

E 54 Danielle Sered

Hello and welcome to Episode 54 of the decarceration nation podcast, a podcast about radically reimagining America's criminal justice system. I'm Josh Hoe, among other things, I'm formerly incarcerated a freelance writer, criminal justice reform advocate, and the author of the book writing your own best story, addiction and loving hope.

We'll get to my interview with Daniel Surette in just a second but first the news:

Every day I see a new story about the impact of the understaffing and underfunding of South Carolina prisons. This week, correctional officers did nothing while a man was being attacked, and then left him in the yard to die before getting to his body. A few days later, a correctional officer was implicated in attacking a woman who was in prison. While she was already restrained. You will rarely see me ask for more correctional officers. But if you're going to run a prison system, if you're going to put human beings in cages, you should at least have it properly staffed. At some facilities in South Carolina, they are arranged show of 250 people incarcerated for every one correctional officer. For contrast, at the prisons where I was incarcerated, the ratio was around 80 incarcerated people to everyone correctional officer that is obviously not acceptable what is going on in South Carolina. We of course also seeing the effects of chronic understaffing and overcrowding in Alabama. I've heard rumors of a set of similar situations in Florida, Texas and North Carolina. It's unfortunately a very large number of states, it sure seems very clear to me that prisoners have become disposable, then what happens to them seems to barely matter to the people of their states. This is what happens when you spend decades upon decades telling your population that certain classes of human beings are irredeemable monsters. What happens when you tell your population that certain classes of human beings are irredeemable monsters is that you and your population become monstrous to what we do to the people in our care says as much about us It does about them. Which although this is a weird way to put it is a perfect lead in to my interview with one of the greatest warriors for justice and restorative justice that I've ever encountered. Danielle Sered.

Danielle Sered received her BA from Emory University and her master's degree from New York University in Oxford University where she studied as a Rhodes Scholar. She served as the deputy director of the very Institute's adolescent reentry initiative, a program for young men returning from incarceration on Rikers Island. She worked at the Center for court innovations Harlem community Justice Center, where she led program its programs for court involved in recently incarcerated youth and now to Neil has envisioned launch and directed common justice. She led the projects efforts locally rooted in Brooklyn, but national in scope to develop an advanced practical and groundbreaking solutions to violence, that advanced racial equity, meet the needs of those harmed and do not rely on incarceration. And she is the author of the new book in till we reckon. And as an aside, I've rarely had so many people excited to hear that I was interviewing someone on this podcast. Hello, Danielle, and welcome to the decarceration nation podcast.

Thank you so much for having me.

So I always ask version of the same first question this case, how did you get from being a Rhodes Scholar, if I remember correctly, an entirely different field to doing the work you're doing now and feel free to share as much or as little as you feel comfortable sharing.

I mean, in many ways, my time in England was a timeout from the real path that got me to where I was over to where I am. I grew up in Chicago, and I grew up there. A strict came of age in the late 80s and early 90s. At the same time, mass incarceration was released for getting it sea legs naturally, nationally, and in that time, I saw know people go away saw families struggle in their absence, saw people come home, usually worse for having been gone. And then at the same time, that I could feel the palpable negative impact on the rising use of incarceration on our neighborhood. For a while, I assumed that while it was harmful to those incarcerated while it was harmful to their families, but it must be good for the people they hurt, because that's why all of our public conversation w0as saying we were doing it in the first place. But I started to pay attention to my own experiences, surviving violence, to the experiences of people around me. And I found that actually, far fewer of us wanted incarceration than the public discourse reflected. And that even for those of us who did and got it, that incarceration never delivered to us, the healing the safety, the peace that we hoped and thought it would, and that we ultimately deserved. And so it took me a while from seeing those things from suffering, the impact of the things growing up to finding a pathway to doing something about them.

So your book starts with two quotes. In particular, I want to raise the one from James Baldwin, we can make America what America must become. Can you talk a bit about how race haunts mass incarceration and why coming to grips with that history is critical to finding solutions.

Absolutely. So our history of incarceration in this country, our practice of it now is inextricably intertwined with the history that precedes it, the history of Jim Crow of convict leasing of massing of slavery, even with the colonization of this country. And our institutions that we have built in this country, have built, been built on a fundamentally racist foundation down to a constitution that envisioned black people as three fifths of a person to the practices we engaged in the not just enslavement, but the torture of people who people dared to believe they could own the separations of families from one another, the extraordinary violence we've committed for which we have never atone as a country. And that history was persisted and morphed and different forms into mass incarceration. As we know it, you know, Michelle Alexander, most famously tracks that trajectory. But there are also people like Douglas Blackmon and his book "Slavery By Another Name" that traces its evolution into convict leasing and into incarceration, as we know it. We can't talk about undoing mass incarceration, we can't talk about what it is and isn't, and what we as a country can become without talking about who we have been.

