ... All these people screaming, 'Please help this man; he's going to die!'"

Several other prisoners called her over the next 30 minutes as no prison staff responded and Devine remained in his burning cell, Church said, so that she could be a witness to let his family know what happened.

"Blakely, Abbassi and Rodriguez heard and understood the yelling immediately after it began," the judge wrote, citing several depositions and reports throughout his ruling. "Despite being able to hear prisoners screaming about a fire, it took at least 15 minutes before any of the three took action."

Even then, when Rodriguez went up to the fifth floor, he did not take a fire extinguisher, did not release Devine from his cell and did not even take keys with him.

"When he got to Devine's cell, Devine asked Rodriguez to let him out," the judge wrote. "Other prisoners asked Rodriguez to let Devine out of his cell. However, Rodriguez, without uttering a word to the prisoners, turned around and walked away."

Jail death investigation: St. Joseph County Jail 'restraint asphyxia' death still under investigation a year later

Capt. Jeremy Dykstra, who no longer works at ISP but was watching the fire from an office security camera that night, said in a deposition that the fire "was shooting out the cell, probably like 5, 6 feet." He compared the scene to the movies, with the fire "coming back out, like a fire-breathing dragon."

Blakely and Abbassi also took no meaningful action. Abbassi issued a "fire code" at 9:45, 30 minutes after prisoners first started yelling for help. Two officers with keys finally reached the fifth floor.

"By this point, Devine was pressed against the front of the cell, not saying anything," the judge wrote. "According to Rodriguez, he was just screaming."

By the time Devine's cell was opened, Church said, he was found essentially melted onto the metal bars of the cell door, apparently having tried in desperation to squeeze his body through. Afterward, prisoners used shovels to

remove melted fat from the floor.

‘Dangerous lapses’

Among the issues that night:

- There are no sprinklers in the cell houses of ISP, which was built in 1860 and is the oldest prison in Indiana.
- Fires are fairly routine at ISP. Sometimes, prisoners will set fires for attention or to protest perceived injustices. But the judge wrote of “dangerous lapses” the supervisory defendants, including Neal, should have protected inmates from.

“Each one of them was aware of an abundant number of safety hazards at ISP,” DeGuilio wrote. “One particularly glaring safety hazard was the widespread, persistent issues with fires and electrical outlets sparking. ...

“Prisoners considered plugging devices into outlets to be risky, due to them frequently catching fire,” DeGuilio wrote. “And just a few months prior to the fire on April 7, 2017, a large electrical fire on the 400 range (fourth floor) of the B Cell House was reported.”

Prisoners must buy their appliances through the Department of Correction, Church pointed out, adding that Devine’s model has since been recalled because of safety issues.

- ISP has its own fire department staffed by trained and accredited prisoners housed throughout the grounds, including one in B Cell House who was asking to be released to help. But that night, although the inmates were ready to respond, they were not allowed into the cell house — a “persistent” issue, the judge noted. An incident report said the prison fire department was activated after 9:58 that night.

More legal issues: St. Joseph County settles with ex-jail nurse for \$50,000 over firing her for Facebook post

- Radios consistently malfunctioned. The judge pointed out that after Devine’s death, ISP bought new radios.
- New officer training was “simplistic,” he wrote, and no fire drills were conducted on the night shift.

A DOC spokeswoman declined to answer questions about any improvements or policy changes at ISP after Devine’s death, citing active litigation.

No employees named in the lawsuit were disciplined as a result of what happened the night of the fire, according to a spokesman for the Indiana State Personnel Department. Indiana State Prison in Michigan City.

What happened after the fire?

Once prison officers reacted, Dykstra reportedly ordered the release of the prisoners on the fifth floor — but in the confusion, all 200 prisoners in the entire cell house were released at once into the thick, black smoke. Panicked prisoners couldn’t see where they were going; some were knocked down and injured, according to at least two related court cases alleging a lack of treatment related to the fire.

“Level 4 offenders, you don’t know what they’re going to do,” Dykstra said later in a deposition. “Staff and offender safety. Bad situation. ... You know, people wanting breathing treatments and everything else. Just screaming like mad men.”

According to a judge’s opinion denying summary judgment in another federal lawsuit, which has since been settled, “Two officers were attacked during the chaos, and a third officer had to lock the door to prevent the disturbance from spreading outside the cell house. Later, offenders started a second fire and broke windows. It took time to restore order.”

Court documents related to that settlement do not list the amount paid to the plaintiffs.

Rodriguez was asked why he left ISP.

“Mainly because I just thought it was boring and I kept getting death threats, so,” he answered.

“Who were you getting death threats from?” an attorney asked.

“Prisoners, inmates.”

“Why were you getting death threats?”

“Because of what happened in B Cell House with the — they all think that the officers in there let him die.”

After DeGuilio issued his order against summary judgment, a settlement conference was scheduled for May 9. Should a settlement not be reached, trial is set for July 2023.

As part of her work, Church said she took affidavits from many prisoners in the wake of the fire and referred others directly to attorneys. She was the first to tell Devine's family what really happened, she said. His mother died at 57 in 2019, which Church attributes to the heartbreak of losing her son.

Joshua, whose nickname was Spider, was born to a poor family in Indianapolis, Church said. He was raised without a father and apparently had drug issues. The court dockets of two earlier, lower-level cases in Marion County refer to psychiatric examinations.

Devine was serving 16 years on a robbery charge out of Marion County, beginning in 2013. One of the officers described Devine as quiet and not a troublemaker.

Attempts to reach relatives were unsuccessful.

"Those men sat there and smelled burning flesh, heard the screaming," Church said of the physical and mental scars the other prisoners still carry from that night. "It was a total nightmare for all these men."



Forced Labor and Wage Theft at Madison
March 2022

Since April 2021, the carceral apparatus of Madison Correctional Facility for women has mandated approximately ninety women at any given time to work at the private owned business, Royer. Royer, a local factory in the Jeffersonville area, contracts with the facility and Warden Jan Davis for incarcerated laborers to staff its two locations, one sitting inside prison gates. Both Royer factories are privately owned by Rodger Williams and his son, Kenton Williams. "Royer-south," the outside factory located in downtown Madison, employs Warden Davis' work-release participants as well as competitive-wage non-incarcerated people from the area. [1] "Royer-north," the inside factory located on prison grounds, only uses incarcerated laborers except for an on-shift supervisor. No incarcerated person may refuse the mandated employment unless willing to refuse work-release eligibility, suffer misconduct resulting in more prison time, or become targets of retaliation.

Royer-north uses the incarcerated workforce on one of two available shifts. The women workers are paid \$1.00 an hour with no raises, no training, and no opportunity for specializations or promotions. Each woman laborer

is responsible for making daily production quotas either at a printing machine or in the packaging area. Royer specializes in making small plastics such as cupcake rings, cake toppers, and cup stirrers. Customers of the company include Southwest Airlines, Deco, the National Football League, and Disney. Royer-north produces 800,000 to 1,000,000 consumer products daily for sale.

State law provides the IDOC Commissioner leeway to enter into agreements with private companies for the "manufacturing of goods or any other business" on prison grounds. (See IC 11-10-7-2). Stipulations for the private business involves the leasing of prison land, buildings or machinery used in the operations conducted on prison property. These aspects of the contractual laws are clear and enforceable. The unenforceable aspects of the laws, those written for the incarcerated workers used in the joint-venture contracts, permits IDOC, individual Wardens, and private business to exploit workers, embezzle their wages, and disregard workplace safety.

