# DN75

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Joshua B. Hoe
Speaker 1
0:04

Hello and welcome to Episode 75 of the decarceration nation podcast, a podcast about radically reimagining America's criminal justice system. I'm Josh Hoe and among other things, I' am formerly incarcerated, a  freelance writer, a criminal justice reform advocate and the author of the book writing your own best story addiction and living hope. We'll get to my interview with Aaron Haney in just a second. But first the news.

I put this episode together to bring attention to the crisis and Mississippi prisons where at least 19 people have died over the last two months. I believe it is really important to not just say people have died but also to say the names of the people who have died. So here are the names of the people who have died so far.

Terrandance Dobbins, 40
Walter Gates, 25
Gregory Emary, 26
Roosevelt Holliman, 32
Denorris Howell, 36
A.D. Mills, 42
Gabriel Carman, 31
Timothy Hudspeth, 35
James Talley, 36
Thomas Lee, 49
Jermaine Tyler, 38
Joshua Norman, 26
Limarion Reeves, 28
Nora Ducksworth, 52
Jesus Garcia, 39
Bobby Michael James, 45
James Allen Brown, 54
Bobby Lewis Vance, 54
David Lee May, 42

Rest in peace. You all went too soon. And we were thinking about you today. Part of the reason why this happened is related to Mississippi's refusal to spend money on prisons for decades, which has resulted in conditions like this. In 2012, six inmates lacked mattresses or bedding and park Which is one of the prisons in Mississippi. Last year more than 250 did nearly 8% of the prisons. incarcerated people. Reports documented a legion of problems that include holes and cell walls and prison doors, collapsing ceilings, broken commode, sinks, drains and file, and

tiles. expose it exposed wiring burden Essen, windows, roaches, and rats throughout the prison. When it rains, water pours through the roof of the maximum-security unit which is 29 incarcerated people have buried tools in the buildings, unenforced concrete, I'm sorry, have aboard holes in the buildings, unenforced concrete large enough to hide contraband, weapons, drugs, and phones. corrections officials have acknowledged on top of that, doors and locks are broken. These conditions alarmed official alarmed Lana Laurier Vanessa Carroll who visited clients inside unit 29 building a few weeks ago, she said prisoners here told her that they have not had a yard call since December 2, and they have not received showers since December 28. Because of problems with the sewage system, they have not been able to flush their toilets and close to a week she said the smell in the unit is unbearable, and the lack of water and access to showers is making it impossible for them to maintain basic hygiene. Lack of spending has also resulted in a dangerous ratio of correctional officers to incarcerated folks and problems in every other area of the operation and Mississippi prisons. And yet, for the most part, the official response has been predictable. The problem is the prisoners. The problem is what technology in this case usually cell phones and you've heard my rants about this before. Everything could just be solved by giving more power to the Department of Corrections. And by making the Missouri Mississippi Department of Corrections even less transparent Governor Reeves is gone even farther. Instead of increasing funding to address the crisis, he has talked about being a budget Hawk and for looking for places to cut waste. Jay Z and Yo Gotti, along with Roc Nation and the reform Alliance, have entered a lawsuit against the Mississippi Department of Corrections. And so I decided to invite Erin Haney from the reform Alliance on to discuss what is happening in Mississippi. If the news media won't cover this, I guess we'll have to do it for them. I also want to mention that I'm working a second working on a second set of interviews with folks from the on the ground organizations are working to demand change in Mississippi. We've been trying to find a good time because they've been very busy working every day trying to put pressure on the Departments of correct on the Department of Corrections and Mississippi. So let's get to my interview with Aaron Haney.

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Joshua B. Hoe

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Aaron Haney is the policy director of the reform Alliance and a senior counsel Cut 50. Prior to her political work, she was an indigent defense attorney specializing in death penalty work. Hello, Aaron. Welcome to the decarceration nation podcast.

Erin Haney

5:09

Josh, thanks so much for having me.

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Joshua B. Hoe

5:11

Oh, my pleasure. I always ask the same first question. How do you get from where you started out to where you are now working as the policy director at the reform Alliance and working to deal with problems in the prison system in Mississippi?