So in my experience, when we push for change, reform legislators will generally play along as long as the reforms we are pushing extend only to the people sentence for nonviolent or low level crimes. You say in the introduction, that one thing is certain about the problem of violence,

we will never solve it through incarceration. I suspect that might be surprising to some people. Why did you say that?

Largely, it's because we make a mistake in this country of talking about incarceration is either something that keeps us safe, or that fails to keep us safe. But it's actually worse than both of those incarceration is generative of violence. So what common justice the organization died director in the business of ending violence, and those of us in that business know, what the core individual drivers of violence, not the large structural ones, like inequity and substandard housing, and poor education and inadequate health care. But the ones that are about the individual people who may or may not cause harm, those drivers of violence, or shame, isolation, exposure to violence, and then inability to meet one's economic needs, the core features of prison, shame, isolation, exposure to violence and an inability to meet one's economic needs. It means we've built into our responses to violence, exactly the things that created that is not what a country that wants to be safe does. And so on the one hand, it's true that we will not end mass incarceration without tackling violence, if all because more than half of the people locked up in this country are locked up for times of violence, it is equally true that we will not end violence without tackling mass incarceration.

Yeah, and part of that, as I think you mentioned before, is a little bit of an official narrative of how victims play into this. I live in Michigan, and the prosecuting Attorneys Association of Michigan has a whole set of pages on their website about victims rights, is our justice system is currently constituted and its officers serving and representing the voices and interests of victims. Well,

Absolutely not. The system is representing the force its own interests of some victims well, and those victims deserve to be represented. Well. The problem is that the victims who the current system serves are a tiny fraction of the overall wide range of people who are hurt. It's important to note that more than half of victims of crime, even car the police in the first place when they've been hurt. That was a fullyl half of people who will have guns to their heads who were rendered unconscious who suffer serious injury, prefer nothing to everything that system has on offer. That is a profound indictment of the system that we have never grappled with as a country. And that a half of those victims who do call the police won't make it past the grand jury process. So they enjoy to the police. But as the process starts to move forward in the criminal justice system, they will divest from it, usually because they don't think it can bring them the things that they need those renewing the terms and the people are most interested in jail in prison and income and justice. It's that group of victims who read reach out to and say, Are you interested in having different person who hurt you incarcerated, or interested in seeing them in this alternative program? And when asked that question, 90% of victims choose common justice, Monday percent. It's a wild number. And when I first started seeing that trend, I became very hopeful. I sort of thought that we as human beings were better than I had known, like, we were more compassionate, we were more forgiving. Without better the grace of God go I sadly, I don't think that's the main thing that was going on.

Yeah, I think you mentioned Didn't you mention in the book that you know, people like if they're given three choices, one of which is like kind of life without parole, one of which is mercy, and one of which is what they get. Now, they'll definitely choose either the life without parole or the mercy right.

Now, I would not say mercy, what I would say is they will choose the thing that they believe will hold the person meaningfully accountable and change their behavior. So the example you're talking about is someone we talked to early in our process in common justice, and it speaks to what's really happening with it's not actually compassion and mercy. What's happening is pragmatism, the to fund survivors can't stand or Albert arrow, the thought of burn through what they went through again, or blew the thought of someone else going through what they went through. And so at the end of the day, no matter what degree of loss and pain and really need and desire for revenge that we feel, all of which are legitimate feelings, at the end of the day, we will survivors will choose what works. And so the stern you're referring to, is a man who was moving terribly robbed at gunpoint, feared for his life ran for his life, was presented with this question about whether the person who hurt him should come to come and justice or to go to prison. And he said, Well, can this person get life without parole? And I said to me, when the New York statute doesn't allow it for this crime, and for that much to come and justice, and those that seem silly, you would think, you know, for young who heard him could do in ears that surely would that would be better than the zero years, he does uncommon justice, if it's somebody who has an appetite to see this person locked up forever. The reason he said that is that she knew if that this person was ever going to be home, or don't, he wanted them to be different. So the part of him that was furious, that was what was done to him, one of this man gone forever, I understand that part, the part of him that knew that this man would not be gone forever had to ask the question, if not forever, then who do I want him to be? And he made a really sound judgment based in a ton of observation of what he had seen as the impact of incarceration in his neighborhood, that this person would not be better for some time away. And so if he wasn't going to be gone forever better, that he'd be changed. That's not about mercy. It's about self interest.

