So is this Actually an Abolitionist Proposal or Strategy?

A collection of resources to aid in evaluation and reflection

By Interrupting Criminalization, Project Nia & Critical Resistance

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Introduction

This binder is not the definitive thing.

This binder is what people have already created, and what we've come across.

It is full of excerpts from resources that we have frequently used as jumping off points when we think strategically about abolitionist organizing. The excerpts included in the binder highlight tools that we've found helpful when getting into the nitty-gritty of strategizing and evaluating next-steps: questions to ask, lists to consider, steps to take, charts to consult.

Perhaps this will give you an idea of what to create for your constituencies and groups.

If you have a tool that has helped you get clear on your abolitionist organizing tactics, email us at info@interruptingcriminalization.org.

Relying on the thinking and work of many, we begin the binder with a list that we return to, time and time again. We ask of each reform:

1. Does it (as a whole or in part) legitimize or expand the carceral system we're trying to dismantle?
2. Does it benefit parts of the Prison Industrial Complex, industries that profit from the PIC, or elected officials who sustain the PIC?
3. Do the effects it creates already exist in a way we have to organize against? Will we, or others, be organizing to undo its effects in five years?
4. Does it preserve existing power relations? Who makes the decisions about how it will be implemented and enforced?
5. Does it create a division between "deserving" and "undeserving" people? Does it leave out especially marginalized groups (people with criminal records, undocumented people, etc.)? Does it cherry-pick particular people or groups as a token public face?
6. Does it undermine efforts to organize and mobilize the most affected for ongoing struggle? Or does it help us build power?[1]

[1] From *Preserving Punishment Power: A Grassroots Abolitionist Assessment Of New York Reforms,* Survived and Punished New York, 2019.

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A Note on Organization: Text with dotted lines and QR codes are hyperlinks in this web edition.

Resources in each section are organized from the most general (questions and considerations for any action) to the specific (example guidelines for particular sites and types of actions). Most of the resources included in this binder are excerpts from larger pieces. At the top of each resource, you will find a scannable QR code where you can access the full piece.

Section 1: BASIC PRINCIPLES

Section 2: POLICING & CRISIS RESPONSE

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Section One: Basic Principles

Organizing Tool: Questions For Evaluating Reforms

Summary:

We are living in a historical moment where "reform" means many things—often whatever is most relevant to the speaker. Abolitionist organizers understand that we must take steps toward attaining our key goals. In some cases, this means engaging in policy struggles. As we fight for the vision of the world we want to live in, it's not always clear which policies move us closer to that vision and which actually move us further away.

That's where this resource comes in! We hope that it helps organizers evaluate reforms by providing a list of questions designed to address issues of structure, implementation, and strategy.

From Preserving Punishment Power: A grassroots abolitionist assessment of New York reforms, Survived and Punished New York, 2019.

We ask of each reform:

- Does it (as a whole or in part) legitimize or expand the carceral system we're trying to dismantle?
- Does it benefit parts of the Prison Industrial Complex, industries that profit from the PIC, or elected officials who sustain the PIC?
- Do the effects it creates already exist in a way we have to organize against? Will we, or others, be organizing to undo its effects in five years?
- Does it preserve existing power relations? Who makes the decisions about how it will be implemented and enforced?
- Does it create a division between "deserving" and "undeserving" people? Does it leave out especially marginalized groups (people with criminal records, undocumented people, etc.)? Does it cherry-pick particular people or groups as token public faces?
- Does it undermine efforts to organize and mobilize the most affected for ongoing struggle? Or does it help us build power?

Challenges and Pitfalls of Reforms

Summary:

This resource compiles sets of questions for evaluating reforms. “Recuperation” refers to the neutralization of radical ideas via their mainstreaming. Example: abolitionist ideas and rhetoric coming to the forefront of conversations about police violence during the George Floyd uprisings, only to have slogans like “defund the police” co-opted by those who are not actually advocating for defunding police.

Connecting the dots between recuperation and reforms, this resource offers multiple framings to evaluate the benefits and risks associated with a reform.

Compiled by Mariame Kaba, Project NIA, and Survived + Punished, August 2018.

Challenges and Pitfalls of Reforms

What is recuperative (mainstreaming)? - putting a legitimizing face on existing harmful system vs what is liberatory? - leading us towards more justice and freedom.

From Pitfalls of Reforms Outlined by Dean Spade (https://bit.ly/ReformsOutlined).
Is a particular tactic or reform recuperative?

QUESTIONS THAT DEAN SPADE ASKS TO TRY TO ASSESS:

1. Does it provide material relief?
2. Does it leave out an especially marginalized group (people with criminal records, the undocumented, etc ...)?
3. Does it legitimize or expand a system we are trying to dismantle?
4. Does it mobilize most affected for ongoing struggle (i.e. Is this building power?)

DON'T WANT REFORMS:

1. That provide no material relief/no reduction in harm
2. Where relief only reaches least marginalized
3. That offer window dressing/legitimization of harmful systems and institutions
4. That tinker, do not reach root causes
5. That expand harmful systems
6. That divides into deserving/undeserving people

PETER GELDERLOOS - IS IT LIBERATORY?

Dean Spade relies on Peter Gelderloos's work in "The Failure of Non Violence, How Nonviolence Protects the State."

1. Does it seize space in which new social relations can be enacted? Does it spread awareness of its ideas (participatory not passive)
2. Does it have elite support? [if it does, it's probably not liberatory]
3. Does it achieve any concrete gains to improve lives?

ERICA MEINERS'S QUESTIONS:

1. Who benefits from this campaign, initiative, reform, form of resistance? Who doesn't, and why?
2. What are the logics, languages, and "commonsense" discourses that initiatives validate and/or reinforce? Are these logics liberatory or punitive?
3. Who is working on this initiative? Who is not? Why us? Why now?
4. Is this something that we, or others, will be organizing to undo in five years because it is used to cage or dehumanize people?

Guiding Principles Based in Disability Justice

Summary:

People with disabilities encounter obstacles in the mainstream world that limit their participation in society. Unfortunately, there are often obstacles to participation in movements as well. This resource offers a foundation upon which to build an accessible movement—one that is inclusive of people with disabilities and centers their struggles.

By naming the values necessary to nurture liberatory anti-ablest organizing, this resource is a helpful starting point for those just beginning to think about disability. For people with disabilities and their accomplices at any level of experience, it is a succinct way to stay focused on creating an accessible revolution.

Source: The Abolition and Disability Justice Coalition, 2022.

Guiding Principles Based in Disability Justice

We have been tasked with visioning and building a world where everyone is empowered to live their best life without fear of policing, discrimination, violence, or isolation. All of us must participate if we are going to build sustainable communities that can survive the political, environmental, and social storms surrounding us globally-communities where we can exist as our whole selves without fear.

The call “we keep us safe” reminds us that solutions should empower all people, including Disabled and Neurodivergent people, to exercise our self-determination with care and understanding. We all deserve the resources, support, training and education we need to love and protect ourselves and one another.

Following the Principles of Disability Justice (/bit.ly/10PrinciplesDJ) outlined by Sins Invalid, we propose these principles for alternatives to policing and incarceration:

1. Leadership by Our Most Impacted

- Policies, practices and principles must be created by the people most harmed by the systems of policing and control. There is not a one-size-fits-all approach that works for all people impacted by ableism and sanism, and solutions need to meet people where they are.

- All initiatives must be non-coercive and done with consent of the person who needs support, care, or de-escalation.
- Peer-led and -initiated programming, resources, and support should be funded and prioritized over psychiatric facilities and interventions.
- We must validate Neurodivergent and/or Disabled people's needs, desires, experiences and leadership over those of professionals.
- We must fund and amplify public education and cultural work that is created and led by people with lived experience to challenge ableist and sanist stigma in our communities.
- Every initiative needs to be accessible in and to people's language, culture, and identities rather than being an exclusionary, one-size-fits-all, standardized treatment. We want different kinds of care options instead of a standardized state framework. Care should be person-centered, accessible and grounded in a person's specific needs and identities.

2. Centeredness in Community Support and Intervention: Skilling Up

- All kids and adults should have ways to build skills needed for safety. Education must be free, inclusive and accessible. It should be provided in multiple languages, including sign languages. People who are Neurodivergent and/or Disabled should be both teachers and students. It should cover:
    - Comprehensive, LGBTQ-inclusive, disability-inclusive, sex education that centers consent
- De-escalation
    - Bystander intervention
- Mediation and generative conflict
    - First aid
    - Self-defense
    - After-care and continued support
- Alternatives should prioritize proactive strategies for safety instead of reactive and punishment-based strategies. We must focus on solutions that keep people in their communities, and stabilize them through mutual aid resources, relationships and community networks, and accessible home, work and public spaces. We should amplify accessible tools such as Mad Maps, Safety Plans, Pod Maps, and T-Maps.

3. Resourcing People Directly

- We must build community-based supports, services, education, and housing for everyone, for every occasion. Everyone can live in the community no matter their disability or any other status (bit.ly/CommunityImperative). We should prioritize access to affordable and accessible housing, childcare, health care, transportation and food as building blocks for collective well-being and safety.
- All of these supports and services must avoid causing further harm. They must value leadership from Black people with disabilities. They must also support leadership from other marginalized people. They must be provided in ways that work for people and respect their choices. They must be accessible, and avoid imposing cultural values.
- Collective access and safety should be central in these efforts, not afterthoughts. The revolution will be accessible.

4. Dismantling Ableism and Decriminalizing Our Lives

- Alternatives should not be rooted in ableism/sanism. This means we must not pathologize or medicalize people and issues (even incompetent people in power, or folks who are wildly different from normative embodiment and mental state); the goal should be not to validate the norm but to question it and shift it.
- We must center harm reduction. We support decriminalizing drug use, sex work, panhandling, and ending other broken windows policing policies that disproportionately impact Disabled and houseless people.
- We must fund and expand programs that provide resources and training in mediation, restitution, and accountability practices and processes to enable healing and supportive re-entry.
- We must decriminalize and destigmatize suicide. Mandatory reporting and the criminalization of suicide discourages many people who need support from accessing resources. Because of the disinvestment in community-based and peer-led resources, people are often unable to access the support they need until they are in crisis. We must talk openly about suicide and destigmatize and decriminalize it in order to offer people the support they need.

Grassroots Community Self-Defense Statement of Principles

Summary:

This booklet provides an entry point for anyone interested in community self-defense, with an emphasis on the harms perpetrated by the LAPD. It is a clear and comprehensive statement of values. The principles range from the importance of ongoing self-education to nurturing a culture of inclusion. Though this resource was created by and for Los Angeles, the intentions articulated within could be a useful tool for anyone looking to form a grassroots organization outside of the Non Profit Industrial Complex.

Source: Stop LAPD Spying Coalition (stoplapdspying.org).

Grassroots Community Self-Defense is a labor of love.

It means a group of individuals and organizations coming together to protect the life-affirming rights and needs of our communities. We join in struggle to resist, organize, and defend against the national security police state and state-sanctioned violence, and to advance the following principles grounded in our collective liberation.

Power is within our communities.

We affirm that power is within community and not with state and federal governments, or profit driven and war mongering corporations. We build power by being clear in our demands that instruments of state violence be abolished, not just reformed or refined. We commit to the abolition of all state interventions that prevent our full autonomy and liberation.

An injury to one is an injury to all.

We shall not tolerate any abuse, oppression, repression, or violations made against any member of our community. We must fight together with marginalized communities to abolish all systems of oppression.

Fundamental needs as rights.

From the land to the people, every being has fundamental needs and rights. We honor the sacredness of life when we fight to ensure everyone's basic necessities are met, including healthy food, clean water, housing, clothing, education, healthcare, dignity, safety, movement, expression.

Commitment to assess our language.

We shall build power within our movement and communities by assessing and evaluating our language and challenging messages that seek to harm. We refuse to use state tactics we've been taught throughout our lives and work to unlearn what we were conditioned to accept.

Commitment to internal struggle and transparency.

We shall strive, on an ongoing basis, to identify any contradictions within the various collaborating groups/people, which both protect people from harm and use transformative/restorative justice to resolve conflict. We shall strive towards centering survivors and resolving interpersonal and communal violence as it happens. We remain committed to (un)learning and sharing lessons learned.

Our struggles are interconnected.

We collectively recognize that movements centered around race, class, gender, sexuality, nation, and disability are inseparable and intertwined.

Commitment to Black liberation.

We must confront our personal and our communities' anti-Blackness in the fight for Black liberation.

Organize to resist and defeat fascism, colonialism, imperialism, capitalism, and genocide.

We are committed to organizing from a perspective that understands the systemic oppression our communities face.

Hold non-profit groups accountable.

We shall call on our communities to hold non-profit groups, foundations, and social justice and community-based organizations accountable for any collaboration with the state, which takes power away from our communities and keeps trying to reform a system that will harm our people, as it was always intended to do.

Commitment to trans, femme, gender non-conforming and LGBTQ liberation.

We must confront our personal and our communities' homophobia, transphobia, anti-LGBTQ sentiments, and hateful and harmful policies.

Commitment to land recognition.

We are migrants, refugees, diasporic, displaced and enslaved people. We respect, acknowledge, and join the fight by native peoples to preserve their land and its resources.

Commitment to support and fund community defense and building a culture of resistance.

We will engage in collective learning with our communities about the state apparatus for surveillance, criminalization, and counter-insurgency. We will resist and support non-compliance with laws, policies, procedures, and actions that violate our communities' rights to live dignified lives.

Section Two: Policing & Crisis Response

Reforms to Avoid

Summary

Looking at reforms through a disability justice lens provides us with tools to assess our priorities and strategies. This resource names elements of reforms that are specifically harmful to people with disabilities.

Source: The Abolition and Disability Justice Coalition, 2022.

1. Reforms that replace policing and criminalization with mandatory social or health services.

- Including those that replace imprisonment with other forms of incarceration, such as in a group home, nursing home, drug treatment facility, or hospital.
- Including seemingly benign ones like check-ups that are used to surveil and gate-keep people from getting other services (like education and housing).

Mandatory social and health services are no less damaging than our systems of policing and cages. In these contexts, people who are Neurodivergent and/or living with disabilities are systematically abused and prevented from making decisions about our own lives.

2. Reforms that require compliance with medication or any kind of forced drugging to avoid incarceration/hospitalization or in order to get other services (like housing or Social Security benefits).

People who are Neurodivergent and/or Disabled are just as entitled to make decisions about what we eat and wear, where we live, and the medications and treatment we receive as anyone else. Forcing people to stay on medication or in treatment in order to access their survival needs is abusive and coercive.

3. Reforms that expand funding for mandatory services like psych hospitals or psychiatrization more broadly, or mandatory check-ups (by medical professionals, Child Protective Services, etc.).

These systems operate with the same level of power over and lack of accountability as policing. People who are targeted by these systems have few paths to justice or equity. All systems must be accountable to the people they serve.

4. Reforms that rely upon the usage of forced restraint or corporal punishment, such as tasers.

Ableism enforces the idea that people who are Neurodivergent and/or Disabled are inherently dangerous and should be subject to forced treatment, institutionalization, restraint and control. This is violent and coercive. In fact, people with disabilities are much more likely to suffer violence, and these practices only add to the violence they already endure.

5. Reforms that require registries, monitoring, or surveillance.

These systems position people who are Neurodivergent and/or Disabled as a crisis to be managed rather than as people who, like all people, best thrive with supportive care systems. Surveillance and monitoring are seen as care; however, they provide the foundation by which people with disabilities are often criminalized later. For example, Disabled people are often penalized (including with monetary fines) for not keeping appointments or complying with treatment plans. Tracking systems enable carceral systems to more easily criminalize people with disabilities.

6. Reforms that rely upon the use of Mandatory Reporting.

Mandatory reporting in the case of domestic violence has actually increased the amount of retaliation and violence against survivors. It also takes away survivors' agency to determine if they want to go through a criminal legal system and entraps immigrant survivors into cooperating with ICE and the state. Similarly, mandatory and voluntary reporting and wellness checks on individuals experiencing suicidal ideation or non-normative behavior can result in additional harm through the medical and carceral systems they thereby become subject to.

7. Reforms that rely upon the expansion of Adult Protective Services and Child Protective Services.

These agencies have basically no check on their powers and often target families with children or caregivers with disabilities. We know that Black and Indigenous families and other Families of Color; families with Queer and Trans caregivers; Immigrant, Migrant and Refugee families; and Poor Families have been specifically targeted for removal of children from the home. Mandatory reporting for Black and brown child sexual abuse survivors is a pipeline into the foster care system that rips communities and families apart and exposes children to equally abusive conditions as "wards of the state."

8. Reforms that base eligibility for housing or other services on sobriety, medication compliance, not engaging in self-harm, or other restrictive criteria.

These kinds of eligibility criteria keep out the people who are most in need of care and life-sustaining resources. We need to respect people's autonomy, coping mechanisms and survival strategies.

9. Reforms that further isolate and segregate people.

People with disabilities are often seen as a social problem to be isolated from society. Separating and isolating people as a way of "treating" them or addressing crises is a common approach that endangers vulnerable people and worsens the harms they face.

Reformist Reforms Versus Abolitionist Steps In Policing

Summary

This comprehensive chart breaks down common police reforms into 12 categories, and evaluates each using the same set of four questions. Because this resource provides explanations along with answers, it is a good tool for those new to thinking through reforms. It is also a useful compass for organizers of all experiences, in the spirit of saving time, learning from others, and not repeating mistakes.

Source: Critical Resistance, 2021.

These charts break down the difference between reformist reforms which continue or expand the reach of policing, and abolitionist steps that work to chip away and reduce its overall impact. As we struggle to decrease the power of policing there are also positive and proactive investments we can make in community health and well-being.

(Reformatted chart on pages to follow)

REFORMIST REFORMS

DOES THIS:	Reduce funding to police?	Challenge the notion that police increase safety?	Reduce tools, tactics, technology police have at their disposal?	Reduce the scale of policing?
Body Cameras	**INCREASES.** Equipping police officers with body cameras will require more money going toward police budgets.	**NO.** Body cameras are pitched as making police more accountable, increasing the idea that policing, done "right," makes people safe.	**INCREASES.** Body cameras provide the police with another tool, increasing surveillance and increasing police budgets to acquire more gadgets.	**INCREASES.** Body cameras are based on the idea that police who do not use "excessive force" are less threatening. But police can turn off body cameras and, when used, footage often doesn't have the impact that community members want, or is used for surveillance.
Community Policing	**NO.** This is based on the belief that policing is focused on keeping people safe, and the violence of policing is caused by a "breakdown of trust" with the community.	**NO.** Advocates of community policing argue that departments will have to hire more cops to be in neighborhoods and in the community.	**INCREASES.** Cops are trained in additional tactics and approaches.	**NO.** More community police means that the scale of policing will increase, particularly in Black, Brown, poor neighborhoods, where there is perceived "mistrust."
More Training	**NO.** More training will require more funding and resources going to police to develop and run trainings.	**NO.** This furthers the belief that better training would ensure that we can rely on police for safety, and that instances of police harm and violence occur because of lack of training.	**INCREASES** all of these.	**NO.** This will increase the scope of policing, given the type of training. For instance, some advocate for police to be trained on how to respond to mental health crises, furthering the idea that police are the go to for every kind of problem.

DOES THIS:	Reduce funding to police?	Challenge the notion that police increase safety?	Reduce tools, tactics, technology police have at their disposal?	Reduce the scale of policing?
Civilian Review/ Oversight Boards	**NO.** In some cases, there would be an increase in funding, whereas in other cases, there would be no change.	**NO.** Overseeing the police through a board presumes that cases of excessive force, killing, lying, planting false information, etc. are exceptional occurrences rather than part of the daily violence of policing.	**NO.** Some argue for Civilian Review Boards "with teeth," the power to make decisions and take away policing tools and tactics. However, a board with that level of power has never existed despite 50+ years of organizing for them.	**NO.** This further entrenches policing as a legitimate, reformable system, with a "community" mandate. Some boards, tasked with overseeing them, become structurally invested in their existence.
"Jail Killer Cops," prosecute police who have killed and abused civilians.	**NO.** Prosecuting police does not lead to changes in funding or resourcing police.	**NO.** Individualizing police violence creates a false distinction between "good police" (who keep us safe), and "bad police" (who are unusual cases), rather than challenging the assumption that policing creates safety or examining policing as systemic violence.	**NO.** Often, media attention in high profile cases leads to more resources and technology, including body cameras and "training."	**NO.** This reinforces the prison industrial complex by portraying killer/ corrupt cops as 'bad apples" rather than part of a regular system of violence, and reinforces the idea that prosecution and prison serve real justice.

