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# Prisons, Policing, and Pollution: Toward an Abolitionist Framework within Environmental Justice

Ki'Amber Thompson

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PRISONS, POLICING, AND POLLUTION: TOWARD AN ABOLITIONIST  
FRAMEWORK WITHIN ENVIRONMENTAL JUSTICE

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## Acknowledgements

Acknowledgments are my favorite parts of books. I love reading through long acknowledgements, learning about all of the people that contributed to an author's project and learning specifically how different people supported the project. Gratitude. Acknowledgements are about gratitude, and practicing gratitude is what grounds me.

The Westside. I am from the Westside of San Antonio. The Lincoln Courts, Frank Garrett Park, Grandma's house, and the corner store. That's a rough outline of my Westside. Most important were the people that made up my neighborhood. I want to acknowledge the Westside, and everyone who helped raise and nurture me. Even though I have lived on the Eastside for most of my life, and I am grateful to where I grew up on the Eastside, my family is still rooted in the Westside. We still come together at Frank Garret on Sundays and special occasions. The resiliency of my Westside community comes from the way that that we never forget where we came from and the way we hold each other up.

I am grateful to have been able to go back home for a period of time every Winter and Summer break during my four years of undergrad at Pomona because every time I go back it reminds me of the work that I need to be doing. Keeping home in mind helped me never lose sight of the *why*, why I felt the need to write this thesis.

I am grateful for my family who have always respected and supported my decisions and aspirations, and for their direct support in helping me complete this thesis project. I am appreciative of the abolitionist practices that I got to witness growing up and that I got to learn from. Before I even knew to identify them as abolitionist practices, those practices informed my work. I especially honor my grandma, my mom, and my aunt—the greatest women I know.

I am grateful to the people that allowed me to interview them. I literally could not have written this thesis without them. Thank you for sharing your stories, ideas, visions, and energy with me. Your voices have been immensely valuable to this project.

I am grateful to the organizers who are doing the work every day, furthering the dialogue, pushing the boundaries of what we think is possible, shifting the language that we use, changing the policies, advocating for and supporting small and large needs in their communities, and fighting for a more just world.

I am grateful to those artists, abolitionists, troublemakers, scholars, and organizers who have passed away, and who have left behind legacies of power that still influence new generations and have influence this thesis.

I also want to acknowledge the amazing people, professors, activists, practitioners, and students who organized, facilitated, and presented at the Black Geographies Conference at University of California Berkeley in October 2017. I attended this conference as I was in the middle of writing my thesis, and the scholarship and wisdom that was shared especially inspired different points made in Chapter 4. The night before my flight to Oakland for the conference, I was up 'til the early morning finishing up a draft of Chapter 2. I only slept for two hours before I had to get up to head to the airport. After a short plane ride and missing my train stop, I made it just in time to hear Panel 2. Lisa Bates and Sharita Towne were speaking on black spatial imaginaries in Portland, Oregon. Dr. Bates posed a beautiful question that evoked snaps from my fingers: what does Portland look like, spatially, when it loves black people? Since I believe that abolitionism comes from the standpoint of radical love, I identified Dr. Bates's question as



an abolitionist question and expanded it to the level of the world in Chapter 4. What does a world that loves black people look like, spatially?

Lindsey Dillon's work on policing and pollution in San Francisco, and talk on "Black Ecologies" at the Black Geographies conference also grounded my thesis, particularly my approach in contending with Environmental Justice. Dr. Dillon critiqued the Environmental Justice field for predominantly doing "damaged centers research" rather than approaching spaces as spaces of potentiality. Moreover, in the presentation, Dr. Dillon suggested that an alternative genealogy of sustainability might include the Black Panthers. This directed my approach to what abolition as a framework within Environmental Justice could mean in terms of re-considering the Environmental Justice movement, its history, its current state, and its future trajectory. This led me to think about all of the other histories, people, movements, literature, and documents that could be part of an alternative genealogy of Environmental Justice, a genealogy that includes more than the traditionally identified Civil Rights movement, Rachel Carson, and the case of Warren County, North Carolina.

I am grateful to everyone and everything who reminds me to historicize. Judith Madera, who also presented at the Black Geographies conference in Berkeley and Professor April Mayes, who I've never taken a class with but have admired nonetheless, reminded me that abolition begins in Haiti.

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## Introduction

I grew up at the intersection of prisons, police, and pollution. I grew up in a community that was over-polluted, over-policed, and over-incarcerated. Most people that I knew had been incarcerated at some point in their life or were incarcerated. This included the people closest to me, the people who raised me and who I dedicate this thesis to—my mother, my grandma, my grandpa, my aunts, and my uncles. Most people in my community and family have been harassed by the police at some point in their life, including myself. Most of my cousins and I grew up taking treatments for our asthma. All of these issues are connected, but I did not realize that until at least my second year at Pomona College. Upon that realization, I knew that I would write a thesis about it.

Before putting fingers to keyboard and writing this thesis and beyond all the time it took to produce this thesis, I spent more time writing in my head. Before writing this thesis, when reading for my classes I made a point of finding connections with the class material and the ideas floating in my head about this subject. Before writing this thesis, I took the opportunity to bring up relevant questions related to this topic in my seminars. Before writing this thesis, I co-founded a prison abolition organization at the Claremont Colleges and used that space to develop my theory and praxis. Before writing this thesis, I had countless formal and informal conversations about this topic with friends, family, professors, and mentors. Before writing this thesis, I worked through some of my ideas in shorter papers for my classes and through poetry. Before writing this thesis, I attended conferences that helped me think more critically and discover questions I never thought to ask regarding this topic. Writing this thesis has been a labor of love. As an EJ activist and abolitionist who grounds the struggles for justice and

liberation in the idea of revolutionary love, I wanted to write this thesis as an articulation of me—my concerns, theories, and experiences—and as an act of love for the communities that raised me.

Inspired by my own personal experiences, the purpose of this thesis is to outline the connections between prisons, policing and pollution, and to explore abolition as a framework in EJ to imagine and create more just social and ecological landscapes. Based on interviews with formerly incarcerated individuals in San Antonio, Texas, and a case study of the Mira Loma Women's Detention Center in the Antelope Valley of California, this thesis expands the realm of EJ work to include and center the spaces of prisons and policing and complicates the definition of toxicity as it has been traditionally used and organized against in the EJ movement. I argue that policing and imprisonment are toxic systems to our communities and contradict and prevent the development of safe and sustainable communities. Thus, understanding prisons and policing as toxic to both people and to the environment, we should move toward abolishing these toxic systems and building alternatives to them. To this end, or rather, to this new beginning, [prison-industrial-complex] abolition should be explored as a framework within EJ to push us to fundamentally reconsider our ideas of justice, to better and differently approach the practice of making environmental justice available for all because abolition is not only about dismantling, but it is largely about building more just, safer, and more sustainable communities. Thus, I conclude that abolition should be embraced as a framework within EJ to liberate our carceral landscape and to imagine and create new ecological and social landscapes.

I have introduced the paper with my personal connection to the topic of my thesis, recognizing my positionality as both an insider and outsider and the implications of my

positionality to my epistemology. In Chapter 1, I discuss the concepts of environmental justice, sustainability, and abolition. I place these three concepts that are not conventionally put together in conversation with each other to theorize how and why these concepts should work together. In Chapter 2, I highlight the voices of those most proximate to the intersection of prisons, policing, and pollution. The voices of formerly incarcerated individuals from San Antonio, Texas will offer insight on this intersection and talk about their visions for safe and sustainable communities. This section is critical to my project because those that are closest to the problems are closest to the solutions, and to understand the problems we must get proximate.<sup>1</sup> Chapter 3 is a case study of Mira Loma Women's Detention Center, where I center the Environmental Impact Report (EIR) to look at the specific environmental justice issues at this proposed prison and discuss the organizing strategies by activists against the proposed prison. Here, I address how people are organizing against prisons using the concept of toxicity, which has been central in the EJ movement, as their organizing framework. Further, I explore the potential for coalition-building between abolitionists and EJ activists and the value and limitations of activist engagement with the EIR process. The Chapter 4 provides direction on liberating our carceral landscape. In this chapter I explore abolition as a theoretical and practical framework to offer an alternative approach to addressing EJ issues and (re)imagining EJ, and to offer an alternative praxis toward building safer, more sustainable, and more just communities.

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<sup>1</sup> Bryan Stevenson, "American Injustice: Mercy, Humanity and Making a Difference" (Criminal Justice Symposium, Pomona College, March 29, 2016).

## Chapter 1: Uncommon Ground: Environmental Justice, Sustainability, and Abolition

How are prisons, policing, pollution related and why is this intersection critical to understand? Environmental Justice defines the environment as the spaces where we live, work, play, and pray. The Environmental Justice (EJ) Movement has traditionally used this definition to organize against toxics in low-income communities of color. However, within EJ work, prisons or policing have often not been centralized or discussed. This means that the approximately 2.2 million people that are incarcerated are excluded from the conversation and movement. Additionally, communities and activists are identifying police and prisons as toxics in their communities, but an analysis of policing and prisons is largely missing in EJ scholarship. This is an issue because although anti-prison organizers are engaging in EJ discourse and EJ activists are joining forces with anti-prison activists, in general, the EJ field has not thoughtfully engaged with the prison industrial complex or abolitionist discourse. Thus, my thesis topic is at the intersection of incarceration and EJ, bringing abolitionist and EJ discourse together to work toward a common goal of building safe, sustainable, and just communities for everybody. To start, I explore how three conceptual frameworks, EJ, Sustainability, and Abolition, can work together synergistically.

### Environmental Justice as a Crossroads Field

Environmental Justice (EJ) is a dynamic, interdisciplinary field that emerges out of the Civil Rights Movement. EJ verges away from mainstream environmentalism, centering race, class, gender, and justice. In many respects, it is more accessible than mainstream environmentalism, which prioritizes discourses on nature and beauty, environmental protection, species protection, and greening and is overwhelmingly white and lacking diversity;

whereas, EJ has a bottom-up approach and focuses on social justice. This accessibility is precisely what allows EJ to be a dynamic, interdisciplinary, *crossroads* field.<sup>2</sup>

Julie Sze and Jonathan K. London argue that EJ is a field at the *crossroads*, a point where social movements, public policy, and scholarship meet. Crossroads indicates both divergence and convergence, but Sze and London emphasize EJ research as a location of convergence. Understanding EJ at a crossroads has important implications, including the formation of more sophisticated methodologies, new sites of study, and the capacity for bridging social movements. EJ is a field of research and a praxis that is always contending with issues and methodologies from different fields, social movements, and locations. EJ is constantly expanding to include different identities and cultures, places, and ideas, making it a field that is potentially accessible to all—an advantage that carries great benefit and risk.

What is the benefit and risk? According to Sze and London, the benefit of EJ's accessibility is that other social movements can converge and conspire, and potentially fuse to work toward common goals, which means more populations are included in the discourse and movement. For example, ecologists, critics of the prison-industrial complex, anti-racist organizers, advocates of sustainable development, and people interested in transportation, public health, and energy have all been able to access EJ and engage with it to help frame those respective issues.<sup>3</sup> This type of accessibility is critical to ensuring environmental justice for all. Some may oppose this view of EJ at a crossroads, it risks being a kind of theory of everything or risks becoming essentialized into having no real meaning, therefore, they may want to put up

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<sup>2</sup> Julie Sze and Jonathan K. London, "Environmental Justice at the Crossroads," *Sociology Compass* 2, no. 4 (July 2008): 1331–54, <https://doi.org/10.1111/j.1751-9020.2008.00131.x>.

<sup>3</sup> Sze and London, 1337-1339.



strict boundaries around what constitutes an EJ issue. However, crossroads also implies locality. Sze and London describe EJ as a “dynamic location.”<sup>4</sup> The crossroads view of EJ localizes it, grounding EJ in specific places, in the lived experiences of specific people, and in specific problems.<sup>5</sup> For example, “Schweitzer (2006) uses GIS cluster analysis of industrial producers of hazardous waste as well as route analysis of waste transportation to argue that Latinos in Los Angeles are affected disproportionately by hazardous waste spills.”<sup>6</sup> The specific issue here is exposure to hazardous waste spills, the specific population is Latinos, the specific place is Los Angeles. How is this problem connected to toxicity from oil refineries and petrochemical facilities in Cancer Alley in the deep South? How is the water crisis in Flint related to the impacts of Hurricane Katrina on New Orleans? EJ allows us to explore and understand these relationships. Therefore, forcing boundaries on what EJ should be risks missing important transdisciplinary connections, more sophisticated analyses, and significant relationships between social movements.

*Two Examples of EJ at a Crossroads: Prisons, Policing, and Pollution*

To take a more in depth look at how EJ has bridged and is bridging social movements, I draw on two examples. In the first example, Rose Braz and Craig Gilmore shed light on a critical moment when EJ activists joined forces with anti-prison activists to halt the construction of

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<sup>4</sup> Sze and London., 1332.

<sup>5</sup> Sze and London., 1347.

<sup>6</sup> Sze and London.

Delano II, a new prison in Delano, California.<sup>7</sup> In the second example, Lindsey Dillon and Julie Sze open up connections between EJ and the Black Lives Matter (BLM) movement.<sup>8</sup>

Braz and Gilmore's case study analysis of Delano II reveal the benefits and limitations of allied organizing between EJ activists and prison abolitionists. The benefits were the use of new strategies—environmental law—to fight against the prison construction project—and the consideration of a population whose voices are repressed and who are often forgotten by environmentalists—prisoners. In 2000, Critical Resistance (national prison abolitionist grassroots organization), filed an environmental lawsuit, *Critical Resistance et al. v. the California Department of Corrections (CR v. CDC)*. They argued two main points: one, the effects of prisons are overwhelmingly negative, and two, the state did not need any more prisons.<sup>9</sup> One critical part of the evidence was the Environmental Impact Report (EIR), a report to inform the public and the state of significant environmental effects of proposed projects, to identify possible ways to minimize negative impacts, and to describe reasonable alternatives to those projects. For instance, in the EIR the State Department of Transportation commented on the negative impact that the proposed prison would have on traffic in the area and how that would impact the air quality in the region.<sup>10</sup> Similarly, the Southern San Joaquin Municipal Utility District commented on “the negative impact on the aquifer and the economic stability of the

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<sup>7</sup> Rose Braz and Craig Gilmore, “Joining Forces: Prisons and Environmental Justice in Recent California Organizing,” *Radical History Review*, no. 96 (2006): 95–111, <https://doi.org/10.1215/01636545-2006-006>.

<sup>8</sup> Lindsey Dillon and Julie Sze, “Police Powers and Particulate Matters: Environmental Justice and the Spatialities of In/Securities in US Cities,” *English Language Notes*, 2016.

<sup>9</sup> Braz and Gilmore, “Joining Forces: Prisons and Environmental Justice in Recent California Organizing.” 100.

<sup>10</sup> Braz and Gilmore.

region's water district," a major problem since the state depends on irrigation for its agricultural economy.<sup>11</sup>

The environmental lawsuit brought together an uncommon group of organizations together, including: "National Association for the Advancement of Colored People (NAACP) chapters from Fresno, Los Angeles, and Santa Cruz; the Center on Race, Poverty, and the Environment; the Rainforest Action Network; the Ecology Center; and the California chapter of the National Association of Social Workers. The National Lawyers Guild Prison Law Project and Friends of the Kangaroo Rat joined Critical Resistance as plaintiffs."<sup>12</sup> This case became a unifying moment in the fight against prison expansion. Through this litigation strategy, uncommon alliances were formed. However, this strategy has limitations. Legal strategies often do not address the larger structural and political problems.<sup>13</sup> In June 2001, the Bakersfield Superior Court ruled that the EIR for Delano II was inadequate, halting the construction of the prison until further review of the environmental impacts. Unfortunately, two years later, after an appeal by the state, the activists lost and the prison construction went forward. Although litigation could force the state to thoroughly disclose the environmental impacts, it could not stop the construction of the prison, the activists' goal. But this was not the ending point for the activists. Their allied work continued and continues. Bridging social movements through action is one important aspect, and theory is the other important part of this bridging process as it can inform action.

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<sup>11</sup> Braz and Gilmore.

<sup>12</sup> Braz and Gilmore.

<sup>13</sup> Braz and Gilmore.

In their essay, “Police Power and Particulate Matters” (2016), Julie Sze and Lindsey Dillon reappropriate the phrase “I can’t breathe” (Eric Garner’s dying words at the hands of police turned powerful expression chanted in the BLM movement) to reflect on the relationship between anti-black police violence and environmental pollution in U.S. racialized geographies. The phrase became a common chant in BLM demonstrations and printed on t-shirts worn by black athletes, and even supported by President Obama. “I can’t breathe” calls attention to the embodied experience of state-sanctioned racism experienced by black people in the U.S. This critique of state-sanctioned racism by the BLM movement resonates within the EJ movement in the context of public health because black communities are disproportionately affected by environmentally related illnesses such as asthma, which Eric Garner suffered from.<sup>14</sup> Dillon and Sze declare that their scholarship is in solidarity with the BLM movement as it concentrates on breath and breathing which are essential to life but too often restricted and denied in black communities.<sup>15</sup> “I can’t breathe” converges the historical patterns of policing and pollution as both policing and pollution have restricted and denied breath and healthy breathing spaces for low-income communities of color.<sup>16</sup> Dillon and Sze suggest that “‘I can’t breathe’ points to the embodied insecurities of black lives, but also simultaneously asserts the humanity of a population to which humanness—and life—has been historically denied.”<sup>17</sup> Placing anti-black police violence in relation to environmental injustice is new in EJ scholarship and worth exploring because black people unevenly experience both police brutality and environmental

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<sup>14</sup> Dillon and Sze, “Police Powers and Particulate Matters: Environmental Justice and the Spatialities of In/Securities in US Cities.” 7.