That makes a lot of sense. And you also tell a story about discussion you had with a woman Missy, any about kind of the outcomes of the even when people do want incarceration or do want kind of more forms of punishment, that ultimately that isn't always healing, is that correct?

That's right. And Sam is one of my early teachers and mentors, she was an elder in a neighborhood, I was working in Atlanta when I was in college. And she was really horribly hurt by a young man. And she called the police and the young man was apprehended, which doesn't always happen. And it became went to trial, which actually happens only in about 3% of cases. And he was found guilty, and he was sentenced to maximum. And along the way, she was treated with a good amount of respect by the system actors. And so her case was actually in some ways, an example of the criminal justice system doing its work at its best, or better than it usually does. And so I asked her about it. And I said, you know, with all respect, can I ask you when that man was sentence? Were you relieved? When she said, Oh, absolutely. And I said,

I'm cannot ask you how long that removed faster. And she said, Oh, they'll be at least three or four hours. And she said that then I got off the bus to go home. And I was the I got off the bus in my neighborhood when I was going home, and I was still afraid, I know, got into my apartment, and I was still poor. And I got into bed to go to sleep, and I still come and fall asleep. And when exhaustion finally took me, I still woke with the same nightmares. And the next morning I woke up and the only thing that was different is that I could not shake the vision of that birth mother's face, because her face is my face. What I'm speaking about is the reality that it is not actually an individual person possessed with some kind of evil that makes us unsafe, the things that make us unsafe for the priorities and our neighborhoods, the lack of, of economic opportunity, the structural inequities, like all of the things that make violence almost inevitable. And there's no amount of removing individual people that changes those, what changes those kinds of things, is the presence of opportunity is the presence of economic equity is the presence of good schools of good mental health care, good treatment of good hospital, have good child care of all of those other things. And the incarceration of this young man kind of hurt her in a little no one has a right to hurt anyone undoubtedly, did not change those things in her neighborhood, did not make her someone who was safe, did not answer her questions about why he did what he did didn't force him to face her face to face and confront the pain that he had caused, didn't give her any reason to believe that he would change and not do it again, so that she or others would be safer. And so while she went through that process, and while that process delivered, that's very best, it's very best was nothing of what she ultimately deserved. And, you know, I think when we're talking about this kind of official narrative, I feel like we as a society have kind of bought so into this. And part of the reason I think is because of that

You, you make a great analogy to a single bad burger joint in the desert, could you could you really one of my favorite parts of the book. So. So I mean, I think,

in this country that we can predict what people will do in the presence of options, based on what they'll do in the absence of options. And by that, I mean, right now we say do you want incarceration or nothing, people will choose incarceration over nothing, because nothing feels disrespectful and unbearable, that I already shared that half of victims choose nothing at the beginning. And so I've said that you imagine there's like you're in the middle of the desert, you're driving on the highway. And there's nothing for hundreds of miles, except this burger joint following really crappy burgers. And you see a huge line like running down this kind of sand of this place. And if you were to surmise from that, that area, these burgers were amazing or be everyone loves burgers, you've been making a mistake. What's true is that it is the only thing there for people to eat. And in reality, if you can pick a pizza spot and a Chinese spot and a taco spot and a veggie spot on next door to that burger joint, that line will diminish to almost nothing. It doesn't room, no one would want the crappy burgers, someone would. But the person that people who were doing extraordinarily small. Once we would have to understand that that's what incarceration was that burger stand. And we cannot assume that people's appetite for incarceration would persist if they actually were offered something else alongside or instead.

So we've come a long way. In a short time prisons won't solve violence, the system probably isn't serving all victims needs. But people often say this is all fine and good. But the purpose of punishment is to deter, do you find that prison deters?