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Erin Haney

5:24

Great question. And so I grew up in a household where my family was really involved in criminal justice reform and direct services for people behind bars. My dad has been working in this field long before I was born. So my brother and I grew up in a household where, you know, people behind bars and prisons themselves weren't mysteries. They were places that we were highly exposed to from a time that I was too young to remember. My first job was working with people who are incarcerated, and I had very few jobs that didn't have to do with working directly with folks who are incarcerated. And so for my brother and I think growing up in that household, we were very aware that people behind bars, you know, should be a daily part of our lives and a daily part of our consciousness. And so as a result, you know, I, I always worked with people who are incarcerated, but I had assumed for a long time that I would do direct services. So, at a pretty early age, I started working as an investigator at a public defender's office. I also did some transition services, some pilot programs for people coming out of prison, as well as pilot programs in Watsonville. For people who were accused of sexual offenses, and domestic Ireland's working with them and with the people who accused them of the offenses, so trying to do some restorative justice type work. And from there, I became a public defender, and a death penalty attorney, and did some conditions of confinement work as well. So while I was doing that work, I met Jessica, and actually she and my brother Matt Haney set up cut 50 with Van Jones. So I've been aware of the amazing work that they were doing for quite a while. And after about a little over a decade of doing a direct representation. They convinced me to come over and do some policy work.

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Joshua Hoe

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I have to ask, Is there ever been a time where you're like, how did I really get stuck in it? I do this work because, you know, I was formerly incarcerated and so it's pretty, you know, and I'm sure it's very personal to you too. But every once a while you have to kind of be like,

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Erin Haney

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Well, I will say, I think, you know, we have an interesting family and that pretty much all of us do work related to the criminal justice system. And so we have almost no family dinners or holidays where there is in sort of a heated debate about something happening in the criminal justice system, or where my dad isn't on the phone with a client of his who is incarcerated or where I haven't been coming from visiting folks who are incarcerated. And so, you know, I think for me, it's all I've ever known, and it's all I would ever imagine doing. We joke that my brother got tired of cutting 50 and decided to cut 100 and he's an elected official in San Francisco and has been working really, really hard on closing down several of the jails there.

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Joshua B. Hoe

I see him on Twitter somewhat regularly.

Before we get into the serious stuff, one more time. A fluffy question. I think a lot of my listeners might get mad if I didn't at least ask. Even though you've done all this serious work, I think what you've gotten the most coverage for is working to help Kim Kardashian become a lawyer. Would you like to address that a little bit?

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Erin Haney

No, no. You know, I, I will say I really, really enjoy working with Kim. After again doing 10 years of very serious direct representation work. I was somewhat surprised when I started at 50 and was told by Jessica Jackson that one of my responsibilities would also be to, you know, help mentor Kim with her Legal Studies. And that was certainly not why I had gotten into this work and not what I anticipated, putting in those long hours in law school, but I have been really really incredibly impressed. I know there's a lot of questions. People often ask about why she's doing this work. And I will say she is incredibly genuine, incredibly dedicated. And I've been really, really impressed in her sort of journey around empathy and compassion. You know, she's talked a bit about how when she started, sort of when she entered into this work, it was really with Alice Marie Johnson's case. And so her sort of entry into the work, she figured, you know, she was going to do work that really related to quote unquote, non violent offenders, right, who were, you know, potentially older who really everyone could agree had gotten an unjust sentence. And she didn't have any problem finding compassion and empathy for people in that situation. But she didn't imagine that she would have a tremendous amount of compassion empathy for people who had in fact committed really serious crimes. And I think one of the most interesting and incredible things about working with Kim as she learns the law is the way in which she's become very aware of the importance of empathy for everyone inside of this system, and while her advocacy may take different forms, given the person's specific circumstance, she really is willing to look even at you know, very serious crimes and difficult topic she really wants to talk about, you know, trauma people have endured prior to getting there the conditions of confinement they're faced with while they're there, how the victim's family is handling and processing all of this. And I think watching somebody go through that transformation is is really incredible.

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Joshua B. Hoe

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Alright, so I really brought you on here because you're one of the people that It has been working on the crisis in the Mississippi prison system. We're just in the middle over the last month, we've had, unfortunately 16 deaths. And I wonder if you could talk about how you got involved in that.

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Erin Haney

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salutely. So I got involved with that through reform Alliance. Reform Alliance focuses on probation and parole. So essentially, the way that reform Alliance began was through meek Mills. Really, you know, in some ways, incredibly common, but really unjust experience with probation and parole. And so although reform Alliance focuses really only on probation and parole, we work with a number of incredible partners who look at all different areas of the criminal justice system. And so through our connection with Roc Nation, we became a way Are and then involved in some of the the response to the Mississippi prison crisis. And as you well know, the Mississippi prison crisis has been going on for a very long time. It certainly did not start with parchman or with this litigation. But that is where we became, you know, where we're form Alliance, which is fairly, you know, fairly new organization. And were cut 50, which has been involved for a bit longer where we entered into that response.

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Joshua B. Hoe

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Yeah, I think that's really important. I mean, I think even if you just going to talk about parchman parchman, you know, started a really long time ago in a really dark place, you know, in our nation's history. And so I think it's important to note that, you know, these are not these are, these things are happening all over the place, unfortunately, and they crop up not due to any one particular system, probably due to the problems with the system in general. And I think we're going talked about that a lot today. I'm guessing you think we've seen similar things like this in Alabama, Florida, Texas, South Carolina, and even in Mississippi was only about a year ago, another real rash of unfortunate deaths happened. What are the underlying legal issues that seem to be making prisons? So ripe for this right now? I think you've talked to me about the conditions of confinement suits before.