ABOLITIONIST STEPS

DOES THIS:	Reduce funding to police?	Challenge the notion that police increase safety?	Reduce tools, tactics, technology police have at their disposal?	Reduce the scale of policing?
Suspend the use of paid administrative leave for cops under investigation	**YES.** This can **INCREASE** community-based budgets as municipalities no longer pay for policing's harm against community members.	**YES.** It challenges the notion that policing violence, and the administrative costs it incurs, are essential risks of creating "safety."	**YES.** Access to paid administrative leave lessens the consequences of use of force, and presumes the right of police to use violence at all.	**YES.** The less financial support for police undergoing investigation for killing and excessive use of force, the less support for policing.
Withhold pensions and don't rehire cops involved in excessive force	**YES.** This can **INCREASE** community-based budgets as municipalities no longer pay for policing's harm against community members.	**YES.** It challenges the notion that killings and excessive force are exceptions, rather than the rule.	**YES.** It reduces the ability of police forces to move around or re-engage cops known for their use of violence.	**YES.**
Cap overtime accrual and OT pay for military exercises	**YES.** This can **INCREASE** community-based budgets since we won't have to pay for cops learning how to better make war on our communities.	**YES.** It challenges the notion that we need police to be trained for "counterterrorism" and other military-style action and surveillance in the guise of increasing "safety."	**YES.** Weapons trainings and expos are used to scale up policing infrastructure and shape goals for future tools, tactics, technology.	**YES.** This stops police from increasing their legitimacy, capacity, and skills as "the blue line" in order to expand their reach over our daily lives and community spaces.

DOES THIS:	**Reduce funding to police?**	**Challenge the notion that police increase safety?**	**Reduce tools, tactics, technology police have at their disposal?**	**Reduce the scale of policing?**
Withdraw participation in police militarization programs	**YES.** This can **INCREASE** community-based budgets since we won't have to pay for cops learning how to better make war on our communities.	**YES.** It challenges the notion that we need police to be trained for "counterterrorism" and other military-style action and surveillance in the guise of increasing "safety."	**YES.** Weapons trainings and expos are used to scale up policing infrastructure and shape goals for future tools, tactics, technology.	**YES.** This stops police from increasing their legitimacy, capacity, and skills as "the blue line" in order to expand their reach over our daily lives and community spaces.
Prioritize spending on community health, education, affordable housing	**YES.** If we decrease funding for policing, this will decrease its resources.	**YES.** Prioritizing funding resources also creates space to imagine, learn about, and make resources that actually create well-being.	**YES.** If we decrease funding for policing, this will decrease the expansion of tools and technology.	**YES.** If we decrease funding for policing, this will decrease the size, scope and capacity of systems of policing.
Reduce the size of police force	**YES.**	**YES.**	**YES.**	**YES.**

Problems with Community Control of Police & Proposals for Alternatives

Summary

Flipping the power dynamic between communities and the police is an attractive idea. That notion has manifested in attempts toward community control of the police, via mechanisms like police monitors and civilian review boards (CRBs). But historically and by their very nature, these supposed "checks" on police power serve only to validate that power. This resource breaks down why that is the case. It breaks down the problems with CRBs as well as potential solutions, both in accessible list form.

This resource was created by Beth Richie, Dylan Rodríguez, Mariame Kaba, Melissa Burch, Rachel Herzing and Shana Agid.

Problems With Community Control Of Police And Proposals For Alternatives

Over the past 50 years, radical Black organizations have consistently demanded community control of the police. The idea behind this demand is that those most impacted by oppressive policing should have the power to decide how the system operates in their own communities, and that community control of police would transform the force from an occupier into a partner (or bring truth to the ideato idea that the police "protect and serve").

But the demand for community control ignores the real problem with police and policing; policing functions to maintain white supremacy and protect property, and its power and violence contribute to and are part of broader structures of inequality. Instead of promoting the kind of change that would protect oppressed communities from individual and structural harm, Community Review Boards (CRBs) legitimize the role of police in this harm. In the current landscape, "community control" does this by suggesting that under the "right" supervision or control, policing (and police) can be separated from this institutional violence and the historic function of policing. CRBs cannot confront the logic or overall function of policing, or reduce the violence inherent to policing.

Oversight of the system does not CHANGE the system. For these reasons, even in best case scenarios, the institution of policing cannot be reformed because it is tied to the violences of white supremacy and capitalism. Policing must be abolished in order to end police abuse; relying on CRBs masks and distracts from this important reality. Instead, we can build on

historic calls for community oversight to create community- and self-determined capacities to prevent and address harm in other ways, forging partnerships together to do this work.

Civilian Review Boards and Police Oversight

Most CRBs and other police oversight bodies are usually proposed to produce police accountability and transparency. CRBs with the weakest control are asked to review complaints and make non-binding recommendations to the police department or city / local government. Stronger boards oversee police budgets, sometimes have subpoena power (can call people to testify), and have authority to hire, fire and discipline police officers.

Proponents suggest that such oversight bodies will increase public trust in policing, because residents will believe that police are overseen by independent bodies with the power to call out "bad" police practices and effect changes to policy or discipline that will hold police accountable. A best case scenario of this kind of CRB might look like this: An independent CRB is elected by residents (not appointed by a mayor, police representative, or city council, as is often the case). The CRB has the power to hire, fire, and discipline police of all ranks without police department interference. Imagine that this board has the power to subpoena people and read classified documents and holdholds open meetings whose minutes are also available online, or whose meetings are also broadcast on the radio and internet. And, finally, suppose there is a mechanism for people harmed by police actions to present directly to and be represented on the board.

But, even if community oversight really did all this, building trust in the institution of policing tends to legitimize the role police play in our daily lives. If we invest in an oversight body that is meant to work toward the goal of ending "bad" policing, we simultaneously invest in the resources, rhetoric, and power of policing and the possibility of police reform. This legitimizes the things police departments do as a regular part of the work of policing, including using force to do everything from settle disputes between people to suppress dissent. Increasing the legitimacy of policing entrenches and enhances police power; improving a system aimed at genocide merely speeds that death dealing along. This runs counter to abolitionist goals to make policing obsolete by meeting the needs and desires for community and individual well-being that, in theory, fall to policing, but in fact are mostly left unmet, anyway.

New York City, for example, established an all-civilian Community Complaint Review Board (CCRB) in 1993. Routine police violence continued after the CCRB began to meet – including the infamous police sexual assault of Abner Louima in 1997, the murder of Amadou Diallo by the NYPD's Street Crimes Unit in 1999, the murder of Eric Garner in 2014 – a pattern of violence that continues still. During this same period, with the CCRB in place, Police Commissioners Ray Kelly, Howard Safir, and William Bratton oversaw the implementation of Stop and Frisk policing and so-called "Quality of Life" policing, giving officers nearly unrestricted capacities to stop, harass, and arrest people of color, immigrants, people without homes, and queers, especially young queer people of color, in the city. Issues that plagued both the NYPD and, more critically, the City of New York, are as present today as they were in the early 1990s when the CCRB was established.

So, the trouble with CRBs includes:

1. **A lack of power to make any fundamental changes to the practice of policing,** because they are most often merely symbolic and function on the same logic of punishment as the rest of the PIC – assuming that by punishing individual police officers, that police violence overall will decrease. When it is the system of policing that produces the harms we see, a CRB's power to respond to police violence as the individual action of one cop undermines any capacity to address the system as a whole.

2. **They are most often constituted of people appointed by mayors, chiefs of police, or other elected officials,** and are as often aligned politically, or in solidarity, with other groups that do not represent the interests of people most severely impacted by the violence of policing.

3. **Even when the members are elected, they are often influenced by the same power-brokering as other elected officials when it comes to the cops** (for example, from police associations).

4. **Simply being local civilians does not ensure that residents will not also be biased in favor of police (we see this, too, in juries that acquit police** and everyday conversations about policing as dangerous work that involves risk that justifies "split second mistakes"). The presumption here is that policing is an exceptional category of employment that, even if it requires special oversight in the form of a CRB, it also merits allowances for "reasonable" or "justifiable" violence and other forms of harm as "part of the job."

5. **Police fraternal orders and similar organizations often have power that overrides any power civilian boards may have** with the complete support of local politicians. Sometimes police officers are even seen as a separate protected, and targeted, class (#BlueLivesMatter bills are an illustration of this).

6. **Even when boards are able to hold individual cops accountable to the policies governing their practices, the policies themselves often support unacceptable levels of force and coercion, especially in cases deemed "security" threats.** This goes hand in hand with the elevation of fear reported by police - which leads them to do even more harm - as being more important and legitimate than the fear people who are most targeted by policing have of police contact.

Here's what we can do instead:

We know that the surest way to reduce the violence of policing is to reduce contact with the police. Effective community control over safety and well-being can focus instead on how to reduce *policing power, police presence,* and *police contact* even as we suggest ways we can continue to build community safety without the involvement of law enforcement at all.

Some starting points to prioritize in our organizing:

1. **Shift funding priorities from law enforcement to community health and well-being,** including investments in physical and mental health care, youth programming, and community mediation and reconciliation programs (e.g. #FundBlackFutures, Oakland's People's Community Medics).

2. **Erode the power of police fraternal orders.** This would significantly decrease the power of police by limiting their ability to isolate and protect individual police and argue for special treatment / indemnity. While we support the right of workers to unionize, police fraternal orders are not unions so much as social organizations meant to obscure the violence of policing, and coerce and preserve power structures. This includes rethinking connections made between labor unions, especially of other "community" workers, like teachers, and police organizations. How can teachers, health workers, and others stand apart from police organizations and mobilize their unions to prioritize preventative and community-building projects and work?

3. **Change police policies to make termination of cops involved in repeated incidents of killing or excessive force automatic, and make them ineligible for rehires or transfers. Withhold pension payments.** Organizers in Minnesota have proposed such a law (prior to the police murder of George Floyd). The focus of these approaches is not to act as a symbolic deterrent, echoing a justification for punishment central to the PIC itself, but to reduce and erode the power of policing to proceed as if violence, harm, surveillance, and constant contact are a necessary part of creating "safety."

4. **Instead of CRBs as they are currently formulated, imagine an elected body that would challenge the overall structural power of police and ultimately eliminate policing.** The CRB could be re-imagined to be a conduit for organizing in communities to develop mechanisms to deal with harm in ways that don't promote violence. Steps toward that goal might be:

   Have the power to re-allocate budget and other resources away from policing and toward other community, neighborhood, and health-building practices, groups, etc.

   Have a focus on institutional and systemic harms caused and perpetuated by policing when instances of particular violence happen, rather than on individual cases of police violence decontextualized.

   Develop systems of community accountability that are sustainable and make time, space, and resources available to train people in how to carry them out.

   Create capacities to share and amplify existing practices, including assistance to groups interested in adapting practices to their own local contexts.

5. **These steps could be part of working toward long term goals, including:**

   Well-resourced and sustainable access to emergency response and after-care;

   Longer-term resources for addressing conflict and harm;

   Accessible health and mental health care options;

   Shifting resources toward opportunities for meaningful work, housing, education, and other critical needs;

   The abolition of policing

Defund the Police— Invest in Community Care:

A Guide to Alternative Mental Health Crisis Responses

Summary

Many groups are exploring how to create effective crisis response programs that minimize or do not require police involvement. Currently, crisis response is mired in the carceral state, and unmet or different mental health needs are criminalized. When building mental health crisis prevention and response, there are many aspects to consider. This checklist, which accompanies the report "Defund the Police - Invest in Community Care: A Guide to Non-Police Mental Health Crisis Response" (https://bit.ly/NonPoliceResponse) is intended to guide organizers through key aspects of response that have the potential to be oppressive or liberatory.

Source: Interrupting Criminalization, 2021.

A Checklist For Assessing Mental Health Response Models

This tool offers a set of questions organizers should ask when assessing proposals for mental health crisis response. It is intended to be used in conjunction with the Interrupting Criminalization, Creative Interventions and Justice Practice report *Defund the Police, Invest in Community Care: A Guide to Alternative Mental Health Responses*.

1. **Is the proposed mental health crisis response completely separate from and out of the control of the police? Or is it a "co-response" or CIT model?**
2. **Will a police response or "co-response" model remain in place in addition to a non-police response?**
3. **Will mental health crisis calls be routed through 911 or a separate number?**

   If **911**:

   ❑ Is it under police control? Can you move dispatch away from police control?

   ❑ What is the relationship between 911 operators and police - are they represented by the same union? Do they share other interests?

   ❑ Who trains 911 operators in implementing the mental health crisis response protocol? How can you build in training protocols and trainers that can minimize police response and/or maximize community response?

If a separate number (like **211**, **311**, **988**, or regular line):

- ❑ If a separate number, how is that number being promoted? Through the police department?
- ❑ If a separate number, who runs the response program?
- ❑ If a separate number, will callers be routed directly to non-police mental health response?
- ❑ If a separate number, will law enforcement have the ability to listen in on calls and decide whether to respond?
- ❑ How is the separate number being resourced?

4. Who is driving and controlling identification, selection, implementation, and evaluation of alternative mental health crisis responses?

- ❑ Are the police involved? If so, how can their control be significantly diminished, checked, or removed?
- ❑ Is control within other government agencies such as a Department of Public Health, Department of Health/Mental Health, Office of Prevention, Fire Department, etc.?
  - ❍ How are these departments still tied to the police or other carceral responses, e.g., diagnoses, psychiatric institutionalization, involuntary hospitalization, mandatory reporting, child welfare, etc.?
  - ❍ Who is driving and controlling identification, selection, implementation, and evaluation of alternative mental health crisis responses?
- ❑ Is control within large non-profit organizations?
  - ❍ How are these organizations tied to police or other carceral responses?
  - ❍ How are communities impacted by mental health crisis response represented?

- ❑ Who decides what a “non-police” or “unarmed” response is? The police? Government agencies? Communities?
- ❑ Is there authentic community participation and control by communities impacted by mental health crisis response in:
  - ❍ Program design
  - ❍ Oversight
  - ❍ Crisis response teams
  - ❍ Evaluation
  - ❍ Implementation
  - ❍ Is community participation and control by communities impacted by mental health crisis response institutionalized by mechanisms such as charters, city or county resolutions, etc.?

5. Who is responding to mental health crisis calls?

- ❑ Who makes up the crisis response team?
  - ❍ Does it include people directly impacted by mental health crisis response?
  - ❍ Does it include skilled community de-escalators?
  - ❍ Does it include nurses, paramedics, or EMTs?
  - ❍ Does it include social workers? What licensing level do they require?
  - ❍ Are police ever part of the crisis response team? When? How? Why?
- ❑ Will the police department have the ability to listen in on 911 calls and decide whether to respond to mental health crisis calls on a case by case basis?
- ❑ Will the crisis response team have the power to involuntarily commit people?
  - ❍ Will that be their primary option?
  - ❍ Is the makeup of the team determined by making sure that someone with that power is on the team?
- ❑ Who employs the crisis response team?
- ❑ Who trains the crisis response team?
  - ❍ How much training do they receive?
  - ❍ What will the content of the training be for the crisis response team?
  - ❍ Who is responding to mental health crisis calls?

- ❑ Is the response team tied to community-based mental health options that are accountable to communities directly impacted by mental health crisis response, harm-reduction principles, and self-determined models of care?
  - ❍ If not or if there are few, how can you expand or build new options?
- ❑ Will the crisis response team be able to meet immediate needs for housing, basic needs such as food, harm reduction services and resources, voluntary medical care?

6. Criteria for Non-Police Mental Health Crisis Response

- ❑ Does the protocol exclude calls involving people who are "dangerous" or people who have "weapons" from the non-police mental health crisis response?
  - ❍ What criteria determine whether a person is deemed "dangerous"?
  - ❍ What constitutes a "weapon"?

7. How will the program be evaluated?

- ❑ Who will collect data on the calls received and call outcomes?
- ❑ How is the program evaluated?
- ❑ Who evaluates the program?
- ❑ What are the evaluation measures? How are they related to community values and priorities?

8. How will the program be funded?

- ❑ How will mental health crisis response be funded?
  - ❍ Federal, state, county, city funds?
  - ❍ Private foundations?
- ❑ Will the police department continue to be funded to respond to mental health crises?
- ❑ Does funding directly reduce police budgets (or do they leave them intact or even expanded)?
- ❑ Is funding for community-based non-police response:
  - ❍ Adequate?
  - ❍ Multi-year?

9. Does the police contract contain any provisions relating to mental health crisis response?

In Calling to Defund Police, Don't Fixate on Costs of Police Settlements

Summary

In recent years, calls for police "misconduct" settlements from civil court cases to come directly out of police budgets have been adopted by organizers in many US cities. This article outlines the danger of this demand, namely, that highlighting the amount of police misconduct settlements, or shifting the responsibility for payment onto police departments, profit-driven private insurance companies or different governmental entities will not stop police from harming people — but it will likely harm people harmed by police.

This resource was created by Andrea J. Ritchie and Maurice BP-Weeks for Truthout, 2020.

Don't Fixate on Costs of Police Settlements

When someone is harmed, disabled or killed by police, they, and their families, deserve compensation — for medical bills, lost time at work, emotional and physical trauma. In fact, as outlined in the Movement for Black Lives's BREATHE Act, they deserve reparations — like those recently paid and made to survivors of torture by Chicago Police Commander Jon Burge. If anything, police settlements should be larger than the amounts survivors and families often receive.

In recent years, and most recently in the context of campaigns to #DefundPolice, some organizers have focused on the amount paid out in settlements for police-perpetrated violence by municipalities as an indication of how expensive current police practices are. In some cases, they have demanded regular reporting and transparency around police misconduct settlements. In others, they have called for these settlements to come directly out of police budgets, as an incentive for departments to reduce the amount of violence they perpetrate. Some have called for settlements to come from liability insurance carried by individual officers instead of city coffers.

Each of these approaches stands to harm instead of help the people we are organizing with and on behalf of survivors of police violence and families of people killed by police. None of them will put an end to the violence that produces the need to compensate them in the first place.

It is also critical to note that the amounts currently budgeted for police misconduct settlements are based on past harm — so trying to cut this amount now will directly affect payments to people who have already suffered police violence, and will do nothing to prevent future harm.

There is no way to create financial incentives to stop police violence — because violence is inherent to policing. Highlighting the amount of police "misconduct" settlements, or shifting the responsibility for payment onto police departments, profit-driven private insurance companies or different governmental entities will not stop police from harming people — but it will likely harm people harmed by police. The most likely consequence of focusing attention on these payments is not that police violence will stop or slow down — because it is a feature, not a bug.

What these approaches will do is simply create stronger incentives to deny or reduce compensation to the people harmed by police violence — to avoid public scrutiny, to avoid cuts to departmental budgets, to avoid cutting into the bottom line.

If you are shocked by the amount of money spent on police settlements — and by the amount of violence and harm they represent — the best response is to work to decrease the power of police to enact that violence. In other words, the best way to reduce the amount of police violence settlements is to reduce and ultimately end policing itself, not the settlements paid to people harmed by policing.

Two years ago, the Action Center on Race and the Economy (ACRE) released "Police Brutality Bonds: How Wall Street Profits from Police Violence," which details the way municipalities use creative financing and deceptive accounting practices to hide the true cost of police brutality. It is in these municipalities' interest to try and obscure how big the settlements are so that they are less likely to face demands to abolish the police entirely. And of course, whenever money is moving in U.S. capitalism, Wall Street takes its cut.

The ways in which banks profit from the cost of police violence was the primary focus of the report. However, the report placed a spotlight on the issue of police settlements more broadly, leading to a focus on the amount cities budget for such settlements as a target in campaigns for police accountability. The report itself referred to these settlements as a "burden" on communities that carried opportunity costs in terms of meeting other community needs, and demanded that this burden be shifted directly onto police departments and individual officers through liability insurance.

The recent nationwide uprisings in the wake of the police killings of George Floyd, Breonna Taylor and Tony McDade, and their clarion call to #DefundPolice, have brought police budgets back into the spotlight. ACRE revisited and re-released the Police Brutality Bonds report in early June of this year with several critical amendments as a result of further political education and conversation with the community. The updated report no longer includes demands around individual officer liability insurance or further shifting of municipal accounting for the settlements.

IN A STATEMENT RELEASED WITH THE UPDATED REPORT, ACRE SAID,

> *We are clear that those demands fall far short of the world we envision and won't result in any change to how police operate. Even worse, they may end up hurting victims unintentionally and should not be advocated for. Instead demands that challenge both the power of the police terrorizing communities and Wall Street's financial power over communities are better focus areas for efforts to seek radical change that will seed the end to policing — and of extractive racial capitalism.*

IF CAMPAIGNS TO REDUCE THE OVERALL COST OF POLICE MISCONDUCT SETTLEMENTS ARE SUCCESSFUL, PEOPLE HURT OR KILLED BY POLICE IN THE FUTURE MAY WELL BE TOLD THAT, BECAUSE THE PUBLIC HAS PROTESTED POLICE BRUTALITY SETTLEMENTS, THE CITY IS NOT IN A POSITION TO SETTLE THEIR CASES EARLY ON, AND WON'T COMPENSATE THEM UNLESS ORDERED TO BY A COURT.

This will force more police violence victims into years of costly, exhausting and often devastating litigation, which often results in compensation simply being denied. Many victims and their families — including people most vulnerable to police and other forms of violence, such as homeless and precariously housed people, people with low or no income, queer and trans people, disabled people and people who are criminalized or use controlled substances — will give up (or their lawyers will) before they have a day in court. Those who persist will face ongoing criminalizing narratives and sometimes direct threats of retaliation by police.