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Absolutely not? So deterrence depends on a wide variety of things to deterrence depends, first of all, on people having a certain amount of civic education, to know what the penalties will be for the crimes that commit, I've yet to almost anyone who committed a crime who actually knew what the promise sentence for that crime would be. And so we don't have a robust enough civic society, but people are actually acting in a way that's in relationship to those promised consequences. determines depends on consistency. So determines, only works if I commit crime. And then consequence B happens to me and if I commit crime x consequence, why happens to me? What happens now is that people commit very serious crimes. And I'm apprehended for that was there cities where, like Chicago, where the clearance rate for homicides is 15%. People in the neighborhoods often know exactly who committed those murders. They'll see them in front of them day in and day out on apprehended for the crime. And at the same time on the same block without blood was spilled. They see people arrested for low level infractions. They see people railroaded for drug crimes they didn't even commit. And so what people reasonably Sunni is that, like, crime arrow could reduce any number of outcomes. That's rarely be climax can produce a number of things. That's rarely why. And the only thing that seems to be a good predictor of one's outcome is one's race, which is not something that can be deterred, right, it's not something that can be changed. The other thing that matters is that so it means not only does the turns depend on actual look consistent application consequences to actions, it also depends on some promise that if you keep your part of the bargain, if you don't commit crimes, you will get a decent life like you will get at the very least you will not be incarcerated, which is still not promised for the number of people innocent of crimes will become incarcerated for them. But so that you can make a basic living room needs, you can get a basic, decent, lonely, those things are supposed to be available to you and some kind of social contract and exchange for not engaging in criminal activity. And that promise is also not correct. And so there is nothing in how we do criminal justice, and the inconsistency and inequity of its application that looks at remotely reasonable to expect that it would serve as an effective determinant.

I think others will say an eye for an eye that if you commit harm, you should be harmed or if you can't do the time don't do the crime is the one most people say is repeat is retributive justice helpful.

I think return of justice was helpful to some politicians and their campaigns to win. It doesn't heal us. Like if I could resolve the deep pain I carry from the hardest losses in my life by hurting someone else. Under normal. I like to think I wouldn't I like to think I'm ethical enough. But I wouldn't hurt anyone. But I'm not sure. Like if I could actually be rid of that, just by passing it on. I don't know that I wouldn't. It doesn't work, like hurting other people does not make us hurt less.

I've said in other contexts, it's like the criminal justice system, if someone burns down your house, are the criminal justice system can offer to do is to burn down their house, but it can't rebuild yours. And what you need is somewhere to sleep. And so I actually think the number of people who are interested in punishments for punishment sake, it's far fewer than it has been historic, far fewer than we assume it to be. And that the portion of people who carry that belief, they have we disproportionately small number of crime survivors among them, people who have actually been hurt, want things that will produce safety, want things that will improve their own lives, want things that will help them come through what happened to them, and some philosophical idea of what punishment is about. And the core meaning of retribution is a way society communicates. And all of that is meaningless to somebody who is looking at the ashes of where they used to live and forth with someone who only comes up to them with a torch and an offer to run down the block.

And I think some people would also then suggest that maybe the best idea is to put make the court process more victim friendly. I think right now in Pennsylvania, they're considering a constitutional amendment for Mercy's law, does this seem promising?

Victim-friendly and Murphy's law are not the same. I think, normally look at all of the suspicion can otherwise master victims, almost every single one of them is named after a white woman. As a white woman, survivor of violence, I know that we can endure really extraordinary serious pain and you know, experience things that should never happen to us. We're also the vast minority of people who are hurt. We're not representative of the full range of victims, changing whole structures to fit our needs, when we were actually the people least likely to use those structures doesn't make sense. Like if you were building a door into a house, and you looked to the like four foot tall kid in front of you and built the door with them in mind, you'd have a hard time getting everyone who needed to come in and out of that house and walk through your doorway, like we don't move not built a system that actually centers the needs of service ivers, the full range of survivors that actually listens to those survivors about what we want. What happens is when there are survivors who seek, particularly punitive pads, politicians very often join him in hand with them to support their mission to achieve new fat increase punitive goodness. And then survivors asked for anything else they're very often left with, you know, their hands on held by just about anyone. And so the criminal justice system should become more morn I don't even know friendly, but more hospitable for victims, more respectful for victims. But one of that thing from this level, meaning only respecting victims who express a wide range of views about what they want, like I know, one of our early victims, called the system district attorney in this case, and so, you know, I don't want to see this person that a jail that doesn't do anything for me, I want them to answer to me for what they did. I want to get to talk to them. I want to get to ask questions. I want to get to shape what they have to do. This was referring to new common justice existed, this is just what he was saying he wanted. And their assistant district attorney said, you know, well, it's a felony a case, it doesn't matter what you want another Jim said, Well, I'm the victim. And he said, Oh, yeah, well, I'm the delay and hung up the phone. Right. That's not enough higher kind of behavior. And so then prosecutors offices actually become more victim centered. What happens is that there have to listen to a