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Erin Haney

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Absolutely. So, you know, I think that there are a couple of things to talk about when we think of conditions of confinement lawsuits. And, you know, just to start with the basics, at their core conditions of confinement suits are lawsuits usually under the Eighth Amendment, which allege cruel and unusual conditions inside of the presents. And essentially what they're saying right is that although we understand that prisons are a place of punishment and prison, are themselves generally terrible places that the conditions in these particular prisons have fallen far below constitutionally adequate air. And usually that happens in in one of a couple of ways. So when we talk about conditions of confinement suits, we're usually looking at suits that involve personal safety or duty to protect. So that can be in the form of, you know, outbreaks of violence within the prison and whether that's, you know, incarcerated people committing violence against each other and the guards failing to step in or guards and incarcerated people committing violence against each other. Also suits around food, so people not getting adequate nutrition, not getting enough food. You know, not having the prison respond to medically necessary dietary restrictions. suits around clothing suits around shelter, which usually involves ventilation and lighting, suits around sanitation and hygiene suits around exercise. And then what we've seen a lot more recently, our suits around overcrowding and suits around medical and mental health

care. So those are sort of the primary ways in which we we look at conditions of confinement suits, there are certainly other elements and other reasons somebody can bring a suit, but I would say that those are the main ones that we see.

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Joshua B. Hoe

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And is there kind of a core problem since it doesn't seem like a lot of this is being fixed. That, you know, within the law, you know, kind of complications in the law that are making it so hard for us to deal with kind of these really recurring crisis is around the country.

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Erin Haney

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Absolutely. So I think you know, there's some legal issues that make it difficult, but I think honestly, the thing that makes it the most difficult are sort of issues of morality and ethics and how we think about prison and how we think about punishment. And so I want to start there, and then we can talk, you know, more specifically about some of the legal constraints. But really, I think much of the challenge has to do with the fact that we really have created a criminal justice system in which we have normalized torture, right? We have normalized certain types of punishment that are otherwise unimaginable. And we have all kinds of ways of detaching ourselves from that through the language that we use, through the lack of transparency about what happens in prison. But at the end of the day, you know, we we have normalized, awful, awful conditions. And so part of the I think part of the challenge with conditions of confinement suits is finding the line of thing how far is too far If you have prisons where we have generally said, we are going to allow people to be caged, and they're going to be living literally on top of each other, we're going to put, you know, five people in a tiny cell, we're not going to feed them, we're not going to allow them access to light, we're not going to allow them access to the outdoors, we're going to have incredibly violent conditions, including rape and assaults that occur on a daily basis. And we're going to allow all of that as sort of a normal part of incarceration. Once we have allowed that in this country, I think it makes it very, very difficult to figure out exactly where to draw the line. And, and I think just in relation to that, another really important thing to think about are the types of punishment that we allow as a matter of law in this country. So for example, we still have the death penalty in many states in the United States. If you have a system that on its most extreme end, allows you to literally lose your life. And as a government sanctioned punishment, I think it becomes really hard for us to understand what types of conditions what types of other punishments are unconstitutional if we have a system that literally allows us to kill people.

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Joshua B. Hoe

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And so does that. I guess that's a good place to ask this question. So is there me it seems like the kind of prohibition against cruel and unusual punishment, even throughout the court cases I've read, ends up being somewhat of a Moveable Feast. Is there a baseline or some way that

we are able to or you're able to as a lawyer, say, Okay, this is clearly over the line, or we're going to be able to get action here or whatever.

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Erin Haney

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Absolutely. So and there are I mean, I guess what I'm saying is, I think it it just is difficult, right, like all of law within the criminal justice system, once we've broken it so badly, and I think most of us, regardless of whether you think the system exists to sort of price and hurt certain groups of people or whether you think it's fundamentally broken and can be fixed. I mean, most people at this point believe that there is a mass incarceration crisis. And so there are some very obvious cases and obvious standards that are over the line. There are also of course, legal tests that we use to try to figure out whether, you know, something is failing under the Eighth Amendment. So for example, the test basis for constitutional liability in a conditions of confinement case, or an Eighth Amendment case, requires that you meet two basic standards and so the first question is They're a substantial risk of serious harm. In other words, is there something sufficiently serious that is happening? And then the second piece of that is, is there a culpable state of mind and this is oftentimes where conditions of confinement suits fail. So under the second prong, correctional officials have to be deliberately indifferent to the safety of the people inside. And those are essentially the two prongs that you're required to meet to bring an Eighth Amendment suit. And it's obviously incredibly difficult to show somebody state of mind, especially because in this country, we have lots and lots of protections, both for people in the government but especially for people running prisons. So we have a ton of laws that for example, say that you have to defer to prison officials. When There's any type of emergency in a prison. And so what happens is sort of the more violent, and the more the more the conditions inside a road. And the more panicked and traumatized people get. And the more violence You see, the more deference we actually give to prison officials to deal with that. And oftentimes, what you then see is sort of a cyclical nature of the conditions of confinement, crumbling and getting worse.