<sup>15</sup> Dillon and Sze., 4.

<sup>16</sup> Dillon and Sze., 7.

<sup>17</sup> Dillon and Sze., 8.

toxicity. Black people are 2.5 times as likely than white people to be shot and killed by police<sup>18</sup> and according to another study, the probability of being black, unarmed, and shot by police is 3.49 times the probability of being white, unarmed, and shot by police black people on average.<sup>19</sup> Black people are also more likely to die from asthma, a disease that is related to exposure to environmental pollution. In 2014, black people were almost three times more likely to die from asthma-related causes than white people.<sup>20</sup> Therefore, black people are disproportionately exposed to premature death as a consequence of policing *and* environmental pollution. These issues of police violence and pollution impacting black people are not unrelated; they reflect anti-black violence that restricts black breath. Making these connections can bring people together who are struggling at different fronts, and thus, makes coalition-building possible.

The potential for forming coalitions such as these, generates new questions, new methodologies, and new populations in EJ research. More importantly, building new coalitions would mean bringing us closer to a broader sense of justice. As a “project of bridging worlds,”<sup>21</sup> EJ can be a framework to create justice at multiple scales and levels. Working toward a broader sense of justice does not mean that EJ becomes diluted or bereft of clear objectives.

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<sup>18</sup> Wesley Lowery, “Aren’t More White People than Black People Killed by Police? Yes, but No.,” *The Washington Post*, July 11, 2016.

<sup>19</sup> Cody T. Ross, “A Multi-Level Bayesian Analysis of Racial Bias in Police Shootings at the County-Level in the United States, 2011–2014,” *PLOS ONE* 10, no. 11 (November 5, 2015): e0141854, <https://doi.org/10.1371/journal.pone.0141854>.

<sup>20</sup> “Asthma - The Office of Minority Health,” accessed October 12, 2017, <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlid=15>.

<sup>21</sup> Sze and London, “Environmental Justice at the Crossroads.” 1346.

## EJ, Sustainability, and Abolition: (Re)imaging Just and Sustainable Communities

Both EJ and abolition contend with issues of justice, but what does justice have to do with sustainability? Sustainability and mainstream environmentalism fails to include a strong analysis and consideration of justice, which is partly why EJ emerged to alternatively focus on issues of justice, equity, race, class, and gender. Although sustainability and EJ are separate movements with different paradigms and strategic approaches, some scholars in the environmental field have been pushing to bring EJ and sustainability together. In “Exploring the Nexus: Bringing Together Sustainability, Environmental Justice and Equity,” Julian Agyeman, Robert D. Bullard, and Bob Evans discuss the linkages between environmental justice (EJ) and sustainability, examining the development of both fields to determine the benefits of and obstacles to theoretically and practically linking them.<sup>22</sup> These two concepts should continue to be linked because combining EJ with sustainability agendas could help bring EJ to the more formal policy-making arena from local to global scales, and an EJ framework could help transform how we approach sustainable development to consider the issues of justice and equity. Thus, this relationship is mutually beneficial. Furthermore, if EJ and sustainability could become a more integrated movement that would be better apt to address environmental issues and build more just and sustainable communities.

However, some of the differences between sustainability and EJ may create tensions between the concepts. The EJ Paradigm (Taylor 2000) is a framework that works to combine race, class, gender, environment, and social justice concerns. On the other side is the New

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<sup>22</sup> Julian Agyeman, Robert D. Bullard, and Bob Evans, “Exploring the Nexus: Bringing Together Sustainability, Environmental Justice and Equity,” *Space & Polity* 6, no. 1 (2002): 77–90, <https://doi.org/10.1080/13562570220137907>, 80.

Environmental Paradigm (NEP) (Catton and Dunlap 1978) which is concerned with limits to growth and stable economy, shaping the work of most environmental and sustainability organizations. However, the NEP hardly addresses justice or equity. Environmental Justice comes from a bottom-up, local, grassroots approach to environmental threats that have been shown to disproportionately impact communities of color and low income communities; whereas, sustainability has a more exclusive, top-down policy approach that involves top-down government structures, international nongovernmental organizations (NGOs), and think tanks.<sup>23</sup> Another difference is that EJ is reactive and sustainability is proactive. Sustainability focuses on meeting our needs today without compromising the ability of future generations to meet their needs.<sup>24</sup> Sustainability uses deliberative and inclusionary processes and procedures which include “visioning, study circles, collaboration, consensus building and consensus conferencing, negotiation and conflict resolution, and citizen’s juries.”<sup>25</sup> The goal is to get a broad insight of “shared values, consensus, and vision of the common good.”<sup>26</sup> Sustainability advocates tend to be more proactive in saying what kind of communities they want. Whereas, EJ activists have often been limited to decision-making processes that normalize reaction.<sup>27</sup> Much of the EJ organizing is reactive, trying to respond to environmental harms that threaten a community. That said, reacting to environmental threats in a community is not the only or most important EJ goal. If we take a look at the Principles of Environmental Justice (a document

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<sup>23</sup> Julian Agyeman, *Sustainable Communities and the Challenge of Environmental Justice* (NYU Press, 2005).

<sup>24</sup> Agyeman, *Sustainable Communities and the Challenge of Environmental Justice*, 2.

<sup>25</sup> Agyeman., 2-3.

<sup>26</sup> Agyeman., 3.

<sup>27</sup> Agyeman., 3.

drafted at the First National People of Color Environmental Leadership Summit on October 24-27, 1991), we find that the foundation of EJ is futures-oriented in addition to being concerned about past and present spaces and issues. The document in its entirety provides a vision of a world where environmental and social justice is actualized, which I will discuss more in depth in a later chapter.

Although issues of justice and equity are becoming acknowledged, they are not often translated into action.<sup>28</sup> To build sustainable communities, from the local to the global scale, we need to produce analyses of (in)justice and (in)equity because without these analyses, as Neil Middleton and Phil O’Keefe argue, “no development can be sustainable.”<sup>29</sup> Sustainability is superficial when it is merely about greening without also addressing deeply rooted social injustices because then, it does not disrupt the power structures that produce injustice and inequity. However, sustainability that is based in EJ principles of justice and equity would facilitate a just transition from a society of unsustainable resource management, inequity, and injustice to a society of sustainable and equitable resource management and environmental justice for all.

At the intersection of policing, prisons, and pollution, prison abolition can help EJ and Sustainability theorize and act toward creating a broader sense of justice. Prison or prison-industrial-complex (PIC) abolition is the vision of a world without cages, a world where instead of punishment, policing, surveilling, and imprisonment being our predominant modes of dealing with problems, we are practicing alternative ways to dealing with issues impacting people.

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<sup>28</sup> Agyeman, Bullard, and Evans, “Exploring the Nexus: Bringing Together Sustainability, Environmental Justice and Equity.”, 88.

<sup>29</sup> Neil Middleton and Philip O’Keefe, *Redefining Sustainable Development* (Pluto Press, 2001).



Abolitionists think about justice outside of the so called criminal justice system which overly criminalizes people of color and poor people. In the first example I discussed, the activists used environmental law to fight against the construction of Delano II. The EJ movement has traditionally relied on environmental law to address environmental injustice, however this legal strategy is not always or even commonly successful in improving the conditions of impacted communities. This area of strategy failure<sup>30</sup> is where abolition as theory and praxis can be valuable to in EJ. Abolitionists, while they aim to decarcerate and stop the construction of new prisons, they are also focused on bettering communities by improving access to resources and advocating alternatives to policing, imprisonment, and punishment. In general, they look for alternatives to the state apparatus of policing, imprisonment, and punishment. While abolitionists have to engage with the state, the heart of the movement's strategy is to move beyond appeals to the state as relied upon by the EJ movement because abolition critiques the state's ability to provide justice in the first place. Thus, we can use abolition as a framework in EJ to rethink how we should tackle issues of environmental injustice and more fundamentally, to rethink our ideas of justice. Additionally, since abolition is futures-oriented, a coalition between abolitionists and EJ activists could orient EJ to become a more proactive movement of not merely reacting to the threat of toxins in our communities, but also a movement toward creating more *just and sustainable* communities for all.

Sustainability is a key part of this project of improving the conditions of our communities now and to ensuring better futures for coming generations. Like abolition, it is

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<sup>30</sup> Laura Pulido, Ellen Kohl, and Nicole-Marie Cotton, "State Regulation and Environmental Justice: The Need for Strategy Reassessment," *Capitalism Nature Socialism* 27, no. 2 (April 2, 2016): 12–31, <https://doi.org/10.1080/10455752.2016.1146782>.

futures-oriented. In many ways, abolitionism is about social sustainability, the component of sustainability that is least discussed in the environmental field. Abolition is very much a vision and a practice of transforming our communities to make them more sustainable. Abolitionists identify intra-community violence and the police occupation and consequential over-incarceration as forces which deplete communities of color. Abolitionists identify affordable housing, good education, adequate and accessible healthcare, access to nutritious food, access to green spaces and recreational spaces for play, feeding each other, and holding each other accountable through radical love as the things that make communities just and sustainable. Abolitionism is not just about tearing down or dismantling, but largely about growing and (re)imagining:

What if abolition isn't a shattering thing, not a crashing thing, not a wrecking ball event? What if abolition is something that sprouts out of the wet places in our eyes, the broken places in our skin, the waiting places in our palms, the tremble holding in my mouth when I turn to you? What if abolition is something that grows? What if abolishing the prison industrial complex is the fruit of our diligent gardening, building and deepening of a movement to respond to the violence of the state and the violence in our communities with sustainable, transformative love?<sup>31</sup>

Abolition is a practice of growing sustainable, loving communities. If abolition is something that grows, then it requires nurturing hands, feeding, and consistent tending and weeding. If abolition is something that grows, then it is something that can feed us too. If abolition is something that grows, then abolition is a process that is intimately tied to sustainability. Perhaps abolitionism is what sustainability resembles when we prioritize anti-racist, anti-

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<sup>31</sup> Alexis Pauline Gumbs, "Freedom Seeds: Growing Abolition in Durham, North Carolina," in *Abolition Now! Ten Years of Strategy and Struggle Against the Prison Industrial Complex*, n.d., 145–55.

colonial justice first and foremost, and (re)claim a justice that comes from a place of radical love.

Where are the meeting points for EJ, sustainability, and abolition? What does bridging these three discourses and movements look like? And why do we need to bridge these discourses and movements? The rest of my thesis will attempt to demonstrate some answers to these questions. First we turn to people who have intimate knowledge of incarceration and environmental injustice, and based on their experiences, we gain their perceptions of what makes safe, sustainable, and more just communities.

## Chapter 2: Envisioning Safe and Sustainable Communities with Formerly Incarcerated Folk from San Antonio, TX

### Methodology

I chose to interview formerly incarcerated individuals because of their insider knowledge of mass incarceration, and rather than solely using so-called expert knowledge, I uphold the value of everyday knowledge and knowledge from lived experiences. Standpoint epistemology, an approach within Black Feminist Theory, “assumes that knowledge that is generated by people who are closer to the experience they are analyzing will be more accurate than knowledge generated by researchers who claim to be objective or impartial because of their distance from the object of study.”<sup>32</sup> Black Feminist theory also prioritizes the common, everyday knowledge as attempt to place authority or expertise with those who experience a circumstance rather than generating it from outsiders, such as policymakers or scholars, who do not have an “authentic understanding of events, relationships, behaviors, values, or historical antecedents to current phenomena.”<sup>33</sup> I employ these approaches from Black Feminist Theory because I recognize how uncommon it is for the voices of people like my interviewees to be located and prioritized in conversations of environmental justice and sustainability, and in effort to resist the systems of knowledge that privilege objectivity and scholarly language. Incarcerated and formerly incarcerated people also produce theory from their own epistemologies.

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<sup>32</sup> Beth E. Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (NYU Press, 2012).

<sup>33</sup> Richie, 130.

I interviewed five formerly incarcerated individuals in San Antonio, Texas. Their identities remain anonymous to maintain confidentiality. To protect their identities, I used pseudonyms of their choice, or if they did not have a preference, I choose a name for them based on my knowledge of their character. Their experiences differed based on where they grew up, how much time they spent incarcerated, and gender. Lenny is a black man, father of three, is unemployed, and spends most of his time at home. Alisha is a black woman, mother of a 10 year-old, has worked as a cook for a hotel for nine years, and is going back to school to “elevate” herself and become a registered nurse before she turns 35. Chris is a black man, father of five, works as a youth football coach, and appreciates the small things like cooking for his kids. Latrice is a black woman, single mother of five, and currently works for an organization to prevent community violence. Her “life’s goal is to one day be a key person in [her] community to really help bring about change for the better to right the wrongs that [she] did when [she] was younger.” Mr. Nobody is a black man, father of two, who believes that positive change can occur when people in different positions can meet each other at the level of basic respect and see the other’s perspective. Part of my method in transcribing and including these interviews in my thesis was to stay as close as possible to the language of the interviews, which meant using their words in theorizing and maintaining black vernacular and their specific ways of story-telling in the transcriptions.

I choose to interview formerly incarcerated people because their voices are often unheard in discourses around EJ and sustainability. Their experiences of incarceration offer a unique perspective on EJ and sustainability that reveal the connections between incarceration and environmental justice. I wanted to gain their insights on safety and sustainability and their

visions for safer, more just, and more sustainable communities. I believe that those who are proximate to the problems are also proximate to the solutions.

Additionally, the scale of the problem of mass incarceration and environmental injustice is huge in Texas, which has one of the largest prison systems in the country. If Texas' prison population were a city, it would be the state's 20th largest municipality.<sup>34</sup> Moreover, the \$3.4 billion operational budget of the Texas Department of Criminal Justice (TDCJ) would rival the state's largest cities.<sup>35</sup> Texas leads the nation in spending on prisons and jails. Its spending on incarceration has grown five times faster than spending growth on elementary and secondary education over the past three decades.<sup>36</sup> The state's spending on incarceration is related to its harsh sentencing laws and the strict enforcement of non-violent offenses, quadrupling its incarceration rate.<sup>37</sup>

Relatedly, the scale of climate change consequences and the risk of climate change disaster are great in Texas. According to a study by the National Oceanic and Atmospheric Administration (NOAA) that examines billion-dollar weather and climate disasters in the U.S., Texas has spent the most money on disasters in the past 37 years.<sup>38</sup> The study found that since

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<sup>34</sup> "If Texas' Prison Population Were a City, It Would Be the State's 20th Largest | Commentary | Dallas News," accessed October 24, 2017, <https://www.dallasnews.com/opinion/commentary/2016/09/16/texas-prison-population-city-states-20th-largest>.

<sup>35</sup> "If Texas' Prison Population Were a City, It Would Be the State's 20th Largest | Commentary | Dallas News."

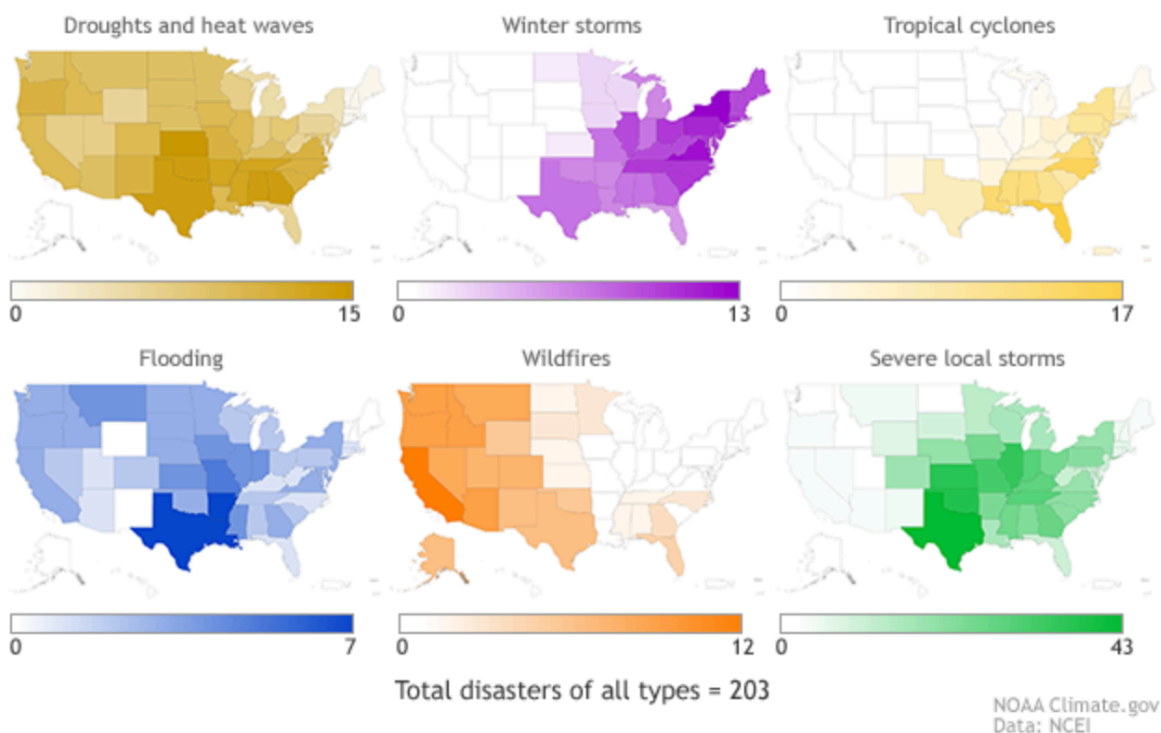
<sup>36</sup> Khorri Atkinson, "Rate of Texas Prison Spending Growth Outpaces Schools," The Texas Tribune, July 14, 2016, <https://www.texastribune.org/2016/07/14/texas-spending-prison-and-jails-higher-any-other-s/>.