whole range of victims, including victims who are telling them that they don't want them to pursue the harshest penalty. But that's not the thing they're looking for, like you look at all of the press and conversation around doing counsel in New Orleans, where his office continually issues what are called material witness orders that are really subpoenas, to drag the victims and to testify. So victims who do not want to testify in the cases get picked up by police thrown in the back of a car, sometimes handcuff broader and first to testify against their will victims who refuse to do that door. And then other jurisdictions, including in Houston under the previous district attorney there, I've been incarcerated during the dependency of the case to ensure that they will show up to testify. So you were like the prosecutors are incarcerating victims of crime to force them to testify. And the case was about the harm going indoors. That's not a victim centered system. And so we have to understand that if we're actually if we believe that and should be centered

in the criminal justice process. And let's find one from from down if I'm so actually it's not a violation to the free, it's not about the victims, I'm comfortable with that. But then don't do it in their names, do it in the name of the state, and don't leverage their stories don't leverage their opinion, don't pretend to be their spokespeople. But if we weren't going to try and make a difference on a system, we would have to be writing for a system that is going to be led primarily by those most harmed, which means we have to be ready for a system that is going to be most consistent with the needs, for instance, of 16 to 25 year old young men of color, and what justice looks like for them. And if that's what we mean by a victim centered system, sign me up.

Well, there's one other complication left before we get to solutions. You know, as someone who personally has both been a victim of violence and committed crime, you know, I was very moved, and Bruce Western's recent book that when he said that most people who commit violence have also been witnesses of victims of violence. you suggest in your book multiple times that most people who commit violence have also been the victims of violence. But I've seen a lot of organizations push back against the idea of cycles of violence. What are your thoughts here

I've met probably thousands of people who have committed violence, I've yet to meet a single person who didn't survive at first. And I don't, I haven't been really clear that that doesn't excuse people for the violence they commit. I myself as someone who survived violence, I don't think I'm entitled to hurt someone because of it. And if I do, I am as accountable for causing that pain as I would be if I weren't a survivor. But at the same time, I am entitled to something as survivor, I'm entitled to support from my healing. I'm in a country that is supposed to protect me and failed to and then entitled to the kind of resources and services and supports that will help me come through what happened to me. And I believe I remain entitled to that even if I go on to cause pain, just like I remain accountable. Even if we understand that part of why I cause harm is because I was hurt the people who will get off the hook too often. And should not or all of the rest of us who have tolerated a society in which the vast majority of victims get no access to an informal pathways to healing whatsoever. And so when people say hello to men, people don't get access to that when we fail to provide it. When they pass that pain on to others. That pain isn't part our burden to bear, it's always turn up for to be accountable for and to think about how

to repair my think about Vito Johnson how, who was recently elected to the House of Representatives in Pennsylvania, and he lost a number of people including her son to murder. And she talks about, but the person who murdered her son's formerly incarcerated had been locked up in the juvenile system had never gotten any kind of care for the trauma he had been through and went on to hurt her child. And she said, of course, she holds the young man who hurt her child accountable. But she also holds accountable bought system that had him in its grip for years and years and years and into a single thing to reduce the likelihood that he would hurt someone else. And that systems failure is part of the responsible for while this woman had to walk over her child's grave.

And that's a really sad but good lead into the notion of accountability. So what is accountability? And why does a prisoner our criminal justice system do a good job of delivering accountability? What makes accountability different than what our system is delivering now?