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Joshua B. Hoe

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And so let's step back from the law just a little bit for a second, as you know, and I'm going to talk to some other folks as well who are kind of doing on the ground work, but what broadly are the conditions that people are facing in Mississippi prisons right now?

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Erin Haney

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tour? So, you know, the first thing I'll say is that as as you mentioned earlier, this is not a new phenomenon in Mississippi. Unfortunately, there have been several lawsuits, you know, when in 2013, when in 2012, when in 2002, we could go on and on. on and on. And each of those lawsuits were brought against different institutions in Mississippi. And so I think it's important to really look at the conditions in parchman, which we'll talk about specifically. But it's important, it's important to look at those conditions on this continuum, Mississippi's whole system being in

crisis. And so I first just want to and you may very well have other people who are going to talk about this, but I just want to sort of give a brief overview if that's okay. Okay, of how many people are locked up and sort of what the system looks like. Sounds great. Great. So in in Mississippi, 29,000 people are locked up 19,000 of those people are in state prison. And, and Mississippi has approximately 1200 women who are incarcerated. So the vast majority of the people incarcerated in Mississippi, our men, Mississippi's incarceration rate is far higher than the national average, with Mississippi incarcerating over 1000 people per hundred thousand, whereas the us as a nation, its incarceration rate is 698 per 100,000. And, you know, if,

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Joshua B. Hoe

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if you're bringing up the rear or the if you've got the worst in our country, which is already by far and away the worst that's you're really not you're really doing a terrible job.

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Erin Haney

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Exactly. And Mississippi was having such a crisis that in, I believe it was in 2012, Mississippi had the second highest rate of incarceration in the nation. They did create a task force in 2014 in a variety of reforms to try to address that. And they were able, I believe, now Mississippi is the third highest. So they have dropped one which is good, right? There has been improvement but that's still as you said, incredibly high. In a nation that is already incarcerating Far, far too many people. And so I think, you know, the, the first thing to really look at is, as a whole the number of people that Mississippi is incarcerated, right? So whenever you see a state where the rate of incarceration is, is higher than the national average, right and higher than the national average by a lot, so we're talking second or third highest ranking, then we are inherently also going to have a problem with overcrowding. And overcrowding has become one of the, for a long time in the us it was something that was overlooked. But as we've become a nation of mass incarceration, and we've put more and more people in prison, with less and less room, in cars, you know, over incarceration and overcrowding has in and of itself become a basis for cruel and unusual conditions or conditions of confinement suits. So I think that's definitely one of the things in Mississippi that's an issue. The other really important thing in Mississippi that is a huge issue has to do not just with the people who are locked up and behind bars but with the people who are working in the prisons. So Mississippi has one of the lowest annual salaries for guards. An entry level salary for a guard is about $24,000 which in Mississippi falls below the poverty line for a family of four. So if you are a guard in a family of four working full time in a prison, you are below the poverty line. And in fact, it I said it has one of the lowest I think the numbers are actually that it has the lowest salary for officers in the entire nation. And so

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Joshua B. Hoe

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a lot of people are probably not rushing to take those jobs and when they are they may not be the most Five folks in the world.