While the laws discuss the leasing of IDOC property, incarcerated people are not referenced as such property nor their labor leasable. The laws covering the agreements between IDOC and private business persons specifically state, "an offender employed under this chapter will be paid at least the prevailing wage for that type of work... including applicable wage increases for overtime work." (IC 11-10-7-3(a)). Under these joint-business arrangements "for the employment" of the incarcerate, all state and federal taxes including social security deductions will be deducted; 40% of earnings will be deducted for room and board; 10% of earnings to the state victim compensation fund; child support, court costs, and fees will be paid; and 15-20% placed in an untouchable reintegration fund for the person's release. (See IC 11-10-7-5). [2] Incarcerated wages benefit the worker's, debts dependents, and reintegration needs.

The unenforceable parts of the law concerning use of incarcerated labor by private companies are the exemptions preventing incarcerated people in Indiana from demanding the law's protections. In the case of Royer's use of cheap labor, exploitations and corruption is the most evident by Warden Jan Davis's personal interest in the operations. Consider, Warden Davis has personally informed the IDOC healthcare service provider to refuse sick days for incarcerated employees. She has contacted the housing unit of Royer workers demanding the attendance of people having undergone medical procedures. Royer-north workers are refused job transfers for educational, vocational, or other employment opportunities. The job

offers no certifications, specialization, nor advancement. The women work 8 hour shifts but are only paid for 7.5 hours. Warden Davis personally retaliates against anyone wanting to leave Royer employment regardless of the reason, anyone who files grievances, or tries to demand policy adherence. She even refuses to feed the workers “crew sacks” intended for physical laborers, instead feeding them four pieces of bread, a slice of meat, an ounce of peanut butter, and a cookie.

Corruption is further evident in the denial of Royer-north’s laborer’s wages. Instead of paying Royer-north workers comparable wages or minimum wages, Warden Davis set their pay scale at \$1.00 per hour. Royer pays Warden Davis for the incarcerated labor of Royer-north at minimum wage to \$9.00 per hour for each worker. The money not paid to incarcerated workers is being stolen, yet no remedy exists in law for these exploited women. Overtime work profits Warden Davis’ interest even further with Royer paying time and a half, yet workers earning only \$1.50 per hour. The work-release contract with Royer-south profits Warden Davis 40% of their earnings and easy round trip gas mileage since all workers are employed at Royer. Royer’s owner is not invested in guaranteeing Royer-north’s wages, in part because of the uninterrupted labor force which keeps profits high.

It is unknown at this time the extent of corruption and thievery by Indiana’s carceral system in exploiting incarcerated person’s labor. All people employed inside Indiana’s prisons at joint business ventures are being denied compensation for labor as detailed in federal and state laws. Their wages are pocketed by IDOC and its officials without regard for either taxpaying citizens who fund the carceral apparatus or incarcerated people set for release. Profits from these confiscated wages by the patriarchal overseer are in excess of millions of dollars. (See IC 11-10-6-6). The incarcerated people providing labor to free-market businesses have been prosecuted by the law, but are not permitted access to its protections. The private businesses contracting with IDOC in these joint partnerships know of the wage confiscation by IDOC and permit it, complicit in the exploitation profiting excessively from a cheap and steady workforce.

In N.F.L. Sunday during the A.F.C. Championship, incarcerated women at Royer-north were made to report to work. The women were to meet quotas of 20,000 cupcake rings each with the N.F.L. team winner’s image printed on them. The women remained at work until 2:00 am Monday morning. A total of 400,000 Cincinnati Bengals cupcake rings were ready for distribution the day after the big game.

Royer’s profits undoubtedly added to the N.F.L.’s profits distributing the official logo to its customers. IDOC’s profits increased from the overtime wage rate received for the workers. The incarcerated women lost human capital by extending labor without compensation; without regard for their future needs; without regard for their dependents or debts; without regard for retirement plans or private healthcare provisions; and without regard for taxes or social security benefits. Workplace injuries equate to disposable bodies incarcerated inside IDOC with no compensation for workplace injuries or for lack of future earnings and health.

A pre-cursor to mass incarceration for women includes lack of fair compensation for work performed. Women are rarely compensated for domestic work performed in child-rearing and household management. Often, gender-based wage-earning differences and intersectional discrimination upon women results in lower incomes. Women who enter prison have a higher rate of being uneducated, not possessing employable skills, and lack of certifications. Continuing the same cycle towards incarcerated people as common to marketplace conditions previously experienced and leading to incarcerations initially, reinforces historical tropes upon certain bodies. Domestic violence and abuse upon the female body is the same rather a partner, a pimp, or IDOC. Private business partnerships which use the cheap forced labor of incarcerated people further exploits those inside for private benefit.

[1] Jeffersonville County Work Release is one of two primary work-release centers available to women in IDOC. JCWR is located inside Madison Correctional sharing the same warden, same physicality, and similar privileges as non-work-release population. JCWR participants pay 40% of their wages for room and board yet are denied privileges given at male work-release centers. The women are denied cellphone access, weekend or day passes, and job searching. No accommodations are given to all three shift’s workers.

[2] IDOC’s own internal policy #02-01-106 states in relevant parts: A “joint private business partnership” is “a business arrangement approve by the Commissioner that provides employment for adult offenders with a private business on grounds of a correctional facility, in which the offender is paid a wage comparable for the job, as in the community.” Also, “[I]n no circumstances shall an offender be paid less than the minimum wage indicated by federal and state guidelines.”



NYC Activists Push Back Against Proposed “Feminist” Women’s Jail in Harlem

July 2022

by Abby Cunniff

from *TruthOut.org*

Prominent mainstream feminists have been increasingly advocating for a proposed women’s jail in Harlem. Earlier this month, feminist activist Gloria Steinem urged New York Gov. Kathy Hochul and New York City Mayor Eric Adams to act on the proposal.

Steinem claimed the proposed jail would dovetail with the political aims of the feminist movement, saying that, “Women and gender-expansive [people] at [the Rose M. Singer Center state prison at Rikers Island] deserve safety, dignity and justice, and New York City can deliver with a Women’s Center for Justice at Lincoln.” New York Times critic Ginia Bellafante echoed Steinem’s sentiment earlier this month in a column, “What Would a Feminist Jail Look Like?” Bellafante suggested that victims of domestic and sexual abuse could find healing with the social setting of the proposed jail.

However, prison abolitionists resoundingly oppose this proposal and insist that true safety and healing requires the release of incarcerated people and investment in high-quality social services for people upon their release. These opponents of the Harlem women’s facility affirm “there is no such thing as a feminist jail.” As they see it, freedom from violence is a foundational part of feminist politics, and prisons are inherently violent institutions.

The trend of self-described feminists promoting new jail construction in New York in the name of protecting the women trapped within them is over a century old. Jarrod Shanahan’s new book *Captives* details the history of jail reform and expansion in New York City and shows many instances of jail construction in which progressive reformers led the charge to build safer jails for women and queer people. One after another, plans to fix women’s jails resulted in “reformed” facilities that devolved into crisis, signaling the rise of the next jail — with more funding and more beds.

Advocates for Women Built These Jails

Throughout the mid-20th century, New York City’s most prominent avatar of women’s caging was the House of Detention for Women, located on the corner of Sixth Avenue and Greenwich Avenue, in the heart of bohemian Greenwich Village.

This facility housed a disproportionately Black and working-class population of prisoners arrested for sex work, drug possession, and other so-called crimes. The Women’s House was characterized, above all, by its proximity to city streets and the noise generated inside; women could shout to passersby, communicate with loved ones in plain sight and broadcast the dismal conditions inside to anyone who would listen. Thanks to this regular practice, the recurrence of prisoner revolt, and the high-profile captivity of political prisoners like abolitionist Angela Davis, the brutality of Women’s House became widely known to the public. Increasingly, broad swaths of New York City activists, including much of the city’s feminist movement, opposed the jail.

But, of course, the Women’s House had not been built with the stated intention of reproducing racist, misogynist class violence. Its construction was advocated by Progressive Era women’s activists, including the temperance movement and the Women’s Prison Association, and it counted many suffragists among its supporters, including the Women’s City Club of New York. The campaign for a new women’s jail to replace squalid facilities for detained women began in 1910 and continued for several decades, during which time many of the same activists fought for and won the right to vote. These activists also pushed for the installation of progressive penologist Ruth Collins as the jail’s first superintendent.