So accountability a lot in this country, and we don't really know what we mean by it. And we don't really do it. When we serve kind of better than we usually punishment, we said this person has to be held accountable and when you're locked up. But the problem is accountability, punishment aren't the same thing. And increasingly, in this work, I've come to believe that they're antithetical to each other. So punishment is passive, like punishment is something someone does to me, all I have to do to be punished was not a stupid. accountability is different. Accountability requires that I acknowledge what I did. I acknowledge its impact, express genuine remorse, look things as right as possible. I do early and aware, defined by those I hurt, and become somebody who won't cause that harm ever again. That's some of the hardest work and with us will ever do. And there are very few places that make that less locally or more difficult than a prison. A prison separates me from other people, it insulates me from having to hear from them, about how I impacted them to have to face their pain, have to look them in the eyes and acknowledge what I've done. It means I never get to answer their questions about my I did what I did the kinds of answers that would help them bring some closure to their loss and to what they endured. It limits my ability to recognize the scale of what I've done, in part because the environment encourages denial. And in part, because the morning is just chaotic, like you don't get a moment of quiet, you won't get a moment of peace. That's not, it is the most reflective space you can imagine a person being in and we can strengthen our ability to make it money like not only can I not do things like paying forward my obligation by being a different kind of person in my neighborhood by helping young people walk a different path by doing something of meaning with my life, but I can better them do things like pay restitution, when if I'm lucky, I get a job that pays me 14 cents an hour. And so are of the things that constitute accountability, which is extraordinary use to the people who are hurt, or constraining if not eliminated by prison. That doesn't mean there aren't people in prison who actually come to came to terms with what they have done. But prisons shouldn't be credited for that people should be doing something more than the impossible, and an environment that makes it more and more difficult. And the people who do that, despite that environment are extraordinary. It's not the environment that deserves recognition for it.

Yeah, my interest in as we're moving towards this, my interest in restorative justice started way long ago, when I started reading articles about what happened in South Africa and Rwanda with truth and reconciliation. That was way before I ever became impacted directly myself. What does restorative justice mean to you? And how would it work as an alternative to incarceration?

So, restorative justice is a process where the people most directly impacted by a harm, come together to reach agreements about how that harm can be repaired. And so there's that process in which the people whose lives are at stake are given the power to define that repair. And it's not just a conversation, it's an it's a general, it's a set of agreements about what the responsible person will do to make things as right as possible. In Brooklyn and the box at common justice, we do this in cases of serious violent felonies with victims can. And this is what I was referring to. And I said 90% of victims say yes, responsible parties come into the program goes through an intensive preparatory process and Violence Intervention curriculum. And then we can do in a dialogue between them and the people they hurt. When we reach agreements about how there can make things as right as possible, those agreements, moving things like doing community service, go to job, pay restitution, and apologize to me, apologize to my family. And then they do things like speak in the neighborhood, talk to young people to keep them from going down the path you went down, do community service in a post for veterans because my family has a history of service in the military, like do something of meaning. And they're moving things that happened like one kings were the one one set, it would be home party siloed. You know, I want you to meet the Father, the children whose father, you almost took from them that night with your gun. And I believe today and the father you can do to your baby girl. And I want to say that to her face, instead of far more personal and connected than we would expect, as the aftermath of harm between strangers, a common justice, if our responsible parties complete those agreements and go through the entirety of our curriculum. They don't go to prison, and the felonies are removed from their records. And in the meantime, we work with the victims of their crime with the people they hurt, to help them come through what happened to them, and then their lives generally, on those services to our home parties are more as robust. A part of the work we do is the accountability work we do with the people responsible for her.

And that raises the question, I'm not sure it's answered in the book, how have you gotten, for instance, prosecutors to go along with this diversion.

So if it's called, we call it diversion. And it's to the Brooklyn district attorney's enormous credit and the book for being the first and the Bronx district attorney's enormous credit for being the second to do this. We're fast. I think ultimately, the reason, the reason they will do it is because the more seasoned the prosecutor arrows, if they really continue to, if they're women, honest, through like an honest with themselves about what they're seeing in their day to day work, they will come to terms with the fact that the solutions available to them, like the tools of the toolbox that have only prison in jail in them are inadequate to do anything like serve justice and safety consistently. I'm prosecutors who are people of integrity and those roles will want tools that actually will let them serve justice and safety. But more important than their integrity, honestly, is the voter base part of why Brooklyn has become such a robust site for the work, and why there

is an appetite for it. And the Bronx is about who the constituents are. So when Ken Thompson ran for election here in Brooklyn, may he rest in peace, the vast majority of people who put him in office were from neighborhoods impacted by crime and violence neighborhoods, impacted by incarceration. And so in those neighborhoods, people aren't thinking just about the one or two cases that melted into the news. They're not thinking about just this public narrative that we're talking about. They were thinking about their own lived experience of the terrible failure of the experiment of mass incarceration, to deliver on the promise of safety. And they will have an appetite for an elected leader who will do something better and different because their lives depend on it. And they will hold that leader accountable to that change.

So this may have a similar answer. But you suggest, for instance, both ending mandatory minimums and ending our reliance on lengthy sentences, two things I have been pushing for for a long time. I just worked for over half a year to get what I will admit, was mild sentencing reforms pass at the federal level. And in many times, even that seemed nearly impossible. How do we confront the politics of reform in order to get more fundamental reforms done.