DEMANDS THAT THE COST OF SETTLEMENTS COME DIRECTLY OUT OF POLICE DEPARTMENT BUDGETS SUFFER FROM THE SAME FLAWS.

Departments are deeply invested in continuing the practices that produce police violence — one need look no further than the New York City Police Department's resistance at the highest levels to being told, again, that they can't choke the life out of someone. As we have seen in campaigns to #DefundPolice, they are also deeply invested in keeping or increasing their budgets. So instead of ending police violence or taking the budget cut, they will just fight even harder against compensation for survivors and families of people killed by police than they already do, through smear campaigns, concealing evidence and dragging litigation out over years and years, leaving the people we want to protect with even less recourse.

Calls for police officers to carry individual liability insurance are also more likely to hurt survivors and families than to reduce police violence or "make officers pay." First, as anyone who has ever had to fight for coverage of an injury, treatment or procedure knows all too well, private insurance companies routinely deny coverage for necessary treatment and claims for compensation, stonewalling claimants and forcing them to appeal denial after denial, dragging things out for years in the hopes that they will give up — as many do. They also frequently blame claimants for injuries they suffer, arguing that people "assumed the risk" of injury when they engage in particular activities. These companies engage in extensive surveillance and invasion of privacy in an effort to attribute the cause of any injuries to anything other than the entity they insure.

Where people harmed by police are criminalized, insurance companies will have even more fodder for these arguments. And, unlike governments, private insurance companies are solely accountable to their shareholders, not to the public, and therefore even less susceptible to public pressure than municipalities.

PLACING POLICE VIOLENCE VICTIMS AND FAMILIES OF PEOPLE KILLED BY POLICE AT THE MERCY OF PRIVATE CORPORATIONS DOES A DEEP DISSERVICE TO THOSE OUR MOVEMENTS MUST BE MOST ACCOUNTABLE TO.

Secondly, police unions will likely successfully negotiate for cities to take on paying the cost of insurance premiums as a condition of employment or through wage increases, much as they have ensured that cities indemnify individual officers against individual damages assessed in lawsuits. So individual officers will continue to effectively be immune from paying damages or increased premiums.

Another possible avenue for shifting the cost of police violence onto individual officers is to eliminate indemnification, meaning that cities would no longer agree to pay judgments against individual officers. Now, even if a court orders an individual officer to pay damages, it is likely that the city that employs them will pay them under an indemnification agreement. Eliminating these agreements could force individual officers to pay for the harm they perpetrate. However, this approach is also likely to further harm survivors: When protected assets are taken out of the equation, there is often not enough left for an officer to pay a significant settlement, and more incentive for officers to move any unprotected assets into someone else's name or declare bankruptcy before paying a settlement — particularly where they killed, maimed, raped or wrongfully convicted someone and compensation could run in the millions.

SO, ELIMINATING INDEMNIFICATION TO REQUIRE OFFICERS TO PAY THE FULL COST OF THE HARM THEY DO — OFTEN AT THE DIRECTION OR WITH THE TACIT APPROVAL OF THEIR EMPLOYER — WOULD LIKELY LEAVE SURVIVORS AND FAMILY MEMBERS WITH SETTLEMENTS IN NAME ONLY, WITHOUT A PENNY IN THEIR POCKETS.

THE BOTTOM LINE IS THAT PEOPLE HURT BY POLICE AND FAMILIES OF PEOPLE KILLED BY POLICE DESERVE REPARATIONS, INCLUDING COMPENSATION. POLICE BRUTALITY SETTLEMENTS SHOULD NOT ONLY BE PAID, THEY SHOULD BE MUCH HIGHER, AND SHOULD NOT REQUIRE YEARS OF COSTLY LITIGATION.

The terror that the police have brought onto people and their families through these acts cannot be undone. We should be removing barriers to compensation, healing, repair, restitution and systemic change, not adding to them through demands focused on police settlements.

There are many other places to increase transparency and cut police budgets, including by making visible and eliminating the high legal fees and costs that cities pay to defend against police brutality suits and engage in public relations smear campaigns against people harmed by police instead of immediately compensating individuals and families left behind. We can continue to make visible the ways in which Wall Street capitalizes on and profits from Black death and violation at the hands of police — much as it capitalized off of slavery by insuring the bodies of the enslaved. We can continue to lift up demands to defund, disarm and dismantle police departments and invest in the programs and infrastructure we need to produce genuine and lasting safety.

OUR GOAL IS TO END THE VIOLENCE OF POLICING AND OF THE ECONOMIC STRUCTURES IT DEFENDS. LET'S MAKE SURE OUR DEMANDS TO #DEFUNDPOLICE DON'T INADVERTENTLY HARM THE PEOPLE MOST AFFECTED BY THE ISSUES WE ARE FIGHTING. UNTIL POLICE VIOLENCE NO LONGER EXISTS, WE OWE REPARATIONS TO PEOPLE AND COMMUNITIES THAT HAVE BEEN HARMED. PERIOD.

Please note that an earlier version of the Critical Resistance "Reformist Reforms vs. Abolitionist Steps in Policing" chart that listed requiring individual officers to carry liability insurance as an abolitionist reform has been revised and updated and no longer endorses this approach. Please be sure to circulate and use the updated version of the chart included in this binder and found at bit.ly/DontFixate (see QR code below).

Andrea J. Ritchie is a police misconduct attorney who has been engaged in litigation, policy advocacy and organizing to end police violence for the past two-and-a-half decades. She works with organizations across the U.S. on campaigns to defund and hold police accountable through the Interrupting Criminalization initiative, the Community Resource Hub and the Borealis Communities Transforming Policing Fund.

Maurice BP-Weeks is the co-executive director of the Action Center on Race & the Economy (ACRE). He works with community organizations and labor unions on campaigns to go on the offensive against Wall Street to beat back their destruction of communities of color.

Section Three: Detention & Imprisonment

Reformist Reforms vs. Abolitionist Steps to End Imprisonment

This comprehensive chart, originally created in a poster format, breaks down common prison reforms into 11 categories, and evaluates each using the same set of four questions. Because this resource provides explanations along with answers, it is a good tool for those new to thinking through reforms. It is also a useful compass for organizers of all experiences, in the spirit of saving time, learning from others, and not repeating mistakes.

Source: Critical Resistance, 2021.

This poster is a tool to assess and understand differences between reforms that strengthen imprisonment and abolitionist steps that reduce its overall impact and grow other possibilities for wellbeing. As we work to dismantle incarceration in all its forms, we must resist common reforms that create or expand cages anywhere, including under the guise of "addressing needs" or as "updated" replacements. Jails and prisons deprive communities of resources like medical and mental health care, transportation, food, and housing. In our fights, it is critical to uplift and strategically contribute to movements led by imprisoned people, both to address pressing conditions and for abolition. In all decarceration strategies, we must utilize tactics that will improve life for those most affected and make space to build the worlds we need.

(Reformatted chart on pages to follow)

DOES THIS:	Reduce the number of people imprisoned, under surveillance, or under other forms of state control?	Reduce the reach of jails, prisons, and surveillance in our everyday lives?	Create resources and infrastructures that are steady, preventative, and accessible without police and prison guard contact?	Strengthen capacities to prevent or address harm and create processes for community accountability?
Building jails or prisons to address overcrowding or rising numbers of "new" prisoners (for example, migrants)	**NO.** If they build it, they will fill it! Building more jails and prisons creates more cages, period!	**NO.** Building more jails and prisons increases the reach of the PIC and prison and jail infrastructures. Creating more cages means building something we have to tear down later.	**NO.** Adding cages takes away state and local funding and resources that could be directed to community-led infrastructures.	**NO.** Building more prisons and jails entrenches the carceral logic of accountability. They are sites that perpetuate violence and harm.
Building "closer to home," or as "nicer," "modern," "rehabilitative" alternatives to existing jails or prisons	**NO.** The history of the prison is a history of reform. New jails and prisons that are proposed as improvements on existing sites or buildings expand the arguments for and lengthen the life of imprisonment.	**NO.** There is no such thing as a "humane" cage. Construction under the pretense of addressing the harms that imprisonment reinforces the logics of using cages as a solution for social, economic, and political issues.	**NO.** Arguments for jails "closer to home" reinforce the idea that jails and police create "safety" and take away the capacity to build resources that can create well-being.	**NO.** Prisons and jails do not enable accountability. They are sites that perpetuate violence and harm.
Building jails/ prisons that focus on "providing services" to address the needs of specific "populations"	**NO.** Life-affirming resources cannot be provided in spaces of imprisonment. These "services" do not decrease numbers of imprisoned people— they keep specific populations of people imprisoned.	**NO.** Building jails and prisons that lock up specific populations expands the reach of imprisonment by normalizing the idea that care can and should be coupled with policing and imprisonment.	**NO.** The argument for these jails and prisons is that they provide specialized services through policing, imprisonment, and control. Environments of control and violence cannot provide care.	**NO.** Prisons and jails do not enable accountability. They are sites that perpetuate violence and harm, and solidify oppressive social expectations around gender, sexuality, and mental health.

DOES THIS:	Reduce the number of people imprisoned, under surveillance, or under other forms of state control?	Reduce the reach of jails, prisons, and surveillance in our everyday lives?	Create resources and infrastructures that are steady, preventative, and accessible without police and prison guard contact?	Strengthen capacities to prevent or address harm and create processes for community accountability?
Legislative and other efforts to single out some conviction categories as "exceptions"	**NO.** This strategy entrenches the idea that anybody "deserves" or "needs" to be locked up. Prioritizing only some people for release justifies expansion.	**NO.** By doubling-down on the "need" for some people to be locked up, these e orts strengthen and expand the reach of prisons, jails, and the PIC.	**NO.** Manufacturing divisions between imprisoned people, as more or less "dangerous," limits our ability to create real supports and resources that sustain all people.	**NO.** These efforts reinscribe the idea that some people are "risks" to society and others "deserve another chance," strengthening logics of punishment without engaging the context of how harms happen.
Use of electronic monitoring (home-arrest) and other law enforcement-led "alternatives" to jails and prisons.	**NO.** Electronic monitoring is a form of state control. It escalates the frequency of contact with the PIC for all members of a household, increasing the vulnerability of people already subject to policing and surveillance	**NO.** Monitoring brings the prison, jail, or detention center into a person's home, turning it into a space of incarceration, which takes both a psychological and a financial toll.	**NO.** E-carceration means that regular daily movements are constantly linked to threats of arrest. This does not allow people to build and maintain community.	**NO.** E-carceration extends the violence and harm of imprisonment into people's homes and everyday lives. Nothing about electronic monitoring creates systems of accountability or healing.
Public/private "partnerships" to contract services that replicate conditions of imprisonment	**NO.** These services move people from one locked facility into another facility often with similar rules and with the threat of jail or prison looming.	**NO.** This expands the reach of imprisonment, by adding to the larger system. This is particularly the case where the partnerships replicate and expand logics and rules of jails and prisons, as opposed to intentionally challenging them.	**NO.** These programs require moving through the policing and court systems to access any services that might be available there.	**NO.** Court mandated/police-run "justice" processes hold similar threats for participants as the broader PIC. They do not necessarily include meaningful processes for creating accountability or tools for preventing future harm.

DOES THIS:	Reduce the number of people imprisoned, under surveillance, or under other forms of state control?	Reduce the reach of jails, prisons, and surveillance in our everyday lives?	Create resources and infrastructures that are steady, preventative, and accessible without police and prison guard contact?	Strengthen capacities to prevent or address harm and create processes for community accountability?
Decarceration - or reducing the number of people in prisons and jails	**YES.** Decarceration takes people out of prisons and jails, and out of direct state control, with the aim of supporting people to stay outside.	**YES.** By de-prioritizing and de-legitimizing jails, prisons, and related systems we reduce the common-sense idea that they are necessary and/ or "effective."	**YES.** As part of abolitionist organizing we must focus on getting people out while building strong infrastructures of support.	**YES.** When we work to diminish carceral logic, we can pair our work toward decarceration with other ways of responding to and preventing harm. Investing in one will grow our capacities for the other.
Shutting down existing jails and prisons and not replacing them	**YES.** By reducing the number of cages, we can reduce the number of people inside.	**YES.** When we close a jail or prison and do not replace it with other carceral systems, we chip away at the idea that cages address social, political, and economic problems.	**YES,** when we organize for it. When we fight to close jails and prisons we can open the way to defund imprisonment and invest in infrastructures locally that support and sustain people. Abolition is also a BUILDING strategy.	**YES.** Our work to close prisons and jails and keep them closed is one step toward shifting the focus to addressing and preventing harm without violence and putting resources into that work.
Rejecting government spending for jail and prison construction, renovation, expansion	**YES.** Nearly all spending projects include enhancements that support arguments for the "benefits" of incarceration	**YES.** By rejecting spending on jails and prisons, we counter the common-sense argument that they are necessary and reduce the system's reach.	**YES.** When we reject funding for jails and prisons this can create opportunities to defund imprisonment and invest in infrastructures locally that support and sustain people.	**YES.** When we reject funding for jails and prisons this can create opportunities to defund imprisonment and invest in infrastructures locally that support and sustain people.

DOES THIS:	Reduce the number of people imprisoned, under surveillance, or under other forms of state control?	Reduce the reach of jails, prisons, and surveillance in our everyday lives?	Create resources and infrastructures that are steady, preventative, and accessible without police and prison guard contact?	Strengthen capacities to prevent or address harm and create processes for community accountability?
Reducing policing and police contact in general, and "quality of life" policing, specifically	**YES.** Policing feeds imprisonment, and is an important part of systems of control. Reducing police contact reduces the number of people caught in the criminal legal system.	**YES.** Policing is a justification for imprisonment. By reducing police contact, the legitimacy and power of jails and prisons can be reduced.	**YES.** When we fight to reduce police contact and funding, we can free up state resources. We can organize allocation to community-led infrastructures that are decoupled from policing. We must eliminate all forms of policing from social and community services.	**YES.** Policing does not prevent harm, but actually causes it. Fighting to reduce policing provides opportunities for communities to invest in systems that prevent harm and create accountability.
Creating voluntary, accessible, community-run services and infrastructures	**YES.** Access to services that address needs people articulate for themselves can reduce vulnerability to police contact and prevent harm, while building sites for self-determination.	**YES.** Voluntary services that are community-led and -informed take power away from jails and prisons by removing the focus on imprisonment as a solution to social, economic, and political issues.	**YES.** When we create services and infrastructures that are de-coupled from policing and imprisonment we develop systems with the potential to engage with people's complex needs in consistent and trust-building ways.	**YES.** People getting their needs met in community-determined and -led ways prevents harm. By bolstering resources that address harm, without replicating harm, we create opportunities for community accountability, not punishment and isolation.

Abolitionist Responses to Jail Expansion and Reform

Summary

As the carceral state seeks to expand, organizers push back. Elected officials, advocacy groups, and organizers are often presented with a set of reforms that historically, and by their very nature, uphold the carceral state and expand the prison system. This resource names each of those reforms, along with the rationale for them. It also offers abolitionist responses to those reforms.

Source: Critical Resistance.

Abolitionist Responses to Jail Expansion and Reform

Jails are inherently violent and destructive, and they are an integral part of the prison industrial complex. As resistance to this country's imprisonment system has grown, states and local jurisdictions have turned toward expanding their jail systems under the guise of making them seem more accommodating and service friendly. However, cosmetic improvements to jails will not undo the fundamentally oppressive function of jailing. Here are examples of some common reforms or proposals around jails that only uphold their legitimacy, and how we can respond.

Things to Oppose	*Things to Support*
Jail Construction for Overcrowding. We need to build more jail space because conditions are unsafe with the jail being so crowded with people.	**Reduce the Jail Population.** Instead of wasting resources on more jail space to reduce crowding, we need to be investing in resources like diversion and reentry programs that reduce the jail population and help people get back into their communities. The best way to improve people's conditions is to get them released.

Things to Oppose	*Things to Support*
Building New Jails to Close Old Ones. In order to better care for prisoners, we're going to be closing down an old jail with terrible conditions. In order to do that, we need to build new, state of the art jails, and more facilities to move people to. (e.g. closing Rikers by opening up borough jails)	**Shut Down Jails and Don't Replace Them.** If we are building new jails as a way to close down jails that have been deemed "problematic," we are only perpetuating the fundamentally violent conditions of imprisonment. We should be closing jails by reducing the jail population and building up alternatives to imprisonment instead of extending the scope of the prison industrial complex.
Mental Health Jails. A significant number of people in jail have mental health issues, so we want to pour resources to build more mental health jails.	**Invest In Meaningful Health Care.** Over 60% of people in jail experience mental health issues. Jails are not, and will never be, adequate places to offer care and support for people who have mental health issues. We need investments in community-based mental health resources that are not tied to law enforcement or any other system of criminalization. People in jail should be diverted to these resources instead of remaining in cages.
Carceral Feminism. Our jails have been built without the specific needs of women and trans people in mind. We need to build new and improved facilities that take these needs into consideration.	**There Is Nothing Feminist About Caging People.** If the state cared about women, trans people, and gender non-conforming people, it would not develop new facilities to cage them. Trans women of color are among the most targeted, and women are commonly locked up for defending themselves against sexual assault and domestic violence.
Electronic Monitoring and "Alternatives" Tied to Police. We can reduce the number of people in jail by putting them on electronic ankle monitors and expanding law enforcement monitored support programs.	**Alternatives to the PIC must not replicate the PIC.** Electronic monitors are surveillance technology that expand the imprisonment system into people's homes and into the lives of their loved ones. We must also advocate for programs that are not controlled or supervised by law enforcement wherever possible. We want to end jailing and the PIC, not expand them.

Ending Immigration Detention:
Abolitionist Steps vs. Reformist Reforms

Summary

Whether you are seeking political education or directly organizing for immigrant liberation/migration justice, this resource can guide you through common reforms. As with all institutions that serve to confine and abuse people, advocates have been pushing for reform of immigrantion agencies and policies. This chart breaks down common reforms and asks four questions of each, not only determining which reforms are abolitionist versus reformist, but also explaining why that is the case.

Originally published by the Detention Watch Network and developed by Setareh Ghandehari. Silky Shah and Stacy Suh were thought partners throughout the process.

ABOLITIONIST STEPS

DOES THIS:	Does this reduce the scale of detention and surveillance?	Does this chip away at the current system without creating new harms or helping some people at the expense of others?	Does this provide relief to people who could be or are currently detained or under surveillance?
Reducing funding to ICE and CBP	**Yes,** by reducing funds available for apprehension and detention.	**Yes,** by reducing the number of people that can be detained.	**Yes,** by reducing the space available to detain people and reducing apprehensions.
Shutting down individual detention centers and ending ICE contracts without replacing them	**Yes,** in the immediate. Whenever a detention center is shut down, it will be important to mitigate potential harm by working to ensure people are released instead of transferred.	**Yes,** chips away at the system and builds narrative, power, and momentum needed to sustain the long-term work. Shut down fights provide opportunities to work in solidarity with decarceration efforts in the criminal punishment context (to ensure empty beds are not used in the criminal punishment system).	**Yes,** by creating space for potential releases. Shutting down individual detention centers can also lead to a reduction in arrests and detention in surrounding communities.

DOES THIS:	Does this reduce the scale of detention and surveillance?	Does this chip away at the current system without creating new harms or helping some people at the expense of others?	Does this provide relief to people who could be or are currently detained or under surveillance?
Federal legislation aiming to shrink the pipeline to detention or limit or end ICE detention	**Yes,** legislative change not focused solely on oversight has the potential for the greatest impact in reducing the scale of detention and ultimately ending detention completely. However, legislation must be evaluated individually to ensure it does not expand surveillance, require mandatory case management, or include carveouts that expand criminalization.	**Yes,** legislative reform is a crucial and necessary step to completely end the use of immigration detention permanently. However, legislation must be evaluated individually to ensure it does not expand surveillance, require mandatory case management, or include carveouts that expand criminalization.	**Yes,** depending on specific provision, can significantly reduce the number of people in detention. However, legislation must be evaluated individually to ensure it does not expand surveillance, require mandatory case management, or include carveouts that expand criminalization.
Shrinking the pipeline to detention (ICE collaboration with local police) through executive, legislative, state, or local action	**Yes,** by reducing the number of people who are targeted for detention and deportation.	**Yes,** chips away at the current system to reduce the number of people who end up in detention. However, any efforts must be evaluated individually to ensure that there are no categorical carveouts based on criminal convictions or harmful new surveillance policies that will need to be dismantled.	**Yes,** by reducing the number of people who are targeted for detention and deportation.
Ending contracts with private prison corporations through executive, legislative, state, or local action	**Yes,** 80% of people in ICE detention are in facilities owned or operated by private prison companies, as long as capacity is not replaced by federally or locally operated facilities.	**Yes,** 80% of people in ICE detention are in facilities owned or operated by private prison companies, as long as capacity is not replaced by federally or locally operated facilities.	**Yes,** 80% of people in ICE detention are in facilities owned or operated by private prison companies, but advocacy must include calling for releases and not transfers.

