

On the Irreducible Minimum and Abolition of the American Criminal Legal System
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In May 2015 I was appointed to be the warden of Cook County Jail in Chicago, Illinois. Unlike my predecessors and most of the individuals responsible for correctional leadership across the country, I did not have a law enforcement background. What I had was extensive training and experience in clinical psychology and correctional mental health, having spearheaded several reforms at the jail to improve the identification and treatment of people with mental illness. I also understood the devastating impact that America's criminal legal system had on Black families, as I am a child of a formerly incarcerated father and had experienced the incarceration of dozens of close family members and friends. In spite of my early experiences with the criminal legal system, I believed that it could be reformed into the system of rehabilitation that it purported to be, and I spent 11 ½ years working inside correctional institutions to change the way these systems treated people.

What I learned was that jails and prisons are systems that inflict catastrophic harm to everyone touched by them and that no amount of reform could extinguish the harm. They are inherently traumatic for the people detained within them and the staff who work in them, and the reach of that trauma extends beyond the barbed wire fences and into our homes, schools, churches and communities. Even the best attempts to shift these institutions and the entire criminal legal system away from dehumanizing policies and practices have fallen short, because the system has proven itself too resistant to change. With human life at stake due to the significantly heightened risk of the spread of COVID-19 among incarcerated people and correctional staff, the criminal legal system demonstrated the extent of its disregard for life by failing to develop safe alternatives for all of the men, women, and children being held in jails and prisons. If the system is not compelled to preserve human life, it will not be compelled to preserve human dignity.

The American criminal legal system that exists today must be dismantled. The system in its entirety is most toxic to the communities it targets, but also harmful to its operators. Reforms to the current policing structure will not snuff out the heightened fear and increased surveillance that exists when police encounter Black and brown people. It will not make the job of a police officer less harmful. Reforms to the judicial system will not extinguish the overrepresentation of Black and brown people and will not rid the system of the harsh punishments handed out to them. It will not make the job of an attorney, judge or other judicial staff person less wearing. Reforms to jails and prisons will not extinguish the trauma that is inherent in these institutions and will not make the job of correctional professionals less damaging.

To truly actualize justice, we must construct a new system of accountability built on a foundation of healing and safety for everyone. This new system must be rooted in principles that elevate this foundation, including the following components.

Safety: The people who are justice-involved, employees of the justice system, families and communities must feel physically and psychologically safe and be held accountable when they cause harm. Community

institutions and structures, legislation, procedures, programs, interpersonal interactions, and more all promote a sense of safety and healing.

Transparency and Trust-building: The people who are justice-involved, employees of the justice system, families and communities must be made aware of legislation, policy, operations, and data points to build trust and collaboration between these groups and to best identify effective solutions for healing. To effectively manage harms that occur and elevate the collective responsibility of safety and healing, the system must be continuously engaged with and monitored by the community.

Agency: The people who are justice-involved, employees of the justice system, families and communities have the tools and resources to support their own safety and healing and support the safety and healing of others.

Asset-based Approach: All employees of the justice system must believe in the strengths of people who are justice-involved and the community (inclusive of families) and build upon those strengths to promote voice, build resilience, and influence safety and healing through legislation, system operations, programs, policies, procedures, and training. Justice-involved people, employees of the justice system, families and communities must also believe in the strengths of each other and build upon those strengths through collaboration.

Connectedness: Positive interpersonal interactions are essential to safety and healing. The justice system must actively promote positive interpersonal connectivity and seek to minimize power dynamics within and across the people who are justice-involved, the people who work in the justice system, families and communities to reflect the collective responsibility of safety and healing.

These principles of healing and safety are not only foundational for the new system. They must also be aspirational for the current criminal legal system with a goal of harm reduction, understanding that the current system cannot be healing. The current system must prioritize harm reduction for everyone touched by the system until it is shuttered. Although significant steps are being made to achieve this goal, it is understood that the process will be lengthy. It is in the gap between the shuttering of the current system and the construction of a new system where a growing tension is surfacing for practitioners. The question is often, “How can I effectively work to reduce the harms that the current system causes without adding to the sustainability of the system?” or “How can I limit my participation in the current system to the non-reformist or abolitionist reforms that will reduce the footprint and negative impact of the system?” All across the country practitioners are wrestling with these and other questions related to the theory and practice of abolition. For example, many jails and prisons have deplorable environmental conditions creating hazards for the people currently confined in them. As we work to shrink the footprint of the criminal legal system, should abolition practitioners not demand that financial investments be made to bring the system in compliance with environmental regulations?

To effectively answer these and other questions related to the theory and practice of abolition, there must be a space for theorists and practitioners to bridge the knowledge gap and identify realistic steps towards abolition. This roadmap towards abolition must be co-created by people who have been directly impacted by the system, prison abolition theorists and scholars, and criminal justice reform practitioners who believe in the goal of abolition. It must start with where we are and end with where we want to be. It must include incremental and long-term legislative, community, systems-level, and institutional-level actions that center healing and safety for all community members and elevate the principles of safety, transparency and trust-building, agency, asset-based approaches and connectedness (STAAC). This space requires each of these groups to open pathways of communication. It requires acknowledgement of harm caused by criminal justice reform practitioners, forgiveness of the work that practitioners have done that may have contributed to the sustainability of the current system, acceptance of a shared goal of abolition, and trust that practitioners will not be satisfied with the incremental reforms that have been and will be made.

To actualize America's commitment to justice, we must acknowledge and reduce the harm that the current system inflicts, actively repair and renew communities that have been harmed and establish a new system grounded in safety and healing. Success requires a collective spirit of collaboration towards righteousness.