However, most of these reformers did not grapple with the question of whether it was safe or just for women to be locked up in the first place. The call was not to “free them all”; instead, the progressive demand was to build “better” cages.

Soon enough the Women’s House had fallen into infamy, in part because it was used not just for women detained before trial, as had been planned, but also to absorb those who had already been sentenced from the smallpox-laden hovel that housed female prisoners on Blackwell’s Island. Overcrowding, sexual assault of prisoners by doctors and guards, routine rebellions and press coverage of these issues meant that by the 1960s, the Women’s House was a scandal. Department of Correction Commissioner Anna M. Kross, herself a product of the suffragist milieu that had campaigned for the jail, called it a “shocking penal anachronism.”

In response, as part of a centuries-long process Shanahan describes in great detail throughout *Captives*, the Correctional Institution for Women (CIFW) on Rikers was opened in 1971 with colorful walls and a new architectural

style, which planners promised would alleviate the social ills that had plagued the Women’s House. But within a few months of opening, CIFW became the subject of numerous investigations for overcrowding and failing to provide basic medical care to incarcerated people. The charge of keeping up with the increased numbers of arrestees from law-and-order policing turned out to be more than the reformers could handle. As the CIFW fell into disrepair and capital for jail construction flowed into the Department of Correction, plans were made for a new women’s jail with even larger capacity.

In 1988, 17 years after the opening of CIFW, the promise of a new, modern women’s jail facility was part and parcel of larger jail expansions taking place on Rikers Island. This new jail, the Rose M. Singer Center, known colloquially as “Rosie’s,” had a total capacity of 1,150 including connected modules from the CIFW and the nursery for expectant mothers. It was named after the Board of Correction member Rose M. Singer, who long advocated for the humane treatment of female prisoners. The jail was, according to Singer, intended to “be a place of hope and renewal for all the women who come here.” However, it was no such place.

#CloseRosie’s and No New Women’s Jail

In 2020, Singer’s granddaughter Suzanne publicly criticized her grandmother’s namesake, describing it in *The New York Times* as “a torture chamber, where women are routinely abused, housed in unsanitary conditions, and denied medical and mental health services.” Suzanne Singer recently endorsed the proposal for the women’s jail in Harlem, agreeing with Steinem, Bellafante, and other carceral feminists that the only solution to the horrendous conditions on Rikers for women is to create a separate and “safer” jailing facility for women and nonbinary people.

What motivates a feminist organization to hawk this jail as the only solution to the violence at Rosie’s? The authors of the original proposal from the nonprofit Women’s Community Justice Association show their hand when they explain how the facility will be run. They state that it would be “operated by a nonprofit ‘reentry upon entry’ model focused on trauma-informed care.... The Department of Corrections’ presence limited to securing the perimeters.”

While guards would still be involved in keeping the facility separate from the Harlem neighborhood beyond the walls of the jail, the Women’s Community Justice Association imagines itself as the warden of the facility. This would put it in a better position to secure long-term city funding

and foundation grants, as the first nongovernmental organization to operate a “gender responsive decarceration” human caging complex. That is, until headlines of abuse break, and a new jail plan must be devised once again.

To generate public support for the Harlem jail, the Women’s Community Justice Association has created a campaign called #BeyondRosies to emphasize the horrors of the Rose M. Singer Center and attract pro-jail “progressives” to their cause. This campaign is akin to the #CloseRikers campaign, a to build four new jails in boroughs throughout the city. The group #CloseRosies has recently declared the proposed Harlem jail a “win”.

Though #BeyondRosies and #CloseRosies rightfully condemn the abuse and neglect that people endure at Rosie’s, they simultaneously support the construction of more cages and attempt to co-opt the power of New York City political movements that have rejected incarceration in all its forms. These grassroots, truly decarceration-oriented efforts include the Community in Unity campaign against a similar women’s jail in the Bronx in the mid-2000s; the original grassroots #ShutDownRikers campaign in 2014; and the abolitionist organization No New Jails NYC, which opposed the borough-based jail plan in 2018-2020.

No matter how proponents frame their calls for a new women’s jail, history shows us that the abuse endured by incarcerated people will not be solved by newer cages. The humanitarian crises that typify these jails are symptomatic of the racist and capitalist social order of American society. Only steps that work to undercut this social order will mitigate the social ills that are quarantined in American jails.

As Young Lords militant Denise Oliver explained about CIFW when it first opened, “The only thing that’s nicer about it is that it’s not as old, so there’s probably not as much dirt collected in the place. It is still a prison. The conditions are still the same.”



**Beyond “Reformist Reforms”:
Creating Space for Abolition Whenever, Wherever**
March 2022
from AbolitionistLawCenter.org

Since the historic George Floyd Rebellion of 2020, many elected officials across the country who initially supported calls for defunding the police state and investing in basic human rights and life-affirming services (like housing,

Plant Profile: Japanese Knotweed

The isolation of prison extends beyond separating humans; it also separates the imprisoned from most of the rest of the world, from nature, from animals, from plants, all things that are vital to our physical, emotional, and spiritual health. But for those who are allowed time out in the yard, there remain small opportunities for exploration and encounter. Here is brief profile of a plant you may be able to find growing near you.

Common name: Japanese Knotweed, Chinese Knotweed, Japanese Bamboo, Donkey Rhubarb

Scientific name: *Polygonum cuspidatum* Also used: *Reynoutria japonica*, *Fallopia japonica*

How to identify: Japanese knotweed can grow 6-10 feet tall, on jointed stalks resembling bamboo. While it sometimes grows straight, the long branches often hang over in a characteristic sort of cascade or droop, often in large clumps. The leaves come out alternately from the stalk and have a shape that's a mix between a heart and a triangle. There is something quite rhythmic about the pattern of leaf growth. Leaves are a matte soft green with a prominent midrib (vein down the center), while the stems and petioles are often reddish. The redness of the stalk is very pronounced when young. It blooms in late summer or early autumn: many very small white flowers clustered on a few-inch-long stalk called a raceme. The racemes are both terminal (at the end of the branch) and axial (emerging from where the leaf attaches to the stem). The root system of knotweed is rhizomatic. If you dig into a clump of knotweed you will find a large, tangled, spreading knot of roots.

Encountering Japanese Knotweed: Native to Japan and other parts of Asia, Japanese knotweed has flourished in many parts of the U.S. and is now considered invasive in several states, including Indiana. Part of its success is due to its ability to thrive in disturbed, polluted, and contaminated soil and the fact that a lot of such habitat has been created here since colonization. While invasive plants do much harm to ecosystems, there is still something to be appreciated about them, and more ways to interact than to seek their destruction. Some herbalists see a connection between plants that are invasive in a certain area, and things that need to be treated in humans in that same area. For example, Japanese knotweed is a very important plant for treating Lyme disease, which is increasingly common in especially the northeast and midwest where knotweed is thriving. There's also an argument to be made for using the medicine of invasive plants instead of certain natives that are declining in population due to being out-competed, habitat loss, or overharvesting. So, to speak of its medicine: Knotweed is cooling and drying, helping to clear heat, inflammation, infection, and even cancer. Knotweed's most famous constituent is an antioxidant called resveratrol, found in higher concentrations in its roots than in any other plant. Resveratrol is protective against neurodegenerative diseases such as Alzheimer's and Parkinson's as well as physical injury to the brain.

There are a couple facts about knotweed that may help us to see it as something impressive and fascinating and not just an evil invader. In its native Japan, is it one of the first plants to begin growing on volcanoes after they erupt! They (on volcanoes and everywhere else it grows) actually help to clean the soil of contaminants. Here we see a connection between the effect it has on the land and on our bodies. Lastly, in its non-native range, it reproduces mostly by spreading its root and root shards (instead of making seeds that grow into new individuals). This means that much of the knotweed in the US is genetically the same and it happens to be female. Potentially the largest female in the world in terms of biomass!