DOES THIS:	Does this reduce the scale of detention and surveillance?	Does this chip away at the current system without creating new harms or helping some people at the expense of others?	Does this provide relief to people who could be or are currently detained or under surveillance?
Ending agreements with local jails through executive, legislative, state, or local action	**Yes,** as long as capacity isn't replaced by privately or federally owned and operated facilities.	**Yes,** as long as capacity isn't replaced by privately or federally owned and operated facilities.	**Yes,** as long as capacity isn't replaced by privately or federally owned and operated facilities and must be accompanied by calls for releases and not transfers.
Opt-in community-based support services	**Yes,** if coupled with concrete efforts to reduce funding and scale of detention.	**Yes,** but only if participation is not compelled.	**Yes,** but only if participation is not compelled.

REFORMIST REFORMS

DOES THIS:	Does this reduce the scale of detention and surveillance?	Does this chip away at the current system without creating new harms or helping some people at the expense of others?	Does this provide relief to people who could be or are currently detained or under surveillance?
Maintaining or shifting capacity for detention to areas with more access to counsel	**No,** while it may lead to relief for some people, access to counsel does not reduce the scale of detention.	**No,** while it may provide relief to some people, it does not chip away at the system but rather legitimizes it.	**No,** while it could lead to release for some people, it is not without harm to others and the existence of detention in the community could lead to additional apprehensions.
Universal representation or increased access to counsel for people in ICE detention	**No,** while it may lead to releases for some people, tying representation to detention legitimizes the detention system and does not reduce its scale.	**No,** while it may provide relief to some people, it does not chip away at the system but rather legitimizes it.	**No,** while it could lead to release for some people, it is not without harm to others.

DOES THIS:	Does this reduce the scale of detention and surveillance?	Does this chip away at the current system without creating new harms or helping some people at the expense of others?	Does this provide relief to people who could be or are currently detained or under surveillance?
Alternatives to Detention: Case Management	**No,** these programs often increase the scope of who is detained and surveilled and have not led to a reduction in detention thus far.	**No,** given the history of case management in the welfare context and parole in the criminal punishment context, compulsory case management is often punitive in nature.	**No,**these programs have been shown to increase the scope of surveillance and do not provide relief to those currently detained.
Alternatives to Detention: Custody models that curtail freedom (for example, halfway houses, hotels, and reception facilities where freedom is limited to any degree)	**No,** these types of facilities change the physical nature of detention and are likely to expand the scope and scale.	**No,** creates a new system that is still carceral in nature and will have to be dismantled.	**No,** simply another form of detention that is still coercive and punitive.
Alternatives to Detention: Electronic monitoring such as ankle bracelets, and smart phone apps	**No,** electronic monitoring has not reduced detention capacity and instead increases the number of people surveilled as an alternative form of detention.	**No,** further cements surveillance and funding for detention, surveillance and deportation.	**No,**inherently coercive and punitive.
More oversight and inspections or transparency at federal, state, or local level	**No,** we have seen that more oversight does not lead to reductions in capacity though it has played an important role in exposing the failings and immorality of the system.	**No,** but it can further expose the abuses and support arguments for closure, though the risk of creating “nicer” cages to address abuses is always there.	**No,** has no immediate impact on the punitive nature of detention and deportation proceedings. But it could help bolster arguments for closure of certain facilities.
Codifying common detention standards at federal, state, or local level	**No,** has no impact on scale of detention, but can provide a legal basis for shutdown of individual detention centers.	**No,** does not actually chip away at the system and can be seen as an endorsement of the system and shift focus to conditions while impeding efforts to reduce scale.	**No,** better standards do not make the system overall less punitive and do little to alleviate harms.

Direct Action for Prison Abolition: Questions

Summary

These questions are part of a larger resource that explores sites of open conflict between everyday people and the State, and have broad applications. These questions can provoke generative discussion within any educational or organizing settings, particularly ones where people are trying to think through escalating their tactics.

Direct Action for Prison Abolition is created and published by Community Justice Exchange and edited by Puck Lo, Rachel Foran, and Zohra Ahmed.

Looking to the examples from history or from other movements, which disruptive tactics are suited for prison abolitionists in the courtroom or criminal legal processes?

What would a strategic escalation of tactics from prison abolitionists look like in courtrooms, in jails, or prisons?

What kinds of actions are symbolic, and what kinds of actions can concretely interfere with the operation of the prison industrial complex?

How can we use direct action tactics to target the institutions that uphold the power of the prison industrial complex to withdraw their support?

How can we follow the lead and demands of people who are incarcerated or facing charges? How do we create pathways for direct action for individuals and families directly impacted by incarceration, as well as the larger public?

Section Four: Courts & Prosecution

So You Want To Court Watch? Guide

Summary

The legal system is used to acting with impunity and without scrutiny. Court watch programs developed to challenge that status quo, and they can serve many additional purposes. Organizers can capture information about what happens in courtrooms—data that might not be tracked otherwise, because it may not be of interest to non-abolitionists.

Data collected can help illustrate patterns like which judges are harshest, which courtrooms provide translators, the ethnic and class makeup of courtroom staff, etc. That data can then be used in organizing campaigns. Observing court sessions and seeing injustice in progress is also a radicalizing tool for people whose lives have not been impacted by the legal system.

This resource helps organizers understand what the full scope of a courtwatching program can be. Through sharing examples of existing programs, organizers can see courtwatching in action. Questions posed throughout the resource can guide organizers through deciding if a courtwatch program is right for their goals, and how to build a program if so.

Source: Community Justice Exchange.

For decades, advocates, activists, and organizations across the political spectrum have deployed courtwatching as a tactic to achieve a wide variety of outcomes, such as ensuring a more transparent criminal legal system, reporting on judges or prosecutors, gathering information for a campaign, providing individual case support, increasing civic engagement, and guaranteeing policy implementation.

Courtwatching is neither new nor limited to one particular format or purpose. For as long as there have been criminal court trials, community members have filled courtrooms, watching to support their neighbors, friends, or loved ones who have either been victimized or accused of a crime. More formal monitoring programs have existed since as early as the 1970s, focusing on issues including the treatment of undocumented people in immigration hearings, the rights of survivors in domestic violence cases, the efficiency of court processes and the conditions of court buildings, and the protections for children in family court and custody cases. In the most recent decade, as public conversation has shifted from being “tough-on-crime” to ending mass incarceration, activists and advocates have started courtwatching as one way to hold their local criminal legal system or immigration system accountable to community demands for decarceration.

This document is written for organizers who are thinking about using courtwatching as a tactic within a larger campaign strategy to dismantle the criminal legal or immigration systems. The document is divided into three parts. **Part One** provides an overview of various courtwatching models. This list is not exhaustive and the models are not mutually exclusive. **Part Two** lays out an array of feasibility questions to consider before committing to developing a program. The two parts are intended to be read alongside one another, not sequentially. It is possible that you may be initially drawn to one courtwatching model, but then while answering the feasibility questions, realize another model is more practical for your jurisdiction. Taking seriously the questions posed in Part Two can help inform which model, or combination of models, is best for your context and campaign. **Part Three** includes practical tips for courtwatching efforts that rely primarily on volunteers.

Part #1: Exploring Courtwatching Models To Fit Your Strategy

Get Strategic:

Like any tactical intervention, the use of courtwatching should be rooted in an intentional and thorough strategy designed to achieve your campaign's goals.

Developing a campaign strategy involves:

DEFINING THE PROBLEM;

- Effective campaigns are founded on a clear understanding of the issue you want to change and the particular context within which you are working.
- Some questions to consider: What is causing the problem impacting your community? What issue is your group most concerned with? What are you trying to change?

CLARIFYING YOUR GOALS AND OBJECTIVES;

- The long-term, general outcome you want to achieve—the ultimate purpose of your campaign—is your overall campaign goal. Objectives are the smaller and more specific milestones that need to happen along the way to achieve your overall goal.
- Some questions to consider: What is your desired result? What does it mean to win? What are you trying to prove? What change would provide a clear ending point for your campaign? When do you quit?

IDENTIFYING YOUR TARGETS, AS WELL AS ALLIES, OPPONENTS, & CONSTITUENTS;

- Targets are the people, organizations, institutions, or groups who hold the power to meet your campaign demands and can make the change you want. There are also allies who can help and opponents who may hinder progress towards your goal. Your constituents are the core people with whom you are working and organizing—the people who agree with your issue and share your goals.
- Some questions to consider: Who are the decision-makers? Who are the key players? Who has a stake in the proposed change? Who has the power to influence change?

Get tactical:

Tactics are the activities you do to achieve your objectives. Once your campaign strategy is set and you are clear on the problem, goals, objectives, and targets, the question becomes: Is courtwatching an effective tactic to influence your targets to produce the desired change? If the answer is yes, then there are many ways to design and implement a courtwatching program that fits your strategic goals.

Below are a few examples of courtwatching models. This list is by no means exhaustive, and none of the models are mutually exclusive. In fact, many courtwatching programs combine elements of several models. This section on models can be a starting point for thinking through what type of program would be the best fit for your particular context and campaign strategy.

Exploratory Research Model

In this model, individuals observe court proceedings to gather initial information about the criminal legal system and/or the immigration system and understand the way it operates in order to plan future actions or conduct additional research.

WHY DO IT:

Outlining court practices and processes can provide the necessary information and context to form the basis of future work, such as a training program for judges or prosecutors, a research project focused on a particular aspect of the system, or a targeted advocacy campaign.

EXAMPLES:

- Law students working with the Vera Institute of Justice observed arraignments in New York City to gather data on the forms of bail judges were more likely to set. They found that judges relied heavily on cash bail and insurance company bond. Vera used these observations to create a training program for public defenders on how to request alternative forms of bail and for judges on why they should set alternative forms of bail beyond cash and insurance bond. The observations also helped inform further research on the results of specific cases where alternative forms of bail were set.
- Students at the Rutgers School of Criminal Justice began observing arraignments in various counties across New Jersey pre- and post-bail reform to map out local differences in the processing of cases—including release decisions, conditions, and interventions by judges, prosecutors, and defense attorneys. Researchers will be using data to examine whether pretrial detention or surveillance rates have increased after the 2017 implementation of the state's risk assessment instrument, the Arnold Foundation's Public Safety Assessment (PSA). These observations may be used to launch a community accountability and transparency campaign around the use of the PSA.

Civic Engagement Model

Courtwatching can increase public understanding, exposure to, or engagement with the criminal legal and immigration systems. In this model, the focus is on the experience of the volunteers—the courtwatchers—and their personal and political development as it relates to larger questions around democratic participation in the legal system. In this model, the courtwatching program is viewed as a direct mode of political education, civic engagement, and a means to building people power.

WHY DO IT:

- Exposing members of the community to the daily injustices of courtrooms can be radicalizing. It can motivate people to vote, organize, and take action.

EXAMPLES:

- A major component of Court Watch NYC, a courtwatching project in New York City that focuses on prosecutorial transparency and accountability, is building organizing power internally among courtwatch volunteers (called Watchers). Many of the people who attend Court Watch NYC trainings are new to organizing around criminal justice reform, and courtwatching provides an on-ramp to engaging more deeply with movement work. Monthly trainings involve political and legal education, as well as information about other organizing opportunities beyond courtwatching. Watchers attend monthly debriefs to share what they observed and experienced in court and to discuss demands they want to make of their district attorneys and the court system. Watchers also meet to organize accountability actions and events, and mobilize for lobby days, rallies, and other advocacy opportunities related to criminal justice reform.
- The New Orleans Safety and Freedom Fund, a community bail fund, hosts monthly visits to criminal court to observe bail hearings. They provide a handout to attendees explaining who the court actors are and what is happening in these proceedings; attendees are then asked to simply observe and note their emotional and intellectual reactions. After watching, attendees gather for a meal to discuss what they observed, the impact of money bail, and the work of the bail fund. The program is intended for people who are generally not targeted by the system due to race or class privilege. The goal is that attendees will leave questioning dominant narratives around money bail, public safety, and poverty, and will become motivated to get involved in local bail reform efforts. Attendees are asked to recruit at least three more people to attend future events.

Individual Support Model

Courtwatching can influence the outcome of a specific person's court case. In this model, the family, friends, neighbors, and supporters of an accused person attend each of their court dates, showing the judge, prosecutors or Department of Homeland Security counsel, and juries that the accused has community ties and support. Because the impact will vary depending

on the individual case's circumstances and context, individual court support should only be done with the consent of the accused person facing trial and in consultation with their lawyer.

WHY DO IT:

Community support, whether through one-off pack-the-court days or as part of broader individual support campaigns, has the potential to increase the likelihood of a positive outcome in a person's case. However, depending on the specific case circumstances, the court may resist the presence of supporters in ways that could detrimentally impact the case. For these reasons, deciding whether or not to have community court support should be led by the accused person.

EXAMPLES:

- Silicon Valley De-Bug, a community organizing group in California that developed the practice of participatory defense, conducts a range of courtwatching, including court monitoring and individual case support. When engaged in individual case support, a model they call "Court Doing," De-Bug organizers and community members attend arraignments and bail hearings with families to try and secure the release of their loved ones. De-Bug has developed a Community Ties form with the public defender's office, which De-Bug organizers use to explain to a detained person's family what happens during arraignments and also provide public defenders with useful information to argue for a detained person's release. The organizer sits with the family member and, with their help, fills out the form, detailing important information—such as the impact of detention on the person and their family and how community members can assist their return to court. If the person remains detained after arraignment, then the family is encouraged to attend a participatory defense meeting and prepare for the bail review hearing. The show of community support seeks to counteract predictive assumptions made by jurisdictions' risk assessment instruments and the heavy reliance on pretrial detention and onerous conditions of release by California courts.
- F2L is a volunteer-run project based in New York City that does support work for queer and trans people of color facing or serving time in the New York State prison system. With the consent and leadership of specific queer or trans individuals fighting felony cases, F2L organizes members and allies to pack courtrooms for their court dates. The presence of F2L supporters at consecutive court dates for over two years led to the case of one Black trans woman, originally facing 3-7 years in prison if convicted, to be moved from criminal court to mental health court, where she was sentenced to mandated treatment instead of immediate incarceration.
- In Boston, the Boston Immigration Justice Accompaniment Network (BIJAN), a grassroots network of faith communities and other activist groups, organizes volunteers to accompany individuals facing immigration detention or deportation to immigration court hearings or ICE check-ins. Accompaniment provides personal support for the individual facing a harsh and unpredictable system, and holds court actors and ICE officials accountable for delivering accurate information and ensuring due process. Beyond accompaniment, BIJAN writes letters of support, helps

locate documents for people's cases, raises money for legal fees, and provides child care and transit for people going to court. BIJAN credits the combination of these efforts in making the most difference in individual people's cases.

Accountability Campaign Model

Courtwatching can ensure the court system and individual actors within it are accountable for implementation of a recent "reform" (such as legislation passed, judicial order enacted, prosecutor policy changed). In this model, the courtwatching program is designed to track the specifics of a new reform and what it actually looks like in practice. The end product, whether it is a report or media piece or community forum, can be presented to the public and has clear targets.

WHY DO IT:

Policy changes on paper may not have the anticipated effect on practices in courtrooms. Without monitoring and community accountability, the court system lacks incentive for enacting decarceral changes.

EXAMPLES:

- In September 2017, a local court rule went into effect directing judges in Cook County, Illinois, to set money bonds only in amounts that people could afford to pay. The Coalition to End Money Bond trained more than 100 volunteers to monitor judges and record the outcomes of bond hearings for one month before and one month after the rule went into effect. Their report proved that despite the order, judges continued to set bond in amounts that individuals could not afford to pay—and more transformative change was required.
- Rachael Rollins was elected head prosecutor in Suffolk County, MA, on a platform where she committed to declining to prosecute a series of low-level charges and to not request money bail from people who do not pose a flight risk. For her first 100 days in office, which began January 2, 2019, volunteers with CourtWatch MA started monitoring prosecutors' bail recommendations and charging decisions and then weekly documenting and publicizing whether her office is following through on her promises.

Advocacy Campaign Model

Courtwatching can collect data and stories to support an advocacy campaign. In this model, observations are focused on a particular issue as part of a broader campaign to demand change.

WHY DO IT:

Assembling a report about a particular injustice can provide the basis for launching or advancing a campaign.

EXAMPLES:

- As part of their campaign to end modern day "debtors prisons," the ACLU of Nebraska conducted court observations in several counties across the state to track the imposition of money bail, fees and fines. They published their findings in a report about the criminalization of poverty in Nebraska, noting how specific reforms could prevent Nebraskans from being incarcerated merely for their inability to pay bail, court fees and/or fines. The report helped propel their larger campaign into the realms of judicial branch advocacy, legislative policy change, and litigation.
- The Police Reform Organizing Project (PROP) in New York City began a court monitoring program as one arm of a larger campaign to expose and end abusive police tactics that disproportionately harm people of color. PROP volunteers monitor first appearance hearings in New York City criminal courts to document the racist practices and outcomes of NYPD "broken windows" policing strategies.

System Monitor Model

Courtwatching can establish a general culture of transparency and accountability of public officials and court actors. In this model, the courtwatching program is designed to be ongoing, and court observers observe court shifts on a steady schedule. The information collected and shared may focus on any number of rotating issues—such as bail, charging decisions, or protective orders—as well as any number of court players such as prosecutors, judges, or public defenders.

WHY DO IT:

Developing an ongoing monitoring program where players in the courtroom, such as judges, clerks, public defenders, and prosecutors, know community members will be present on a regular basis promotes an open, transparent, participatory, and accountable court process.

EXAMPLES:

- Court Watch NOLA is a non-profit organization that has conducted courtroom observations of the Orleans Parish criminal court system since 2007. They train volunteers on a regular basis and maintain a consistent presence in the courts. Courtwatchers are easily identified by their bright yellow lanyards. The data collected is used to publish annual reports about the state of the criminal, magistrate, and municipal courts in New Orleans.
- The Fund for Modern Courts has a statewide court monitoring program in New York that recruits non-lawyer, local volunteers to observe court proceedings in their communities. The goals of the program are to ensure that the courts serve the needs of the local constituents and to monitor and evaluate factors ranging from the judges' management of courtroom proceedings to the physical conditions of the courthouses. Findings and recommendations are published in reports.

Part #2: Logistical Feasibility

Beyond clarifying your strategy and goals, there are additional questions to consider when assessing the feasibility of starting a courtwatching effort. While not comprehensive, this list of questions is intended to help you evaluate whether it is practical for your group to do courtwatching, and if it is, which model is best for your context. Thinking through these key considerations at the beginning will save time and effort when you actually start to develop your program.

Access

What do you need to know about the system, court building(s), and specific courtrooms before starting to observe?

IS COURTWATCHING EVEN POSSIBLE IN YOUR JURISDICTION?

- Some courtrooms may not be open to the public, either in practice or by rule. Observing in some courtrooms may be impossible because there is inadequate seating or because it is too difficult to hear or see what is happening. Consider speaking with court actors you have relationships with, like public defenders, to ask about these barriers and visit each potential courtroom to do your own evaluation.

WHAT ARE THE ACCESS CONSIDERATIONS TO ENTER AND NAVIGATE THE COURT BUILDING?

- Consider assessing the actual physical conditions and barriers, such as court building days and hours of operation and spatial location of specific courtrooms. What are the rules for the court that you want to observe?
- Consider assessing the rules and regulations of the court building and individual courtrooms, such as the entry process and the requirements of audience members with regards to conduct, clothing, and belongings. In most courtrooms, it is not permitted to use cell phones, take photos, or record video, and some courtrooms even have rules around recording or taking notes on paper. How does the system work?
- Find out the procedural steps in a criminal case or immigration detention proceeding in your jurisdiction. If you decide to focus on first appearance hearings, what happens to the accused before and after that hearing? Court accessibility is not only about physical access, but also about knowing the procedural path of a case from arrest to resolution.

Capacity

What is your organizational capacity to staff and manage a courtwatching project?

Who are you working with?

- Collaborating with other organizations doing similar work can provide additional capacity for organizing the program, as well as more robust results. For example, partnering with public defenders can be helpful for designing and leading volunteer trainings on the legal and logistical aspects of the court process. Partnering with an academic institution or well-funded non-profit can be useful for data cleaning, analysis, and reporting.
- For any collaborative project, especially between groups with differing political positions, it may be important to have a conversation around values and value alignment early on in the process.
- In general, before starting any program on your own, it is a good idea to do a scan of the organizing landscape to see if other community groups or organizations are already active in this work.

How will you staff this project?

- Depending on your group or organizational set-up, you may use paid staff, an existing volunteer/member base, or you may decide to recruit a new cohort of volunteers to staff and manage the project. If you envision volunteers becoming a central part of your program, evaluate whether you are structurally set up to recruit and manage volunteers.
- For more considerations on recruiting and developing volunteers, see "Part Three: Tips for Courtwatching Programs that Rely on Volunteers."

How will you coordinate data collection and entry?

- Depending on the scope of your project, you may be collecting a lot of data. Data entry can be a significant lift for the program organizers, whether done by a staff person or by a group of volunteers who need coordinating.
- For many programs, it will make the most sense to have information entered into some kind of electronic database to facilitate data analysis and reporting. Some examples of online data entry tools, which transfer data entered directly to an excel file, include Google Forms and SurveyMonkey.