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Erin Haney
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That's exactly right. So we have these two problems continuing at the same time, right, where we're incarcerating more people. And so we have more people behind bars. We also know that we have more people with mental health issues and with substance abuse issues, so more people who need actual support and assistance behind bars, and then we have this crisis where we aren't able to get enough people to serve as guards and we aren't able to get them enough training to really give the support that would be necessary. So in Mississippi, you have what I'll say in parchman. Specifically, the guard to incarcerated person ratio is one to 11. So there's only one guard for every 11 people inside which is higher than than the national ratio. But I will say not as high as the ratio in South Mississippi Correctional Institution, which was the subject of a lawsuit a couple years ago, and they are the ratio is one to 23, which is the most extreme ratio in the state.
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Joshua B. Hoe
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So, we are there, I assume that a lot of the problems aren't just cause part just that there are bad guards and that there's overcrowding, but I also, at least I've heard quite a bit that the facilities are are not in particularly good shape. Is that fair to say?
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Erin Haney
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And that's absolutely correct. And I do want to clarify, I'm also not just talking about bad guards. I mean, I think that the the crisis here is really systemic, right even within parchman and so they're very well may be guards to want to do the right thing and who want to, you know, make this a place that is in half, you know, that is habitable, but that really can't do that because of the salary because of the lack of training and As you mentioned, because of the facilities themselves parchman in particular, is inhabitable at this point. I mean, I don't think that there's any other way to say it. some background on parchman right? It's a maximum security prison. It also includes Mississippi's death row. And unit 29 has become the focus of a lot of the allegations, about parchments unconstitutional conditions. And unit 29 spans 12 buildings. So it's actually a huge section of the prison that we're talking about. And within unit 29, what we've heard are, you know, credible reports of, first of all the power being out for long periods of time, of there being no running water and no access to showers for weeks. They're being issues with sewage and sanitation. We've heard reports of people essentially wading through, I mean, what sounds like a mix of water, sewage and blood as they're walking around the cell, because there has been no adequate sanitation and plumbing services. There are reports of water just pouring in from the ceiling into the cells again, because of these issues with pipes breaking and with a lack of power, and a lack of adequate sewage and and sanitation services. And so at least the conditions that have been described to us are not just intolerable, but, but actually inhabitable people could not survive there, in a even marginally healthy atmosphere for any amount of time.
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Joshua B. Hoe

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So, you know, on my side of the street we you know, it's it's a long standing and you know decades old joke that when there are crisis is that you'll always hear the same essential playbook from departments of correction. The first part is, it's the prisoners faults. The second part is its technology. And the third part is give us more power and money. And when I heard when I heard talking about a lot, you know, that's fine. When I heard governor Reeves talking about this crisis. Strangely enough, he said it was kind of a case of games gone wild. That cell phones had a lot to do with it. And kind of was asking for kind of power to and money to open I think other prison facilities. Is that correct? Or am I

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Erin Haney

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know that's, that's correct. Um, so I think you're absolutely right. The first response is always no matter what State we're in what facility we're talking about, or what crisis, the first response is almost always inevitably, there are violent people inside of this facility. And sometimes they don't even say violent people, right? We hear rhetoric that goes so far as to essentially say, there are violent animals running around the prison killing each other and killing the guards. And that becomes, you know, that serves a couple of purposes. Right. So when we talked about the fact that we have to give under the law, we have to give deference to prison officials when there is any type of safety emergency, and that that allows them to change the conditions in ways that may otherwise be considered unconstitutional. And placing the blame on sort of violent people in the facility reinforces this idea that we have to give officers deference and we have to let them prison officials sort of sorted out and do what they need to do even if it sounds terrible, because we are in a crisis, and they just need to make it safe. Right. So that's, that's one of the purposes that rhetoric serves. But the other purpose it serves, I think it's sort of more long lasting, and we hear it and a lot of different ways when we talk about people in prison, but it really is to promote fear mongering and to lessen empathy, right, that if what's happening is that these are just very violent people inside who are hurting each other. And then we are less likely to demand rights for them, and we are less likely to feel heartbroken when somebody dies. And so I think a lot of it and I, you know, I'm not suggesting that this is what you know, Governor Reeves was sent was doing but I want to say On a larger level, I think that this is often why we hear that. You know, and again, I won't say for governor Reese specifically, but I will say that when you look at this stuff in a vacuum, it's a god, I don't want to say attractive argument, but particularly for people in power. It's a beneficial argument. And and if you don't have much contact with people in prison, and you don't have sort of a full understanding of what those conditions are like, and how people end up there, it's an easy argument because what you see as a person in power is in fact that there's a lot of violence in a prison, and that much of the violence is, you know, coming from and being perpetrated against other incarcerated people. And so I think it can be a very easy narrative. The problem is just that it's completely inaccurate and fully devoid context, which is that much of the violence that is occurring in parchman is at least partially, if not fully attributable to the conditions there. Certainly there are gains in virtually every prison across the United States, and we don't see this level of violence. But once you put people in a situation where it is inhabitable, and where they have to fight for their lives and where they're being

constantly exposed to trauma, you will see violence that we know that that's what's that's what happens. And I think that we can see very clearly, that's what's happening in parchman.

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Joshua B. Hoe

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So I guess the next question is, you said before that there were a bunch of, you know, suits before that were unsuccessful or successful to a certain degree. Now we're starting to move to try to address the current iteration of this crisis. What what's happening.