<sup>37</sup> Atkinson.

<sup>38</sup> Fernando Ramirez, "Climate Disaster Maps Shows Texas Is Clearly the Most Apocalyptic State in the Nation," Houston Chronicle, June 15, 2017, <http://www.chron.com/news/houston-weather/article/Climate-map-shows-Texas-has-the-worst-weather-11222391.php>.

1980, Texas experienced a total of 90 billion-dollar weather events.<sup>39</sup> This means that about 44 percent of all costly weather disasters in the U.S. since 1980 have been in Texas. Texas is especially impacted by storms, flooding, and droughts and heat waves.

Number of billion-dollar weather and climate disasters by type, 1980–2016



Each map shows the number of billion-dollar disasters affecting each U.S. state between 1980 and 2016. State totals mean that the state was *part* of that many billion-dollar disaster events, not that it alone experienced that many events. Image adapted by Climate.gov, based on NCEI originals by Adam Smith.

Figure 1 Spatial distribution of disaster events by type.<sup>40</sup>

<sup>39</sup> Fernando Ramirez.

<sup>40</sup> "2016: A Historic Year for Billion-Dollar Weather and Climate Disasters in U.S. | NOAA Climate.Gov," accessed December 2, 2017, <https://www.climate.gov/news-features/blogs/beyond-data/2016-historic-year-billion-dollar-weather-and-climate-disasters-us>.

The most surprising finding of NOAA's study were the four separate record billion-dollar inland flood events of 2016.<sup>41</sup> Since 1980 there had not been more than two billion-dollar inland flood events. Three of the four billion-dollar inland floods events during 2016 were in Texas and Louisiana, collectively causing damage approaching \$15.0 billion. The increase in frequency of billion-dollar inland flood events is a result of warming. Water vapor in the atmosphere increases with rising temperatures, which increases the risk of heavy rainfall events.<sup>42</sup>

One might be wondering, how is climate change related to incarceration? Texas's geography sets up to have this discussion on climate change in the context of incarceration. My interviews reflect the importance of discussing the impacts of climate change on incarcerated people.

Based on my interviews I found that: a) incarcerated folk are one of the most vulnerable populations to environmental injustice and are neglected because of the position they occupy outside of society and the lack of environmental oversight of prisons; b) formerly incarcerated people are aware of issues of sustainability and environmental justice; and c) they have valuable insights that could provide solutions to the issues of safety, sustainability, and environmental injustice. I organize this chapter by the themes that I identified in my interviews: Climate Change, Comm[unity] Parks, and Feeling Full.

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<sup>41</sup> "2016: A Historic Year for Billion-Dollar Weather and Climate Disasters in U.S. | NOAA Climate.Gov."

<sup>42</sup> "National Climate Assessment," National Climate Assessment, accessed December 2, 2017, <http://nca2014.globalchange.gov/node/1961>.



## Environmental Justice for Prisoners

*Climate Change*

I asked the participants to rate their concern regarding climate change on a scale of one to five, one being not at all concerned and five being very concerned about climate change. Additionally, I asked them if they thought jails and prisons were prepared for extreme climate events like extreme heat and floods. All of the participants said that jails and prisons are not at all prepared or even concerned about climate changes and becoming prepared. They also spoke to some of the environmental conditions of being imprisoned, including the lack of AC in Texas jails, experiencing the extremes of heat and cold in prison.

Discussing the preparedness of Texas jails and prisons for climate change and describing the unbearable heat in prison, Lenny says:

On the scale from one to five, I'mma say five. Are they ready for climate change? No. Flood wise? No. Any kind of natural catastrophe on a climate scale, global scale, if you're in prison, you're considered dead. Because there's going to be no way out. There's going to be no safety precautions taken to ensure your likeliness of liveliness. Because I know when I was down there, you had—you see the roof across the street from us? You see the roof? The whole dorm is made from that. In the summertime, you wanna know something, it's a whole cut in the top of it, with a big fan in it. It's doing nothing but blowing hot air in there. You're closed in, it's not air conditioned. You're closed in! Can you imagine how hot that gets? One summer I was on Domniguez State Jail, and they tell me ever since I been there, that they automatically and must do that. We was having some problems on the dorm and quote unquote, I let them put me as the dorm speaker. So the man said, "what the problem was?" Cause we all went to rec, [but] when we went out to rec, nobody was going back in. Nobody. And so they said, "hold up hold up something wrong. Everybody is on the rec yard. Why is everybody on the rec yard?" We said, "we're not going back in there." I said, "man, y'all can at least let us get them igloos that they got in the pickets and let us get some water." They sitting there playing with us, putting this ice in our face all day and they know we in here hot. And then they being picky and they letting some people come out and get ice. That ain't cool. He say, "so if we do it here, we gotta do it to every dorm." I say, "okay!" They said, "who gone do it?" I said, "I will walk up and down here every day all day with ice." When they did that on Dominiguez, I think I was a trendsetter...I had a friend who was a

preacher, he was the barber over there...Every time we sitting he say, "man you know what you did? You did some Dr. MLK stuff over there."

Lenny proclaims that prisons and jails are unprepared for climate change. Incarcerated people have limited mobility or no freedom to move as they desire, therefore, they cannot leave or decide how to protect themselves in case of an extreme climate event such as a hurricane or a heat wave. As Lenny explains, due to the infrastructure of the prison and the fact that people are engaged, "there's going to be no way out." Moreover, he says the prison administration will not take the appropriate safety precautions to ensure prisoners' safety. Thus, he concludes that in the event of an extreme climate event such as flooding or a heat wave, an incarcerated person would be "considered dead." Lenny's prediction is not at all an exaggeration. Too often, black people die state-sanctioned deaths to the point that it becomes normative and acceptable. This deadly predicament that Lenny describes is a form of state-sanctioned violence. Lenny reveals the guards were not doing an adequate job of giving ice and water to the prisoners and were even antagonizing the inmates by using their control over the ice and water to taunt them, instead of using ice and water resources to ensure prisoners' well-being.

Alisha also speaks to the inadequacy of resources and mitigation efforts by prisons to protect inmates from the heat, explaining how little water and ice the prison staff gives to prisoners in her experience:

No [prisons and jails are not prepared for climate changes] ...I would hope that they done got AC for them cause it wasn't no AC. It was hot. And I worked field squad...I was in Field Squad 1 and we would go and get the igloos...the yellow jugs for water. But that's not big enough. That would start all kind of stuff...we would take [the water jugs] and fill them up with a lot of ice. For my dorm I would put a whole lot of ice in it. So the girls, they would take the top off and get ice. Some people didn't like that. They wanted to start some stuff, saying people's hands was dirty. Just stuff like that. But really, they just sticking their cup in there, getting ice. It's hot you know...everybody trying to stay cool. That wasn't enough. And the little cups. You know the snow cones like at the

doctor. We had little snow cone cups....and that was another problem: on commissary they had plastic cups, bigger cups. Prison officials claim they provide sufficient measures to safely cool prisoners. These safety measures are water breaks and cold showers for workers, extra drinking water and ice when available, limiting outdoor activity, and providing blowers and fans to ventilate the units.<sup>43</sup> However, Lenny and Alisha detail the problems with the measures that prison officials provide to mitigate the heat. They show that the ice and water for cooling, and the blowers and fans are not enough. Furthermore, the inadequacy of resources and mitigation measures fosters tensions between inmates who can afford commissary and inmates who cannot. The prisoners with some money could buy larger plastic cups on commissary, which they could use for ice water, and those who did not have the money could not. Tensions arose between the those with and those without because of the resulting inequality of water distribution. These tensions mimic inequality in society outside of the prison walls.

The difference between environmental and social conditions inside the prison as compared to outside society is the complete restriction of freedom of choice and mobility. Prisoners are forced to remain within a very limited amount of space and a limited agency to change their conditions or environment. This means that during extreme weather events such as heat waves or flooding, they have to depend on the prison administration and staff for protection. In addition to the rules and restrictions enforced by prison administration and staff, the infrastructure of Texas prisons contributes to prisoners' vulnerability.

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<sup>43</sup> Gabrielle Banks, "Heat-Related Prison Deaths at Issue in Lawsuit," Houston Chronicle, June 19, 2017, <http://www.houstonchronicle.com/news/houston-texas/houston/article/Heat-related-prison-deaths-at-issue-in-lawsuit-11229040.php>.

Lenny and Alisha bring up a critical fact of prison life in Texas—nearly 75 percent of Texas state jails and prisons don't have AC in the prisoner's living areas.<sup>44</sup> In the summer, this means being in conditions that regularly exceed 100 degrees,<sup>45</sup> and then combine that with overcrowding in jails and prisons and the situation worsens. Lenny's experience stands among the piles of evidence that prisons are unsafe especially in the summer and in regard to preparedness for extreme weather events:

Environmental wise—I don't think it's right. I was down there in 2001 and they came in and they did a heat check. It was 111 degrees in there. And back then the hottest it was getting was like 97, we had a couple of 100 [degree] days. But right now, the temperatures are reaching 103, 104, so that means it's 115-120 degrees. Now that's just like transporting humans like they trafficking in a cargo ship, in a tractor trailer or something like that. And that's not safe. I don't think that's safe. I don't think prisons are ready for that, on the strength that they wouldn't be able to get everybody water for dehydration if it got too hot. If it was a flood...They have no plans on evacuating. The smallest units are gonna have a 700 man, the highest units is gonna have 6200 to 7000 [people]. Imagine having to evacuate 7000 people like that from a flood. It's not gonna happen. You're considered dead. And you probably could have been getting parole tomorrow. But if that flood come, you outta there. The wrong heat wave come, you outta there.

Lenny is correct; the environmental conditions inside prisons are not "right." These types of conditions constitute cruel and unusual punishment, violating prisoners' Eighth Amendment right. Chris reveals that while imprisoned he witnessed someone die of heat exhaustion:

It's horrible. I had people actually died because of heat exhaustion. While I was in prison, I think I was in Louisiana, cause Louisiana is kind of like Texas, it gets real humid and hot. So we was pretty much outside playing baseball and this dude was in his late forties. He's in the field and he just literally collapsed in the middle of the game and literally died in front of everybody and they took their time to go get that dude. That was like the first time I literally seen a person die in front of me. And he just sat their

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<sup>44</sup> Jolie McCullough, "Heat Is Part of Life at Texas Prisons, but Federal Judge Orders One to Cool It," *The Texas Tribune*, July 20, 2017, <https://www.texastribune.org/2017/07/20/texas-prison-heat-air-conditioning-lawsuit/>.

<sup>45</sup> "Reckless Indifference: Extreme Heat in Texas Prisons," *US Human Rights Network*, April 2, 2015, <https://www.ushrnetwork.org/news-updates/reckless-indifference-extreme-heat-texas-prisons>.

sweating, his chest was pumping real fast. it was cause of heat exhaustion. It was probably some of his fault cause he probably wasn't drinking water and taking breaks. But heat in prison, cause it's no trees so it's no shade. It's just heat and humidity. You can't be on the recreation without clothes on so you have to be fully clothed. And Louisiana was hot. People out there working out and then they go right to play some kind of sports. So they're just in the heat all day long. That was the first time I seen a person just die behind heat.

There have been documented heat-related deaths and illness in Texas jails and prisons. Since 1998 there's been 22 deaths due to weather conditions inside 15 state prisons in Texas, according to the Texas Department of Criminal Justice. This is likely a number that is under reported. Since 1970, average summer temperatures in the South have risen by as much as 3.3 degrees Fahrenheit, with the fastest warming areas in Texas.<sup>46</sup> During the 2011 heat wave, several cities in Texas experienced more than 100 days over 100 degrees Fahrenheit. At least 10 TDCJ prisoners died due to the heat that year.<sup>47</sup> Thus, as Lenny emphasizes, a prison sentence can too easily turn into a death sentence.

The TDCJ have several ongoing lawsuits against them. There has been individual cases of wrongful death, and there is a separate lawsuit centering six inmates at the Wallace Pack Unit in Navasota, Texas,<sup>48</sup> claiming that the conditions of being locked up in humidity and temperatures of 100 degrees is cruel and unusual punishment, infringing upon their Eighth Amendment right. The Eighth Amendment is violated when the state acts with "deliberate indifference" to inmate health or safety or to conditions that pose a substantial risk of harm to prisoners.<sup>49</sup> They argue that fans, ice water, and showers do not adequately protect inmates

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<sup>46</sup> "U.S. Summers Bringing More and More Heat," accessed October 24, 2017, <http://www.climatecentral.org/news/summers-here-and-so-is-the-heat-19139>.

<sup>47</sup> David J. Bradley, Keith Cole, et al, Plaintiffs, vs. Bryan Collier, et al, Defendants, No. 4:14-CV-1698 (United States District Court: Southern District of Texas July 19, 2017).

<sup>48</sup> Banks, "Heat-Related Prison Deaths at Issue in Lawsuit."

<sup>49</sup> Farmer v. Brennan, No. 92-7247 (United States Supreme Court June 6, 1994).

from the risks of extreme heat. U.S. District Judge Keith Ellison granted class-action status to the case. This is when a plaintiff sues a defendant on behalf of a group of people who are represented collectively by that group member. This means that the prisoners of the case are representing the larger population of prisoners.

In July 2017, Judge Ellison ruled that “Each summer, including this one, Plaintiffs face a substantial risk of serious harm from the sweltering Texas heat, and Defendants have been deliberately indifferent in responding to this risk.” Judge Ellison ordered the prison to provide air conditioning for medically-sensitive inmates at the Pack Unit.<sup>50</sup> However, the state announced it would appeal the judge’s decision. The TDCJ argues that they provide plenty of sufficient options to protect inmates from the heat. Judge Ellison disagrees, stating in his ruling that “They have implemented mitigating measures that they know, or should know, are ineffective given the extreme heat at the Pack Unit, and they have failed to consider seriously the many more effective options available to them.”<sup>51</sup>

TDCJ claims to be doing all that is constitutionally required to protect inmates from the heat, but their underlying argument is based on the cost of protecting inmates from heat risks. According to the TDCJ’s court filing, retrofitting the Pack Unit, which was built in 1983, would be an “undue burden” on the state. The estimates of the costs to install air conditioning in the unit varied immensely from the plaintiffs’ to the state’s assessments. A study that TDCJ contracted estimated that it would cost more than \$22 million to install air conditioning in the entire unit, and \$477,678 a year to operate. However, the plaintiff’s expert put the cost at

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<sup>50</sup> Bradley, Keith Cole, et al, Plaintiffs, vs. Bryan Collier, et al, Defendants.

<sup>51</sup> Bradley, 90.

\$450,000 to install units for the housing areas, and \$175,000 in annual costs. Just to install air conditioning for the summer, the plaintiffs' experts estimated \$108,000 and the state's experts estimated \$1.2 million.<sup>52</sup> TDCJ argues that it is too expensive to take the appropriate and necessary actions to keep inmates from dying and getting sick from the extreme heat conditions in their facilities. This is a neoliberal argument of fiscal solvency. Jason Clark of the TDCJ said that "Prisons built in the eighties and nineties, which were specifically approved by the federal courts...didn't include air conditioning because of the added construction, maintenance and utility costs. Retrofitting facilities with air conditioning would be extremely expensive."<sup>53</sup> Nonetheless, TDCJ has a responsibility over its inmates and infrastructural costs should not outweigh the costs of human lives. Judge Ellison responded in his ruling, "Even if the remedies ordered would be 'fiscally catastrophic' for TDCJ, as Defendants maintain they are, the Fifth Circuit has held that 'inadequate resources can never be an adequate justification for depriving any person of his constitutional rights.'" This is not a new justification or approach to dealing with the health and wellbeing of populations that are not valued. Government actors chose to solve Flint's fiscal crisis by poisoning its people. The state government made this decision under the neoliberal logic of austerity and fiscal solvency, which they deemed more important than the health of Flint residents because of their blackness and surplus status.<sup>54</sup> The TDCJ's attempt to justify the prison conditions is not exactly the same as what happened in

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<sup>52</sup> Bradley, 77.

<sup>53</sup> Meagan Flynn, "As Overheated Prisoners Die, Texas Jailers to Stand Trial Over Sweltering Conditions," Houston Press, February 15, 2017, <http://www.houstonpress.com/news/as-overheated-prisoners-die-texas-jailers-to-stand-trial-over-sweltering-conditions-9202520>.

<sup>54</sup> Laura Pulido, "Flint, Environmental Racism, and Racial Capitalism," *Capitalism Nature Socialism* 27, no. 3 (July 2, 2016): 1–16, <https://doi.org/10.1080/10455752.2016.1213013>.

Flint, but it is relevant because we see in different situations how institutions prioritize the goals of finance above devalued populations. Moreover, in both cases, Flint and this one, the institutions at fault act deliberately in producing environmental injustice. The government *deliberately* poisoned its residents in Flint, and as stated in Judge Ellison's injunction, TDCJ has been "deliberately indifferent" to the risk of harm that the prisoners face because both populations are devalued.

This devaluation means that prisons do not care about the people that they house. Chris states:

Oh no. Jails are not even worried about anything of that nature [preparedness for climate change]. They're just worried about putting people away. I can remember hearing people that went to state prison, cause they don't have AC so they're just sitting in a cell just sweating like it's nobody's business so they don't care about people. As far as heat wise or the frigid cold, they don't care. That's not even on their agenda. They're not worried about nobody but whatever money they're getting from a person, that's all they worried about.