Who will produce project outputs and how much time is required?

- Knowing your desired end product before you begin will help you determine and recruit for the type of skills you seek: Design? Data analysis? Storytelling? Research? Presentation facilitation?
- Consider how long it will take to create the output or end product that you want.

Outputs

What will you do with the information you collect? What do you need to produce to help achieve your goal?

Who is your audience?

- Is it the general public? A specific court actor? Your volunteers? People who know nothing about the criminal legal system? People who are directly impacted by the system?
- If you have already done the power-mapping of your targets, allies, opponents, and constituents, it should be fairly simple to answer this question.

How will you present your findings?

- Some example outputs include reports, tweets from court, public forums, trainings for judges/prosecutors/defense attorneys, memos to the court, or teach-ins for community members or groups. What is the content?
- Knowing what areas of the court process or legal system you want your end product to focus on will determine the kinds of data your project collects.
- Consider speaking with organizers/activists, organizations, legal providers, and/or people directly impacted by the issues you are highlighting to gather initial information.

Data

What is the information that you need to produce your end product?

HOW MUCH INFORMATION DO YOU NEED?

- This will vary depending on your desired end product. For example, if you are producing a report, you may be more concerned with covering a representative amount of cases. If you are thinking about implementation accountability, the amount of information you need may be dictated by the implementation timeline.
- The number of cases you need to watch will impact how long your program lasts and the number of people you will need to collect, input, and analyze the data.

WHAT INFORMATION DO YOU NEED?

- The focus of your end product should guide the data points that you collect. For instance, if you are launching a campaign on bail, your courtwatchers should collect information relevant to the bail-setting process.
- Consider specifically tracking information that no one else is recording or information that is not otherwise public. If that information is already being tracked by another agency, or the court itself, check to see if you can get the information from the source directly first.

WHAT TYPE?

- The format of information you need (qualitative stories, quantitative statistics, or some combination) will determine how you design the form that your

courtwatchers fill out in the courtrooms. For example, if you want to tell stories from court or reflections from volunteers, a form design with open ended questions or space for writing narrative is best. If you want to report on statistics, a form with checkboxes makes for more accurate data entry and reporting.

- It will also be helpful to think through variables on the form that may be needed to make sense of the data. For instance, if decisions vary a lot by judge, it might make sense to record which judge made each decision.

WHERE WILL YOU GET IT?

- Different parts of the court process deal with different types and stages of cases. For example, if you are tracking information on bail, then your volunteers will need to observe courtrooms where bail hearings happen.
- Consider speaking with public defenders or others familiar with the courts to determine which courtrooms your courtwatchers should focus on.

HOW AND WHEN WILL INFORMATION BE SUBMITTED?

- Your timeline for reporting out the information, through whatever output you decided, will determine when you need data to be submitted to a central source.
- Presuming that most information recorded in court will be handwritten, you should consider how it will get into an electronic database, if one is desired. Inputting into the database could be done by staff or volunteers on an ongoing basis, in one extended data entry sitting, or some combination, depending on how you decide to staff your program.

Part #3: Tips For Courtwatching Programs That Rely On Volunteers

Volunteers are the backbone of many courtwatching programs. After considering the various models and examining the feasibility questions, you may decide to design a program that relies on volunteers.

Below are questions and tips to consider when training volunteers for a courtwatching effort:

WHO WILL MANAGE THE VOLUNTEERS?

- While volunteers can help get the work done, there still will likely need to be a central person, or people, to keep the volunteers organized and make sure they have the support necessary to do the work.

HOW MANY VOLUNTEERS DO YOU NEED?

- The number of volunteers that you need will depend on the scope of your project, the amount of data you need to collect, the roles you need volunteers to fill, and the type of time commitment that you require of volunteers.
- Remember that typically only a portion of people who are trained will actually sign up to observe.

HOW WILL YOU RECRUIT AND RETAIN VOLUNTEERS?

- Be strategic about where you recruit volunteers. Your organization may already have a large supporter base you can tap into. Consider reaching out to individuals who organize with other groups dedicated to social justice causes or civic engagement generally. Try advertising your trainings at local law schools, colleges and universities, on social justice listservs, and among local community groups or institutions.
- Think about the needs of your volunteers, and how to recruit and retrain volunteers from various backgrounds and perspectives. Will you offer childcare to get parents involved? Reimbursements for transportation costs? Food during volunteer trainings or events? Will you offer volunteer shifts during evenings and weekends? How much time are you asking volunteers to commit and how often?
- Consider the support they may need after spending time in court. Observing court can be emotionally difficult, both because court language and processes can be confusing and inaccessible and because it is a place where violence and harm occurs. Offering space for volunteers to debrief their experiences can be important for community building and increasing volunteer engagement; it also provides opportunities for volunteers to ask questions, give feedback, and receive support.

WHAT WILL THE VOLUNTEERS DO?

- What does it mean to volunteer with your program? Is it just observing court? Or are there options for volunteers to take on other responsibilities, such as data entry or analysis, writing reports, facilitating trainings, helping to recruit and develop relationships with new volunteers, organizing other advocacy efforts, etc.?
- Certain people, particularly those who have been through the criminal legal system themselves, may not feel comfortable or interested in observing court proceedings. Having other options for volunteers opens up opportunities for more people with a diversity of backgrounds and experiences to get involved in the project.

WHAT DO YOUR VOLUNTEERS NEED TO KNOW?

- Trainings can be opportunities to not only inform volunteers about what they need to know in order to courtwatch (What days and times should they be there? What are the rules of the courtroom? How do they fill and submit out the form?), they can be spaces

for political and legal education about the criminal legal or immigration systems.

- Trainings can also provide an opportunity to inform volunteers about the values behind the project so they have the correct lens when talking to others who may not volunteer for the project themselves. Volunteers are natural ambassadors of the project in their communities.
- If courtwatching is part of a larger campaign, a portion of your training can include information about that campaign and why courtwatching is being used as a tactic to win.
- Be sure to include logistical information about the court building(s) and courtroom(s) to prepare and orient your volunteers. Consider drawing maps for volunteers and providing detailed instructions about what you can wear, what you can bring into the building, and the conduct requirements of observers inside the courtrooms.

HOW WILL VOLUNTEERS SUBMIT THE INFORMATION THEY COLLECT IN COURT?

- Will volunteers mail in handwritten forms? Should they leave them at the courthouse or submit them electronically? When setting up a submission system, consider your organization's capacity, volunteer accessibility, and your desired timeline for receiving data.
- You should understand that some volunteers will not submit their forms, so if complete coverage is essential, you may want more than one volunteer assigned to the same shift.

Abolitionist Principles & Campaign Strategies for Prosecutor Organizing

Summary

In this age of everyone from district attorneys to sheriffs self-branding as "progressive prosecutors," it is more important than ever to remember that prosecutorial offices are not allies, but rather, targets. However, we all exist in the same criminal legal system ecosystem. Therefore, we need shared values, frameworks, and strategies to engage with prosecutors in a way that moves us toward abolition without opponent collaboration. This resource pragmatically deals with this complicated reality, while never losing sight of the fact that our goal remains to eliminate prosecutorial forces entirely.

The organizations that came together to develop this resource were Community Justice Exchange, CourtWatch MA, Families for Justice and Healing, Project NIA, and Survived and Punished NY.

The following is a framework that seeks to draw out what "prosecutor organizing" looks like with an abolitionist lens.

The **first section** outlines principles to hold us accountable to each other, so that there is shared agreement about what abolition means in organizing around prosecutors.

The **second section** is a resource for organizers looking to put these principles into practice in their local prosecutor organizing campaigns.

1. **Prosecutors are law enforcement:** they send people to prison and jail, parole and probation. A commitment to abolition includes the abolition of prosecutors, surveillance, and policing. This means that we seek the abolition of the role of prosecutor within the criminal punishment system.
2. **Prosecution is a systemic and structural component of the criminal punishment system.** Discussions of "good," "bad," "progressive," or "regressive" prosecutors keep the focus on individuals and are a distraction that impedes the need for structural and systemic change.
3. **Abolition is opposed to prosecution.** A commitment to abolition requires that we think outside the criminal punishment system for what accountability and healing from harm could look like. This means we condemn the

prosecution of anyone, including police officers, people in positions of power accused of financially-motivated crimes ("white collar crimes"), exploitative landlords, people accused of sexual or interpersonal harm, and so on.

4. **Prosecutors are not social workers, therapists, housing advocates, or any other service-oriented role.** They cannot and should not provide services to people who are in need. This is inherently in conflict with their pledge to serve and maintain the criminal punishment system. The best thing prosecutors can do for people who need services is get out of the way. Prosecuting offices should not receive more resources to provide social services or survivor/victim support, nor bolster other forms of confinement, stripping of rights, or institutions that use threat of punishment to force treatment or coerce services (such as drug courts and other forms of diversion court; mental health jailing).

   Resource shifting from carceral prosecution to carceral social services is not de-resourcing. Social services become another tool of the punishment system whether housed in or mandated by the prosecuting office. Giving more resources to death-making institutions is not abolitionist. It only cements and increases power and also cloaks the system in legitimacy. Instead, prosecutors should advocate for resources to be distributed to community organizations that already provide services and for policies that redistribute resources.

5. **Prosecuting offices cannot be "co-governed" with/by community organizations.** Given the inherent power imbalance, there is no shared power relationship between elected prosecutors and community organizations. Instead, community organizations are constituency organizations and can and should demand change from these elected officials within that relationship. This means using the tools of community accountability including phone calls, constituent meetings, protests, and the same demands we make of every and any elected official.

6. **Prosecuting offices must be stripped of power and resources.** Even as they restructure their offices and review prosecutions handled by their predecessor(s), prosecutors should not seek additional resources but work to redistribute resources internally to shrink the scale of current and future prosecutions as well as redress histories of aggressive prosecutions.

How Do We Get There?

DEVELOPING LOCAL ORGANIZING CAMPAIGNS ON THE ROAD TO ABOLITION

As abolitionists, we are working towards a future where people are no longer prosecuted and therefore where prosecutors do not exist. That future is a long way off. To get there, our movements need to build significant power through a variety of organizing interventions while remaining pointedly focused on shrinking the power, size, and scope of the prosecuting office.

There is not one path to abolishing prosecutors. But there certainly are identifiable strategies and tactics on the long road to making prosecutors obsolete. Some may be exercised concurrently, others sequentially. As we engage in abolitionist struggle and experimentation, we will together identify new strategies and possibilities in the transformed landscape. Where your local organizing can intervene in this continuum will depend on your capacity, how much power you have already built, and your local political context.

Tactics and strategies toward abolishing prosecutors

BASELINE TACTICS

Base-building

- Increase the number of people who share the vision for abolition and who are willing to do the work to move that vision forward. Build your movement, reach out to directly affected people, develop relationships, facilitate leadership development, create internal political education and analysis building, work intentionally in broad and deep coalitions.
- In order to build the power required to ensure systemic and structural changes, base-building must be continuous throughout all other activities.
- Public, political education on the power of prosecutors, the prison industrial complex, criminalization, white supremacy/capitalism/root causes of harm, abolition, transformative justice can come in many forms including:
    - Hosting teach-ins, workshops, trainings, community discussions, town-halls.
    - Organizing Twitter power hours or other social media campaigns anchored in education and sharing resources/materials on these topics.

- Develop a media strategy for your campaign that shifts traditional punishment narratives, uses less stigmatizing language, fights the victim/perpetrator binary, and rejects "public safety" framing to focus on what communities say they need to thrive.
- In order to build the power required to ensure systemic and structural changes, narrative shift and public education must be continuous throughout all other activities. The system will react to actions that shift power and so the need for narrative and message definition and consciousness raising will be continuous.

Mutual Aid Projects As Organizing Interventions

- Mutual Aid is "a form of political participation in which people take responsibility for caring for one another and changing political conditions, not just through symbolic acts or putting pressure on their representatives in government, but by actually building new social relations that are more survivable. We currently have many forms of mutual aid as both harm reduction and steps towards abolitionist organizing including:
    - Community bail funds and targeted bail-out actions that free people from incarceration and lift up data and experience to push for change.
    - Participatory defense organizing that gets families to use their power as community to win freedom, make strong bail arguments for release and fight back against DA requests, offer alternative diversion plans, initiate plea negotiations with true diversion and alternatives, and fill courtrooms to demonstrate community support.
    - Post-release community support projects that establish community-based services to assist individuals upon release and model non-carceral examples.
- In order to build the power required to ensure systemic and structural changes, mutual aid/ organizing interventions must be connected to a larger organizing strategy and part of a theory of change.

Strategies Focused On The Prosecuting Office

ELECTORAL ORGANIZING

- Organize to remove officeholders and staff in the prosecuting office committed to status quo punishment and harm. Opposition is an abolitionist harm reduction strategy. While this focuses on firing individuals in the interim, the orientation is always on the systemic and structural and abolitionist organizers must consistently uplift this point in public. Opposition efforts can be deployed in different ways including:
    - Elections focused on removing an office holder (without a particular candidate for support).
    - Recall elections.
    - Forcing resignation (often via investigation and hearings).

- Organize to elect candidates who make commitments to policy changes that are decarceral and reduce their office's harm, power, and influence.
    - In general, election season can be a good opportunity for abolitionist base building, if information being distributed is issue focused and not candidate focused. Organizers can conduct issue-based canvassing and public education forums about the role of the elected prosecutor in the criminal punishment system.

SHIFTING OFFICE POLICY AND CULTURE

- Hold elected prosecutors accountable to implementing promised policy changes. Design and demand new policy changes, beyond those promised during the campaign.
    - Tracking implementation of policy change, especially when there is a written office memo or new proposed practice, is relatively clear cut. Tactics include data monitoring, courtwatching, etc.
    - See page 12 for example demands around data transparency and the kinds of data that prosecuting offices should release. Prosecuting offices should not get any more money or resources to track, manage, or release data. The demand should be that they reallocate resources internally to solve this problem.
    - Monitor existing gains while also advocating for even more decarceral shifts or changes to other harmful practices.
- Ensure elected prosecutors institute culture change within the prosecuting office.
    - Culture change is difficult to organize around because it's more diffuse. Tactics include getting DAs to make personnel changes, restructure their office (like charging units, post-conviction units), require extensive re-training, etc.
    - This will require more community power and likely insider tactics.
    - Recognize that office policy influences culture, and office culture influences policy.

Strategies Focused On Shrinking Structural Power

SHRINKING SYSTEMS OF HARM

- Design, demand, and implement abolitionist policies to reduce the reach and influence of the prosecutor. Win structural and systemic change that decreases the size, scope, and power of the prosecuting office in a material and sustainable way.
    - This necessarily requires legal change outside the prosecuting office itself: in other words, for local, state, and federal legislation that will strip power, resources, staff, and money from prosecuting offices, in a way that a new prosecutor cannot easily undermine.

- This could also look like repealing laws that criminalize behavior, reducing prosecutorial discretion in plea bargaining, and fighting against new criminal laws, enhanced penalties, etc.

- Pressure other criminal punishment system stakeholders (judges, police, public defenders, court administrators) to make decarceral and de-resourcing changes. Prosecutors have immense power, but they are one piece in a violent, punitive ecosystem.
    - This is multi-layered: (1) ensure other stakeholders do not block prosecutors when prosecutors are trying to enact decarceral reforms; (2) ensure other stakeholders do not evade or adapt around prosecutor reforms so the reforms are unable to go into effect;
    - (3) ensure other stakeholders use their influence to support prosecutors in enacting decarceral reforms; (4) ensure other stakeholders adopt their own decarceral and de-resourcing reforms.

BOOSTING RESOURCES FOR COMMUNITY

- Pressure state and local actors to prioritize funding for community-based resources that produce safety and well-being, such as education, health care, affordable housing, and employment, as well as reduce spending for all state systems connected to arms of the criminal punishment system, such as prosecutors, police, court system.

Questions For Organizers To Consider In Crafting Their Campaigns

THINGS TO CONSIDER WHEN CREATING YOUR DEMANDS:

- How do your demands delegitimize the prosecuting office? Limit the power, staff, technology, and resources of the prosecuting office? Challenge the notion that prosecutors promote safety?
- Are your demands accountable/strategic to building power long term? How do your demands build power for our movements and our people over the long term? To whom are we accountable?
- Do your demands prioritize people facing more or less serious charges? What do we gain by focusing our campaigns on the power prosecutors have over those with more serious charges?
- How do your demands take into account an attempt to free the highest numbers of people, while also prioritizing freeing the people who are the most criminalized and demonized and scapegoated, while also prioritizing freeing the people the system harms disproportionately?

- Do your demands primarily rely on the prosecutor using their individual discretionary power or do they require change to the office in more material, sustainable ways? Do your demands call for strategic deployment of resources by the prosecuting office that ultimately reinforce the power of the prosecutor?
    - For example, demanding prosecutors decline to prosecute certain charges is a discretionary decision that depends on the particular prosecutor in power (and follow-through by individual line prosecutors). Demanding prosecutors support repealing laws that criminalize behavior, if successful, would result in legislative change that could not be easily reversed with the election of a different prosecutor.
- Do your demands support the provision of rights or services to one person or group of people contingent on the criminalization of another person or group of people?

Things To Consider When Choosing Your Targets:

- Do a power mapping of your place. Who funds the prosecuting office in your jurisdiction?
- Who do they answer to?
- Who else can we pressure to downsize the office of the prosecutor?
- Are other local policymakers likely to be more or less hostile to your goals? How can that inform your strategy?
- Are there decision points where the prosecutor does not answer to anyone else? How can you shape demands that target those decisions? For example, in most jurisdictions, prosecutors can use a particular type of motion to decline charges without requiring approval from a judge.
- What is the relationship between the prosecuting office and other actors in the criminal punishment system? Does the chief prosecutor have oversight over police detective promotions or hiring decisions in certain units? Are there policies or personnel decisions where a change in the prosecuting office will have a direct effect on curbing or shifting the practices or policies of other related but insulated institutions, like the police?
- What other actors in the criminal punishment system and beyond may stand in the way of change? How can your organizing anticipate and respond to push back from police,judges and court staff, probation and parole officers, local media, other elected officials, and police and corrections workers' unions?

For example demands and other helpful framing, visit the original resource.

Community Bail Funds As An Organizing Tool: A Primer for Exploring the Tactic

Summary

At their best, bail funds pool community resources to free people from jail. Since the nature of bail is that it is eventually returned, bail funds have a unique opportunity to be sustainable. When people are bailed out, they aren't just spared the dangerous, dehumanizing environment of a jail. They also have access to more resources—community support, and also material resources like help to defend themselves from whatever they've been charged with.

Bail funds can be created for specific actions, specific regions, or under a very broad umbrella. This resource describes not just the "how" and "what" of creating a bail fund, but also the "why."

Source: National Bail Fund Network/Community Justice Exchange.

Community Bail Funds as an Organizing Tool: A Primer for Exploring the Tactic

There is no one right way to start a bail fund. For decades, bail funds have taken on different forms as communities come together to bring people back to their communities and restore their ability to fight their cases from places of freedom. More recently, bail funds in some places have taken on dual functions by accomplishing short-term harm reduction while also advocating for long-term systemic change to end money bail and pretrial incarceration.

This document is intended for organizers, legal advocates, and organizations contemplating starting a bail fund as an intervention in the criminal legal and/or immigration detention systems. The document is divided into two parts. **Part One** distills some of the core exploratory questions to consider before starting a bail fund. These questions will require a great deal of attention in your initial planning process to determine the viability and the potential impact of a bail fund in your community. **Part Two** poses additional questions focused on the mechanics of the bail process and operating a bail fund. These questions are not exhaustive and are intended to be helpful in mapping out the logistical feasibility of starting a bail fund in your community.

Part 1: Explore Your Context and Strategy

When contemplating starting a bail fund, first it is necessary to tackle the big picture questions before jumping to logistics or technical feasibility. These questions get at the core of whether starting a bail fund is strategic within the larger pretrial reform context in your community.

AREA 1: WHAT IS THE STATE OF BAIL REFORM? (CLARITY OF POSITION)

- ❑ Are there existing proposals for reform in your city, county, or state?
- ❑ Is there pending litigation or legislation that may impact your pretrial justice system?
- ❑ Has there been media coverage, published research, public hearings, or formation of taskforces or commissions to investigate and/or explore aspects of the pretrial justice system that influence your community? The focus of any of these could be money bail but also may include risk assessments, pretrial services or supervision, and/or diversion programs.

AREA 2: WHO IS INVOLVED? (ACCOUNTABILITY AND COLLABORATION)

- ❑ Who is interested in starting a bail fund? Is this planning process being driven by an individual, an organization or group of organizers, a coalition of organizations, a public defender office, a legal service provider, or someone else? Who is missing from the planning process who should be included?
- ❑ What is the connection between those planning a bail fund and local organizing around racial justice, criminal justice reform, and mass incarceration?
- ❑ What is the connection between those planning a bail fund and any campaign or work to change the bail system? Is there a link to any work identified in Area 1?