Never ingest any wild plant if you're not sure what it is! Also beware of chemicals that may be sprayed in the area.

References:

Timothy Lee Scott's *Invasive Plant Medicine*



education and healthcare) have since backtracked on their promises. Many have embraced reactionary cop apologia and pro-carceral logics amidst media-hyped “crime wave” mythologies, advancing increased police budgets, proposals for new jails, and generalizing animosity to radical Black organizers and anti-fascist protesters in the news.

Despite all this, there are still signs of decarceral life taking shape, embodied in the unexpected potential of ‘reforms’.

As abolitionists, we often ask ourselves, “What are the limitations of reforms and electoral politics? Do incrementalist reforms that advance the liberation of some, but not others (or all), ultimately hurt our movements in the long run? Are there opportunities to pollinate abolitionist thinking and dialectics in city council meetings and state legislative sessions, in the form of local ballot measures and congressional bills?”

Oakland-based Critical Resistance (co-founded in the late 1990’s by abolitionists including Angela Davis, Ruth Wilson Gilmore, and Ruth Braz) recently updated their online abolitionist toolkit to include dynamic new charts that help activist-scholars and organizers delineate between “reformist reforms” and “abolitionist reforms.” The difference? In short, reformist reforms strengthen policing and imprisonment under the guise of “progress,” whereas abolitionist reforms reduce reliance on the carceral state, and create improved material conditions for individuals and their communities.

Creating delineations between abolition and reformism have always been salient in ALC’s work, particularly in the ongoing struggle to end solitary confinement. While some organizations perceive the state as a neutral, benevolent force, ALC recognizes the state as the opponent; any organizing and litigation against solitary that is not grounded within an abolitionist framework ultimately run the risk of creating a “constitutional prison”. This is a prison that provides the bare constitutional protections, born of a circular reformist fight that misses the larger political movement and underlying purpose of solitary confinement: to repress prisoner resistance to racist mass incarceration.

You can check out the highlights from our summer 2021 staff retreat on solitary confinement & abolition [here](#).

During last August’s Abolition: Can it be a Reality? panel hosted by Alliance for Police Accountability, ALC Staff Attorney Dolly Prabhu, author of ALC’s 2020 report,

Apartheid Policing in Pittsburgh was asked, “What is a reform that is moving us towards abolition versus a reform that is reinstating the state?” She replied, “If this requires giving more money to policing, prisons, or jails, it’s a reformist reform, no matter how good it sounds. Probation and cash bail were created as ‘reforms’ but are now some of the major drivers of mass incarceration. Just because something seems like an alternative to incarceration doesn’t mean it’s going to increase decarceration.”

Five months later, Prabhu has been integral in drawing attention to the deceptive fault lines of a new Pennsylvania senate bill: SB913. The bill is a shining example of a “reformist reform,” cited as “a fake progressive probation reform bill” that now lays before the General Assembly despite widespread opposition from over 50 major social justice orgs. Pointing out the harms of the bill that will keep people trapped in cycles of incarceration, Prabhu calls for meaningful decarceral initiative including “abolishing use of probation detainers and prohibiting incarceration due to technical violations, poverty or homelessness.”

Using abolitionist reforms as a framework and tactic in the protracted struggle to abolish police and prisons, we can seek out opportunities to weaken the carceral state however they present themselves. Since its inception in early 2021, our lobbying arm, Straight Ahead, has heralded the liberatory potentials of two Pennsylvania senate bills, SB135 and SB835. These bills can be conceptualized as “abolitionist reforms” since mass parole eligibility and decarceration of 1) community members sentenced to death by incarceration (over 5,000 people), along with 2) elders and those who are chronically ill, are the end goals of these two bills. With their passage into law, thousands of community members could be freed from state prisons.

At the local level in Allegheny County, ALC has pushed for abolitionist reforms: ones that reduce harm against incarcerated community members (such as ending solitary confinement at ACJ, abolishing cash bail, banning a racist paramilitary private prison contractor from the jail). And ones that decrease Black people’s proximity to police violence (such as curbing traffic stops and stop-and-frisks carried out by the Pittsburgh Police). While the recent proposed ordinance to limit Pittsburgh Police’s discretion in pursuing traffic stops does not outright abolish stop-and-frisks in their entirety, we continue to call on elected officials to go harder in defense of Black lives and pursue the absolute dissolution of the racist practice: ban ALL stop-and-frisks.

From the streets to the courtrooms, from city councils to Harrisburg, we're creating space for abolition, whenever and wherever we can.



In Memory of Cynthia, GG, and Roe-Roe, Killed by Medical Neglect at IWP

March 2022

by an incarcerated woman who knew the three people commemorated here

The commemoration of three women is needed because of their recent deaths while in state custody. None of the women were sentenced to death as punishment nor to natural life behind bars. Each was given excessive sentences to serve which contributed to their early deaths. The substandard level of health care and living conditions at the Indiana Women's Prison, combined with IDOC objectives and state policies devaluing human incarcerated lives has necessitated this commemoration. I love my friends and fellow women in this struggle and appreciate recalling and remembering them; I despise the system which contributed to their failing health and disempowered their autonomy, leaving them to die in prison.

A right to life is what we as human beings believe we are entitled to, yet this is taken away in incarceration. Legally, incarceration does not require provisions for those in its throes to pursue a right to life. Instead, the legal conundrum only requires a mirage reflected to civilized society, which eases the conscience justifying the punishment levied upon those deemed criminal. However, that logic is flawed because no matter how long the sentences are, nor how many people are imprisoned, the causes of crime (and therefore crime itself) will not be alleviated until addressed. Incarceration is what is done because of the lack of imagination and responsibility to each other. The system of criminal punishment is not accomplishing its purported objectives and demands to be rethought. It is inhumane.

Furthermore, the dying deserve dignity and the dead deserve respect. Incarceration neglects and intentionally avoids health care needs by refusing preventative care, refusing treatment options given non-incarcerated people, and excessive delay in care. The stigma of incarcerated people as lazy, unworking, poor, undeserving of life, and without health coverage contributes to a complete breakdown of pain management, communication to incarcerated patients concerning treatment or prescription options, drug interactions, or end-of-life procedures.

Incarcerated lives mean so little that upon the knowledge of a terminal medical condition, or when health care is needed which is not available to incarcerated people, Indiana's sentencing courts are not empowered through law to provide people release. They unilaterally deny all requests by unrepresented or poor people inside prison who petition courts under pauper status for compassionate release. For a violent criminal early release is virtually impossible under any circumstance, and only those with money or lawyers may find consideration.

My three deceased comrades were all identified as high-risk at the onset of the coronavirus pandemic. Yet, despite the calls by prison advocates for the early releases or furloughs of medically high-risk incarcerated people, the Governor and IDOC Commissioner refused to extend consideration. At the beginning of 2020, each refuted their abilities in law to release people. Almost two years into a pandemic which affects the prison system at much higher rates than singular living situations, the two male rulers released three male incarcerated people asserting medical reasons. All three of the women I am seeking to commemorate, Ronica, Dellia, and Cynthia, contracted covid-19 in the past two years; even multiple times. The numbers of coronavirus cases, coronavirus deaths and contributory affects on the health of the incarcerated in Indiana is egregiously underreported by IDOC and intentionally falsified. No female has been released through IDOC medical clemency procedures throughout the pandemic or past decades.