Chris points to a foundational point about the function of prisons—their purpose is to contain bodies and profit from them. Prisons do not care for people in any way and hardly considers prisoners to be human to be taken care of in the first place. He also points to the capitalist logic underpinning the prison system which encourages the over-valuation of profit and the devaluation of people. Because of the prison system's profit-driven motives, Chris suggests that prisons and jails are not only not prepared, but they do not have any plans to become prepared for climate changes either. As TDCJ noted, it would be an undue burden financially. Therefore, climate change preparedness does not fit well into the prison agenda of profiting off of containing as many bodies as possible. This is precisely why more attention needs to be paid to jails and prisons in assessing the environmental conditions, policies, and practices, not just in Texas but across the country. Ellison stated in the injunction that TDCJ has "failed to develop a



heat wave policy, despite the ten deaths that occurred in TDCJ during the 2011 heat wave.”<sup>55</sup>

This lawsuit sheds a light on these issues and bring us closer to ensuring more just environments for prisoners. Texas prisons need heat wave policies, as well as policies for other climate disasters, but these changes must be followed by independent structures that can conduct environmental oversight and that will hold prison institutions accountable. The implications of Ellison’s ruling are that it could set a precedent that would allow prisoners at other facilities to fight against prison policies and practices and require other prisons to make reforms. Moreover, the ruling implies that everyone, including prisoners, have constitutional rights. Judge Ellison stated that “even those admittedly guilty of the most heinous crimes must not be denied their constitutional rights.”<sup>56</sup>

This issue of the preparedness of prisons and jails for climate change is especially important right now where several states and countries have experienced powerful hurricanes this year. During Hurricane Harvey, six Texas prisons had to be evacuated, but TDCJ did not make this decision until three days of flooding. Instead of being evacuated before Hurricane Harvey, the prisoners were forced to fill sandbags that the state would use to brace against the flood waters. Sherrard Williams, a prisoner who weathered Harvey in a two-person cell in Connally Unit, a maximum-security prison in Kennedy, Texas said, “...if the storm comes through, I don’t think they’re gonna concentrate too much on you. They’re gonna worry about the officers first. In Beaumont, a federal prison, they didn’t evacuate the prisoners. I think that’s

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<sup>55</sup> Bradley, Keith Cole, et al, Plaintiffs, vs. Bryan Collier, et al, Defendants, 90.

<sup>56</sup> Bradley, 100.

the most frightening thing. That could have been us.”<sup>57</sup> With good reason, prisoners do not trust that their safety will be prioritized in the event of a natural disaster. This inmate felt luck to had been evacuated because other inmates have not been as fortunate. In the past, choosing not to evacuate prison facilities in the face of a hurricane has been disastrous. In 2008, when Hurricane Ike hit Texas, officials did not evacuate Galveston County Jail, leaving prisoners in awful conditions without basic necessities like water and sanitation in the weeks following Ike’s landfall.<sup>58</sup> Most of the people who were in Galveston County Jail were pre-trial detainees who have yet to be convicted of any time. Because of their poverty, or their inability to pay their bond, they were forced to suffer through the effects of Hurricane Ike. This is a common response, or lack of response, in dealing with prisoners during a Hurricane.

Three years prior when Hurricane Katrina was approaching Louisiana, Orleans Parish Prison did not evacuate its prisoners, one-third of whom were pre-trial defendants and including children as young as 10 years-old, and this resulted in horrendous experiences, deaths, and hundreds of prisoners unaccounted for. Rather than evacuating the prisoners, the sheriff declared that the prisoners would remain “where they belong.”<sup>59</sup> Even worse, the prisoners were largely abandoned by guards to fend for themselves,<sup>60</sup> and deputies admitted to

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<sup>57</sup> Daniel A. Gross, “Weathering a Hurricane in Prison,” *The New Yorker*, September 8, 2017, <https://www.newyorker.com/sections/news/weathering-a-hurricane-in-prison>.

<sup>58</sup> “Shelter from the Storm? Galveston County’s Refusal to Evacuate Detainees and Inmates at Its Jail During Hurricane Ike” (Texas Civil Rights Project, September 2009), 3, [https://www.texascivilrightsproject.org/en/wp-content/uploads/2016/04/TCRP\\_2009\\_HumanRights.pdf](https://www.texascivilrightsproject.org/en/wp-content/uploads/2016/04/TCRP_2009_HumanRights.pdf).

<sup>59</sup> “Transcripts: New Orleans Mayor, Louisiana Governor Holds Press Conference,” CNN.com, August 28, 2005, <http://transcripts.cnn.com/TRANSCRIPTS/0508/28/bn.04.html>.

<sup>60</sup> National Prison Project of the American Civil Liberties Union, “Abandoned & Abused: Orleans Parish Prison in the Wake of Hurricane Katrina,” 2006, <https://www.aclu.org/files/pdfs/prison/oppreport20060809.pdf>.

being unaware of evacuation plans and receiving no emergency training.<sup>61</sup> Prison administrators told deputies that they had to report to their posts or risk being fired, which was a difficult decision—lose their jobs or evacuate the city with their families.<sup>62</sup> Prisoners were left locked in their cells with contaminated sewage water at chest level, and went days without power, food, water, and ventilation.<sup>63</sup> Like with heat in Texas prisons, this lack of preparedness during times of hurricanes also violates prisoners' Eighth Amendment right, yet they are often subjected to cruel and unusual punishment by the state whose responsibility it is to provide their basic needs and protect them as prisoners of the state. This total disregard for the incarcerated is consistent and their subjection to floodwaters and extreme heat among other environmental injustices is consistent because society at large deems our incarcerated population disposable, not worthy of environmental justice. Activists and scholars have argued that prisoners as well as other populations are rendered disposable. This disposability narrative, as well as the physical and systemic infrastructure of the prison, generates prisoner vulnerability. In effort not to replicate this narrative of disposability, EJ must include incarcerated populations because they are largely missing and they are thinking about and dealing with environmental injustice. When asked to rate their concern for climate change on a scale of one to five (one being not at all concerned and five being very concerned), three of my five interviewees said that they were concerned, and two of them indicated that they were very concerned. Thus, not only are prisoners excluded from the dominant conversation and the

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<sup>61</sup> National Prison Project of the American Civil Liberties Union, 23-27.

<sup>62</sup> National Prison Project of the American Civil Liberties Union, 32-33.

<sup>63</sup> National Prison Project of the American Civil Liberties Union.

considerations regarding climate change, but they are concerned about climate change and are one of the most vulnerable populations to climate change.

The vulnerability that the prison creates does not end at the infrastructure of the prisons or the poor management and preparation of prisons during extreme climate events, but policing also creates vulnerability to climate change. As Hurricane Irma, a Category 4 storm, approached this past September, the Sheriff of Polk County in Florida, tweeted that anyone seeking a shelter who was a sex offender or had a warrant would be sent to the Polk County Jail rather than a shelter.<sup>64</sup> This kind of opportunistic policing and criminalization is dangerous and further produces vulnerability as people in need of shelter might not seek it out in fear of being incarcerated. In Houston, undocumented folks decided to stay in their homes rather than go into shelters because they were terrified of ICE taking them.<sup>65</sup> Relatedly, in Flint, Michigan, undocumented residents were not opening their doors to receive water bottles that National Guard troops were dropping off door-to-door because they feared being identified and detained or deported.<sup>66</sup> They were also afraid to go to their grocery store to get water because there had been ICE raids and some people got picked up from grocery stores.<sup>67</sup> This issue police presence generating fear and thereby, contributing to the vulnerability of certain groups of

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<sup>64</sup> "Hurricane Irma: Polk Sheriff Warns IDs Will Be Checked at Evacuation Shelters," September 6, 2017, <http://www.tampabay.com/news/weather/hurricanes/hurricane-irma-polk-sheriff-warns-ids-will-be-checked-at-evacuation/2336439>.

<sup>65</sup> "Texas Prisoners Are Facing Horrid Conditions After Hurricane Harvey & Retaliation for Reporting Them | Democracy Now!," accessed November 3, 2017, [https://www.democracynow.org/2017/9/8/texas\\_prisoners\\_are\\_facing\\_horrid\\_conditions](https://www.democracynow.org/2017/9/8/texas_prisoners_are_facing_horrid_conditions).

<sup>66</sup> "Flint's Undocumented Migrants Hesitate To Request Help During Water Crisis," NPR.org, accessed November 2, 2017, <http://www.npr.org/2016/01/28/464664785/flint-s-undocumented-immigrants-hesitate-to-ask-for-help-during-water-crisis>.

<sup>67</sup> "Flint's Undocumented Migrants Hesitate To Request Help During Water Crisis."

people seems to be the norm. Even if police forces are helping in times of disaster, their very presence is threatening to people who may need help. This is a problem because it means that people are even more vulnerable during such extreme climate events. This occurs because at the root, as my interviewee Lenny said, “you don’t have a safety of the police, you have a fear of the police.” Police become just as harmful as the environmental problem, or in some cases, the greater threat, during environmental crises. The Florida Sheriff’s tweet threatening incarceration and differentiating who is deserving of protection and who is not is representative of the view of incarcerated people or people who have a criminal record as disposable, and therefore not deserving of environmental protections. It is also representative of how we prioritize punishment over safety.

Similarly, in Texas during Hurricane Harvey, district attorneys in Houston made sure that Houston residents knew that they would maintain law and order and that they would not tolerate looting. Harris County District Attorney Kim Ogg announced that anyone trying to take advantage of the storm to break into homes or businesses would “feel the full weight of the law,” stating that burglarizing a home in a disaster area could carry sentence of “five years to life.”<sup>68</sup> Ogg wields harsher punishment as the way to maintain public safety during this time of disaster. According to Montgomery County officials, state law “allows for enhanced punishment ranges for certain offenses committed during a declared natural disaster event.”<sup>69</sup> Brazoria

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<sup>68</sup> “Kim K Ogg - News Release Aug. 29, 2017 Looters Will Face More...,” accessed November 2, 2017, <https://www.facebook.com/photo.php?fbid=239155059941660&set=pcb.239143946609438&type=3&theater>.

<sup>69</sup> “Montgomery County District Attorney’s Office - Posts,” accessed November 2, 2017, <https://www.facebook.com/MCTXDAO/posts/1766661950071092>.

County mandated a curfew in mandatory-evacuation areas to prevent crime. Houston Police Chief Art Acevedo said that he would lobby judges and prosecutors to secure the most severe punishment possible under Texas law for crimes committed during this time.<sup>70</sup> All of these law and order responses during this natural disaster shows that the state uses times of environmental crisis as opportunities to lay down law and order and incarcerate folks. This type of criminalization by the police has become routine in times of environmental crisis. In the aftermath of Hurricane Katrina, journalists and police labeled the poor, black population as “looters,” locating the deeply racist and entrenched idea of black criminality as the cause of chaos during the disaster and led to a militarized New Orleans to protect the city against the so-called looters.<sup>71</sup> Like with the statement released by police administration and government officials in Texas and Florida, public display of punishment through mass media was central to asserting the power of the state and made incarceration a necessary response in disaster times.<sup>72</sup> We must ask, who is being criminalized in times of environmental crises? Who is getting help and who is left out or discouraged from seeking help in crises? Why is the state response to deploy policing and incarceration to restore public safety? How does our methods of increased policing and incarceration exacerbate the vulnerability, or contribute to a lack of safety, of already vulnerable people? How does the function of policing and incarceration shape

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<sup>70</sup> “Houston Combating Harvey Looters with Mandatory Jail Time,” Fox News, August 19, 2017, <http://www.foxnews.com/us/2017/08/29/houston-combating-harvey-looters-with-mandatory-jail-time.html>.

<sup>71</sup> Dan Berger, “Constructing Crime, Framing Disaster: Routines of Criminalization and Crisis in Hurricane Katrina,” *Punishment & Society* 11, no. 4 (October 1, 2009): 491–510, <https://doi.org/10.1177/1462474509341139>.

<sup>72</sup> Berger, 494.

the spatial, social, economic, and political aspects of a city in the context of what Naomi Klein (2007) calls disaster capitalism? These are questions that need to continue to be explored.

Everyone deserves access to a sufficient amount of potable water, and prisoners should not be forced to undergo the additional punishment of extreme heat and humidity in tight, overcrowded, enclosed spaces without air conditioning. From heat to hurricanes to day-to-day conditions and practices inside the prison, prisoners deserve environmental justice.

And to secure environmental justice, we at least need proper emergency and evacuation plans for prisons and some independent entity that will oversee the environmental conditions of prisons and hold prison administrators accountable. Thus, I have included the U.S. Department of Justice, National Institute of Correction's *A Guide to Preparing for and Responding to Prison Emergencies* (the NIC Guide) below to demonstrate what kinds of questions and considerations are necessary to form adequate plans for emergencies. The guide is a checklist of questions that prison facilities can use to assess and audit their own plans. This guide includes a section on how to conduct the audit and who should conduct the audit. I use the American Civil Liberties Union's breakdown of the questions from the NIC Guide to formulate a good emergency plan:

Emergency Generators<sup>73</sup>

- Is there an emergency generator?
- Is the emergency generator adequate to run critical areas of the institution and critical equipment safely for 24 hours?
- Are staff trained to know which systems will be run on emergency power and which will be inoperable during a main power outage?

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<sup>73</sup> "A Guide to Preparing for and Responding to Prison Emergencies: Self-Audit Checklists, National Survey Results, Resource Materials, [and] Case Studies," National Institute of Corrections, October 31, 2006, <https://nicic.gov/guide-preparing-and-responding-prison-emergencies-self-audit-checklists-national-survey-results>.

- Do all emergency generators have sufficient fuel to run for a minimum of 72 hours continuously?
- If the emergency generators must be started manually in the event of a main power outage, are these staff on duty on a 24-hour basis who are trained to start and operate those generators?

#### Offsite Evacuations<sup>74</sup>

- Is there an offsite evacuation plan?
- If yes, does the offsite evacuation plan include the following:
  - Potential destinations?
  - Specific transportation alternatives?
  - Security procedures during evacuation?
  - Which inmate records must be moved with inmates?
  - Procedures for providing medical services during and after the evacuation?
  - Provisions for coordinating with local and state police during the evacuation?
  - Arrangements for meal services at the new location?
  - Arrangements for inmate identification and count at the new location?
  - Arrangements for housing and security at the new location?
  - Predetermined evacuation routes?
  - Procedures for protection or destruction of confidential records that cannot be evacuated?

#### Medical Services<sup>75</sup>

- Is there a comprehensive medical plan for an institutional emergency?
- Does the plan include mass casualties/triage?
- Are staff trained in blood-borne pathogen precautions?
- Is a location other than the infirmary identified for mass casualties/triage?
- Does the institution have an emergency-equipped medical crash cart?
- Are there adequate numbers of gurneys?
- Are backup medical resources for emergencies identified in the community?

The NIC Guide also has a separate checklist to assess a prison facility's preparedness for natural disasters:

#### General Considerations<sup>76</sup>

- Does the institution have policies in place specific to natural disaster planning, response, and recovery operations?
- Does the institution conduct routine training in natural disaster response, including drills and exercises?
- Does the institution have emergency response plans and checklists specific to natural disaster response?

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<sup>74</sup> "A Guide to Preparing for and Responding to Prison Emergencies."

<sup>75</sup> "A Guide to Preparing for and Responding to Prison Emergencies."

<sup>76</sup> "A Guide to Preparing for and Responding to Prison Emergencies."



- Has the institution identified supplies and equipment that may be needed in a natural disaster (water, tents, portable toilets, portable lighting, blankets, etc.)?
- Does the institution have evacuation and relocation plans, alternative sites selected, and arrangements and agreements for natural disasters?
- Does the institution have a plan to operate the institution with reduced staffing levels should a natural disaster make that necessary?
- Does the institution have an emergency staff services (ESS) program to respond to staff and staff family needs in the event of a natural disaster?
- Has the institution planned for 'desert island operations' (operation for an extended period without contact or assistance from outside) in the event of a natural disaster?
- Is the institution prepared to maintain security and essential services, in the event of loss of power or other utilities, for as long as 72 hours?
- Does the institution have a 3-day supply of potable water onsite or an alternate water supply system?
- Does the institution have a 3-day supply of food that would not need cooking?
- Does the institution have a 3-day supply of medications for inmates onsite?
- Do staff and inmates participate in severe weather drills?

#### Flood Disasters<sup>77</sup>

- Has the institution conducted a throughout risk assessment of vulnerable areas and equipment in the event of rising water?
- Does the institution have detailed plans for a complete offsite evacuation in the event of a flood?
- Has the institution practiced or drilled with a flood-related offsite evacuation scenario within the past 24 months, at the level of table-top exercise or above?
- Does the institution have a plan for moving expensive or crucial equipment in the event of rising water?
- Is the institution's offsite evacuation plan for flood developed in stages, so it could be enacted in response to predetermined flood stages or severity of warning?
- Do the institution's flood plans include an analysis of which access and egress routes would be rendered unusable at various flood stages, along with alternate access and egress plans for those flood stages?

#### Hurricane Disasters<sup>78</sup>

- Is there a plan for managing the inmate population while waiting to see if a hurricane actually will hit the institution?
- Have staff received any training specifically on preparing for and responding to a hurricane within the last 24 months?
- Do the institution's hurricane plans include an assessment of potential for localized flooding?
- Do the institution's hurricane plans include an assessment of the vulnerability of various utilities?

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<sup>77</sup> "A Guide to Preparing for and Responding to Prison Emergencies."

<sup>78</sup> "A Guide to Preparing for and Responding to Prison Emergencies."

- Does the institution have portable water pumps?