AREA 3: WHO WILL BE HELPED? (ELIGIBILITY CRITERIA)

- ❑ How many people are in the jail(s) you are focused on? How many could be released on bail (sometimes referred to as “bailable”)?
- ❑ What sorts of charges do people incarcerated in the jail(s) have? Are they mostly misdemeanors, felonies, or both?
- ❑ How many individuals are not eligible to be bailed out because of other “holds” or parole/probation “detainers”?
- ❑ What is the average bail amount people are held on? What is the range (lowest to highest)?

AREA 4: WHAT IS THE VISION? (COMMITMENT TO SYSTEMS CHANGE)

- ❑ What will the goals of the bail fund be? Is this bail fund a temporary intervention connected to a broader campaign to end money bail or is it a new/expanded organization that may exist for years?
- ❑ Who will the bail fund aim to bail out? Will the bail fund specify a population based on discrete issues or criteria or aim to bail out the largest number of individuals possible?
- ❑ How will the people helped by the bail fund relate to other changes being made to the pretrial system, such as pilot programs, risk assessment tools, diversion programs, etc.?
- ❑ Is the bail fund going to be specific to a local jurisdiction or connected to a regional or statewide effort?

Part 2: Logistical & Technical Feasibility Questions

After exploring your context and strategy, the next step is to map the logistical and technical feasibility of starting a bail fund in your community. TheseThis questions get into the nitty gritty details of how to start and operate a bail fund.

AREA 1: WHO CAN PAY BAIL?

- ❑ Are there restrictions or rules on who can pay bail or limits on the number of bails that an individual can pay in a period of time?
- ❑ Will there be licensing or bonding requirements? How do these rules affect the possible structures for a bail fund?
- ❑ Is it possible to pay bail as an organization, or will an individual pay the bails? Are there personal liabilities incurred for the person who posts bail?
- ❑ Factoring in answers to the above, who will be able to pay bail for your group?

AREA 2: WHAT IS THE PROCESS FOR SETTING BAIL?

- ❑ When after arrest is bail set? Is it at arraignment, a special bail hearing, or another setting?
- ❑ Are new bail hearings provided as a matter of course or permitted at any point?
- ❑ Who sets bails? Is it a judge, a magistrate, a bail commissioner or someone else?
- ❑ Is a public defender present?
- ❑ Do the hearings happen in person or over video? Can you observe bail hearings?
- ❑ How is bail set? Is there a bail schedule or is it widely variable?

AREA 3: WHAT IS THE PROCESS FOR PAYING BAIL?

- ❑ When during the process can bail be paid (such as in the courtroom or only after someone is processed into the jail)?
- ❑ What is the actual process for paying bail? Do you know the physical location(s) where bail is paid and which forms of payment are accepted (cash, cashier's check, other)? Is bail accepted only during certain times of day or days of the week?

AREA 4: WHAT IS THE PROCESS FOR RETURN OF BAILS PAID?

- ❑ What is the average timeline for cases to resolve and bail to be returned?
- ❑ What is the process for getting bail returned after a case is resolved?
- ❑ Are there fines/fees that are taken out of returned bails? How will this affect the revolving "rate" of a bail fund?

AREA 5: HOW WILL YOU STRUCTURE A BAIL FUND?

- ❑ Where will the bail fund live? Will it be a separate organization or a project of an already established organization?
- ❑ How will the organizational structure be connected to campaigns around bail reform? How does the organizational structure/home relate to the bail fund's vision?
- ❑ Is the public defender involved in your planning? How will representation and referrals to a bail fund work?
- ❑ Is there a need to visit people inside the jail? If so, what is the process for gaining access to people inside?
- ❑ How will the bail fund's structure dictate staffing? Will a host organization/coalition provide staff? Will there be full time staff or a coordinated volunteer structure?
- ❑ What will the relationship to the commercial bail bond industry be? Will the bail fund have to interact with the bail bond industry due to local or state laws or regulations?

AREA 6: HOW WILL YOU FUNDRAISE AND BUDGET FOR A BAIL FUND?

- ❑ What is the average amount of bail the fund will pay?
- ❑ What operating budget is needed to support the work of paying bail? How will the operating budget (staff, administration, etc.) be structured in relation to the bail fund "corpus" (the money for bail)?
- ❑ Is the bail fund planning to be structured as a revolving fund? How much of the bail fund corpus will be a revolving fund (a"er deductions for fines, fees, forfeitures, etc.) and what is the average cycle for return?
- ❑ Is the bail fund planning to use one or more loans? If so, how will the loan structure and revolving cycle affect the amount of bail that can be paid?
- ❑ Is the bail fund planning to use local or state government funds in any way? If so, how will this impact the fund's ability to push for systemic change to the pretrial system?

On the Road to Freedom: An Abolitionist Assessment of Pretrial & Bail Reforms

Summary

Bail reform is an important tool for bringing jailed people back into their community, where they have the possibility of recovering from the trauma of arrest, in addition to helping them find support and build their defense. But like any reform, there are ways to do pretrial support and bail funds that can either reinforce the PIC or move toward dismantling it. This resource looks at actual case studies from around the country, so that we can learn from each other as we do the difficult, messy work of balancing our long term abolitionist vision and short term, immediate community support.

This resource was developed by Critical Resistance and Community Justice Exchange. It was written by Mohamed Shehk, Pilar Weiss, Rachel Foran, Sharlyn Grace, and Woods Ervin; August 2021.

Our movement must be clear in our larger goals and our specific demands: We seek to shrink the power, scope, and resources of the prison industrial complex. We fight not to replace money bail with "fairer" forms of jail or with electronic and financial punishments, but for pretrial freedom, an end to state violence and policing, and community control of resources.

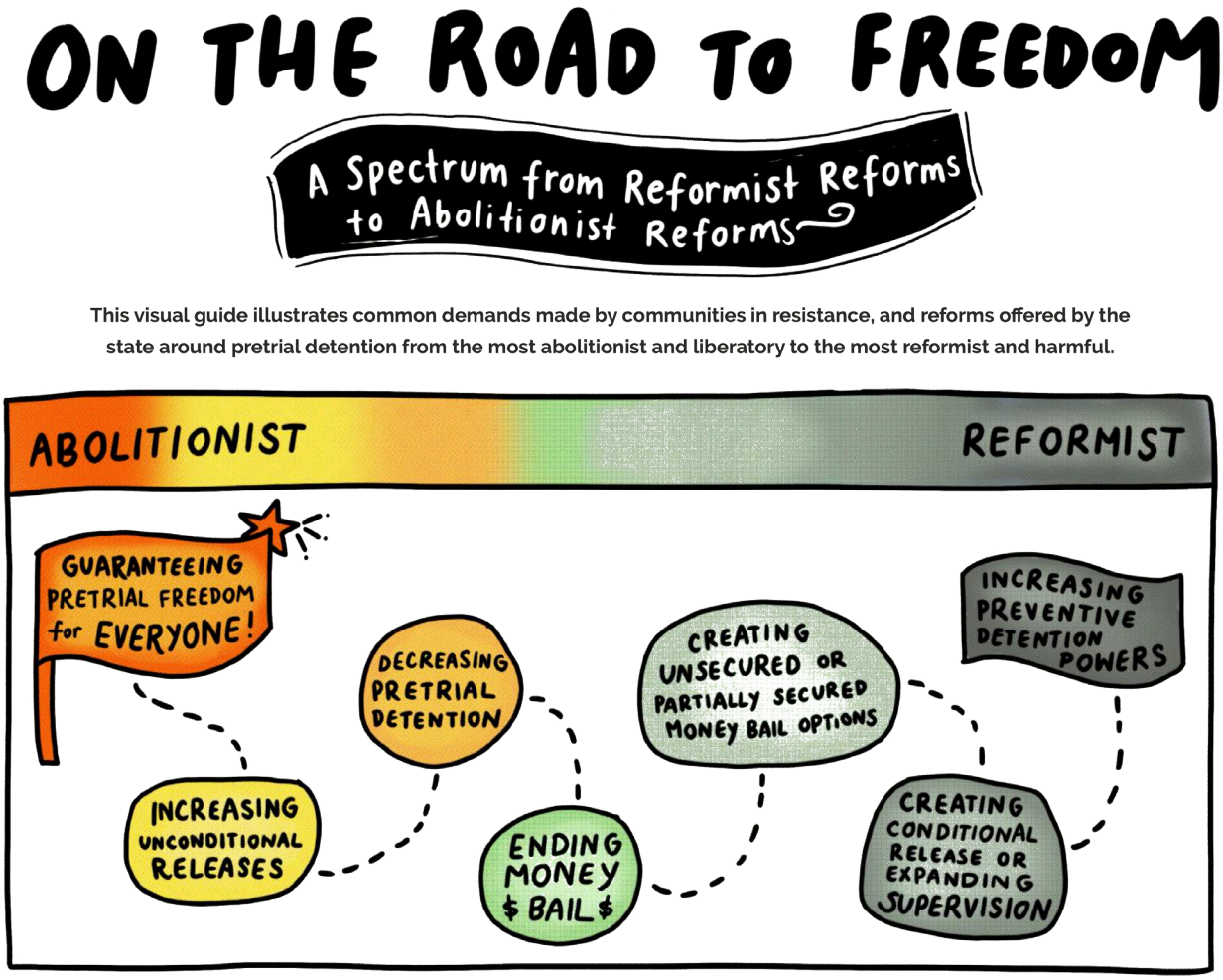
We hope that this document will enable our movements to differentiate between reforms and policy changes that can move us closer to liberation and abolition, and those that re-legitimize and re-shape existing, oppressive systems of control. This assessment is not a blueprint or substitute for strategic decisions made within local campaigns by grassroots abolitionist organizers. The conditions in a specific place matter immensely.

In this document, we look at recent examples of bail reform from around the country and evaluate them according to a set of abolitionist questions:

1. **Does the reform weaken the system's power or means to jail, surveil, monitor, control, or otherwise punish people?**
2. **Does the reform challenge the size, scope, resources, or funding of the PIC?**
3. **Does the reform maintain protections for everyone and resist dividing people into categories of "deserving" and "undeserving"? Does the reform maintain or expand existing paths to freedom for all people?**
4. **Does the reform shrink parts of the PIC, industries that profit from the PIC, and/or the power of elected officials who sustain the PIC?**

We focus here on whether particular reforms shrink the size, scope, and power of the prison industrial complex. We know, however, that the transformative potential of reforms is often less about the reform itself, and more about how power is built during the struggle over reform. Once the reform is won, have we increased the size and strength of our abolitionist movements? Is our base able and willing to continue the fight to move us even closer to abolition? This assessment does not take up these questions, but we encourage you to ask them as you develop your organizing strategy.

Knowing the limits of any one-size-fits-all approach, we offer this assessment to continue a dialogue about the role of reofm, identify lessons learned, and provide grounding for people who are new to the movement to abolish money bail, pretrial detention, and the prison industrial complex as a whole....



This spectrum illustrates common demands made by communities in resistance, and reforms offered by the state around pretrial detention from the most abolitionist and liberatory to the most reformist and harmful. It is important to note that these specific policy changes often are employed simultaneously. For instance, a jurisdiction might adopt legislation that gets rid of money bail while simultaneously expanding preventive pretrial detention for certain charges while using a risk assessment tool. This would mean the end of wealth-based pretrial jailing and freedom for some and the persistence and even expansion of pretrial incarceration for others.

We understand that in abolitionist organizing our "winning" campaigns won't often or immediately reach the abolitionist end of this spectrum. The state will offer concessions to our demands for pretrial freedom. Abolitionists should always strive to completely end the caging of communities, pretrial or otherwise, while acknowledging that the relative power we hold means that we must often think about and decide which shorter-term reforms are strategic for the longer-term fight. These choices will look different depending on the local context, balance of forces, and how much power abolitionists are able to build.

In the following pages, we provide a visual guide that situates common demands for pretrial and bail reform in a spectrum from the most abolitionist and liberatory to the most reformist and harmful. The visual guide is followed by detailed explanations of each demand type.

A SPECTRUM FROM REFORMIST REFORMS TO ABOLITIONIST REFORMS

GUARANTEEING PRETRIAL FREEDOM FOR EVERYONE!

Guaranteeing that all people are free without the threat of incarceration, supervision, or surveillance during the pretrial period.

INCREASING UNCONDITIONAL RELEASES

Expanding pretrial release without conditions of supervision or surveillance. This would include both reducing the overall capacity for pretrial incarceration, while also increasing the possibility of release without conditions for more people.

DECREASING PRETRIAL DETENTION

Eliminating the possibility of an accused person being jailed pretrial. Without specific protections, this could lead to more people being subjected to supervision or other conditions, possibly expanding the funding and/or reach of the PIC.

ENDING MONEY BAIL

Getting rid of money bail as a way to reduce pretrial detention. This reform can go either way depending on whether it is focused on ending pretrial detention (abolitionist) or replacing unpaid money bail with other mechanisms of pretrial detention (not abolitionist). *Note: Ending money bail by itself sometimes becomes focused on ending for-profit bail bondsman. Ending bail profits does not automatically lead to getting people free. We must address the root of the issue, which is ending pretrial detention.

CREATING UNSECURED OR PARTIALLY SECURED MONEY BAIL OPTIONS

Creating new options for release through unsecured or partially secured money bail (where an individual can be released without paying money or paying only a portion of the total money bail amount). This reform may increase release for some individuals but also maintains the money bail system overall. Because of the existence of the full

money bail in the background, violations of conditions of release under unsecured or partially secured bails can lead to orders to pay the full monetary amount in addition to the threat of pretrial incarceration or increased restrictions.

CREATING CONDITIONAL RELEASE OR EXPANDING SUPERVISION

Creating new and conditional barriers to release and/or increased punitive supervision that are themselves forms of pretrial detention and surveillance. These types of "substitution" reforms do not create more freedom and can lead to increased re-arrest because they create new possibilities for violations punishable by incarceration or increased restrictions. They often expand the PIC through increased resources and staff for the pretrial supervision system. In addition, expanded pretrial supervision can actually lead to arrests of additional people who are caught in the web of expanded surveillance. It also often introduces or increases monetary penalties and expenses for the individual.

INCREASING PREVENTIVE DETENTION POWERS

Creating new or increased eligibility for or mechanisms of "preventive" pretrial detention. Even though these types of reforms are often described as "only" being for a small or limited group, any reform that expands the system's power to incarcerate people pretrial will ultimately block pretrial freedom from larger and larger groups.

RISK ASSESSMENT TOOLS

Increasingly, different pretrial reforms include the adoption or continuation of the use of pretrial Risk Assessment Tools (RATs) as a way to determine whether someone should be released and if so, what conditions of release should be imposed. Most often, money bail is used in addition to (or in spite of) the use of a pretrial RAT, and sometimes RATs are used only for certain categories of charges in a pretrial system with or without money bail. You can read more here about pretrial RATs in decarceration campaigns. These "tools" deeply and inherently reproduce the same racial biases present at every step of the prison industrial complex and are part of a huge expansion in pretrial supervision and surveillance. While the adoption and use of RATs should be fought by abolitionists, they show up at almost every point in the spectrum (except for pretrial freedom!) and should be viewed as an intrinsic part of the project to end pretrial detention and not the target itself.

PROCEDURAL PROTECTIONS

Increased procedural protections can make it more onerous for prosecutors and judges to incarcerate people who are awaiting trial or impose conditions on their release (such as electronic monitoring). Making it more procedurally difficult to restrict people's liberty may have a decarceral impact.

An Organizer's Guide to Confronting Pretrial Risk Assessment Tools in Decarceration Campaigns

Summary

The fight to end money bail and support people throughout their pretrial process is, like everything else, a learning process. Abolitionists have seen such reforms expand the surveillance state, looting the commons to fund carceral tools like ankle bracelets. Though there are general principles that can be broadly applied to pretrial reform, organizing is not a one-size-fits-all endeavor. Your specific community in its specific moment may require different strategies than other specific communities.

This resource is responsive to those differences, and addresses them via questions to assess the efficacy—and long term consequences—of your tactics. It also includes explanations of what a Risk Assessment Tool is, and what angles your campaigns may take; what institutional forces they may target.

This Community Justice Exchange guide was created with invaluable collaboration from Media Mobilizing Project, a community organization working at the intersection of technology, race and economic justice. We want to specifically thank Hannah Sassaman and Bryan Mercer for their expertise and leadership.

As organizers, we're facing a turning point in how we build campaigns to end pretrial incarceration and mass supervision in the criminal legal system. This has been particularly true in the fight to end money bail, which may have seemed more straightforward in the past as we worked towards public recognition of the deep and long-lasting harms of wealth-based detention and its contribution to pretrial incarceration. Now we are at a crossroads, where campaigns to end money bail and pretrial incarceration must also contend with the broad and insidious introduction of risk assessment tools (RATs) as one of the "replacement" interventions the system wants to claim as "reform." We created this guide for organizers contending with this tension — how to engage with risk assessment tools in their work to end pretrial incarceration and mass supervision.

Risk assessment tools (RATs) are decision-making rubrics that make predictions. RATs can be simple, scored checklists, or they can be complex algorithmic software programs — and everything in between. To date, at least forty-one states, including at least 1000 counties,1 have instituted RATs in their pretrial systems. They use at least one of more than 150 different kinds of tools to make predictions about a defendant's statistical likelihood, or "risk," of not returning

to court or being rearrested if released. RATs influence the decisions of judges, magistrates, and pretrial service departments. In policy conversations about specifically ending money bail, the use of RATs is particularly held up as a "solution." For example, New Jersey, which made some of the most comprehensive changes to and nearly eliminated its money bail system with a law that took effect on January 1, 2017, made those changes while integrating a RAT.

...The fact is: the crisis of pretrial detention persists both in places where risk assessment is enshrined in decision-making, as well as in places where risk assessment tools are not yet used. Opposing risk assessments in isolation from other pretrial detention mechanisms has the potential to obscure, or distract from, the fight to eliminate pretrial incarceration and supervision entirely.

Instead of focusing on abolishing risk assessments as an endpoint, we propose that targeting risk assessments is a tactic within a larger campaign strategy to end pretrial incarceration and mass supervision with clear decarceral goals. This guide provides tools for opposing RATs, and an analysis that our opposition to them is one part of a larger organizing strategy to end pretrial incarceration and mass supervision.

FRAMEWORK FOR ENGAGING WITH RATS

This section names seven core points to help you decide whether organizing around pretrial risk assessments is a tactic useful for you within a larger campaign to end pretrial incarceration.

1. Risk assessment tools are neither new, nor rare, in the pretrial stage of the criminal legal system.
2. Proponents of risk assessment tools assert that they are "objective" and "scientific"; however, the data driving the tools is biased.
3. Risk assessment tool recommendations make both failure to appear in court and pretrial violence seem more predictable, and more common, then either really are.
4. Despite claims by supporters, risk assessment tools do not automatically result in decarceration or reduce racial disparities.
5. Risk assessment instruments only make a recommendation. Judges still decide who gets locked up and who goes home.
6. Risk assessment tools perpetuate the belief that pretrial detention or supervision is necessary and justifiable for particular groups of people.
7. Risk assessment tools are built from information that is taken out of context.

UNDERSTANDING RISK ASSESSMENT IN YOUR JURISDICTION

Every jurisdiction is different, and any organizing campaign you take on is going to be specific to your community and what you are fighting to win. This section will help you to understand pretrial RATs in your jurisdiction.

In some places, whether and how risk assessment tools may be used in pretrial decision-making is a fairly new policy debate. In other places, the use of a RAT may be long-standing and entrenched in the pretrial system. Mapping out your situation is a critical first step to assess potential levers for an organizing campaign.

We have organized this section around six questions for learning about RATs in your jurisdiction. These six areas overlap, and some steps will take longer than others to answer and interrelate. You might also end up tackling the different questions in an alternate order. Answers to these questions may require investigation in your local community.

1. What kind of RAT is in use (or being proposed)?
2. Where in the implementation lifecycle is the RAT in your jurisdiction?
3. What type of mandate has led to the use of a RAT in your jurisdiction?
4. How is the RAT used?
5. What (if any) transparency exists around the use of the RAT?
6. What are the external political pressures that lead some to push RATs as a "solution"?

A FRAMEWORK FOR COMMUNITY CAMPAIGNS

This guide is written from the perspective that organizers are working to end pretrial detention and mass surveillance as part of a larger decarceration and prison abolition project. We are not prescribing specific campaigns, or even particular tactics, because the question of whether and how a community might confront or engage the use of RATs will vary greatly by locality and context.

We offer this framework as something for organizers to consider as communities come together to build power, contest the current criminal legal system and ask whether a campaign that focuses on risk assessment tools is a good fit in a larger campaign against pretrial detention and mass criminalization.

We present the following framework as a tool for organizers confronting RATs and deciding if a separate or integrated campaign fits within their larger decarceral goals. This framework builds off of campaign strategy mapping exercises, and will necessitate other power analysis and system mapping.