So I think there's even there's work we can do with the people who currently hold office to help them understand that, who will benefit from these changes to include crime survivors among the people who encourage them toward reform among the people who stand up and protect them, if they're criticized for reform? Those are important political strategies. But more than that, I think the fundamental strategy was about organizing, like, we focus so much on the advocacy, which is about how you persuade people currently in office to do something different. Part of what's possible in organizing is putting different people in office, you know, is making sure that the people in office are actually reflective of the answerable to the people whose lives will be affected by the choices they make. And when we do that, people behave differently, not necessarily because they're better, not necessarily because they get it more deeply. But because everybody knows who can fire them, including elected officials. And when we do a real base building work, there is a power we have to influence their decisions that will always exceed that the the limited power we get through the persuasive work of advocacy,

You do a really great job exposing how the system claims, well actually doesn't meet all of victims needs. You talked about, in the end of the book, US needing a healing infrastructure, could you talk a little bit more about that.

So one of the things that we forget to think about is what we do once violence has been cause we only think about what we do to the person who was hurt. And we think very little about what we do for the survivor. And so I'd imagine you're on a you were hiking down a mountain, and somebody came up behind you and shoved you down to the ground and you broke your leg, and we're barely bleeding. If you were walking with our current criminal justice system at this moment, that system would leave you and chase that person down the mountain and beat them up in your name. Out on the mountain with your broken leg. But we need is a system that actually gets you down the mountain assumes or structures that actually support you and men during that room, they're walking again, and talking to other people who have experienced

similar injuries. So you can learn things about how to recover from it, that healing infrastructure will not be mostly the criminal justice system. In fact, it will be very, very, very little of that. It will be mostly people who are service providers and neighbors, and others who are resources and equipped to show up to you and your healing and support you and coming through it. And what's true is that your people are very, are like vibrant contributors to their communities are better parents and neighbors and are far less likely to hurt other people as well. And so an investment in human is an investment in social, while at the same time, it's just an investment in the dignity of people who did not deserve to be hurt. But we're.

So the last one of the last things that I want to discuss is that you talked about the need for cultural change. And I think one of my favorite and other favorite part of the book to me is this reference you make to the movie The Matrix, you say the lead characters in a large empty room where he can conjure up anything he can imagine anything at all to help him secure justice, his answer, guns, lots of guns, it. So now that I have you in kind of the position, if you were in that same situation, as Neil was in in the movie, how would you change the culture? I'm assuming you're not going to answer guns, lots of guns?

I think there are two different answers. But there was an individual Okay, like the the first thing I would do is, you know, create pathways to distribute the power to answer that question to the people who are actually hurt, right to understand that people know what is right for them, and will ask for those things and deserve to get those things, and that they won't be the same in every case. Right? So that would have to be an answer that made room for that kind of variety and human experience. But more globally, the thing we have to do as a country, is we have to answer for what we have done, you know, we have parent, and this was mostly white people, because we have mostly held power in this country. Like we put people in cages separate separated from their families, their loved ones, their young children, we've tortured them there. And they've been subjected to physical violence and sexual violence and degradation and abuse, with no concrete benefit to public safety. And we have done that in the name of victims who pins pain we have weaponized without their consent, and without benefit to their healing or benefit that goes entirely either, you know, financial benefit that goes to corporations or political benefit that goes to elected officials, virtually nothing of any good that goes to those survivors. We've done this for hundreds of years. And we've done it either as people who knew exactly the harm, we were causing all those people who should have known, but there's no other category put those two. And I believe in the sooner we talked earlier about what accountability looks like in the cases of interpersonal harm, that that soon, accountability was required at fast as a country, and particularly white people in this country and answering for the system that we have either created or allowed to persist in our names. And the steps or the surname, we acknowledge what we do, will acknowledge its impact, we express genuine remorse, we make things as right as possible, ideally, in order to find those harmed, and we become the people in the nation who will never cause that harm ever again. It's not an easy thing to choose accountability, it's not an easy thing to steer interacting. But I believe that's the only right thing left.

So when you were in Michigan, I guess was about a year and a half, two years ago, we talked for a couple minutes. And I said, I asked you about kind of shame based models and what was wrong with them. And you didn't have a lot of time because there were a lot of people and and you just kind of looked at me to read James Gilligan.