To become prepared for climate change and secure environmental justice for prisoners, emergency and disaster and heatwave polices need to be implemented and improved upon. This is one step to better ensure the basic safety of prisoners. As an abolitionist, I understand that we have to support reforms such as improved emergency and disaster plans to protect and improve the conditions that people who are currently imprisoned have to survive in. And as an abolitionist, I also understand that these reforms will not address the prison as fundamentally toxic. Prison reforms can certainly be a trap to expand the life of the prison system. On the one hand, a reform such as installing air conditioning in the prisoner's living areas would seem necessary to support prisoners' human rights. On the other hand, air conditioning in prisons could simply make prisons seem more humane, thereby expanding the life of the prison. Changes to prisons in the context of climate change preparedness could disrupt the routine functioning of the prison system if that means reducing the prison population to decrease overcrowding, which worsens the conditions inside prisons and prison's ability to respond to dangerous climate events. However, reducing overcrowding does not work if people are merely being transferred to a different facility and overcrowding is done through *decarceration*. Decarceration is the best method to decrease the prisoners' vulnerability to climate change because prisons fundamentally make people more vulnerable. Latrice comments that beyond climate change, prisons are not prepared for anything:

I don't jail is prepared for anything. Anything, anything. Overcrowding, diseases, drug addiction. Nothing. I don't think it's prepared for anything. Mental illness, definitely not mental illness...It's not prepared for anything. I think it's just to house, put you in a little box and be done with you.

Prisons do not make society safer; instead, they create more vulnerable populations and increase people's exposure to premature death. Prisons do not offer the function of safety or

sustainability in our society. Indeed, they are toxic environments to the millions of people that they house. It is fundamentally toxic to treat and manage people as disposable.

#### How Some Formerly Incarcerated People Are Thinking About Sustainability

##### *Comm[unity] Parks*

I asked my interviewees to describe the communities that they grew up in and nearly all of them stressed the importance of unity within their communities. They defined unity as togetherness—everybody knowing each other and coming together and sticking together. All of the interviewees also identified parks as important landmarks in their communities. Their neighborhood parks were places where they were able to foster unity. The importance of parks as places that build unity led to me to consider unity as a sustainability indicator—a measurable aspect of environmental, economic, or social systems that is useful for monitoring changes in system characteristics relevant to the continuation of human and environmental well-being. Some sustainability indicators are infant mortality rate, proximity to highways, access to parks, air quality, asthma, sanitation, access to parks, access to transit, walkability, and access to healthy food. Simply put, an indicator is something that helps us understand where we are, where we are going, and how far we are from where we want to be.<sup>79</sup> Unity as an indicator of sustainability would require qualitative rather than quantitative measurement because it is more abstract in that means engaging with whether people *feel* unity in their communities. However, unity is also material. It can be measured based on how often a community has social

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<sup>79</sup> “What Is an Indicator of Sustainability? | Sustainable Measures,” accessed October 24, 2017, <http://www.sustainablemeasures.com/node/89>.

gatherings in public space. This also aligns with abolitionist ideas of building safe and sustainable communities because practicing abolition can look like throwing regular block parties, for example, to facilitate community-building and togetherness. Throwing block parties can also be a way of fostering unity, and unity is critical in moving toward an abolitionist community because when we have more unity, we can rely more on and correspond more with each other to solve community harms, problems, and needs rather than depend on the state.

Because sustainability indicators interconnect the environmental, social, and economic aspects of society, unity would be a valid sustainability indicator since it encompasses all three aspects. Unity, as described by my interview participants, concerns the environment as it is in issue of urban planning, maintaining parks in communities of color; it concerns economics because it raises the question of where state funds are invested and how this the state's investment decisions encourages or discourages unity; and it is social since it is about how neighbors relate to each other and to spaces they collectively occupy. I think unity as a sustainability indicator in thinking about developing and sustaining our communities is a worthwhile consideration if people are understanding unity to be what makes their communities safe and sustainable, and specifically pointing to neighborhood parks as unity-fostering spaces.

The participants tended to describe their neighborhood parks as safe havens amidst the harsher realities of their worlds outside of the space of the park. Mr. Nobody talks about how the park as a place where everyone could go and feel safe because the park sheltered them from the violence of the outside world:

Well, the safeness, it was the park for whole lot of us that was over there. Because back then it was a whole lot of unity. And all of us family, together at that time was one

whole family together...and that park was like the house that was everybody's home that was in that community. And like I said, that was the good part and the positive part of my community growing up was the [park]. But once you walk outside of them doors, you walk outside into the real world, to where you see everything in the world going on: Robbing, stealing, drugs...prostitution, car theft. Just whatever you can name that'll be in that neighborhood.

The park was not just a park, or a green space, but a home for everyone. It was a place where everybody was considered family and a place of safety for the community.

This sense of security also came from having access to food through the park. Their neighborhood park was also the place where they were fed. The stories and concerns of my interviewees reflect the issue of food insecurity in San Antonio, and they point to their neighborhood parks as the places where they felt more food secure. Lenny describes the significance of woman whom his neighborhood park was named after and how she provided access to food for the neighborhood:

We also had a recreational park...It's historical in my neighborhood because of the lady who it's named after, she was from my neighborhood. And what she did was, like the things that we didn't have...like she brought like in the summertime, how we got free lunches. You know how they come now and they donate food? Back then she used to do things to where it was a food drive, to where *we got it*. Cause, you know, you had government assistance. You have things like, you know, the WIC where they used to give you grapefruit and government cheese and stuff like that. And you know, and that was something to look forward to, it was something that was addictive because it didn't come every day. And it was something like, you know, we go inside to make a sandwich or something, it won't be no cheese. But we knew when they came and gave out that cheese, it was enough cheese to make grilled cheese sandwiches, you could put cheese in noodles, all kind of stuff back then. That's like basically where I grew up.

Food insecurity is a major problem in Texas and in San Antonio, particularly for communities that are predominantly latinx or black and are low income. According to Feeding America's report on county and congressional district level food insecurity and food cost in 2013, the discrepancy of food security based on race are higher at the county level. Counties with majority non-white populations are more likely to have above average food insecurity rates and

to have persistent poverty.<sup>80</sup> Food insecurity in Texas surpasses the national average, according to the Department of Agriculture. Moreover, Bexar County (San Antonio-New Braunfels, TX metropolitan area) is 1 of 15 U.S. counties that has more than 100,000 food-insecure children and has a child food-insecurity rate of 25.6 percent.<sup>81</sup> Lenny expresses how meaningful the park's summer meal program was to him and his community. Summers are one of the most difficult times for families dealing with food insecurity because their children are not in school receiving school meals. If the kids are not in summer programs that feed them, the family has to provide all of the meals which becomes difficult when they do not have the financial means or are at work while the kids are home alone. However, when parks have programs that feed children, this eases the burden on the family to make sure the children are not hungry.

Alisha also mentions being fed at her neighborhood park:

One of the landmarks for me is the park...cause when we would be over there, that was somewhere we all went and they made us feel, you know, another place where we felt safe, we felt comfortable going. They would feed us, we would play games, we would do all kind of stuff. But it was just like everything that was going on around us that we wasn't worried about.

Food security is a critical aspect of community safety and sustainability. Food is also an important method of bringing people together, thereby, creating unity by breaking bread with your family and neighbors. The Food and Agriculture Organization of the United Nations says that "food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meet their dietary needs and food preferences for an active and healthy life." Adding to this definition of food security, it also

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<sup>80</sup> "Map the Meal Gap" (Feeding America, 2015), <http://www.feedingamerica.org/research/map-the-meal-gap/2013/map-the-meal-gap-2013-exec-sum.pdf>.

<sup>81</sup> "Map the Meal Gap." 34.

means having the infrastructure and tradition of comm[unity]-centered foodways. Lenny and Alisha are talking about being fed at community centers, which is a collective, communal perspective of food security. Food security does not simply operate at individual household levels but matters at the community level. Thus, Lenny and Alisha reveal that it is valuable to take an approach to addressing food insecurity by focusing on community spaces such as parks.

Chris compared his neighborhood park to the white house, a place where the most important functions of our government are carried out, a central meeting place, and a building that carries certain symbolic meanings. The park is likewise a central meeting place where important functions (e.g. playing, eating, socializing) are carried out, and may have symbolic meaning for the people who use the park. Chris says, "The only thing I can say that was important was probably the park...It was pretty much like our white house cause it was just, every day was something to do. It was fun, exciting, like everything all wrapped up in one." The function of parks in communities is as basic as giving children something to fun and productive to do. This helps keep kids out of the streets and out of trouble.

As all of my interviewees pointed out, parks are central to community safety. Parks help keep children safe by providing a space for them to play and by offering food security for children, as well as being public spaces that communities can use to come together and feed themselves (i.e. barbeques). Communities can utilize their neighborhood parks to unite in one physical space and connect. Communities in which people are connected to each other are safer because it encourages community resilience and support. In terms of sustainability, having community resilience is just as critical as having resilient design and infrastructure.

Additionally, the discussion of parks brings us to consider how we choose to invest (or not) in communities. What if we invested in communities by building and maintaining parks rather than divesting from communities by spending on imprisonment? More broadly, what would our communities look like if we invested in resources for communities and created more just and livable spaces in communities? The U.S. Department of Education found that Texas increased its spending on corrections by 850 percent between 1989 and 2013, and Texas spending on pre-kindergarten through grade twelve only increased by 182 percent. Our state budgets determine accessibility to education, to green spaces, to healthcare, to food, to housing, to social services, etc. Thus, if states spent more money on parks and recreation than on incarceration, communities might become safer because we could have our kids in parks and recreation programs instead of juvenile detention centers. According to the National Recreation and Parks Association access to parks and recreation has been linked to decrease in crime and reduced juvenile delinquency. A study by scientists at the Human-Environment Research Laboratory of the University of Illinois on how cities use parks to create safer neighborhoods reveals that parks actually function to make neighborhoods safer through its design, through reducing aggression, and through producing community cohesiveness<sup>82</sup>. Some of the key points of the study were that: one, “time spent in nature immediately adjacent to home helps people to relieve mental fatigue, reducing aggression” and two, green residential spaces are gathering places where neighbors form social ties that produces stronger, safer neighborhoods.”<sup>83</sup>

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<sup>82</sup> “Safer Neighborhoods,” American Planning Association, accessed October 23, 2017, <https://www.planning.org/cityparks/briefingpapers/saferneighborhoods.htm>.

<sup>83</sup> “Safer Neighborhoods.”



On the other hand, incarceration does not significantly reduce crime, if at all. Between 1990 and 2005 crime rates decreased dramatically, but only 25 percent of this drop in crime could be explained by increasing incarceration rates.<sup>84</sup> Researchers have found that other factors such as lower unemployment rates, higher wages, more police per capita, decreases in crack cocaine markets, more education and high school graduates, and fewer young people in the population were partly responsible for reducing crime in the 1990s.<sup>85</sup> Other researchers say that increased incarceration was only responsible for five percent of the reduction in crime in the 1990s.<sup>86</sup> And since then, incarceration has had zero effect on crime reduction. Therefore, we have a system that imprisons people, not for the purpose of crime prevention or correcting behavior, but for punishment, and usually without a real shot of bettering their lives once they are released. Recidivism (the tendency of a person to reoffend after they have already received sanctions) rates are too high to believe that prisons are facilities that correct or rehabilitate people. Within five years of release about three quarters (76.6 percent) of released prisoners are rearrested.<sup>87</sup> Even worse is the fact that prisons, rather than preventing or correcting criminal behavior, produce criminals. Criminologists call this the criminogenic effect. The prison environment breeds violence and criminal behavior. This means that by sending more and more people to prison, we are making our communities less and less safe. If parks and

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<sup>84</sup> William Spelman, "The Limited Importance of Prison Expansion," *THE CRIME DROP IN AMERICA*, January 1, 2006, 97–129, <https://doi.org/10.1017/CBO9780511616167.005>.

<sup>85</sup> Don Stemen, "Reconsidering Incarceration: New Directions for Reducing Crime," January 2007, [https://www.prisonpolicy.org/scans/vera/379\\_727.pdf](https://www.prisonpolicy.org/scans/vera/379_727.pdf).

<sup>86</sup> Inimai M. Chettiar, "The Many Causes of America's Decline in Crime," *The Atlantic*, February 11, 2015, <https://www.theatlantic.com/politics/archive/2015/02/the-many-causes-of-americas-decline-in-crime/385364/>.

<sup>87</sup> "Recidivism," National Institute of Justice, accessed October 23, 2017, <http://www.nij.gov:80/topics/corrections/recidivism/Pages/welcome.aspx>.

recreation and other social and public services like housing, education, and food access help make communities safer, then we should invest in the safety of our communities, and invest in prevention, not punishment.

### *Feeling Full*

Food was a significant topic for my interviewees when talking about their incarceration experiences. Often, food can be one of the worst parts of a person's time spent in incarceration. My interviewees distinguished between foods that were unsatisfying and foods that made them feel full. Finding ways to feel full was important in helping them do their time. Thinking of feeling full beyond sustenance and food, I want to broaden the idea of feeling full to be another potential indicator of sustainability. At the same time, I also recognize its contradictions and limits in the context of what feeling full meant for my participants while they were incarcerated.

My interviewees identified instant ramen noodles, or soups, as a food item that made them feel full and essentially helped them survive in prison. Instant ramen noodles are filled with toxic preservatives, specifically TBHQ,<sup>88</sup> that make them difficult to digest and have a high sodium content. Due to the inaccessibility of nutrient-dense foods in black communities nationally and in San Antonio, my participants grew up eating instant noodles. When they were incarcerated they purchased instant ramen noodles off of commissary because the jail food was unbearable, the amount of food was too little with all the hours that they have to wait between

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<sup>88</sup> Jen Morel, "What Is a TBHQ Preservative?," LIVESTRONG.COM, accessed November 29, 2017, <https://www.livestrong.com/article/439290-what-is-a-tbhq-preservative/>.

meals, and knew they could get full by eating ramen. Talking about the food he ate while incarcerated, Lenny explains the insidiousness of eating instant ramen noodles from childhood to jail: “I grew up on ramen noodle soups. I know a soup can fill me up. We was undernourished cause all we would eat was a soup and be alright with eating a soup. Just by eating that soup, we was alright with that.” The insidious toxicity of eating instant ramen from childhood to jail complicates this idea of feeling full. Feeling full in jail meant eating instant ramen and other junk foods to not feel like they were going to starve. Yet, instant ramen is not nutritious or a food that could actually sustain someone. Eating instant ramen is not nourishment, but subsistence.

My participants talked about relying on instant ramen as a basic mode of survival. They ate ramen to stay alive. Eating instant ramen in jail is perhaps even worse than growing up eating ramen in their homes. Due to the nature of imprisonment, their choices are even more limited and instant noodles are relatively accessible, as well as familiar, higher in calories, and better tasting than the food in the mess hall. Chris recalls,

Food from the county was horrible. Everything was pretty much processed, no budget. You’re pretty much eating beans and rice or some kind of processed meat that you don’t even know what it is. A lot of sandwiches, which never get you full. As far as food that you could buy, the only thing that you could actually buy that was more edible was ramen noodles, chips, beef jerky, cheese. That was pretty much like the main meal was chips and noodles. That actually kept you alive more than anything. You can go a long way with soups and chips.

The objective of eating instant ramen noodles in jail is fullness to keep them going day to day.

Beyond individual subsistence, instant ramen is a significant part of prison culture.

Eating ramen often became a ceremony—a special, community-building affair. They call it “spreading” or making a “spread.” What is spread? Lenny answers, “A spread can be whatever.”

A spread is meal that comes out of the prison. Spreads are generally structured around instant

ramen noodles, and a variety of other snack foods, such as chips, beef jerky, cheese, and pickles, are added to the noodles and mixed together. Lenny talked extensively and in great detail about one of the best spreads he ever made, emphasizing the communal aspect of spreading:

One of the best spreads I ever had, and I don't know why. But this one sticks to me. Like We used to take tuna fish, right. We'd get some eggs out of the kitchen, cause we worked in the kitchen. Boil us some eggs. Bring some back to the house. Get like four soups. The last 18 months I did, I did it with the same people...And we used to get this tuna fish, we'd get three bowls. Put two soups in each bowl. We'd take another bowl and everybody would put their tuna. We'd make a whole bowl of tuna. And my partner used to bring the oregano, get the spices out the kitchen cause he worked back there where the spices was. Cut the eggs up. And we had sandwich spread. To this day I be looking for sandwich spread and I can't find it. Not mayo, nor miracle whip, not mustard. It's called 'sandwich spread', it looks a little orange. It probably wasn't safe or something cause I don't see it nowhere. Nowhere. But we'd take that sandwich spread. They sold it on commissary for a dollar sixty-five a jar. Pull out the box of crackers. 'Ay, you got the crackers this week?' 'I got the crackers homie.' 'Okay, ay you got the bread...you got the tortillas?' We had it like that. And it was people that didn't like us because of what we was doing, like the eating wise. But they didn't mess with us cause we gonna beat them up, we gonna fight, or however it's gonna go. But it was also on a respect thing because we was the ones that they could come to if they didn't have nothing. 'Say homie, let me get in with y'all.' 'Naw homie you can't get in, but you can take some of that sandwich spread.'... When I got out of my six months, I had some money, like 3000 dollars. I said, man I ain't gone take this money with me. So every week, every month I'm gonna go and we gonna make a big spread every Friday. So we started doing that cause everybody didn't eat the fish. And on the weekends, we would do it on Sunday, especially on game day, the Spurs would play or something like that... And it would be so tremendous, man.

Not only do spreads satisfy the inmates' hunger and taste buds, but the process of making and eating spreads are opportunities for building community. Lenny and his friends would share resources, each buying different ingredients to contribute to their spread, and then they would share the meal. Despite the fact that spreads are made up of toxic foods, this process of spreading as a cultural product of the prison is valuable in thinking about sustainable modes of eating. In the outside world, the communal structure of making spreads could translate to a

food cooperative. Expanding this further, how can we understand the desire to feel full and the significant cultural process of making spreads in a broader context of sustainability?