This framework is organized into five sections:

1. THE PROBLEM
2. DEFINING THE WIN
3. IDENTIFYING TARGETS
4. POSSIBLE TACTICS
5. CAMPAIGN EXAMPLES

We assume that in many places, organizers will tackle all five sections together, rather than in a sequence, as each step informs the other.

THE PROBLEM

Although Community Justice Exchange, along with hundreds of organizations across the country, opposes the use of algorithmic decision-making and judgment in the criminal legal system, we also recognize that it is not a stand-alone issue. The proliferation of RATs in the pretrial system is just one part of the mass criminalization machine. To answer the question of whether fighting current or planned pretrial RATs will get you closer to ending pretrial detention or whether it will pull you away from your decarceration work, clearly defining THE PROBLEM on your local terms is essential. Why does the use of risk assessment tools matter in the local context and to your local goals?

ACTION ITEM: Define WHY and HOW the use of pretrial risk assessment tools affects the problem that you are confronting.

Naming the problem will include asking IF taking on risk assessment tools is possible or useful for your decarceration campaign including, but not limited to, the following:

- Is the use or potential use of a RAT a significant driver of pretrial detention in your jurisdiction? Is the RAT primarily being used to determine release or detention?
- Is the RAT being held up as a "solution" to the problem of money bail and pretrial detention in the local policy context?
- Is the RAT actually being used by judges or magistrates to inform their detention, release, or supervision decisions, or do judges or magistrates ignore or override the recommendations of RATs in practice?
- What actually drives pretrial detention: the RAT, or the judges or magistrates? Does using the RAT increase mass supervision in the pretrial population?
- Does it increase other forms of surveillance of that community?

Answering questions to define THE PROBLEM will require doing the research about how a RAT works or is being proposed to work as a part of pretrial decisionmaking in your jurisdiction. Section 2 and the appendices in this guide can help to determine what drives pretrial detention and supervision in your jurisdiction, and whether or how RATs contribute.

- What kind of RAT is being used (or proposed)?
- Where in the implementation lifecycle is the RAT in your jurisdiction?
- What type of mandate has led to the adoption of a RAT in your jurisdiction?
- How is the RAT used in pretrial decision making?
- What (if any) transparency exists around the use of the RAT in your jurisdiction?

IDENTIFYING TARGETS

Finding the target or targets in a local campaign against pretrial RATs may have multiple layers. You will be looking to determine WHO can actually make the change that you want, after you define the win.

In some places, there might be a clear, single target (for example, the County Commission or Judicial Council that is approving the use of the RAT). In other jurisdictions, there may be multiple targets, based on how the RAT is being implemented and used (for example, if state or local laws describe how the RAT should be used, but the judges or magistrates have come up with their own approach). In many places, the entity that mandated using a RAT (a state Supreme Court or a state legislature, for example) may be different than the entity that developed the local implementation rules or is overseeing it (a local municipal court, for example).

ACTION ITEM: Identify which persons or entities have the power to make decisions that will lead to your defined WIN. Map out the different targets if there are multiple pressure points you need to push to secure your win. This may include conducting a full power analysis.

When you map out your targets, you may also differentiate between primary and secondary targets. Primary, or "direct," targets are the people or institutions that can directly give you what you want. Secondary targets are those that can influence your primary targets. Since the way that RATs have been selected, approved and ultimately implemented in jurisdictions often feature a complex interaction between individuals, elected and appointed bodies, as well as system actors and outside organizations, mapping out primary and secondary targets will often be necessary. It will be important to assess your ability to influence those targets, or the people to whom those targets are accountable.

Some examples of targets might include:

- Judges, magistrates or pretrial services agencies might be targets in a jurisdiction because they use RAT results and have established implementation policies.
- The District Attorney, whose office may have a policy on how they use RAT scores, might be a target.
- An additional target might be the Public Defender's office — who may or may not have a policy on how they contest the RAT score.68 (Note: A Public Defender office may often be an ally or partner, especially in places where RAT scores are only accessible to the judge and prosecutor, and not the defense attorney or defendant.)
- Another target might be a local or state body that oversees implementation of the RAT and is supposed to oversee rules and policies

POSSIBLE TACTICS

We assume, when laying out this framework, that organizers will be working toward abolishing pretrial detention within different kinds of coalitions and organizational formations; some groups and their members are comfortable using direct action and other "outside game" tactics; some are more comfortable using lobbying and "inside game" tactics, and some prefer a combination of both.

Creating a campaign plan will involve choosing tactics: the activities you will engage in to

achieve your goal. Many of your tactical choices will interrelate to your goals, targets and power map. Some tactics may be ones that you and your organization directly deploy; others may be divided across coalition partners and allies, depending on your relationships with the decision-makers, your ability to influence them or others close to them, and the kinds of activities you can engage in based on the specifics of your organization or coalition's internal agreements. For example, some groups can engage directly in electoral strategies; some can mobilize members who have experience in the system and can directly tell their stories and push on decision-makers; while other groups may be able to mobilize large numbers of people to demand a specific policy or a transparency process.

ACTION ITEM: Define organizing activities that are directly aimed at moving your targets and for which you can articulate a theory of change related to your goal(s). If you have multiple targets or multiple phases based on how RATs are being used, know how different tactics will relate to each other. It is important to rigorously analyze what tactics will lead towards the successful deployment of your strategy to winning your goals.

THEORY OF CHANGE: Theory of change in its simplest form is explaining how if we do ABC, then we will produce XYZ change.

Some general categories that specific tactical interventions may stem from might include:

- Public education and consciousness-raising about RATs
- Courtwatching and court monitoring to document how RATs are being used
- Advocacy around RAT adoption, implementation and use including:
    - Releasing information on RAT implementation
    - Meetings with stakeholders who use or make decisions about RATS
    - Community oversight of RAT implementation and use

CONCLUSION

So, what do we do with all of this analysis and mapping? There are no formulas or foolproof models for stopping or reducing the use of RATs. Our current work requires us as organizers to build our individual understanding and our communities' consciousness about the racial bias of algorithms, and how they affect the crisis of pretrial detention. We must continue to win local fights for decarceration. We hope that together, we can experiment with tactics and practices that not only oppose RATs but ultimately end detention altogether. We are indebted to the legacy of community organizing against technologies used by oppressive systems. Simultaneously, we work to build new frameworks and models for organizing around new and evolving technologies, including RATs, at this moment in history. We look forward to building a community of practice that struggles to understand the complexity of how pretrial RATs and other algorithmic interventions into daily life and freedom can change the terrain of what we fight for, and how we win.

For campaign examples and other helpful framing, visit the original resource.

Section Five: Evaluating Candidates

Movement Building Evaluation Factors For Candidates

Summary

The intersection of abolitionist movements and electoral politics is fraught by nature. Candidates, no matter how well-meaning, make promises during their campaigns that they abandon once elected. Candidates are beholden to donors, constituents, and groups with varying (and sometimes contradictory) goals. That said, the reality is that candidates and elected officials do play a role in our ecosystem. The question is—how does one navigate that reality without being exploited by those with their own political ambitions? How do we put pressure on electeds without the assumption that we can hold them accountable in any meaningful way?

This resource helps organizers form a profile of candidates and electeds, from which an abolitionist strategy could be built.

DRUM Beats is a sibling organization of DRUM - Desis Rising Up & Moving, and builds on its legacy of organizing working-class Indo-Caribbean and South Asian communities to build movements, and our capacities to transform political systems so that they serve our collective needs.

Far too often, engagement with candidates is filled with disappointment. They make promises to a certain set of values, policies, and platforms, and then once elected they renege on those promises. Part of this is the nature of electoral politics. But a large part is deficiencies in our evaluations of candidates, which make superficial assessments based on candidates words, without delving deeper into their past record or practice. Another part is that we do not account for the multitude of pressures and pulls that electeds encounter once in office that derail them from their commitments, and expect that they will be able to navigate them alone as individuals.

The analogy is to a tree. If we want to know how well a tree will weather through storms and through difficulty, we would look at its roots. The deeper the roots, the stronger the tree. But the deeper roots of a tree are not easily visible. They require digging, exploration, and investigation. Similarly candidates' identities, their work and personal relationships, and even their platforms and policy proposals can be finely manicured to make them presentable, but are superficial indicators that can be easily uprooted. To know the depth of candidates' roots, we have to dig into their past records, their actual political practices, and their commitment to collective leadership.

IDENTITY

- What identities do they hold, and how have experiences and approach?
- What kind of work & class background do their families come from?
- Do they use their identity to make claims about representation, or substance?
- Identity may shape lived experiences but doesn't indicate any of the below.

WORK AND PERSONAL RELATIONSHIPS

- Who are their friendships with, and who supports because of personal affinities?
- What are the relationships they built simply as a result of their work?
- What are the accomplishments they claim that would be a standard part of their work expectations?

PLATFORM AND POLICIES

- What are the platforms and policies they are claiming to uphold?
- What are the minimum and maximum extents of their platforms?
- What are the issues they do not pay attention to?
- Are their proposals detailed out, or ambiguous, or grounded in ongoing collaboration with movements?
- Gives no indication of genuine commitments because it is easy to renege later

PAST RECORD

- Do they have a consistent record of standing for positions that they now claim in their platforms?
- Did they take contradictory or expedient positions compared to their platform?
- How do they explain, or evade, questions about these discrepancies?

POLITICAL RELATIONSHIPS

- Beyond relationships arising from the nature of their jobs, what political relationships did choose to develop and invest in?
- Were these relationships for purposes of a political career, or for genuine political commitments?
- How do they relate to people and forces that would be important for a political career versus those that may not serve their goals?

POLITICAL PRACTICE

- How do they actually practice their stated politics?
- How willing have they been to take risks for the sake of principles?
- How willing are they to admit mistakes and shortcomings, and how do they account for them?
- How do they manage conflict or differences?
- How do they treat or support workers and colleagues, especially during differences?
- Are they skilled and capable of organizing other electeds?
- What is their plan and effort to make their campaign viable?

COLLECTIVE LEADERSHIP

- What is their practice of collective accountability and decisionmaking?
- Have they and will they be accountable to collective processes and demands, even if they personally disagree?
- What is their theory on the role of electeds, the role of movements, and the relationship between the two?
- In what ways are they committed to using their platform to advance movement building?
- Are they willing to bind their political relationships and political practice into formal structures of co-governance? Or are they just making vague claims?

Section Six: Public Health

Law Enforcement is a Public Health Issue

Summary

In 2018 and 2021, the APHA made policy statements about carcerality as a public health issue, that can be found here (https://bit.ly/APHAs1) and here (https://bit.ly/APHAs2). For more information, please visit endingpoliceviolence.org. What follows is a discussion document created by Critical Resistance based on the APHA policy statement on law enforcement violence.

Source: Critical Resistance, February 2019.

DIVEST

- Redistribute law enforcement funding to social services and structures to address social inequity ("meet human need" through, for example, jobs, housing, transportation, education, healthcare, youth programs).
- Reverse militarization of local, tribal, regional and federal law enforcement; disuse military equipment, discontinue military equipment acquisitions and SWAT teams and deployments.

DECRIMINALIZE

- Decriminalize activities "designed to control marginalized people, including, but not limited to substance use and possession, sex work, loitering, sleeping in public, minor traffic violations (e.g. expired registrations, jaywalking, not signaling a lane change, broken taillights), and targeting undocumented immigrants; and to also ensure that decriminalized offenses are removed from the purview of law enforcement."
- Review and eliminate policies that lead to disproportionate violence against specific communities (e.g. stop and frisk).

INVEST

- Prioritize programs that do not criminalize people, such as transformative justice, restorative justice, violence and mental health intervention, prevention and support programming and policies.

END LAW ENFORCEMENT IMPUNITY, DEMAND TRANSPARENCY

- Prioritize documentation, data reporting and collecting information by public health bodies and institutions about the violence of law enforcement.
- End laws shielding law enforcement from investigation and public information disclosure or access. Demand full public disclosure of police violence investigations through a public database, for example.

Organize! Strategies and Tactics Starter List

What follows is a starter list of strategies and tactics to bring the power of this policy statement to bear in your campaigns. Put this statement to use! You can...

- Advocate at decision-maker meetings. "The American Public Health Association has identified law enforcement as a public health issue... It recommends that instead of policing approaches which exacerbate systemic harms, we/you must..."
- Use it to get a special health hearing on your community concern or campaign topic. Ask /recommend/ demand that a statement author be invited to provide expert testimony. (Go to www.endingpoliceviolence. com/contact-us to contact)
- Refer to the policy statement in media work on your campaign or issue. Quote the text, supporting research, and recommendations, and name it as a source of national expertise in public health to be followed.
- Use it to outreach to health workers, public health workers or figures, social service folks, groups and institutions to show that this is our shared issue. Share recent victories that demonstrate these overlaps, and invite them to join the local, regional, national movement work.

Organizer Talking Points

Law enforcement has a negative public health impact, therefore we must... Decriminalize, divest, and dismantle.

ORGANIZER TALKING POINT:

While there is a growing body of data documenting the harms of police violence and we know what we need to demand and vision for abolition, it is powerful for us to be experts on our own conditions. Participatory community research can create capacity for us to name the problems, and frame the questions, while organizing together for improved health and self-determination over resources and state power.

Shift resources away from policing and toward supporting public health.

ORGANIZER TALKING POINT:

Government bodies cannot prioritize both policing and health at the same time. Not only are they in direct conflict with each other, as this statement demonstrates, history and current conditions also prove that states do not fund health and life-affirming programming at the same scale as policing and militarization. Governments and institutions often argue that they can't address public health issues or try non-police approaches until law enforcement is "securely" funded and established. Fight back, draw on the APHA statement to argue for the benefits of working with public health organizations to achieve real public safety. We can: 1) work with local public health departments instead of law enforcement; 2) reduce funding for policing and redirect it to public health and non-police social services; and 3) invest in health programs and root-level shifts in social conditions that shape health.

Organize with health practitioners, teachers, students, and families to publicize the effects that police in schools have on students.

ORGANIZER TALKING POINT:

Organizing itself increases health and wellbeing by connecting people to each other, building collective community power to make self-determined and necessary changes in social conditions. Young people and their loved ones are harmed by the presence of policing in schools and the often-simultaneous defunding of social workers, counselors, art programs, health resources, and additional teachers and youth leadership roles. Police contact is traumatizing for all involved. To stop it we can: 1) stand up with youth and their families' fight against youth criminalization in schools; 2) fight back against school push-out and school-to-prison youth criminalization; 3) fight for robust funding of public education without ties to law enforcement.

Liberation Is Essential: Leveraging Governmental Public Health Tools to Address the Harms of the Criminal Legal System

Summary

Organizing toward abolition from a public health perspective can take on many forms. Local and regional health departments exist to serve specific functions, which can be sites of intervention, in part because administrative changes are often more easily achieved than electoral policy shifts. This resource takes something we know—the prison industrial complex is a menace to public health—and applies it to practical demands of health departments.

The authors — Amber Akemi Piatt and Christine Mitchell — would like to thank those who provided feedback on this resource: Cory Cole, Julian Drix, Woods Ervin, Jess Heaney, Rehana Lerandeau, Clara Liang, Kate McMahon, Phyusin Myint, Jamie Sarfeh, Mohamed Shehk, Ana Tellez, and Salomeh Wagaw. This resource builds upon Critical Resistance's imprisonment chart and policing chart and Human Impact Partners' framework on incarceration and guide to address police violence. This resource was designed by Raina Wellman (2022).

There is staggering evidence and growing consensus that policing and carceral systems actively harm individual, family, and community health in the United States and beyond. When we understand the prison industrial complex (PIC) as a social determinant of health and driver of health inequities, it is clear that the field of public health must address the harms of carceral systems as a fundamental element of health equity work. The current systemic reliance on punishment, confinement, and surveillance is not inevitable; elective non-carceral systems of community-based safety and accountability exist. As in eorts to eliminate lead poisoning or other public health hazards, it is critical that we tackle the PIC with an anti-racist and root cause analysis. When we do, abolition emerges as the most practical and necessary solution.

Governmental public health has a crucial role to play in promoting health, dignity, and safety for all. This resource provides non-exhaustive examples of how local, state, and territorial health departments (referred to in this resource as HDs) can use their power to support abolitionist visions and campaigns. We use the 10 Essential Public Health Services, which were recently updated to center equity, as an entryway to discussing steps HDs can take to shift policy, practice, and resources.

How can HDs use this essential public health service…	To challenge the notion that the PIC increases safety & to reduce the scope and scale of the PIC?	To build health-affirming structures without PIC contact?
Assess and monitor population health status, factors that influence health, and community needs and assets	Public health evidence is increasingly illuminating the ways that the PIC negatively impacts health and safety. Understanding the PIC to be the threat it is — like harmful working conditions or a global pandemic — brings the HD's realm of responsibility into sharper focus. For example, HDs must ensure there is space to collect data on police violence in their death certificates	Investing in the social determinants of health — including affordable housing, clean water, accessible transportation, and economic security — is a great primary prevention strategy against PIC harm. Do intentional outreach to those most impacted by the PIC when assessing your communities' needs and assets — for example, as part of your CHIP/CHA process.
Investigate, diagnose, and address health problems and hazards affecting the population	While some HDs may intimately understand the harms of the PIC, it is safe to assume that not all will. Ongoing workforce development to ensure a shared baseline analysis of the harms of the PIC is crucial.	Many problems currently handled by the PIC are social, political, or economic in nature and would be better approached with a public health lens. For example, HDs can create or support harm reduction services for drug use and sex work.
Communicate effectively to inform and educate people about health, factors that influence it, and how to improve it	It is crucial to directly educate those with decision-making power over the PIC's funding and policies. For example, HDs could present on the health impacts of incarceration in their presentations about health equity.	Beyond disseminating information about the health harms of the PIC, HDs can design informational materials (e.g., brochures, fact sheets) to amplify local/state community organizing that is pushing for structural change.

How can HDs use this essential public health service…	To challenge the notion that the PIC increases safety & to reduce the scope and scale of the PIC?	To build health-affirming structures without PIC contact?
Strengthen, support, and mobilize communities and partnerships to improve health	Social capital broadly impacts health and must be harnessed intentionally toward health equity. Thus, HDs must be clear-eyed about the consequences of their partnerships — including contracts — and take care to shrink the scope of their relationships with agencies in the PIC.	Mutual aid* can help meet immediate needs, especially when government contact could be unsafe (e.g., for undocumented people). While staying conscious of real or perceived risks, HDs can offer support on such eorts, such as by helping distribute face masks.
Create, champion, and implement policies, plans, and laws that impact health	Population-level problems like the PIC require population-level solutions. HDs can find creative ways to speak out in favor of shrinking PIC budgets and releasing people from carceral facilities.	HDs can use root cause analyses to advance non-carceral solutions (e.g., People's Response Act). Many structural interventions that improve health also diminish reliance on criminalized activities.
Utilize legal and regulatory actions designed to improve and protect the public's health	HDs may have specific power over carceral facilities, including authority to perform inspections. In those cases, HDs must establish authentic accountability mechanisms, including conducting unscheduled visits, training inspections on the harms of the PIC, and using regulatory action to address hazardous conditions.	HDs can use their regulatory knowledge and tools to improve conditions for those most impacted by the PIC. For example, HDs can perform proactive outreach before formal inspections to restaurants owned or operated by immigrants to ensure they have the resources needed to create safe, healthy workplace and dining environments.

How can HDs use this essential public health service…	To challenge the notion that the PIC increases safety & to reduce the scope and scale of the PIC?	To build health-affirming structures without PIC contact?
Assure an effective system that enables equitable access to the individual services and care needed to be healthy	Places where people receive services and health care are a critical frontline to reduce the scope and scale of the PIC. For example, HDs can and must prohibit law enforcement, including ICE, from entering clinics and hospitals.	People's needs are rooted in their material conditions and historical experiences. HDs can hire health workers with lived experiences with the PIC to make sure formerly incarcerated people's needs are heard and addressed in reentry.
Build and support a diverse and skilled public health workforce	HDs can and should hire formerly incarcerated people — and people from communities that are disproportionately impacted by the PIC, including Black and Indigenous communities — to do work related and unrelated to the PIC.	Beyond formal internal hires, HDs can offer accessible skill-based trainings to support communities learning to take safety and accountability into their own hands (e.g., through partnerships with restorative justice facilitators).
Improve and innovate public health functions through ongoing evaluation, research, and continuous quality improvement	While more data on the harms of the PIC are welcome, HDs must avoid partnering with PIC agencies in data collection, which could increase the PIC's capacity to police, surveil, and incarcerate people.	HDs could bolster the body of public health evidence for promising alternatives to the PIC, including but not limited to transformative justice in communities and police-free school campuses.
Build and maintain a strong organizational infrastructure for public health	Social and financial support for public health has reached record lows as PIC budgets have expanded dramatically. It is time for HDs to speak out in favor of divesting our collective resources from the PIC.	Simultaneously, HDs can and should ask for what they need: greater, sustainable funding to address the root causes of health inequities and build a society where there is no need for prisons, jails, detention centers, or policing.

Section Seven: Schools

We Came to Learn: A Call to Action for Police Free Schools

Summary

This concise resource is a call to action for divesting from law enforcement presence in schools. It describes the disproportionate impact of policed schools on Black children and children of color.