Official reports recording incarcerated deaths made by the coroner or state police cannot be considered dependable due to the association of these agencies with IDOC, its private for-profit health care provider in addition with the lack of an incarcerated person's witnessing advocate. The incarcerated person's failing condition is not witnessed or recorded by a family member, friend, advocate, or outside ally. People in prisons die alone and in unmanaged and excessive pain. Other incarcerated people are not even questioned in incidents of a woman's death. Once an incarcerated person has passed away it is only community ties and resources which provide funerals and memorial services. These actions are oftentimes taken by a community of past incarcerated people or prison volunteers. Obituaries do not report those who die in state custody. In death, the life of an incarcerated person is unwitnessed, un-honored and disregarded; the stigma of incarceration extending even to the expiration of life. I intend to transform this reality.

A Commemoration of Cynthia Powell

Ms. Cynthia Powell's most usual disposition was a cheerful one. Anytime I would see her in the hallways of the prison, she would be smiling. Even after having spent many years behind prison walls, the time did not get the better of her. She was often volunteering to do extra work. I usually would see her filling up her unit's ice cooler walking the entire prison block to get the ice. I would see her in the mornings dropping off old mop heads for exchange. She seemed to have a good balance between personal time and staying busy.

On special occasions, like a holiday meal in chow hall or a visit, Cynthia would prepare herself wearing her signature red lipstick and a stylish doo. It was obvious Cynthia retained her youthful beauty even as she grew older. Cynthia was a survivor of the prison's punitive special needs unit and negligent mental health care system. She was down-to-earth and approachable, remaining open to those around her still in the struggles of the unit of mental health issues. She appeared to become more and more optimistic as her outdate approached. Although I was not close to Cynthia, her struggles made her a woman of wisdom, and it was obvious in her demeanor. May she find peace and release as she transitions from life to death.

A Commemoration of Dellia Castile

Ms. Dellia Castile was known by most as "GG." A no-nonsense tell-it-how-it-is motherly-type of woman, GG was short in stature, but large in love. She adopted other incarcerated women taking on roles of pseudo-family, assisting with emotional and spiritual matters. GG had an extreme love for her son, of whom she referenced frequently. GG's entire demeanor revealed how extremely important family was to her. Although GG's kidneys began to fail her, she welcomed dialysis because she would see her son at the prisons' dialysis center.

I met GG in 2013 at Rockville Correctional Facility. GG had recently enrolled in the P.L.U.S. unit, a unit I lived on due to my work assignment. GG's criminal appeal had been handed down from the Indiana Court of Appeals and decided against her. Three times, the prison's law library had attempted to prepare a Petition to Transfer to the Indiana Supreme Court on behalf of GG. Unfortunately, IDOC refused to train adequate law clerks and did not provide alternative legal assistance (a policy continuing today). Due to the lack of training and experience, each attempt to file a transfer was rejected by the Supreme Court for technical reasons. Her need of help in asserting the inequity she experienced by the criminal system was more than enough to motivate me. I took GG's paperwork, her "for publication" appeal decision and the denial

checksheets returned to her for the denial of her filings, in order to prepare a petition. At the time, I had caught the attention of a few corrupt correctional officers who shook me down to confiscate GG's paperwork. They scared GG telling her she was not allowed to ask me for help and if she did it would be misconduct. I was simultaneously written up for misconduct, transferred housing units, and transferred institutions. GG never filed a Petition to Transfer nor received any further review of her criminal case.

Later in her prison sentence, GG's kidneys began to fail her. She transferred to the Indiana Women's Prison for medical reasons, where I was located. GG was often restricted to the prison's infirmary where I was allowed to sit with her as an infirmary companion. GG's health deteriorated while at the Women's Prison. Before the pandemic began, GG and I began discussing legal options for her. Due to her worsening health it seemed a compassionate release would be necessary to ensure her freedom to receive life saving health care or before her death. GG wanted to petition her sentencing court and I suggested medical clemency as an option if that didn't work.

The pandemic hit IWP in March 2020. I was unable to see GG until almost Christmas. GG's condition worsened considerably and she became infected with the coronavirus multiple times. By the time I had confirmation from her to pursue preparing paperwork to petition IDOC for medical clemency I had no access to her. I requested approval from IWP administrators. I was transferred facilities with[in] 45 days of seeking permission to help GG prepare a medical clemency petition. The day before I left, while at the infirmary, GG lightly walked out to where I was and sat down beside me. She was smiling and the happiest I had seen her in a long time. GG was filled with a supernatural grace that day, hugged me, and eased my concerns. Unselfishly, GG came to me that day to comfort me.

The more I reflect on GG's imprisonment—the totality of the carceral system's affects on her— I see racialized and gendered criminalization. GG was treated harsher in her legal battle because of her pauper status with the court. Her bail hearings, trial, lack of appeal, representation, and subsequent treatment inside prison were all impacted by disparate application of discretion, undeniably influenced by racial and gender stigmatization. The lack of relief afforded to her in her failing health was solely because she was poor, black, female, and incarcerated. The underlying criminal convictions for neglect inherently and disproportionately criminalized her role as mother, grandmother, and caretaker. GG's excessive sentence for

crimes she did not commit were unevenly issued to her because of racialized and gendered tropes which infect the criminal system with unfairness and discrimination. GG's personhood was devalued in this system and reflects a norm.

GG never felt sorry for herself and did not view herself as a victim. To the contrary, GG was a fighter for her autonomy and for justice. She was loving to those in pain around her. May your spirit inspire me GG, and may you rest in eternal freedom, love, and peace. May her son and family know how much she was in love with them.

A Commemoration of Ronica Starks AKA Roe-Roe

I met Roe-Roe around 2005 inside the Indiana Women's Prison. Her first words to me revealed her acceptance of alternative lifestyle choices, other races and women more generally. As time moved on, I began to see her mindset as in direct opposition to the prison apparatus, a quality I valued and looked up to. Roe-Roe was fearless living how she wanted to and for the most part, doing what she wanted to do. I gained Roe-Roe's more focused attention at Rockville Correctional Facility around 2009 when she asked me to review some of her legal paperwork. From that point forward Roe-Roe and I often had conversations concerning her legal intentions for relief.

When I first met Roe-Roe, and for years after, she was an able-bodied, gender non-conforming woman. Roe-Roe was amazing to me in her fierce womanhood, all the while one of the coolest cats in the prison. Roe-Roe was not confined by stigma or prejudice, and brilliantly understood other people's motivations. She was unapologetically herself, and a woman I came to love and respect.

Roe-Roe's health began to deteriorate within the first decade of her imprisonment. Having entered prison with a plethora of health issues, she was continuously given numerous medications, and most often overmedicated. Her kidneys eventually began to fail her. She was transferred to the Indiana Women's Prison to begin dialysis. Throughout her imprisonment multiple people would have given Roe-Roe a donor kidney. Furthermore, she lost family members during her incarceration including her beloved mother and sister; both had kidneys available for transplant. Yet, due to Roe-Roe's commitment to IDOC, transplanting a kidney was not feasible because the private for-profit health care system for incarcerated people would not cover costs. Adding more insult to her pursuit of life, she was not placed on the donor registry list. This action against her incarcerated status irreversibly denied her even post-release life saving measures.

Roe-Roe's last decade in prison resulted in severe pain and discomfort due to health complications, undiagnosed health issues, and delayed or insufficient treatments. While always strong through numerous surgeries, recoveries, physical limitations, infections, and amputations, her suffering was severe. The criminal carceral system only imputed callousness and heartlessness in her treatment, care and lack of consideration. Nonetheless, people inside prison loved Roe-Roe and it was those closest to her who gave her the medical aid she required most days. Roe-Roe's personality elicited love and care from others around her. She never lost her identity even as she transitioned in and out of debilitating disabilities.