So when you say what's happening, do you mean sort of where's the Lost you at? Yeah. Okay. So, um, you know, and I do sorry, I just want to go back. I know I'm super long winded. But I do want to come back to about technology, I'm sure because I think and also, you know, one of my like, for years, one of my biggest rants has been that cell phones are not the problem. Right from our side, you

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Erin Haney

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know, so I mean, and I think we hear this also when we talk about police brutality, right. And it you know, since people do have self confidence, and they are able to capture their horrific things that are happening, rather than examine the actual horrors that are being caught on film, The tendency has been to say, Well, this is happening because it's being filmed and that's the problem, which to me, has never made much sense. But I think you know, in parchman, it is accurate to say that technology is part of the problem, but it's not self parchman itself is ill equipped with security. And by that I don't just mean the number of guards and the training that guards have. But there are a number of security systems that other prisons have. And we can debate all day long about whether or not that's a good thing or a bad thing. But what we do know is that parchman is not equipped with many of those security systems. And so some of the systems that other prisons have that allow, you know, when you have fewer guards and more people behind bars, these systems allow you to monitor the prison in a way that just isn't physically capable for people to do if they don't have those systems. And so I do want to note that that is one of the consistent issues that we are hearing about parchman is that some of these basic security systems and basic technology that we expect other prisons to have parchman does not have. And I think that, you know, it's quite possible that that's played a significant role in their inability to really gain some control in a way that doesn't involve excessive force and violence.

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Joshua B. Hoe

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That's been very consistent across states. When the Lee Riot happened in South Carolina, a lot of the problem was that the they'll even the locks on cells weren't working and things like that. So that's

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Erin Haney

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really more. Yes. The only other thing I will say about cell phones, which and I just want to mention it because I think it's not something that's been talked about with this. And I think again, this sort of goes to the empathy divide. And you know, one of the reasons we know so much about what's going on in parchman, that is because of the horrific videos that have made their way to the outside. Where we've seen? Absolutely, yeah, people being stabbed, you know, people sleeping on the wet floor five people to a cell, blood all over the ground, just really, really heartbreaking and atrocious conditions. And as important as that is, I also, you know, I can't help but think about what it must be like for the loved ones of people who are in parchman, who may, in fact be seeing, for example, you know, their loved one being stabbed on the internet, right and so there because we know that parchman has not gone through proper procedures yet of notifying family members and doing all the things that they need to do when somebody gets hurt. I do just also want to be sensitive to the fact that as important as these videos are and as informative as they are, the way in which they're being shared and spread all over the internet can also be incredibly harmful and jarring for people.

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Joshua B. Hoe

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Yeah, I mean, I definitely understand that. I mean, I don't know if there's a great answer to that. But I think that the alternative is that prisons remain black boxes. And I think for me, the problem was cell phones, the whole argument of cell phones. I mean, let's assume that every suggestion that that the Departments of corrections make are true that you know, that they're mostly used by gangs to target people, things like that, that sometimes they're used to commit criminal enterprises on the outside, we can assume all those things are true, but anyone who has done Time will tell you that the gangs could do all that stuff with or without cell phones, using regular phones using mail using the transportation systems, using contacts and other means. I mean, they're, you know, yes, it might facilitate, make some of those things easier times. But the idea that if you get rid of cell phones, those criminal activities cease. Pretty fanciful. And the one thing that does cease is that prisons become immediately less transparent. And in most of these situations, the only reasons we know why what's happened in the prisons happened is because people smuggled out cell phone video. And so I definitely agree with, I definitely agree with you that it's got to be terrible for the especially loved ones. But you know, I mean, the unfortunately the alternative for everyone is to not know that things are happening. I wish maybe there's a way we'll find a better way to transmit that information when we get it.

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Erin Haney

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I agree with you 100%. And I think that most of the time, people who have cell phones, they use them to talk to family and they use them to, you know, get information out that really needs to get out. It's generally not like you said, it doesn't provide some type of like access to criminal activity that doesn't already exist. It usually is Actually for important, or somewhat beneficial, you know, activities. But, you know, I think the easiest thing for prison administrators to say is that Well, the problem is technology itself.

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Joshua B. Hoe

42:15

I mean, there are some mean just the actual market that, you know, comes up because the cell phones are contraband, and there are harsh penalties for them can cause violence to I understand that. But that's clearly solved in a world in which it's not, you know, we're having access to those kind of kinetic can we get communication devices is not, is not heavily penalize that's that's part of the reason it becomes so dangerous. So we were leading at some point, I was trying to ask what where we're at legally. So I'll ask that again. Where are we at legally?