If part of the abolition project is nourishing ourselves and creating ways to make our neighborhoods food secure, then we need to understand what we mean by fullness. I provided a definition of food security earlier in this chapter when discussing how neighborhood parks can make communities more food secure. Reiterating this definition, I am defining food security as having physical, social, and economic access to safe, nutritious food at all times that meet people's dietary needs and food preferences. Additionally, I stress communal foodways because my interviewees seemed to always emphasize the communal aspect of food. A sustainable food system is one that structurally encourages food-sharing, trading, and communal eating. What does feeling full translate to in a broader context of sustainability? How can we achieve our objective of feeling full/fullness in ways that sustain us? What makes us feel full? Feeling full in the context sustainability does not mean not feeling hunger, but means feeling satisfied and nourished within one's body, mind, and spirit. If we take this idea of feeling full as another indicator of sustainability, we can use it to guide us in measuring or determining where we are in the project of making our communities more sustainable. Like unity, which I previously discussed as a sustainability indicator, feeling full is a more abstract indicator. Thus, both unity and feeling full as sustainability indicators would require us to think more holistically about the health, safety, sustainability of our communities. This reflects how my interviewees thought about sustainability. They discussed sustainability as equality and anti-racism, with regard to how and what we teach children, and in terms of resources and services such as education, healthcare, jobs, and food access. They understand sustainability more

holistically, in a way does not require the separation of the environmental, social, and economic pillars of sustainability because they are all interrelated and impacting each other.

We feel fuller when we cook and share meals with our community. We feel fuller when we feed our community with foods that are nutritious and that are a part of our various cultural traditions. Another important aspect of food security is being able to grow food in our yards and in our community spaces. “If we can feed and sustain each other, we have less need to call on or depend on the state or the status quo. The knowledge that we have communities of support can awaken our bravery and ignite our imaginations for a transformed world.”<sup>89</sup>

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<sup>89</sup> Gumbs, “Freedom Seeds: Growing Abolition in Durham, North Carolina.” 150.

### Chapter 3: Fighting Prisons and Building Coalitions: A Case Study of Mira Loma Women's Detention Center in Lancaster, California

During the Fall Semester of my third year of college, four other students and I from Prison Abolition Group, an organization I co-founded in my second year, drove roughly an hour from Claremont to Los Angeles County Hall of Administration to pack the Board of Supervisors final public forum to vocalize our opposition to a proposed women's jail in Lancaster. When we arrived, there were news reporters, organizers from Critical Resistance, Californians United for a Responsible Budget (CURB), L.A. No More Jails, and Dignity and Power Now, and community members from Lancaster and nearby cities outside of LA County Hall building. Some of the organizers dressed in white hazmat jumpsuits with white dust masks as if preparing for a toxic cleanup and some people were holding up signs that said "Stop Toxic Jails." Before the 10:30 AM meeting began we gathered in a circle, the leading organizers told us the plan, and as a group we practiced the chants that we would perform in the Board of Supervisors meeting. We signed into the meeting, indicating the issue we were opposing, passed through metal detectors and took our seats in the room. After presentations by state, regional, and local agencies on the environmental impact report, we began disrupting the meeting with our own individual comments and group chants, as planned. After a while we were all escorted out of the room by security. Rather than use the allotted two minutes per person to speak our opinion on the issue, we chose make our voices heard as a collective and to disrupt the meeting. We used this tactic of disruption to take up space, to make our voices louder and clearer and more forceful, to disrupt the business-as-usual model of these types of board meetings, and to demarcate outright the board members as enemies. There were two aspects of this

mobilization and disruption that had a lasting impression on me: one, the framing that prisons are toxic both socially and environmentally, and two, the opportunity for building coalitions using this framing. This event was partly what inspired this thesis. Therefore, the goal of this chapter is to provide an in-depth analysis of this moment and issue at hand—the proposal of a new women’s jail in Lancaster. I center my analysis of this case-study on the Environmental Impact Report (EIR) of this new jail project to highlight the toxicity associated with this particular jail as one example of how the state assess toxicity versus how communities assess toxicity, and to demonstrate the benefits and limitations of activist engagement with the EIR process.

#### Project Proposal Background

Los Angeles is building a new women’s jail at the former Mira Loma Detention Center. Construction of this jail is estimated to cost more than \$120 million, with \$100 million awarded by the state through a high interest lease revenue bond (AB900) and \$20 million coming out of the county’s general fund.<sup>90</sup> The jail will have 1,604 beds and will be located in Lancaster, 75 miles away from Los Angeles City. CURB, a statewide coalition of 70 grassroots organizations working to reduce the number of people in jails and prisons, to shrink the prison system, and to redirect public spending from corrections and policing to human services,<sup>91</sup> has been one important group in this struggle against the new women’s jail. CURB released a report called

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<sup>90</sup> “We Are Not Disposable: The Toxic Impacts of Prisons and Jails” (Californians United for a Responsible Budget (CURB), 2016), <http://curbprisonspending.org/wp-content/uploads/2016/10/CURB-WeAreNotDisposableReport.pdf>.

<sup>91</sup> “Who We Are –,” accessed November 7, 2017, <http://curbprisonspending.org/about/>.



“We are not disposable: The Toxic Impacts of Prisons and Jails” that delayed the vote on the final EIR for the new Lancaster jail.<sup>92</sup> The report outlines the potential toxicity of the new jail, and works like an alternative to the jail’s EIR. CURB show in the report that in addition to the negative social impacts, the proposed jail will cause significant environmental harm. They recommend the Los Angeles Board of Supervisors cancel the construction project, reject the AB900 funding, and “use the \$20 millions of county funds to implement community-based resources and diversion programs.”<sup>93</sup>

The state is calling the new women’s jail a “gender responsive” facility that will provide low to medium security housing in an open campus environment, and offer rehabilitative programs to successfully integrate the women back into the community.<sup>94</sup> This proposal for a jail that is “gender response” is an important point of contention. The idea of a gender responsive jail is that it is supposed to focus on the gender-specific needs incarcerated women.<sup>95</sup> However, anti-prison organizers and community members are arguing that they want gender justice, not gender responsiveness. They believe that instead of millions of dollars being spent on a jail for women, the money should go to helping women have access to effective primary and mental healthcare, to healthy food and education, and to job training and

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<sup>92</sup> Diana Zuniga, “Grassroots Pressure Delays Jail Construction Vote,” *Justice Not Jails* (blog), October 15, 2016, <http://justicenotjails.org/jail-construction-vote-delayed/>.

<sup>93</sup> “We Are Not Disposable: The Toxic Impacts of Prisons and Jails.” 4.

<sup>94</sup> Dignity and Power Now, “Stop Toxic Jail Archives,” *7 Reasons to #StopToxicJail* (blog), accessed April 5, 2018, <http://dignityandpowernow.org/tag/stop-toxic-jail/>.

<sup>95</sup> Gale D. White, “Gender-Responsive Programs in U.S. Prisons: Implications for Change,” *Social Work in Public Health* 27, no. 3 (2012): 283–300, <https://doi.org/10.1080/19371918.2012.629875>.

childcare.<sup>96</sup> Women also need to be with their families, and not displaced over 80 miles away from their families in Lancaster. These funds also could go into helping address gender-specific harms such as domestic violence in alternative ways, such as through transformative or restorative justice frameworks rather than through a punitive framework. The main environmental concerns for the new women's jail as indicated in the EIR included valley fever, hazardous substances, and water supply. According to the state, the mitigation measures that will be taken during construction will be adequate to reduce any significant environmental impacts.<sup>97</sup> Additionally, they claim the project has poses no significant impact to the regional water supply.<sup>98</sup> This state project of building prisons to respond to social and economic problems and this particular kind of grassroots resistance that challenges prison expansion through an environmental justice lens is a recent phenomenon.

#### The History of Prison-Building in California

California has had one of the largest on-going prison-building projects in the world. Since the early 1980s the California Department of Corrections (CDC) built prisons at an unprecedented scale and rate. Since 1980, California has built 23 prisons.<sup>99</sup> And jail construction has not ended. The state granted \$500 million to 15 counties seeking to improve and replace aging local jails in 2015. L.A. County decided to move forward with their \$2 billion plan to build

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<sup>96</sup> Dignity and Power Now, "Stop Toxic Jail Archives," *7 Reasons to #StopToxicJail* (blog), accessed April 5, 2018, <http://dignityandpowernow.org/tag/stop-toxic-jail/>.

<sup>97</sup> Sheriff McDonnell, "Mira Loma Women's Detention Center: Item No. 22."

<sup>98</sup> Sheriff McDonnell, 11.

<sup>99</sup> Saki Knafo, "Prison-Industrial Complex? Maybe It's Time For A Schools-Industrial Complex," *Huffington Post*, August 30, 2013, sec. Politics, [https://www.huffingtonpost.com/2013/08/30/california-prisons-schools\\_n\\_3839190.html](https://www.huffingtonpost.com/2013/08/30/california-prisons-schools_n_3839190.html).

a replacement for the downtown Men's Central Jail and the new women's jail in Lancaster.<sup>100</sup>

The resistance to the construction of prisons in California has likewise been on-going. Ruth Wilson Gilmore's *Golden Gulag* traces both the state's prison-building project since 1982 and "grassroots opposition to the expanding use of prisons as catchall solutions to social problems."<sup>101</sup> Gilmore reveals that while most of the prisoners come from urban areas, especially Los Angeles, most of the prisons were built "at the edge of small, economically struggling, ethnically diverse towns in rural areas."<sup>102</sup> As discussed in Chapter 1, the construction of Delano II in the Central Valley, California's most productive agricultural region, inspired anti-prison activists and environmentalists to join forces to stop the construction of the Central Valley prison in late 1990s to early 2000s. Now for almost 20 years, the California Prison Moratorium Project, Central California Environmental Justice Network, among other organizations have been organizing against prisons and the environmental impacts of incarceration.<sup>103</sup> Thus, California has been an important place both for leading the U.S. prison boom and for leading the resistance to prison-building using an environmental justice lens.

California also has a history of environmental issues sited in and around prisons, including the issues of Valley Fever, water poisoning, and pollution. However, the environmental problems affecting incarcerated populations and surrounding communities are bound to worsen with the new jail construction projects. 40 out of 58 counties in California

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<sup>100</sup> Abby Sewell, "L.A. County Supervisors Move Ahead with \$2-Billion Jails Plan," *Los Angeles Times*, September 1, 2015, <http://www.latimes.com/local/lanow/la-me-ln-supes-jail-vote-20150831-story.html>.

<sup>101</sup> Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (University of California Press, 2007).

<sup>102</sup> Gilmore, 7.

<sup>103</sup> "We Are Not Disposable: The Toxic Impacts of Prisons and Jails." 5.

have proposed jail expansion plans. I conduct a case-study of one of these new construction projects: the new women’s jail in Lancaster, an area already ridden with toxicity.

Potential Environmental Impacts: Air Quality, Hazardous Waste, and Water

EIRs are used to examine the potential environmental impacts of a proposed project from the design to the implementation stage, and to allow for public participation in the process as to provide some level of transparency. The purpose of the EIR is “to identify the potential environmental effects associated with the approval and implementation of the proposed Mira Loma Women’s Detention Center (MLWDC) Project.”<sup>104</sup> The state proposes to renovate and expand the County-owned Mira Loma Detention Center (MLDC) which is not currently in use through the “rehabilitation of existing structures and the construction of new structures.”<sup>105</sup> The EIR claims that it:

(1) Discloses the potentially significant adverse environmental impacts of the Project; (2) identifies measures that will be effective in reducing or avoiding any identified significant adverse impacts; (3) analyzes feasible alternatives to the Project; and (4) facilitates interagency coordination and public review. The EIR concludes that, with the implementation of the mitigation measures described in this document, the Project will not result in any significant environmental impacts.

While the 2015 Draft of the EIR for MLWDC concludes that project will not cause any significant environmental harms, CURB’s We are not disposable report calls the conclusions of the EIR, and the resulting approval of this project, ‘state-sanctioned violence.’<sup>106</sup> CURB’s report

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<sup>104</sup> “Draft Environmental Impact Report: County of Los Angeles Mira Loma Women’s Detention Center Project” (BonTerra Psomas, November 2015), [ftp://dpwftp.co.la.ca.us/pub/PMD/MiraLomaWomenFacility/Draft\\_EIR/Mira%20Loma%20Women’s%20Detention%20Center%20DEIR%20-%20November%202015.pdf](ftp://dpwftp.co.la.ca.us/pub/PMD/MiraLomaWomenFacility/Draft_EIR/Mira%20Loma%20Women’s%20Detention%20Center%20DEIR%20-%20November%202015.pdf).

<sup>105</sup> “Draft EIR: LA County Mira Loma Women Detention Center.” ES-1.

<sup>106</sup> “We Are Not Disposable: The Toxic Impacts of Prisons and Jails.” 15.

demonstrates how and where the state's EIR fails to adequately address the potential environmental impacts of the new jail.

### *Air Quality*

The project site is located in the Antelope Valley within the city of Lancaster, approximately 75 miles north of downtown Los Angeles. Antelope Valley is an area overburdened with landfills, tire burning in cement kilns, nuclear waste transport and dumps, and hazardous waste dumps, resulting in the region's poor air quality.<sup>107</sup> Regional air quality is determined by whether or not the area has attained state and federal standards, and this data is collected by monitoring. The Antelope Valley does not meet the state or federal standards for ozone. Ground-level ozone is an invisible pollutant created by chemical reactions between nitrogen oxides (NOx) and volatile organic compounds (VOCs) in the presence of sunlight.<sup>108</sup> Industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents release NOx and VOC.<sup>109</sup> The human health effects of ozone can include chest pain, coughing, throat irritation, and airway inflammation.<sup>110</sup> Children and elderly people with asthma are most at risk.<sup>111</sup> The Antelope Valley is also the area of L.A. County with the highest

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<sup>107</sup> "Protecting Air Quality in California's Antelope Valley," Earthjustice, March 25, 2014, [https://earthjustice.org/our\\_work/cases/2014/protecting-air-quality-in-california-s-antelope-valley](https://earthjustice.org/our_work/cases/2014/protecting-air-quality-in-california-s-antelope-valley).

<sup>108</sup> OAR US EPA, "Ozone Pollution," Policies and Guidance, US EPA, May 15, 2015, <https://www.epa.gov/ozone-pollution>.

<sup>109</sup> US EPA.

<sup>110</sup> OAR US EPA, "Ozone Basics," Overviews and Factsheets, US EPA, May 29, 2015, <https://www.epa.gov/ozone-pollution/ozone-basics>.

<sup>111</sup> US EPA.

prevalence of childhood asthma.<sup>112</sup> In the Draft EIR (2015), the Lancaster monitoring data which is collected at the Lancaster-Division Street Monitoring Station, the closest monitoring station to the site for the new jail, show that ozone pollution is a primary concern. The state one-hour ozone standard for the Antelope Valley is exceeded and the area is classified as extreme nonattainment.<sup>113</sup> Similarly, the state and the federal 8-hour ozone standards are exceeded and the Antelope Valley is classified at severe nonattainment.<sup>114</sup>

Locating a new jail in Lancaster would potentially increase the amount of traffic to the area, which would add to the air pollution problem. One of the greatest air quality concerns for community members and activists at the demonstration in Los Angeles was about a fungus called Valley Fever.

#### *Valley Fever*

Valley Fever (Coccidioidomycosis) is a non-contagious disease that affects the lungs and comes from a fungus in soils found in several parts of California and elsewhere in the southwestern U.S.<sup>115</sup> In 60 percent of cases, infected persons do not show symptoms, and when people do show symptoms, they are flu-like and go away after weeks to months. In severe cases, referred to as disseminated coccidioidomycosis, the disease can spread to other parts of

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<sup>112</sup> Los Angeles Department of Public Health, Office of Assessment and Epidemiology, "Breathing Easy? Child Asthma in Los Angeles County," May 2014.

<sup>113</sup> "Draft EIR: LA County Mira Loma Women Detention Center." 4.2-8.

<sup>114</sup> "Draft EIR: LA County Mira Loma Women Detention Center." 4.2-8.

<sup>115</sup> "Definition of Valley Fever | Coccidioidomycosis | Types of Fungal Diseases | Fungal | CDC," March 20, 2017, <https://www.cdc.gov/fungal/diseases/coccidioidomycosis/definition.html>.

the body outside of the lungs, which occurs in three to five percent of cases.<sup>116</sup> Though not a criteria air pollutant, Valley Fever can be contracted through the inhalation of airborne particulates carrying the fungal spores of the disease.<sup>117</sup> The incurable disease is endemic in areas with dry, alkaline soil.<sup>118</sup> The fungal spores become airborne when the soil is disturbed by winds, construction, farming, and other activities.<sup>119</sup> The disease has long been a problem in California's San Joaquin Valley. The average annual incidence rates from 2009 through 2012 were highest in Kern County (205.1 per 100,000), San Luis Obispo County (47.2 per 100,000), Tulare County (39.2 per 100,000) and Madera County (20.7 per 100,000) counties.<sup>120</sup> Kern County, which is directly north of the Antelope Valley, consistently has the highest incidence rates of the disease; therefore, the entire region is considered an endemic area. Incidence of Valley Fever has also increased in recent years. Rates of Valley Fever increased by 67.7 percent from 2009 to 2012, with the highest incidence rate in 2011 (13.9 per 100,000 population).<sup>121</sup> Valley Fever incidence is increasing still as 2016, which had 5,372 cases, was the highest annual number of reported cases since 1995. The annual incidence rate of Valley Fever in 2016 was

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<sup>116</sup> Charlotte Wheeler et al., "Rates and Risk Factors for Coccidioidomycosis among Prison Inmates, California, USA, 2011 - Volume 21, Number 1—January 2015 - Emerging Infectious Disease Journal - CDC," accessed November 9, 2017, <https://doi.org/10.3201/eid2101.140836>.