The Indiana Women's Prison's punitive and repressive administration and policies hyper-surveilled Roe-Roe. Roe-Roe's behaviors were over-exaggerated as misconduct by prison investigators who had little to attend to. Multiple times she was placed in punitive segregation and isolation even with her failing health which needed therapy, proper nutrition, electronic monitoring or assistance and human assistance for daily activity. Roe-Roe's placement in seg and on behavioral units undeniably progressed her worsening health. Her last amputation recommendation was cemented when prison officials left her in cold isolation with extremely restricted access to physical movement, no therapy, lack of nutrition, lack of caloric intake requirements, and severe restriction on needed health care.

Regardless of the prison authorities' oppression upon my friend, she continued to exhibit her larger-than-life personality. She had love from and held love for most people including some c/o's and every female prison people. Perhaps her biggest legacy, Roe-Roe loved the children. She became involved in many children's lives of those she loved. Roe-Roe would find ways to see the children when they visited their mothers in prison. She called them, wrote them and kept incarcerated crafters in business buying artwork and crocheted items for the children. Roe-Roe also took care of her own, sending care packages to new arrivals, making sure people didn't go hungry, and extending conversation to even the most misunderstood person.

The system refused to extend Roe-Roe compassionate release. Her prosecutor placed the responsibility for a possible early release on IDOC in a 2018 letter. The IDOC would not even allow Ronica Starks to prepare and file a petition for medical clemency. Instead, its racist policies refused to allow Roe-Roe's requests to be formally

submitted, denying her at the first level of review, the Health Services Administrator for IDOC's health care contractor. Roe-Roe was treated and regarded as super-human by officials who denied her compassion. Due to her pauper status Roe-Roe lost her life committed to IDOC mere months before her release date.

May my big homie look down on all of those who love and miss her and smile. May she enjoy those she lost in life and kick it with the ancestors. May those hurting in her loss find comfort and celebrate Roe-Roe's life as she would have us to do. Rest in peace friend.



JPay Founder Ryan Shapiro Indicted for Securities Fraud

March 2022

by Kevin Bliss

from PrisonLegalNews.org

On January 6, 2022, Ryan Shapiro, the 44-year-old founder of prison financial services firm JPay, was charged in federal court in Boston with conspiracy to commit securities fraud. Also named in the criminal complaint was Shapiro's friend and neighbor in Florida, hedge fund manager Kris Bortnovsky, 40.

JPay was acquired in April 2015 by prison communications giant Securus Technologies, Inc. Both are now subsidiaries of Dallas-based Aventiv Technologies.

A third defendant, referred to in the probable cause affidavit as 'Cooperating Witness 1' (CW-1), provided incriminating evidence against the other two in return for leniency. The charging complaint lists a third defendant, David Schottenstein, 38, identified by the Miami Herald as a "member of one of America's richest families."

In a signed affidavit, CW-1 swore that he supplied insider information that Shapiro and Bortnovsky used to profit from the stock market on three separate occasions:

- just before a strong earnings report issued on August 22, 2017, by DSW, whose board includes two of Schottenstein's cousins;
- just before a merger was announced on February 20, 2018, between Albertson's and Rite-Aid, of which the same cousins had insider knowledge; and
- just before a hostile—and ultimately unsuccessful—takeover of Canadian marijuana distributor Aphria was

announced on December 27, 2018, by Green Growth Brands, of which one of the same cousins had insider knowledge, as well.

Illegally using their insider information, Shapiro and his co-defendants allegedly made advantageous stock trades that earned profits totaling \$121,000 for the JPay founder, \$600,000 for Schottenstein and \$3.56 million for Bortnovsky and his Sakal Fund. See: Securities and Exchange Commission v. Schottenstein, USDC (D. Ma.), Case No. 1:22-cv-10023.

It's not the first time the whiff of corruption has tainted Shapiro's aura. He came under scrutiny in 2016 during a larger examination into contracts signed by the New York City Department of Corrections (DOC) with JPay and Western Union, both of which bypassed state bid-procurement procedures. The city's then-Public Advocate, Letitia James—currently the state Attorney General—asked the state Department of Investigation look into the awards.

"We need full transparency and accountability into how these contracts have been settled and executed, and whether any laws were broken," she said.

The contracts appear to violate New York City law, which restricts money-transfer fees charged to prisoners and their families to a maximum of \$5.00 per transaction, while JPay charges \$6.95 for transfers of \$20 to \$100 and Western Union charges the same for transfers of \$30 to \$75. But the state Corrections Department has granted both companies a variance to the law annually since 2010, according to Bronx Justice News.

Shapiro is also a member of The Shul, a synagogue in Bal Harbor, Florida, where he serves on its executive board and is a mentor for the congregation's chapter of the Solomon Leadership Program (SLP). A fellow member, Murray Huberfield, was sentenced in June 2021 to a seven-month prison term for his role in a bribery scandal that also earned a 58-month prison stint for the long-time President of the New York Corrections Officers' Benevolent Association (COBA), Norman Seabrook. Huberfield pleaded guilty to paying Seabrook a \$60,000 bribe in return for an investment of \$20 million of union money in Huberfield's hedge fund. Huberfield then donated \$125,000 of that money to The Shul. Shapiro denies any ties.

"Just because you assume they practice in the same religious establishment and live in similar neighborhoods does not mean they have any type of relationship," chided

Jade Trombetta, Shapiro’s spokesperson.

Yet others are not convinced. As one DOC insider told the New York Daily News:

“All of these coincidental circumstances remind me of Arsenio Hall’s catchphrase, ‘Things that make you go hmm.’”

The Shul features predominately in many of Shapiro’s business transactions. He serves on the executive board, which received Huberfield’s \$125,000 donation. Another synagogue member, Errol Feldman, helped start JPay, eventually taking over as CEO in 2016. Feldman was also listed as a SLP mentor, with a bio on the program’s website that states he “was able to navigate a variety of complex regulatory landscapes” for JPay “while making sure the company never stopped moving forward.”

The Shul also hosts the Aleph Institute, which provides prison ministry services to Jewish prisoners around the country. Shapiro served as vice president of the Aleph Institute for several years, until around 2014.

Shapiro’s SLP bio boasts that JPay “has transformed much of how US prisons operate today.” It also says he is currently working on “a secretive startup creating the world’s first 4G LTE wearable products,” as well as investing “in emerging technologies, with a heavy focus on Agritech companies.”

SLP’s homepage states that mentors are “handpicked, not only for their personal success, but for their outstanding values and exemplary moral conduct.” But the SEC’s sworn federal complaint—which says Shapiro lied about his acquaintance with Bortnovsky and about illegally trading stock on insider information—just might give the lie to that claim.



Grassroots Defense Committees Support Criminalized Survivors of Violence

July 2022

by Meghan Krausch

from TruthOut.org



Bayley Pitts believed that she would receive help when she went to the police as a teenage victim of sexual violence at the hands of her biological father. She did not — and now, Pitts faces the prospect of losing her mother, Wendy Howard, to the same system that failed to protect either of them. In an interview with Truthout, she wonders, “Why are you taking my mom from me? The one who protected me from all this? That’s not fair.”

Many survivors of domestic and sexual violence argue that the criminal legal system in the United States forces them to choose between their freedom and their lives, often criminalizing women, trans and gender non-conforming people for acts of self-defense and limiting their rights to bodily autonomy. This pattern most heavily impacts survivors of color. It is part of the larger constellation of patriarchy, white supremacy and settler colonialism in which the prison system is rooted.

Pitts told Truthout that the backstory to her mother’s criminalization was a long history of abuse by Pitts’s father. Howard had managed to separate from her partner after surviving years of violence, but some of her children still wanted to have a relationship with him.

Pitts, who is now 19, described a common scenario in which she and her siblings did not necessarily have all of the information about why their mother preferred to keep a distance from her ex. They were also affected by cultural pressure for both mothers and children to allow a father to be involved, Pitts says. “I think if you want your kids to be raised without a mom or dad, or maybe you’re getting, ‘Oh, you can’t do that. Because, you know, they need a mom, or they need a dad, or it’s not fair.’ You know, I think there’s a lot of pressure overall.... I think it’s really hard as a mom to say, ‘No, sorry, you’re not having a dad in your life.’”