The National Campaign for Police Free Schools is co-convened by the Advancement Project National Office and Alliance for Educational Justice, and includes dozens of organizations from across the country.

Recommendations

DIVEST FROM LAW ENFORCEMENT STRATEGIES IN SCHOOLS

School districts and local municipalities spend millions of dollars every year on school policing, which is directed towards stationing police officers in schools, metal detectors and various forms of surveillance.

We must identify exactly how much is spent on school policing and demand that those funds are divested from systems that police students and invested in creating safe, high-quality schools for all students.

Deprioritize the Reliance on School Police

SCHOOL POLICE SHOULD BE DEPRIORITIZED SO THAT USE OF POLICE OFFICERS IN SCHOOLS IS AN INSTRUMENT OF LAST RESORT.

Memorandums of understanding between law enforcement agencies and schools, intergovernmental agreements, and school district policies should eliminate the permanent presence of police officers on campus and place limits on requests for police assistance.

De-escalation interventions, supportive student services, and restorative practices should all be utilized instead of relying on criminalization that has collateral consequences for students, families and their communities.

Disarm School Personnel, Including Police

WE MUST DISARM SCHOOL PERSONNEL BY REMOVING WEAPONS FROM SCHOOL POLICE OFFICERS AND OTHER SCHOOL STAFF.

Weapons like guns, electronic restraints, chemical restraints and batons, place students at risk of abuse due to excessive force by police officers and are harmful to the overall school climate.

Decriminalize Student Behavior

STUDENT BEHAVIOR MUST BE DECRIMINALIZED.

We must eliminate laws and status that criminalize students for age-appropriate behavior, like the statutes that make it a crime to disturb school or act in an obnoxious manner in school.

Eliminating these laws while enacting policies that require the use of alternatives to exclusionary discipline and arrest will decrease the number of youth funneled into the school-to-prison pipeline and help establish a positive school climate for all students.

Delegitimize Policing as a Safety Mechanism

SCHOOL POLICING DOES NOT EQUATE TO SAFETY, ESPECIALLY FOR STUDENTS OF COLOR.

We must shed light on the falsehood that increased policing and militarization of school environments of school environments makes schools safe.

Data, both qualitative and quantitative, can help demonstrate what happens when schools are over-policed.

Sharing the voices and stories about what young people in school experience at the hands of school police illustrates the reality of school policing as one that instills dear and causes real harm.

Dismantle School Policing

WE MUST END THE PRACTICE OF POLICING YOUNG PEOPLE.

All of the other strategies — divestment, deprioritization, disarming, decriminalization, and delegitimization — must ultimately work together to end the relationship between school districts and police departments.

We can dismantle school policing and create police-free schools.

Police-Free Schools

Summary

The increasing presence of police in schools puts children in what we call the "school to prison pipeline," wherein contact with carceral institutions is established early in life. Every caregiver wants their children to be safe in school. But it is clear that starting out in life with a criminal record is not a path to a safe, just, dignified world. This resource breaks down the problems with police presence in schools, and offers an alternate vision of safety in learning environments. It includes 12 talking points that are accessible to people coming to this issue from many different places.

Source: Girls for Gender Equality, September 2020.

WHAT DOES "POLICE-FREE SCHOOLS" MEAN?

The demand and slogan "Police-Free Schools" describes learning environments that are free from policing, surveillance, exclusion, punishment, and all of the other cultures, habits, and tools of youth control. The quest for Police-Free Schools also recognizes that the decision-making power of police positions them as "gatekeepers" to confinement and incarceration for young people, and facilitators of school pushout, forcing students out of school before graduation. What's more, Police-Free Schools means freedom from racism, classism, ableism, ageism, sexism, and all forms of oppression that policing cultures perpetuate. Schools should and can have creative and restorative ways of being in community with one another that center liberation and learning. Meeting peoples' needs and addressing equity issues, like the uneven distribution of public funding and resources should be the priority and focus of schools, not finding more ways to police, surveil and control them. The vision for Police-Free Schools seeks to end youth criminalization and dismantle the system and relationships that made police in schools possible in the first place. In doing that work, we can transform schools into the best possible iteration of what they can be.

WHAT DO POLICE-FREE SCHOOLS LOOK LIKE?

There are already schools where people rely on one another instead of outsourcing conflict resolution to policing and the legal system. Advocates for Police-Free Schools are part of a long history of anti-violence work and restorative justice, and we believe that in order to keep people safe we must change the conditions in which harm and violence happen. Police-free schools are built on the foundational principles of Tier 1 Restorative Practice. In action, these practices look like people building healthy relationships with one another, learning and understanding why conflict happens, and knowing how to offer safe ways to address issues and meet people's needs. It also means peoples' real material needs are being responded to, addressed, and met, and resourcing schools and communities is what is required to meet those needs.

12 QUICK REASONS TO SUPPORT POLICE-FREE SCHOOLS:

1. School Police Compromise Access to Education by imposing a pathway from classrooms to police cars, precincts, and courts – violently separating young people from their schools
2. School Police Make Students Less Safe by escalating everyday issues and responding with the tools of policing – handcuffs, arrests, searches, and uses of force and violence
3. School Police Target Black, Latinx, and Indigenous Students, who in 2019, represented 67% of the New York City student population but 91% of all school-based arrests
4. School Police Evade Accountability because school police misconduct complaints go to the NYPD, and school police answer to the NYPD, not to the principals or the school community where they're deployed
5. School Police Gobble up Public Funds year after year, with the cost of school policing reaching $451 million in NYC this coming school year – and tens of millions more spent on safety and security infrastructure, like student surveillance technologies
6. School Police Uphold Unjust Laws, solely functioning as a tool of control and repression. Police in schools most often enforce "disorderly conduct," a catchall category of behavior used at officer's discretion to restrict student autonomy in their schools
7. School Police Threaten Public Health, by using policing to respond to students in mental health or emotional crisis with force and coerced hospitalization or by police responses to student drug or substance use in lieu of harm reduction
8. School Policing Continues to Expand, pushing the boundaries of what school policing actually is. By rebranding police as counselors, spending millions on retraining in so-called "restorative practices" and Collaborative Problem Solving, and implementing marketing strategies like "Team Up Tuesdays" – school police are encroaching into more areas of young people's lives where they don't belong
9. School Police Presence is Traumatizing and Re-Traumatizing, as it attempts to normalize routine stops and student surveillance, and it carries with it a threat of imminent violence as State Law affords school police and peace officers the legal authority to use physical and deadly force
10. School Police Operate At the Expense of Meeting Students' Needs, resources that should go to changing the material conditions of students' lives get funneled into a hyper-funded NYPD, increasing policing at the expense of real solutions
11. School Police are Police, not Counselors, and relying on school police to be kind does not reduce their power to harm anyone – we must reduce their power and presence, not rely on their benevolence or personal discretion to ignore the duties outlined in their job descriptions
12. School Policing is a Tool to Suppress Resistance that uses surveillance and violence to enforce the status quo and push back on racial justice and liberation movements, like those demanding full access to education and life chances

How to Grow Abolition on Your Campus

Summary

The school-to-prison pipeline doesn't end in childhood—high education, too, employs policing and punishment as a first line response, when addressing root causes of dysfunction remain more effective, humane, and abolitionist. The presence of police on campuses expands what behaviors are designated criminal, create a hostile environment not conducive to education, and disproportionately impact students living at the intersection of multiply-marginalized identities and experiences.

In order to confront and dismantle that carceral reality, this resource provides eight actions that can translate across a variety of learning environments—and offer opportunities for student/educator solidarity.

By Critical Resistance Abolitionist Educators - a network of people who work in post-secondary education - including, Ujju Aggarwal, Shana Agid, Paula Austin, Melissa Burch, Laura Y. Liu, Erica R. Meiners, Dylan Rodriguez, Setsu Shigematsu, Laurel Mei-Singh.

How to Grow Abolition on Your Campus: 8 Actions

To build abolition, we list strategies and actions that students and educators can take up on campuses. This list is not detailed or exhaustive. Many of these ideas and practices are already in motion! We share the following to highlight work that communities are doing, to generate more ideas, and to deepen existing movements.

1. **Defund and eliminate campus police.** Examine, make transparent and challenge campuses' contracts and relationships with university-based police, local police forces, Immigration and Customs Enforcement (ICE), and private security and surveillance entities. Formulate a plan to terminate contracts, while reallocating resources to Transformative Justice education and training. One strategy is to fight for funding to be reallocated to programming and education that fosters well-being through scholarships, counseling, food and housing access, and more. For one example, see the scholars4blacklives petition.

2. **Mobilize with campus labor unions, student organizations, faculty and all other collectives to abolish police beyond our campuses.** During the recent uprisings in New York City and Minneapolis, transportation workers' unions supported members who refused to drive the buses that police departments attempted to commandeer to transport arrestees.

3. **Build radical forms of community and interdependence.** Create, support, and amplify dialogues around what really makes us safer and build infrastructures for maintaining wellbeing without police. Leverage university resources to pay local abolition feminist anti-violence organizers to share resources, tools, and workshops. These could include, for example:

    - Train in Transformative Justice (TJ) processes and structures and funds to hire TJ practitioners with a clear abolitionist focus.
    - Create and offer feminist and queer affirming sexual health education.
    - Create networks of trained and paid peer mentors and peer health advocates.
    - Learn about and commit to using harm reduction frameworks and tools.
    - Build capacity to offer wide distribution of and trainings for administering naloxone / narcan to counteract opiate overdose.
    - Create and / or sustain counseling, support, and political action groups on campus.
    - Offer deescalation trainings for students, faculty, and staff as part of classes, faculty service, and staff work.
    - Learn about and invest in structures for mutual aid, transformative justice and community accountability that address violence beyond punishment and criminalization.
    - Organize to create no-call plans/or alt-call plans that promote and maintain the agreement not to call police and to collectively develop and establish other means of conflict deescalation and intervention and emergency response. For example, the Arab Resource and Organizing Center; Build the Block's "Developing Alternatives to Policing"; and Showing Up for Racial Justice's (SURJ) organizing with houses of worship to create no-call plans.
    - Provide specialized training for groups to respond to crises such as interpersonal and intimate partner violence, sexual assault, mental health, addiction, etc. that does not involve the police, such as the Chicago-based Ujimaa Medics, The Audre Lorde Project's Safe Outside the System "Safe Party Toolkit," and the Oakland Power Projects Health Worker Cohort, who offer Know Your Options workshops aimed at de-coupling policing and medical and mental health care.

4. **Audit and change blatantly discriminatory policies for college access.** Demand an end to discrimination based on criminal and disciplinary records and immigration status in admissions, employment, scholarships and other funding, campus housing and more.

5. **Study with others. Teach and learn about organizing.** There is so much to draw from: contemporary and historical internationalist examples of abolitionist political and social movements including campaigns to challenge and shrink policing; Black, Indigenous, and Third World liberation movements; geneologies of feminist anti-violence organizations that do not rely on punishment; queer direct action networks, examples of anti-capitalist practices and experiments; projects that demand tech and big data divestment from surveillance, campaigns for de-institutionalization and more.

    - Work in solidarity with organizations outside of the university to challenge how colleges and universities advance policing, displacement, and removal particularly in communities of color and poor and working class neighborhoods.

    - Deepen and proliferate anti-PIC curriculum and resources beyond "naming the problem." Implement, teach, and advance curriculum across disciplines that centers abolition - for example, the work of the Public Health Justice Collective - and that dismantles oppressive systems that shore up the PIC, including white supremacy, racial capitalism, colonialism, ableism, and heteropatriarchy.

6. **Amplify the work of social and political movements and front-line organizations (for example, Dream Defenders, Cooperation Jackson, Survived and Punished, The Red Nation).** One way to do this is by strengthening and supporting the work of academic departments, programs, centers, labor unions, student networks, contingent worker groups, and other sites that hold strong lines of accountability to movements. See the recent CUNY faculty union statement that specifically names the potential of public education as central to racial justice.

7. **Challenge all ties with the PIC.** Make visible and dismantle the logics and myths of meritocracy that form the foundation of post-secondary education and that work to disqualify communities, knowledges and individuals. Push back on and cancel academic programs such as community policing, corrections, homeland security, or military studies. Challenge mandated reporting laws that do not produce

safety. Make visible and end all economic ties that post-secondary education has with the PIC: contracts with food services companies like Sodexo, service learning projects in Departments of Child and Family Services or city offices of Criminal Justice, research budgets that produce and legitimate new technologies and methods of police reform, including predictive policing algorithms.

8. **Free education for liberation.** Organize toward, amplify, support and/or adopt the campaign for free public post-secondary education (in California and New York, public colleges used to be free) and student loan debt elimination – for everyone. Organize against funding cuts for education in your local or state budget process, and leverage education needs to defund prisons and police in your town, city, or state. As one example, California spends six times as much to lock up one person in prison than to educate one college student. Resist the politics of austerity: If United Airlines can get bailed out, public post secondary education can be free. Resources can be redirected to bail out people, not corporations, and we can transform university endowments into public resources that serve ALL people's education.

Section Eight: Reproductive Justice

Resisting Criminalization of Reproductive Autonomy: Policy Dos and Donts

Summary

This shared analysis and set of resistance strategies was developed by a group of reproductive justice and anti-criminalization organizers and advocates in May 2019 as a response to the the expanding criminalization of reproductive autonomy through increasing restrictions on abortion and reproductive care.

Source: Interrupting Criminalization & Center For Advancing Innovative Policy, 2019 .

Resisting Criminalization of Reproductive Autonomy

In response to the expanding criminalization of reproductive autonomy through increasing restrictions on abortion and reproductive care, and the growing criminalization of pregnant people and parents, a group of reproductive justice and anti-criminalization organizers and advocates came together in May 2019 to develop a shared analysis and resistance strategies.

This preliminary list of policies which can contribute to increased surveillance, policing, criminalization, and punishment of pregnant people, parents, and providers emerged from these conversations.

This document is intended to inform policymakers and advocates concerned about reproductive justice, intimate partner and domestic violence, public health, and criminalization about the potential consequences of the policy approaches outlined below, and to offer alternative strategies that carry less risk of contributing to the criminalization of reproductive autonomy.

FOR ANTI-VIOLENCE ADVOCATES

Avoid policies that increase criminal penalties for harm to pregnant people under the guise of protecting pregnant people from domestic and community violence.

These laws do not deter violence against pregnant people, and are often used to criminalize them instead: pregnant people who have attempted suicide, used drugs or alcohol while pregnant, exercised autonomy around prenatal care or birth plans, or who have been suspected of self-managed abortion have been charged with feticide, fetal homicide, or fetal assault under laws ostensibly passed to protect them. Laws criminalizing harm to pregnant people also advance anti-abortion agendas by establishing legal "personhood" from the moment of conception.

> **Examples:** For an overview of state feticide laws, please visit: http://www.ncsl.org/research/health/fetal-homicide-state-laws.aspx

> **Alternatives:** Existing laws already address harm to pregnant people. Instead of enacting new laws or enhancing criminal penalties when a pregnant person is harmed, policies and programs should focus on the specific vulnerabilities of pregnant people in domestic violence prevention efforts, prenatal care, drug abuse prevention and treatment, community mental health initiatives, and workplace protections. Focus on solutions that build individual and community power to prevent and address harm, instead of using punitive measures that have not been shown to curb violence against pregnant people.

FOR REPRODUCTIVE RIGHTS ADVOCATES

Avoid laws that create distinctions based on gestational age or fetal viability.

These are an easy pitfall for advocates to fall into when advocating for maintaining the status quo created by Roe. Pre- and post-viability laws can be used to dictate what actions are criminalized, both by a pregnant person and their doctor or other providers and/or caretakers. Generally speaking it is critical to avoid reinforcing categories in law and policy that can allow for people who do not fall within those to become targets for criminalization.

> **Examples:** Arguments that the law doesn't allow for the criminalization of "pre-viability" abortions implies that "post-viability" abortions can or should be criminalized.

> **Alternatives:** Everyone should have full unfettered access to abortion on demand; nobody should be ever punished for accessing an abortion.

AVOID LAWS THAT ESTABLISH SPECIFIC PROFESSIONAL LICENSING REQUIREMENTS FOR ABORTION CARE, AND LAWS PROHIBITING SELF-MANAGED ABORTION.

These laws create a set of actors who are not allowed to provide abortion care, including advanced practice providers, lay providers, pregnant people self-managing abortion, and people assisting them.

Examples: According to the Guttmacher Institute, 40 states require an abortion to be performed by a licensed physician. If/When/How reports that five states criminalize self-managed abortions.

Alternatives: While it's important to ensure that people receive quality care, there are already regulatory and civil legal structures governing provision of health care and individual redress for harm. The criminal legal system does little or nothing for individuals who have experienced harm. Conversely, laws that overregulate abortion care are used by opponents of abortion to reduce access and target those who end pregnancies for criminalization.

FOR CRIMINAL JUSTICE ADVOCATES

Avoid diversion programs and family treatment courts that mandate drug treatment, drug testing, or mandatory mental health treatment, and parenting classes.

Drug testing and mandatory, nonconfidential drug or mental health treatment can lead to the criminalization of pregnant people and parents instead of providing supportive services and meeting basic needs. Additionally, very few drug treatment programs are available for pregnant people and parents, leading to their incarceration for minor offenses even where diversion programs are otherwise available to non-pregnant people or people who are not parents.

Advocates should also avoid strategies that decriminalize "prostitution" for young people, but require their partcipation in court ordered services which can contribute to the criminalization of pregnant people and parents through mandatory drug testing, forced compliance with services, stay away orders, child welfare intervention, and mandated "exit" from the sex trades.

FOR CRIMINAL JUSTICE AND DOMESTIC VIOLENCE ADVOCATES

Avoid policies that contribute to increased pre-trial detention.

Eighty percent of people incarcerated in jails for women are mothers, and approximately 150,000 women jailed each year are pregnant when locked up. Policies that contribute to increased pre-trial detention, including cash bail or risk assessments relying on racially discriminatory data and algorithms, increase the amount of time these women will be separated from their children or receive substandard prenatal care. They also increase the risk that women will give birth while incarcerated, which in some states means literally giving birth in chains.

Alternatives: Join campaigns to end money bail and pre-trial detention, and to advocate for consideration of a person's pregnancy or parental status when determining whether a person will be held pre-trial and the length or type of sentence, if convicted.

FOR PUBLIC HEALTH AND CRIMINAL JUSTICE ADVOCATES

Avoid policies and practices that criminalize drug and alcohol use or other activities during pregnancy.

Several states have prosecuted people who use criminalized drugs, using "fetal assault," "child abuse," "chemical endangerment of a child," or "delivery of drugs to a minor" laws to charge pregnant people with harm to a fetus, embryo, or fertilized egg. Additionally, currently 23 states and the District of Columbia deem drug use during pregnancy to be a civil offense under child welfare laws, and in 3 states a pregnant person can be subject to civil commitment.

Examples:

- Almost 500 pregnant women have been prosecuted under Alabama's criminal "chemical endangerment of a child law" between 2006 and 2015.
- A law in effect in Tennessee between 2014 and 2016 criminalizing illegal use of narcotics during pregnancy led to the arrest of over 100 women based solely on often non-consensual drug test results or their child's diagnosis with neonatal abstinence syndrome.
- Arizona, Kentucky, and Texas have made it easier to terminate the parental rights of people who use controlled substances while pregnant through the child welfare system. Arizona's legislation, which became law in April 2018, permits termination of a mother's parental rights, either immediately at birth or within one year of birth, depending on how chronic the illicit drug use appears to the court.
- Kentucky's legislation, also effective in 2018, permits termination of a mother's parental rights if her newborn exhibits signs of withdrawal, known as neonatal abstinence syndrome, as the result of illicit opioid use, unless the mother is in substantial compliance with both a drug treatment program and a regimen of postnatal care within 90 days of giving birth.

Alternatives: Policies and programs providing non-judgmental, culturally appropriate, harm reduction-based prenatal care and voluntary drug treatment, along with other supports, for pregnant people and parents.

FOR PUBLIC HEALTH AND ANTI-POVERTY ADVOCATES

Avoid laws and policies that increase surveillance of people accessing public health services and health care, including increased collection of public health data.

Examples:

- Laws requiring drug testing of people accessing welfare benefits or public health care, public housing or public employment.
- Expansion of universal drug testing or drug screening in prenatal/perinatal settings.
- Expansion of mandated reporting policies and practices for prenatal/perinatal/neonatal healthcare providers following positive toxicologies.
- Expansion of mandated reporting laws to more professions and situations.
- Policies that increase police and immigration enforcement presence in health care facilities, schools, social services, courts, shelters, day care centers, and other places where surveillance of pregnant people is likely to occur.

FOR REPRODUCTIVE RIGHTS ADVOCATES

Avoid policies providing for "heightened protection zones" that increase criminal penalties for infractions on abortion clinics or for heightened police presence around abortion clinics.

Particularly where clinics are located in communities of color and low-income neighborhoods, such policies result in increased surveillance and criminalization, including of people seeking care and their families, and undermine trust between communities and health care providers.