<sup>117</sup> "Department of Public Health - Acute Communicable Disease Control," accessed October 19, 2017, <http://publichealth.lacounty.gov/acd/Diseases/Cocci.htm>.

<sup>118</sup> "Department of Public Health - Acute Communicable Disease Control."

<sup>119</sup> "Valley Fever | Get The Facts | ScaryAir.Org | Frequently Asked Questions," accessed December 5, 2017, <http://www.scaryair.org/faq.html>.

<sup>120</sup> California Department of Public Health, "Epidemiologic Summary of Coccidioidomycosis in California, 2009-2012," n.d.

<sup>121</sup> California Department of Public Health, 1.

13.7 per 100,000 population, an increase of 71 percent in comparison to the 2015 incidence rate of 8.0 per 100,000 population.<sup>122</sup>

Persons who are at the highest risk for developing disseminated Valley Fever, the most severe stage, include children under 1 years old; adults over 60 years; immunocompromised individuals; people with diabetes; women in the third trimester of pregnancy; and certain ethnic groups, including African-Americans, Filipinos, and Hispanics.<sup>123</sup> Prisoners are one of the most vulnerable populations to Valley Fever exposure. California disproportionately incarcerates black and brown people,<sup>124</sup> whom are part of the ethnic groups most susceptible to the disease. A study done on Valley Fever rates at two of the prisons that consistently report greater than 80 percent of California's prisoner cases found that black prisoners who were 40 years or older were at significantly higher risk for primary Valley Fever than their white counterparts.<sup>125</sup> Moreover, the study showed that diabetes was a risk factor for severe pulmonary Valley Fever, and being black a risk factor for disseminated disease.<sup>126</sup> The findings of this study "contributed to a court decision mandating exclusion of black inmates and inmates with diabetes from the two California prisons."<sup>127</sup> In 2015, the Center for Disease Control found

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<sup>122</sup> California Department of Public Health, "Epidemiologic Summary of Coccidioidomycosis in California, 2016," n.d., <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2016.pdf>.

<sup>123</sup> "Department of Public Health - Acute Communicable Disease Control."

<sup>124</sup> Prison Policy Initiative, "California Profile | Prison Policy Initiative," accessed October 19, 2017, <https://www.prisonpolicy.org/profiles/CA.html>.

<sup>125</sup> Wheeler et al., "Rates and Risk Factors for Coccidioidomycosis among Prison Inmates, California, USA, 2011 - Volume 21, Number 1—January 2015 - Emerging Infectious Disease Journal - CDC."

<sup>126</sup> Wheeler et al.

<sup>127</sup> Wheeler et al.



that eight percent of California's incarcerated populations had contracted Valley Fever; whereas, only one percent of California's general population contracts the disease. This means that prisoners are contracting Valley Fever at eight times the rate of the average person in California. CURB attributes this phenomena of high prisoner exposure to Valley Fever to the high number of incarceration facilities that are located in areas with endemic Valley Fever and suggest another potential factor is the proximity of incarceration facilities to unregulated construction projects and farmland that "create airborne dust that can transmit coccidioides spores."<sup>128</sup> The greatest potential risk for Valley Fever exposure is during construction.<sup>129</sup> At the mobilization that I participated in last Fall, Valley Fever seemed to be the most important, or was at least the most talked about, environmental concern among community members and activists who oppose the construction of incarceration facilities as the construction of prisons has largely been the cause of increased exposure to Valley Fever.<sup>130</sup> A study of Valley Fever in Los Angeles County found that large scale construction of new residential buildings was the factor with the highest correlation to contraction of the disease. The researchers also found that the effects of construction lasted long after the construction stops, thus undermining the effectiveness of short term measures proposed as adequate mitigation in EIRs.<sup>131</sup> The 2015 Draft EIR for the new women's jail indicates that no mitigation measures need to be taken with regard to Valley Fever exposure. The report claims that the construction activities will be in

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<sup>128</sup> "We Are Not Disposable: The Toxic Impacts of Prisons and Jails." 10.

<sup>129</sup> "Draft EIR: LA County Mira Loma Women Detention Center."

<sup>130</sup> David Ferry, "How the Government Put Tens of Thousands of People at Risk of a Deadly Disease," *Mother Jones* (blog), accessed October 19, 2017, <http://www.motherjones.com/environment/2015/01/valley-fever-california-central-valley-prison/>.

<sup>131</sup> "We Are Not Disposable: The Toxic Impacts of Prisons and Jails." 10.

compliance with the AVAQMD's Rule 203 (RR AIR-1), therefore, concluding that Valley Fever poses no significant threat to construction workers. Additionally, with regard to the long-term effects of Valley Fever, the EIR concludes that mitigation measures are unnecessary for prisoners because of the following reasons: (1) the Lancaster prison is not one of the nine prisons and facilities identified by CDCR as having higher risk of exposure, (2) majority of the site will be paved or landscapes, and (3) they will follow the standard medical care procedures for inmates.<sup>132</sup>

Unfortunately, and unsurprisingly, the California Department of Corrections and Rehabilitation (CDCR) has neglected prisoners, choosing not to protect the health of incarcerated people with regard to this disease. The CDCR's lack of regard for prisoner health is a pattern that we also see with issues of water quality and hazardous waste (discussed later). Due to the CDCR's negligence, in 2013 a federal court mandate ordered the CDCR to remove prisoners who are at an increased risk of contracting Valley Fever from two prisons in the San Joaquin Valley, Pleasant Valley State Prison in Coalinga in Fresno County and Avenal State Prison in Kings County. The prisoners considered in the "Cocci Exclusion Policy" include inmates who are medical high-risk, HIV infected, immunocompromised, diagnosed with diabetes mellitus, undergoing immunosuppressive chemotherapy, or pregnant.<sup>133</sup> This list of excluded groups was expanded to include African Americans, Filipinos, Small Group of "Other" Races, and Over 55 Years of Age.<sup>134</sup>

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<sup>132</sup> "Draft EIR: LA County Mira Loma Women Detention Center." 4.2-21.

<sup>133</sup> J. Clark Kelso, "Report and Response of Receiver Regarding Plaintiffs' Motion Re Valley Fever," March 21, 2013, 2.

<sup>134</sup> Kelso, 6.

Given what we know of the risk of exposure to Valley Fever in this area and of which activities increase exposure to the disease, and given our knowledge of CDCR's record of neglect, we can predict that the female prisoners that will be housed in this new prison will be knowingly exposed to Valley Fever and will not receive the medical treatment they deserve to deal with the effects.

### *Water*

California has been experiencing a historic drought—the worst drought in 500 years.<sup>135</sup> California has had extremely low rainfall and record high temperatures, which are impacting the state's water reserves. The Draft EIR notes the potentially significant impact of the proposed women's jail on the water supply. The water supply for the facility comes from two water wells at the site that pumps groundwater from the basin. The project will increase the demand for water with the already scarce water supply of the Antelope Valley groundwater basin. The severe drought facing California has led to the rapid depletion of groundwater, the main source of drinking water for many Californians, including those who are incarcerated. Due to Governor Jerry Brown's mandated drought restrictions, the CDCR have restricted prisoners' shower privileges, ability to flush their toilets, and access to clean clothing.<sup>136</sup> Prisons tend to use high volumes of water; however, prisons also tend to have tight restrictions of prisoners'

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<sup>135</sup> "It's the Worst Drought in 500 Years and California Is Draining Its Reservoirs," VICE News, accessed November 10, 2017, <https://news.vice.com/article/its-the-worst-drought-in-500-years-and-california-is-draining-its-reservoirs>.

<sup>136</sup> Jessica Pishko, "In the Face of Drought, California Prisons Are Restricting Inmates' Shower and Toilet Use," Vice, July 14, 2015, [https://www.vice.com/en\\_us/article/exqjw/california-prisons-are-restricting-shower-and-toilet-use-to-fight-the-historic-drought-626](https://www.vice.com/en_us/article/exqjw/california-prisons-are-restricting-shower-and-toilet-use-to-fight-the-historic-drought-626).

water usage.<sup>137</sup> For instance, California prisons mandate that prisoners only take five minute showers, three times a week.<sup>138</sup> Water in prison is a scarce resource. Because of the increase in the number of incarcerated people and overcrowding in prisons, water becomes overused and deteriorated. This leads to harsh water restrictions for detainees and prevents proper sewage and water disposal, creating conditions conducive to the spread of disease.<sup>139</sup> Another problem regarding water in prison is the fact that prisons across the nation have been cited for water contamination. Since 2008, eight of the 33 state prisons in California have been cited for water pollution problems.<sup>140</sup> Inmates of Kern Valley State Prison, prison officials forced prisoners to drink water with unsafe levels of arsenic for several years.<sup>141</sup> The Arvin Community Services District (ACSD), which serves Kern Valley State Prison, installed water tanks of clean drinking water for residents after the EPA found the water district to still be in violation of arsenic level in the drinking water.<sup>142</sup> However, this still left the prisoners of Kern Valley State Prison vulnerable to polluted drinking water. Prisons do not only poison its inmates through contaminated water but they have also polluted surrounding water sources. One example in

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<sup>137</sup> Pishko.

<sup>138</sup> "California Prisoners Affected By Drought - 5 Minute Showers 3 Days a Week.," INMATE Classified Penpals in Prison, April 13, 2017, <http://www.inmate.com/california-prisoners-affected-drought/>.

<sup>139</sup> Pier Giorgio Nembrini, "Water, Sanitation, Hygiene, and Habitat in Prisons," August 2005.

<sup>140</sup> "Prison Drinking Water and Wastewater Pollution Threaten Environmental Safety Nationwide | Prison Legal News," accessed November 10, 2017, <https://www.prisonlegalnews.org/news/2007/nov/15/prison-drinking-water-and-wastewater-pollution-threaten-environmental-safety-nationwide/>.

<sup>141</sup> "We Are Not Disposable: The Toxic Impacts of Prisons and Jails." 7.

<sup>142</sup> "We Are Not Disposable: The Toxic Impacts of Prisons and Jails." 7.

California is when Folsom State Prison spilled 700,000 gallons of sewage in the nearby American River in 2000.<sup>143</sup>

### *Hazardous Waste*

The proposed site for the new women's jail contains a history of toxic land-use. This is consistent with land sited for prison construction, which is generally undesirable and often contaminated. The project site is a former military base and the land has been identified in government databases as a hazardous waste generator and it has been the site of aboveground and underground fuel storage tanks.<sup>144</sup> (See Appendix A for images of the hazardous substances, petroleum products, storage tanks, and waste water, equipment containing Polychlorinated Biphenyls (PCBs) on site.) Thus, the initial study indicates that this might have a significant impact to the public and environment.<sup>145</sup> The 2015 Draft EIR justifies the use of this land despite the various hazardous waste substances on and surrounding the site by stating the most areas will be covered with cement, therefore reducing soil exposure. The EIR hold the project to industrial use standards. However, this is problematic because the project is not an industrial facility, but a residential facility as it will house about 1,600 people. According to the CURB report: "Failing to use residential standards for assessing the risks of constructing a new jail that will house people constitutes negligence on behalf of the county and violates people's

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<sup>143</sup> "Prison Drinking Water and Wastewater Pollution Threaten Environmental Safety Nationwide | Prison Legal News."

<sup>144</sup> "Initial Study: Mira Loma Detention Center Women's Facility Project" (BonTerra Psomas, September 2014), [ftp://dpwftp.co.la.ca.us/pub/PMD/MiraLomaWomenFacility/Draft\\_EIR/EIR%20Tech%20Appendices/Appendix%20A-1/Mira%20Loma%20Initial%20Study\\_090214.pdf](ftp://dpwftp.co.la.ca.us/pub/PMD/MiraLomaWomenFacility/Draft_EIR/EIR%20Tech%20Appendices/Appendix%20A-1/Mira%20Loma%20Initial%20Study_090214.pdf).

<sup>145</sup> "Initial Study: Mira Loma Detention Center Women's Facility Project." 24.

fundamental right to health.”<sup>146</sup> With Lancaster already being a toxic area based on the exposure to the various environmental harms, renovating and expanding the Mira Loma Detention Center would bring in female prisoners and expose them to the toxicity, and would probably exacerbate the existing environmental issues in Lancaster. Not only do prisons tend to be built on toxic lands, but the construction and functioning of the prison itself contributes to the toxicity of the land and the people that are within and that surround the prison.

Coalition-Building and the Challenges of Abolitionist and Environmental Justice Organizing

From joint-organizing against Delano II in the 1990s<sup>147</sup> to mobilizing around Mira Loma Women’s Detention Center over the past few years, and now moving on to try to stop the building of a new men’s jail in Los Angeles, it is beautiful to witness and participate in intersectional abolitionist and environmental justice organizing. EJ is a broad goal which allows people across various social, political, and economic struggles to come together, identify that ways in which their identities are linked, and organize for EJ. Fighting against prisons through an EJ lens allowed people to see the material environmental impacts of the prison from the urban centers where most of the prisoners come from to the rural communities where prisons have tended to be built, as well as from the impacts on the prisoner population to the impacts on surrounding communities. There is great potential for building a sustained coalition between abolitionists and EJ activists (These are not mutually exclusive as I represent someone who is both). While EJ activists and abolitionists have come together on more than one occasion

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<sup>146</sup> “We Are Not Disposable: The Toxic Impacts of Prisons and Jails.” 14.

<sup>147</sup> Braz and Gilmore, “Joining Forces: Prisons and Environmental Justice in Recent California Organizing.”

against the construction of a prison, it would be more powerful to form a longer term coalition of EJ organizations and abolitionist organizations to fight against the prison industrial complex and to fight for EJ in our communities beyond the moments of local prison expansion projects.

Building coalitions is a challenge because of different organizations' missions, beliefs, and preferred tactics. Yet it allows a campaign to reach a broader base of people, garnering more support. Coalition-building allows for more intersectional organizing, and it is an opportunity to test and try different tactics and strategies. Coalition-building is capacity-building. In the context of organizing against new prison construction projects, the joint organizing between abolitionists and EJ activists has increased their capacity, to some extent, through intervening in the EIR process. The value in organizing using the EIR process is that it shows that environment is not something that is stagnant or a given, but that environment is created. In recognizing how environment is created through the EIR process, through prison construction and through opposition to prison expansion, we are better able to recognize ourselves as agents in environ-creating. We are better able to recognize that environmental justice is created and that we must intervene in environ-making processes and projects to advocate for and build the communities we want.

The problem with organizing around the EIRs is that it is an appeal to the state and the entire process is on state terms, which means that it is an appeal for an institutionalized environmental justice. In his dissertation, Keith Miyake develops a concept called the racial environmental state to "explain how the [Environmental Impact Assessment] process functions to simultaneously and interdependently maintain both a racial capitalism and uneven productions of nature, while also providing institutionalized pathways for challenging and

reshaping the state as a site of racial and environmental conflict.”<sup>148</sup> (The Environmental Impact Assessment (EIA) is just the federal level of the EIR.) The EIR/EIA only is way to make the project potentially less environmentally harmful, but it does not question the purpose and necessity of the project from the outset. In other words, EIR/EIA requires alternatives to the proposed project and mitigation measures, but it does not consider an alternative where the project is not constructed. This is what organizers are arguing. They are demanding alternatives that do not include expanding prisons at all in any neighborhood. Miyake states that the public participation component of the EIA process calls for coalition building, yet, the same structures that encourages engagement with the state are still bounded by the legal definitions, precedents, and policies.<sup>149</sup> The public participation component of the EIR process seems to work like a checkbox for the state. Moreover, the technical environmental language and expertise required in proving the potential for environmental harm makes the process less accessible to many of the people who might be affected by the prison. This is why a Critical Resistance organizer expressed the great need for people involved in the struggle against prison expansion who can read and understand policy. Another solution is for EIRs to be made more accessible by translating the documents to plain language to allow more participation by affected community members.<sup>150</sup> Organizing around the EIA/EIR processes reveal the limitations of the EIA/EIR process and of using legal strategy more broadly. Though CURB and

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<sup>148</sup> Keith Miyake, “Institutionalizing Environmental Justice: Race, Place, and the National Environmental Policy Act,” *All Graduate Works by Year: Dissertations, Theses, and Capstone Projects*, September 30, 2016, [http://academicworks.cuny.edu/gc\\_etds/1428](http://academicworks.cuny.edu/gc_etds/1428).

<sup>149</sup> Miyake, 81.

<sup>150</sup> Miyake, 134.



other organizations and individuals intervened in the EIR process, they were unable to stop the state from approving the EIR for the new women's jail.

### Conclusion

Although there is an adequate amount of evidence that show to toxicity of the new women's jail, L.A. County approved the final EIR and will go ahead with the construction of the Mira Loma Women's Detention Center. Projects will get approved as long as there are mitigation measures identified in the EIR. This does not mean that prisoners and surrounding communities in Lancaster will not face environmental risk due to the construction and operation of this new facility. The problem with relying on the EIR for EJ is that the state and the process legitimates itself. The approval of the EIR suggests the safety of building new prisons and of incarceration, thereby legitimating expansion of the prison industrial complex. While we do not hope for the future prisoners at this facility or people living in the nearby communities to deal with resulting environmental harm from this project, it will not be a surprise if and when environmental harms do arise. Moreover, the abolitionist view is that prisons are fundamentally toxic. Not only do the terrible environmental conditions related to air quality, water quality, and hazardous substances, etc. the state forces prisoners to undergo constitute cruel and unusual punishment, but abolitionists reject the conventional idea that punishing people by putting them in cages is an acceptable or the best form of dealing with problems in our communities. The environmental injustices surrounding prisons can be considered a second form of punishment for prisoners. The environmental injustices that we've uncovered in this chapter and in Chapter two become another form of violence by the state.