That's a good one, I stand by that recommendation.

That's been good for me. Would you like to just like to shout about the book too, I just would like to see if you have anything to say about his work real quick

James Gilligan, is an extraordinary, your academic researcher and clinician and does a lot of work trying to understand why people commit severe violence. And he's the ultimate conclusion distills down to the idea that shame is the single biggest driver of violence, I find this to be very believable. From my own experience, from my work from the rest of what we read, there is a way in which hurting people and feeling our own human dignity are hard things to do at the same time. And the problem is that if shown as a driver of violence, then when I responses to violence, or to increase people's shame, then all there will ever do is increase the amount of violence. What we have to do is we have to treat people as the dignified human beings that they are we have to require that people stand up straight, not human dignity, and its own really from that position, that we do things like own what we have done, do the work of becoming better engage in processes of repair, hold others to the standards that we've begun to hold ourselves. We don't want a nation of people who are like slumped over, right, we want a nation of people can stand and the most valuable and dignified portions of their humanity, to steer into those things, because it's in those things that they will be better and make others better to.

So I really, really love the book, so much so that I spent most of the last 24 hours trying to figure out a way to reduce my thousand questions to a useful amount of questions. So my last question is always the same? How did I mess up? What should I have done? Or ask but did not?

I don't know. But you messed up at all. And I just I appreciate so much your thoughtful engagement with it. I think that one thing I would add is that it's really important to that like the book at its most useful, will not just let me be the new expert who gets to replace other experts who came before me and said different things. The Book of its most useful will help our the wide range of expertise of people who know from their own experience, what does and doesn't work. And who moves we often feel like outliers who feel like them that even though the majority of our culture, since about punishment believes in prison, and then it must be very strange not to have those 90% of survivors who choose common justice, when we ask them, what portion of people do them choose this? Most people guess around 10%, which means like, no, this doesn't work, we want something else. We have known it for far too long and suffered the consequences far too much. We are actually the majority. There's a public narrative that separates us from each other and conceals that fact from us. But I think it's really important to be clear that the positions that I talked about on this book, I'm not Mayra bloomed or crazy

ideas, there are ideas that are really held by a majority of us. Those of us who have survived pain, and that when we know that we had a majority and start acting as such, we will have a far better chance of winning.

Well, thank you so much for doing the interview. It's a really huge pleasure to have you on decarceration Nation.

Oh, it's my honor.

Have a good day. Hopefully talk to you again sometime.

Thanks. All right,

bye bye.

And now my take.

Danielle mentioned that one of the problems with our current system is that it's like we face a zero sum game between prison or absolutely nothing. On the one hand, you have the people who loudly proclaim that if you can do the crime, you should be able to do the time. And on the other you have the people who sadly brush aside the problems with catching millions of people. It's a sad, but necessary safety imperative. Both groups assuming that prison keeps people safe, and that no other better options exist. But better options do exist and prison most certainly does not keep society safe. As a society, we need to start understanding that prison. Even accounting for incapacitation has a criminal effect, that it creates bad outcomes, that it generates massive trauma for the people inside prison and for the people outside of prison, and that it most certainly does not keep society or the human beings entrusted to its care safe. As a society, we need to start understanding that our criminal justice system does not create accountability or responsibility for the harms that people have caused. In fact, our criminal justice system gives people powerful incentives to never take responsibility or ever be accountable for the harms that they've caused. It does nothing to address the needs of victims. It doesn't provide them with trauma informed treatment, mental health care, or actual restitution, or justice, reinvestment, or more, most importantly, healing or justice. The system takes billions of dollars invest all that money into brutality and revenge, all while proclaiming loudly that is being done in the name of victims.

As a society, we need to start understanding that there are alternatives to prison. We have mental health treatment, addiction treatment, behavioral therapy, job training, real and meaningful education, investment and impacted communities. restorative justice, transformative justice, we need to stop believing that the answer to every crime from an unpaid debt to violent assault is prison. And we need to invest in restorative justice as an alternative to incarceration, accountability and punishment are often mutually eroding concepts. Punishment, it's always a poor stand in for justice will know we've started to succeed when every child grows up with the

same opportunities that the children are our most privileged neighborhoods, when our system isn't only designed to incarcerate when our system isn't stunningly racially disparate. And when people are encouraged to be accountable for the harms that they caused. We need a radical reimagining of America's criminal justice system, not because we are radicals, but because our criminal justice system has radically failed to deliver acceptable outcomes.

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