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Erin Haney

42:53

So I'm legally and I do want to be clear, I'm not one of the lawyers on the case. But my understanding of where we're at legally, is that there has been a complaint filed alleging a lawsuit under the Eighth Amendment alleging cool and unusual punishment in the form of unconstitutional conditions of confinement. It is a class action suit, meaning that it has several people signed on to it as it is not a suit involving just one individual. But there are many, many people in parchman, who are a part of the suit. The lawsuit involves some sort of immediate and short term conditions and fixes and then some conditions and fixes that are a little bit longer term. So obviously, some of the short term issues involved those things that we talked about in terms of of the facility being literally and habitable, so demands requiring undock the Mississippi Department of Corrections to actually move People to facilities and to spaces that aren't inhabitable. So to get them out of parchman and specifically out of unit 29. And then there are some longer term demands about, you know, what sort of what needs to happen in order to get parchman to a place where it can be habitable? And is that even possible? So you think you've heard, or I'm sure you've heard, there's also a call to just close parchman down all together. And that's coming from, you know, many activists on the ground, who I think, as you mentioned, understand the history of parchman and also have been exposed to the horrors of parchman over decades. And so in their view, it's time for this person to just completely shut down. I think part of the issue is that that leads us to, you know, one of the things that the governor did speak about, which is You know, the system asking for more money essentially to build more facilities or to open different facilities? And so part of the question is, do we really want Mississippi to do that, given that their whole system is in crisis?

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Joshua B. Hoe

45:14

So, you know, we get in this situation where, you know, a lot of times the courts end up looking like our best and sometimes only hope of fixing these problems. But at the core, this is really a problem of the people of Mississippi not valuing the lives of the people who are incarcerated in the state. Do you have any thoughts of like kind of what we need to do and you know, not just this state, but like Alabama and South Carolina and Florida and Texas, and I'm not saying any state has a great but we've got some serious problems and a lot of primarily, unfortunately,

southern states. Right now. Do you have any kind of larger thoughts about what we need to do about this or is la really you're just continuing to do lawsuits is that going to be our only hope or

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Erin Haney

46:00

It's a combination of responses. So I think first of all lawsuits are important. We know that people in power often don't change what they're doing unless they're forced to. And so lawsuits and, you know, changes to the law generally are incredibly important. But we also know that those things don't mean anything if we don't also change culture. And so what we have then is when we get good rulings will find that people will do everything that they can to keep things the way that they were prior to the ruling. Because if that's what the culture inside of the institution demands, and that's what folks tend to adhere to. So I think one of the most important things that we can do is have this conversation about the fact that, you know, Justice is not the same thing as punishment. And for decades now, our lawmakers and many of our courts, I think, have really understood justice and punishment to be the same thing. That's often how you get into this type of crisis. If the only way to get more justice is to, you know, enact more punishment on people, then you have prisons that are more and more overpopulated and worse and worse. And that's essentially where we are now. We have so dramatically over incarcerated our nation, that it's very rare to find people who don't have someone closely connected to them who hasn't at some point, been incarcerated or been in the criminal justice system. We have now reached so many people. This is part of, sort of American daily life. And so I think one of the biggest things that we can do in addition to the lawsuits, and it sounds cheesy, but I think it's incredibly important is to continue having these discussions to continue promoting empathy and transparency. And dealing with sort of all of the nuances that that comes with. The more we talk about an expose what's going on inside, the more that we can change things, and I think, even in Mississippi, you know, Governor Brian, who's there before governor Reeves, you know, had gone around the country, you know, was a good friend of my boss Van Jones and talked a lot about the importance of accountability courts, and alternatives to incarceration. I will also say, you know, Governor Tate has been very willing to talk to us to try to come up with a solution for this. So I think that, you know, there are willing parties and that's some of what we some of where we're at is that it has gotten just so bad, that people aren't sure exactly what to do. And in order to make it better, we need to take some immediate steps to make people safe. We are literally talking about life. Death inside of parchman. And so taking those immediate steps, but then not being finished, once that happened really coming back and saying, what do we need to do to change this as a whole?

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Joshua B. Hoe

49:13

Yeah, I mean, I feel that I definitely understand. You know, both, you know what you said about, you know, I always say that the one of the only silver linings of mass incarceration is that it's mass incarceration, in other words, that so many people are impacted by it, that it starts to build movement, just by its very breath. But also just the sheer you know, scope of this problem and the cost that is going to be to fix it and the need for something to happen immediately. Just an

incredibly upsetting and just just terrible situation. I certainly hope that the lawsuits and everything else do something good very, very quickly. For our brothers and sisters inside those facilities, is there any other work that the reform Alliance is doing right now that you'd like to talk about?