Yet the history of abuse in the family was severe. In addition to abusing Howard physically, sexually and verbally, Howard’s ex-partner also sexually abused two of her daughters, Pitts and Miranda Frost.

The family tried multiple times to report the abuse, Pitts explained, but when she and her mother reached out to the police for help, they did not receive any support. Frost also reported her abuse, but said in a previous news interview that her report was dismissed because of insufficient evidence.

Pitts says that she was raised to trust the police. “I thought

when I told someone, especially law enforcement, there would be help for me directly right there,” she said. “I would feel protected and helped and like the bad guy was gonna get caught.”

Instead of the help and safety she was expecting, Pitts said, the police told her to go back to the house and try to entrap her father, by wearing a mic if possible.

Cynthia Zimmer, the district attorney in charge of the case, claims — like most other DAs — to be a strong advocate for crime victims. Yet, according to Courtney Morris, an organizer with the Wendy Howard Defense Committee, no services have been offered for Howard’s daughters.

“I think that through this, that has been probably one of Wendy’s largest grievances, is that they never reached out to Miranda or Bayley,” said Morris. “They came forward with their stories. Which was so brave, to go into the public view and say, ‘This is what happened to us,’ which has been so difficult, but this family has been committed to advocacy. And not once did the county ever reach out to Miranda and Bayley to say, ‘how can we get you some support services for what you’ve been through?’”

“This system failed us here,” Pitts said. “And they don’t want that to be out.”

The trial for Wendy Howard is scheduled for August 29, 2022. Along with first-degree murder, Howard has been charged with a gun enhancement. According to *Defending Self-Defense*, a community-based research report by Survived & Punished, it is common for women like Howard to receive such sentencing enhancement charges, since “women who defend themselves from men in the context of domestic violence are more likely to do so using weapons like guns and knives than men who commit domestic homicide.”

Truthout was not able to speak with Wendy Howard because she has been prohibited by the judge from speaking publicly about the case.

Wendy Howard’s family is hardly alone in its experience. When Pitts first came forward about her abuse, she says that her social media was “flooded” with other survivors saying that they had been abused by parents, family friends and neighbors. Pitts said she received messages saying, “I wish someone would have believed me. I wish my mom was as brave as your mom and stood up for me.” *Prison Is Gender-Based Violence, Not Protection From It*

Many people believe that the state tries to protect victims of gender-based violence, in part because public disinformation campaigns are so constant. District attorneys run on campaign platforms of protecting victims of domestic violence, and copaganda like Law and Order constantly portrays police, courts and prosecutors as having a deep desire to stop sexual and domestic violence and do everything in their power to protect survivors of gender-based violence.

Unlike on TV, only 5 percent of sexual assault perpetrators are ever arrested. Meanwhile, most women in prison are themselves victims of abuse. Research indicates that between 60 and 94 percent of women are survivors prior to entering prison. The violence continues behind bars. A random sample of 130 women in the Central California Women’s Facility found over 80 reports of sexual harassment and assault at the hands of guards, and dozens of reports of physical violence; all of the women reported being routinely addressed by correctional officers as “bitches,” “hos,” and other disparaging terms, including over the PA. Transgender prisoners are victimized inside prison at nine or more times the rate of other prisoners, and the system is racially biased against women of color, particularly Black and Native women, who are more likely to be incarcerated and more negatively impacted by mandatory arrest laws for domestic violence.

The reality, says Alisa Bierria, is that “the relationship between gender-based violence and the carceral state is one of alignment, they are integral to each other rather than in opposition.” Bierria is a co-founder of Survived & Punished, a national coalition that organizes around participatory defense campaigns and works to support and decriminalize survivors, with the ultimate aim of abolishing gender-based violence, policing, prisons, and deportations.

In its recent report, *Survived & Punished* highlights that self-defense is “an ongoing practice of survival.” One way that survivors continue to defend themselves after criminalization is by telling their own stories and “affirming the truth of their experience of violence.” Placing a gag order on survivors like Howard is yet another way that the state continues to negate her ability to defend herself.

Morris says that one of the goals of participatory defense campaigns is to highlight the fact of criminalized survival, namely that “it is so unfair that a person should be in a position to choose between their life and their freedom, and why that is just a story that is hit on repeat with survivors of domestic violence and sexual assault.”

Participatory Defense Campaigns Grow From Survivors Supporting Each Other

Some hope can be found, however, in participatory defense campaigns: mass, grassroots organizing campaigns that are focused on demanding freedom for and providing material support to individual people who have been criminalized.

In *We Do This 'Til We Free Us*, renowned abolitionist organizer Mariame Kaba notes in the struggle toward an abolitionist future, it is necessary to focus on the needs of people currently experiencing the violence of the prison industrial complex. “Opportunities to free people from prison through popular support, without throwing other prisoners under the bus, should be seized,” she writes. The logic of an abolitionist participatory defense campaign is to show that what is happening to a particular individual targeted by the criminal legal system is something that happens regularly, rather than being an exception.

Participatory defense campaigns may focus on one case at a time, but the connection and solidarity between campaigns — particularly the way that survivors support and are inspired by each other — is also a hallmark of the organizing tactic.

Wendy Howard, for example, is not just a strong advocate for herself, but is also engaged in support work for other survivors.

Howard’s defense campaign began with her family, who immediately began organizing against the injustice of her charges, according to Pitts. But after Howard was released a few months later — once her bail was reduced from \$1 million to \$500,000 — she began to connect with other criminalized survivors.

Morris says that Howard came to meetings and events in support of other imprisoned people, not to share her own story, but simply to be an activist. “I think that Wendy had a lot of preconceived notions about the types of people that would be incarcerated. And then she was incarcerated. And the people that she was with helped her keep her head above water during that time.”

In a news interview shortly after her release on bail, Howard told a reporter from a local ABC affiliate of the support she received inside the jail. “Those girls mean everything to me and I will never forget them,” she said. “They were a huge support system for when I was in there and I don’t know if I would be standing here as strong as

I am without them.”

Pitts talks about how her mom is “really, really, really into advocating” and “has all of these friends who you know, were in jail, or they’re out of jail now. And she spends all her time like making stickers for them, and coloring books, and cards.” Morris adds that Howard has “just been really dedicated to system-impacted people since she got out, so she stays in touch with a lot of people on the inside and out,” including offering rides to people being released and staying in touch with people’s families. “I think that’s why in her own campaigning, she developed a ‘this is all of our fight’ [mentality] because it’s not just about her own self-advocacy, it’s about how structurally harmful that system is.”

One goal of participatory defense campaigns for survivors, Bierria says, is “helping us to make this shift in common sense when it comes to how the systems treat survivors.” As an organizer, Bierria says she has heard countless times from survivors who believed that they had a right to defend their own lives and are shocked that they are being targeted for prosecution. “It’s so painful to hear survivors say, you know, ‘I believed in the system, I thought it would protect me and here I am, in prison for the rest of my life,’” she said. “Defense campaigns want to make this truth about carceral punishment — that it is an anti-survivor structure — we want to lift that up and spread that word as far as possible. And I think that that is an important strategy towards feminist abolition.”

Defense campaigns also engage people directly at the local level “to participate in the practice of freedom,” Bierria said. These campaigns do not ask people to just take in the disturbing news and then go back to their lives; they ask people to participate in changing the outcome. “It’s about connecting people to a sustained, regular practice,” she went on — whether that’s a big action, or a small one, like following *Survived & Punished* to find out what legal fundraiser they can support each week.