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Erin Haney

50:08

Certainly. So the reform Alliance, as I mentioned, focuses specifically on probation and parole. So while we have over 2 million people who are incarcerated, we have more than double that, who are under some form of criminal supervision. And so the reform Alliance really looks at the conditions that people endure while they're under supervision. So while they may be physically free, they live under constant threat of re incarceration, of being violated for sort of daily basic activities that the rest of us are able to do without concern. And so the reform Alliance really looks to alleviate some of those burdens, and and really make the community safer by providing people with the support and services that they need in re entry. And I think that that, you know, in many ways relates to some of the underlying of what we're talking about in terms of Mississippi and just the United States in general. And the incarceration problem, which is that we really have the gun, I shouldn't even say the gun, we have for decades now use the criminal justice system to address social problems. So we use it to address poverty, we use it to address all kinds of things that really don't, you know, aren't criminal problems, per se. And I think that in doing that, we've come to really ignore sort of the role that trauma plays in criminal behavior and the role that trauma plays in incarceration. So I think a big part of this effort and movement has to be understanding, you know, how people end up committing crimes, how people end up incarcerated and then what incarceration itself does to somebody and I incarceration itself is a trauma that can impact somebody's ability to re enter in a smooth way. And you know, I think there's, I will say there's a new book that's out. And it's not that I'm biased. But my dad Craig Haney has been doing this for a long time. It's called criminality and context. And it looks at social histories and risk factors, but also looks very, very closely at conditions of confinement. And he is one of the experts who's working specifically on the parchman crisis.

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Joshua B Hoe

52:35

Very cool. We'll definitely include a link to the book on on the show notes. You know, this is the decarceration nation podcast. So this season, I have decided to ask my guests aside from closing prisons, and I only say that because if you answer closing prisons, there's really not much else to say, Are there any reforms you've heard of or thought of, that you think would have immediate and profound impact?

Erin Haney

The bread the amount of people incarcerated absalutely. I think that there are three that I can think of just off the top of my head. So the first I would say is expanding, preach our forms, so alternatives to incarceration in the form of pre trial diversion, and bail reform. The second one I

would say is, you know, reforming the way that we look at community supervision, community service, supervision, parole and probation are the primary drivers of prison populations. So instead of helping people transition out of the out of prison, they actually are the primary reason why people end up back in prison. So I think, you know, organizations such as the reform Alliance, which are taking a close look at that are incredibly important and changing mass incarceration. And then I think the third thing is really Understanding trauma and mental health and ensuring that we are actually providing not just adequate but effective mental health services in our community. And in our prisons, so long as prisons exists, we need to make sure that while people are in there, they are getting support and services. And so I think really taking a much closer look at mental health care whether it's universal mental health care, or community based mental health care is incredibly important.

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Joshua B. Hoe

54:32

I always ask the same last question, what question Should I have asked but did not.

Erin Haney

um'm Josh, I don't know. I feel like you asked a lot of questions.

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Joshua B. Hoe

54:41

either. There's almost always one or the other. Someone has one burning thing on their mind. Or they just say, Oh, no, you did great. Which is great. I'll take that.

Erin Haney

Yeah, no. I will just talk and talk and talk so

Great. Well, that's always good on a podcast

but I really appreciate you doing this and taking the time and it's great to talk to you for those who don't know Aaron and I actually talked to know each other through through works

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Erin Haney

55:15

of yours Josh. So this is like an extra special treat. I really really appreciate it. You are incredible.

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Joshua B. Hoe

55:21

Well, thank you. I'm a big fan of yours as well and thanks again for doing this.

Erin Haney

Absolutely. Thanks so much.

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Joshua B. Hoe

55:30

And now my take

What is happening in Mississipi with these prisons is not okay.

What is happening Mississippi prisons is not okay.
What is happening in Mississippi prisons is not okay.

None of these people were executed legally. Although I totally oppose the death penalty. None of these people should have been ignored and left to die. None of these people are getting just deserts. The punishment of prison is being in prison prison. is not supposed to be this brutal. This was done in our name. This is being done in our names. This is about us, not them. We cannot continue to remain silent in the face of official brutality and official indifference. We know people are suffering and that the need is massive. This is what governor Reeves has suggested in response to this incredible crisis. Tate Reeves has ordered a thorough review of spending in the State Department of Corrections, questioning whether money has been wasted in the prison system that has been plagued by violence and shoddy living conditions for some inmates. I am If nothing else, a budget Hawk Reeves told reporters Thursday in Jackson, I hate spending other people's money. All I can do is suggest that people let Tate Reeves know that we can do better that these people's lives matter more than support Spending other people's money and that change must happen now.

You can contact governor Tate Reeves at p o box 139 Jackson, Mississippi 39205. His phone number is 601-359-3150. His fax number is 601-359-3741. And the toll free number is 1-877-290-9487.

I want to take a second to give some lives to the people who are doing the hard work on the ground in Mississippi and showing up every day. If I've left anyone out, please let me know. The Mississippi prison reform coalition. Black No Chaser, Poor People's Campaign, Mississippi people's advocacy Institute, Roc Nation, the reform Alliance, Mississippi rising coalition. Thank all of you for all of your hard work and much solidarity and love from Michigan.

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posts across your networks. Thanks so much for listening to decarceration Nation podcast. See you next time.