People involved in the Wendy Howard Defense Committee, which for legal reasons is completely separate from Howard herself, are engaged in fundraising for her legal defense fund, circulating a petition demanding the Kern County DA drop all charges against Howard, sharing information about Howard’s case and ways to support her on social media and with their networks, and giving press conferences about their activities. The committee also uplifts and shares information from other defense campaigns, like that of Tracy McCarter and Leah Eggleston (who was recently found not guilty on all charges except

for unlawful possession of a firearm).

The ultimate goal of the Wendy Howard Defense Committee is to have the charges dropped. This would allow Howard to remain at home with her children and grandchildren, where Pitts tells Truthout that her mother loves making roller skating videos with her grandkids. And then, many committee participants will move on to supporting the next participatory defense campaign, until everyone is free.



Cries of the Lost: Ferguson Political Prisoner Speaks

May 2022

by Joshua Lamar Williams
from *SFBayView.com*

Age: 26

Location: Prison

For those who lost their loved ones to the hands of cops – I feel your pain. For those who cry those tears of pain – I see your tears. I know some nights it feels like you don't want to go on without that person in your life. Well, I'm here to say you got this.

I know it might hurt. Not might – I know it does hurt, losing somebody you loved or even birthed.

I'm here speaking from my heart because right now it cries out for justice for the families who suffer that pain. I'll stand and fight with you. This is not just any fight. This is a personal fight.

I say that because every bullet that struck your loved ones sent a message to you from the cop that did it, saying he or she don't give two fucks, and that fatal shot said they want

war. So I say we bring it to them.

I speak to the cops across the world when I say how would you feel seeing your people lying dead in the street with bullets all in their body, knowing you watched that person grow up and you might have changed their Pampers.

I'm saying it doesn't feel good. It doesn't feel good walking down that church walk to see your baby laying cold in a casket. You can't hold them, laugh with them. It's not going to keep happening at all.

How can y'all cops sleep at night knowing y'all killed a kid – a 12-year-old kid at that? If you don't remember his name, here it is: TAMIR RICE. How y'all going to kill a teen going home from the store with a black hoodie on. If you don't remember his name. Here it is: TRAYVON MARTIN.

What about the two people who yelled they can't breathe? I know you cops remember them. I do: GEORGE FLOYD and ERIC GARNER. I say rest in power and peace to all the soldiers who died from the hands of police.

The police have all that blood on their hands and their family's hands. They can't wash it off.

I want to say this to all the families that lost somebody due to police. I'm sorry you had to go through this but be strong. I know you heard that so much, it's like – how strong can I be? I know it's a lot and it is a long fight, but I'll be here with you.

Thank you for your fight, thank you for your strength that you show each and every day. I sit in prison and think of ways to fight harder for you all every day and when I get out at the end of this year, Dec. 5, I'm going to take the fight directly to the streets again. It's no brakes on this



"I speak to the cops across the world when I say how would you feel seeing your people lying dead in the street with bullets all in their body, knowing you watched that person grow up and you might have changed their Pampers." Joshua Lamar Williams has been a political prisoner at Missouri Eastern Correctional since 2014, when he was arrested during the months-long Ferguson Uprising protesting unchecked police murder. – Photo: Jess Roberson

fight, just gas. Love y'all.

You can comment on this speech if you like and if you have any personal stories of your own and would like to write me about something the police did to you or your loved one, send them to me. Thanks to all my supporters. This could not happen without y'all, everybody across the globe. Thank you, thank you, thank you!

Joshua Williams, Potosi Correctional Center, Mineral Point, MO.



Supreme Court Decision Greatly Diminishes Ineffective Counsel Defense

May 2022

by Stacy M. Brown

from WashingtonInformer.com

The Supreme Court ruled Monday that state prisoners may not present new evidence in federal court to support claims that their counsel was ineffective in violation of the Constitution.

The high court's ruling severely diminishes opportunities for inmates to claim ineffective assistance of counsel.

Justice Clarence Thomas, who wrote the majority opinion in the 6-3 vote, that allowing such claims to go forward would result in delays, much of which federal courts "must afford unwavering respect to the centrality of the trial of a criminal case in state court."

The ruling defeats petitions from two death row inmates who asserted they had compelling claims that their state lawyers failed to pursue.

It likely will make it more difficult for inmates to win claims of ineffective counsel at the state court level during appeals.

"Serial re-litigation of final convictions undermines the finality that is essential to both the retributive and deterrent functions of criminal law," Thomas wrote, citing previous case law.

"Further, broadly available habeas relief encourages prisoners to sandbag state courts by selecting a few promising claims for airing on state postconviction review while reserving others for habeas review should state proceedings come up short," he continued.

Justice Sonia Sotomayor blasted the ruling in a scathing dissenting opinion.

"This decision is perverse. It is illogical," Sotomayor wrote. "It makes no sense to excuse a habeas petitioner's counsel's failure to raise a claim altogether because of ineffective assistance in postconviction proceedings, as (the case of) Martinez and Trevino did, but to fault the same petitioner for that postconviction counsel's failure to develop evidence in support of the trial-ineffectiveness claim."

The majority opinion "reduces to rubble many inmates' Sixth Amendment rights to the effective assistance of counsel," Sotomayor determined.

"The Sixth Amendment guarantees criminal defendants the right to the effective assistance of counsel at trial," she wrote. "Today, however, the court hamstringing the federal courts' authority to safeguard that right."

Arizona officials had referred to a federal law they interpreted to mean that an inmate could not develop a claim in federal court if it hadn't been raised in state court.

Lawyers for the inmates countered that the state misread the law because the inmate couldn't face blame for the mistake of their state-appointed lawyer.

Barry Jones, one of the inmates at the center of the Supreme Court ruling, argued that ineffective assistance of counsel robbed him of a just and fair verdict.

Jones, who maintains his innocence, was granted relief from the 9th Circuit Court of Appeals before the Supreme Court ruling.

The second Arizona inmate, David Ramirez, claimed that his attorney failed to investigate his intellectual disability.

"State prisoners already have a strong incentive to save claims for federal habeas proceedings to avoid the highly deferential standard of review that applies to claims properly raised in state court," Sotomayor wrote. "Permitting federal fact-finding would encourage yet more federal litigation of defaulted claims."





IDOC Watch has a Patreon

patreon.com/idocwatch

IDOC Watch is a prison abolition group based in Indiana that works to expose and end abuses by the Indiana Department of Corrections, build prisoner power, and strengthen solidarity between those who are locked up and those who aren't. We practice prisoner-led abolition, which is a strategic tendency within the abolitionist movement that prioritizes connections between organizers inside and outside the prisons, jails, and other forms of carceral monitoring, and formerly incarcerated people. We believe that the most effective strategies and tactics for overcoming the prison industrial complex will be informed by the experiences of people who have suffered through the system directly.

All funds we receive through Patreon will be put directly to covering our everyday expenses and building toward future actions that advance the struggle. Phone calls, printing, mailing, and covering emergencies inside comrades have are all expensive but integral to the work we do.

Writing to Prisoners

Since prisoners are often transferred between facilities, we won't print addresses that can quickly become outdated. Instead, we'll direct you to the Indiana DOC "Offender Database" on their website. You can look up their current location with their DOC# (listed on Table of Contents). We use the number because the names they use are often not the state name that the DOC lists them under. And then look up the mailing address for that facility. Correspondence and engagement with what they've written here is welcome.

Some tips for writing to prisoners: Be clear about your intentions. Share something of yourself and also be curious to learn more about them. If you're not sure where to start, reference ideas they have written about. Don't say anything sketchy or incriminating for yourself or others. Assume that everything you write is being copied and read by prison administrators. Use only blue or black ink on white, lined paper in plain, white envelopes. Keep in mind that prison is, in many ways, the epitome of toxic masculinity and saturated with problematic and harmful ideas and social norms. Prisoners often will not have the latest language or frameworks for social justice. Be generous and seek to understand their different experiences, but also don't be afraid to engage and share your own experiences.

If you prefer to correspond online, you can set up an account at web.connectnetwork.com

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