While the EIR process has become a strategic and powerful way of bridging environmental justice and prison abolition struggles, we cannot solely rely on these legal processes to fight against the prison industrial complex. Even with public participation and evidence that showed the environmental risks this project, the state still failed to recognize the harmful impacts of prison expansion. As CURB accurately identifies, this failure by the state is state-sanctioned violence.<sup>151</sup> This means that we have to also think and organize beyond appeals to the state and outside of the legal framework. And this is what a large part of the abolition movement in the U.S. has been about—thinking outside of the law.

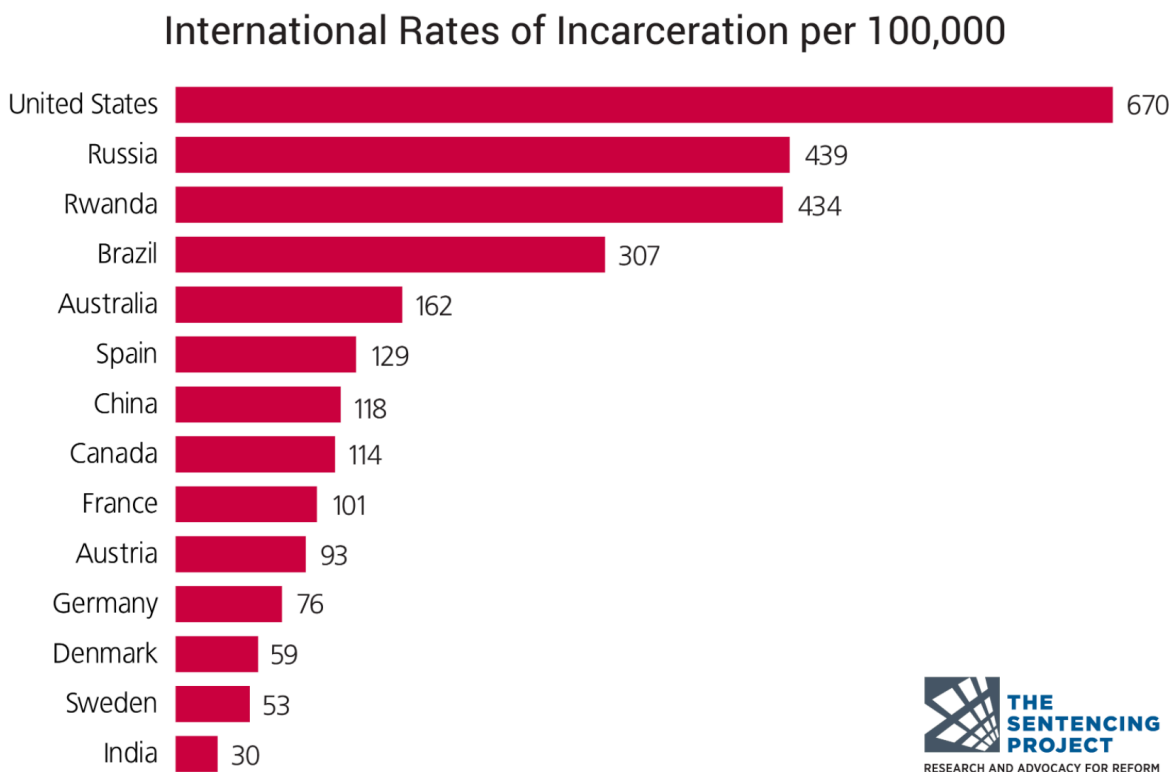
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<sup>151</sup> “We Are Not Disposable: The Toxic Impacts of Prisons and Jails.” 14.

## Chapter 4: Abolition: Liberating Our Carceral Landscape

*“What would it mean to embrace, rather than shy away from, the impossibility of our ways of living as well as our political visions? What would it mean to desire a future that we can’t even imagine but that we are told couldn’t ever exist?”<sup>152</sup> -Morgan Bassichis, Alexander Lee, Dean Spade*

The U.S. is the number one incarcerating country in the world. No other nation locks up more people per capita than we do.



Source: Walmsley, R. (2016). *World Prison Brief*. London: Institute for Criminal Policy Research. Available online: <http://www.prisonstudies.org/world-prison-brief>.

*Figure 2 International Rates of Incarceration per 100,000 people*

Several scholars have revealed and analyzed the expanse of the U.S. prison system, including Angela Davis (2003), Ruth Wilson Gilmore (2007), and Michelle Alexander (2012). The U.S.

<sup>152</sup> Morgan Bassichis, Alexander Lee, and Dean Spade, “Building an Abolitionist Trans and Queer Movement with Everything We’ve Got,” in *Captive Genders: Trans Embodiment and the Prison Industrial Complex* (AK Press, 2011).

landscape is infested with incarceration facilities, which range from county jails and juvenile detention centers to private prisons and immigrant detention centers. The U.S. spends more than \$80 billion on incarceration per year.<sup>153</sup> Our spending rate on incarceration far outpaces what we spend on education.<sup>154</sup> The U.S. contains more than 2.3 million people in 1,719 state prisons, 102 federal prisons, 942 juvenile correction facilities, 3,283 local jails, 79 Indian Country jails, and in military prisons, immigrant detention centers, civil commitment centers, and prisons in the U.S. territories.<sup>155</sup>

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<sup>153</sup> “Mass Incarceration,” American Civil Liberties Union, accessed November 13, 2017, <https://www.aclu.org/issues/mass-incarceration>.

<sup>154</sup> “Report: Increases in Spending on Corrections Far Outpace Education | U.S. Department of Education,” accessed November 13, 2017, <https://www.ed.gov/news/press-releases/report-increases-spending-corrections-far-outpace-education>.

<sup>155</sup> Prison Policy Initiative and Peter Wagner and Bernadette Rabuy, “Mass Incarceration: The Whole Pie 2016,” accessed November 13, 2017, <https://www.prisonpolicy.org/reports/pie2016.html>.

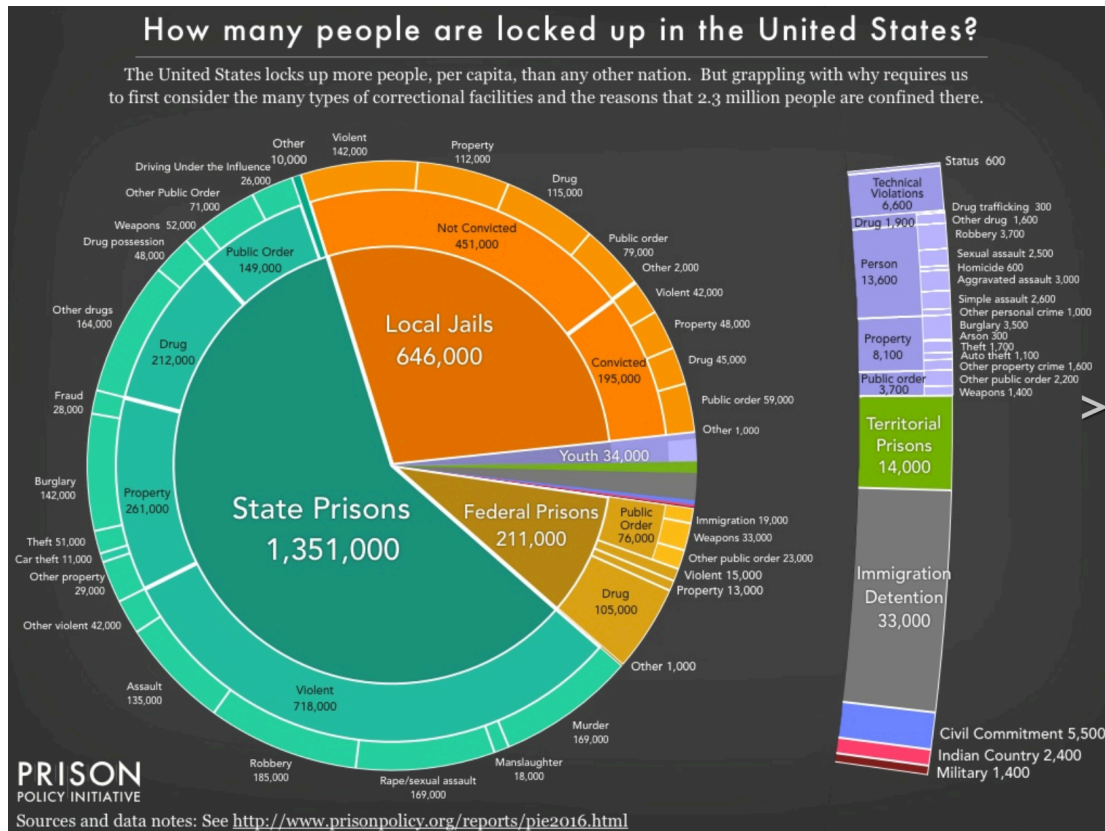


Figure 3 Number of People Incarcerated by Type of Correctional Facility

Beyond prisons, one of the greatest aspects the U.S. criminal punishment system is supervision via probation. The Bureau of Justice Statistics estimates that about 4.65 million adults were on probation, parole, or some other form of post-prison supervision in 2015.<sup>156</sup> Another important part of this carceral landscape is policing, on which the U.S. spends \$100 billion every year. The 17,985 police agencies consist of local police, college campus security, federal agents, and sheriff police.<sup>157</sup> The U.S. criminal punishment system is extensive and it permeates our landscape in various direct and indirect ways, in material and immaterial ways.

<sup>156</sup> "Probation and Parole in the United States, 2015" (Bureau of Justice Statistics, December 2016), [https://www.bjs.gov/content/pub/pdf/ppus15\\_sum.pdf](https://www.bjs.gov/content/pub/pdf/ppus15_sum.pdf).

<sup>157</sup> "Final Report of the President's Task Force on 21st Century Policing" (Washington, D.C.: Office of Community Oriented Policing Services, May 2015), [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

To move beyond our carceral structure of dealing with people as problems and surveilling, policing, and containing people in cages, we need abolitionism as a guiding practice to transform our carceral landscape and grow more just social and ecological landscapes. Simply put, “abolition is the creation of possibilities for our dreams and demands for health and happiness.”<sup>158</sup> Abolition is the project of reimagining and building safer, more just, more sustainable communities. In this chapter I argue that abolition should be used as a critical framework within EJ work because of their common goals of stopping toxic flows in our communities and of creating more just communities. While there may exist challenges and tensions, seriously considering abolition within EJ would not only be productive in terms of producing new critical EJ scholarship that addresses gaps within the literature but also in producing material results through organizing, planning, and policy-making. Abolition in EJ leads us to ask, for instance, what do communities without toxicity look like and how do we arrive there?

#### A Brief History of Abolition

We can trace the roots of the idea of *prison abolition* or *prison-industrial-complex (PIC) abolition* to the struggles for the abolition of slavery in the West. Abolition begins on the slave ship, where captured Africans resisted by jumping overboard or by collectively revolting. Abolition begins with the tradition of marronage, a form of slave resistance in which slaves

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<sup>158</sup> CR10 Publications Collective, *Abolition Now: Ten Years of Strategy and Struggle Against Prison Industrial Complex* (AK Press, 2008), <http://criticalresistance.org/wp-content/uploads/2012/06/Critical-Resistance-Abolition-Now-Ten-Years-of-Strategy-and-Struggle-against-the-Prison-Industrial-Complex.pdf>.

would escape and create their own societies. Abolition begins in Haiti, where the largest and most successful slave rebellion in the world took place. Led by Toussaint l'Overture, enslaved Africans in the French colony of Saint-Domingue, which is now Haiti, initiated the Haitian Revolution in 1791. The Revolution lasted until 1804, when Haiti gained its independence from French control.<sup>159</sup> Haiti became the first modern black republic. The Haitian Declaration of Independence stated, "We have dared to be free, let us be thus by ourselves and for ourselves." Abolition begins and continues in the Underground Railroad with Harriet Tubman, a leading abolitionist in her time, who escaped slavery and risked her life making 19 trips back to the South to lead about 300 enslaved black people to freedom. Abolition continues with Black Reconstruction from 1860 to 1880, which W.E.B. Du Bois identifies as a movement toward an "Abolition-democracy."<sup>160</sup> From Du Bois's book *Black Reconstruction in America 1860-1880*, Angela Davis develops the concept of Abolition Democracy in which she centralizes three forms of abolition: the abolition of slavery, the abolition of the death penalty, and the abolition of the prison. Davis argues that "the prison-industrial-complex is a result of failure to enact abolition democracy."<sup>161</sup> Davis urges us to imagine alternative democracies, democracies without the PIC, democracies where we have social institutions that help us solve the problems that enabled the formation of the PIC. She urges us to imagine and to build abolition democracy as it "is not only, or not even primarily, about abolition as a negative process of tearing down, but it

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<sup>159</sup> "Why the UN Remembers Slave Trade and Abolition on This Day," Time, accessed November 13, 2017, <http://time.com/4452232/unesco-haitian-abolition/>.

<sup>160</sup> W. E. B. Du Bois, *Black Reconstruction in America 1860-1880* (Simon and Schuster, 1999).

<sup>161</sup> Angela Y. Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture* (Seven Stories Press, 2011).

is also about building up, about creating new institutions.”<sup>162</sup> Davis locates the struggle for abolition in “movements to end apartheid in South Africa, sweatshops in Asia, and detainee torture in the War on Terror.”<sup>163</sup> She demonstrates that abolitionism is a global political struggle, revealing the global carceral landscape and expanding the landscape of abolition. Thus, abolition continues in geographies beyond the Western hemisphere. Abolition begins and continues in the Attica Correctional Facility with the Attica Rebellion in 1971. Abolition continues in Sanford, Ferguson, Baltimore, and Baton Rouge through Black Lives Matters organizing. Abolition continues in the San Joaquin Valley where organizations like Critical Resistance fight against PIC expansion using an EJ lens.

Critical Resistance (CR) is an abolitionist organization founded in 1997 when activists challenging the idea that imprisonment and policing are the solution to social, political, and economic problems came together to organize a conference in Berkeley, California, that examined and challenged the PIC.<sup>164</sup> CR’s abolitionism, which I have drawn my personal abolitionist principles and which I primarily draw upon in this chapter, is global in scope but local in praxis. CR uses three main strategic frameworks: dismantle, change, and build. Digging back the into the roots of abolition, these three strategic frames can be seen in the era of black reconstruction and in the Haitian Revolution. Looking to EJ, these strategic frames could

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<sup>162</sup> Davis, 73.

<sup>163</sup> Neil Roberts, “A Review of: ‘Abolition Democracy: Beyond Prisons, Torture, and Empire; Interviews with Angela Davis,’” *Souls* 8, no. 4 (December 1, 2006): 78–80, <https://doi.org/10.1080/10999940601057374>.

<sup>164</sup> “History,” Critical Resistance, accessed November 13, 2017, <http://criticalresistance.org/about/history/>.



provide a broader, futures-oriented EJ in which more scholarship and organizing is focused on constructing the communities and futures we want.

#### Abolition as a Framework Within EJ

##### *Changing Our Relationship to the State*

What does abolition as a framework in EJ look like? What are the tensions and benefits?

One of the reasons EJ should embrace abolition as a framework is because EJ needs to re-evaluate its relationship to the state and try strategies that move beyond the law. The EJ Movement emerges out of the Civil Rights Movement, which is significant because the Civil Rights Movement viewed the state as a key actor in its strategy and was able to get some meaningful legislation passed as a result. However, the framework established by the state also limits the capacity of EJ. Laura Pulido et al. (2016) assess the failures of EJ, arguing that “EJ activists’ reliance on state regulation has inhibited their inability to achieve their goals.”<sup>165</sup>

While the EJ Movement has had some success in blocking new projects and stopping the expansion of existing projects, EJ has not had much success in actually improving the environmental quality of vulnerable communities.<sup>166</sup>

Pulido et al. discusses two types of failures that are based on state inaction: one, the state’s inability or unwillingness to enforce EJ, and two, a lack of regulation or political will. One way EJ has failed is in judicial court. Eight EJ lawsuits have been filed on the basis of the Equal Protection Clause of the 14<sup>th</sup> Amendment, and all have failed. The major issue with arguing the

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<sup>165</sup> Pulido, Kohl, and Cotton, “State Regulation and Environmental Justice.”

<sup>166</sup> Pulido, Kohl, and Cotton, 12.

violation of the 14<sup>th</sup> Amendment in court is the great difficult of proving intent. Precedent is set in the *Alexander v Sandoval* decision where the court ruled that “a government action that might have a discriminatory impact is not unconstitutional unless the decision maker had a discriminatory *intent*.”<sup>167</sup> Environmental racism is very difficult to prove because of the state’s prioritization of intent over impact in its definition of discrimination. Out of the 298 Title VI Complaints (complaints filed in response to perceived discrimination from a federally funded public agency) in attempt to achieve EJ, only one has been upheld.<sup>168</sup> The success rates of these attempts to achieve EJ are very low, therefore, the EJ movement is need of some reassessment and some re-strategizing.

Pulido et al. calls for the EJ movement to fundamentally rethink its attitude toward the state.<sup>169</sup> They suggest that the movement needs to view the state as an adversary rather than a partner. This is where abolition comes in as abolition fundamentally questions the function of the state and attempts to think outside of the framework of the state. This difference between abolition and EJ is one potential tension with embracing abolition as a framework within EJ. If EJ activists are committed to the possibility of making change by collaborating with the state through “regulatory attention, judicial action, and the implementation of the [Executive Order 12898],” then this could make some activists reluctant to find ways to improve the conditions of communities outside of the state’s framework. The problem is not that EJ activists would merely be resistant to another approach that does not appeal to the state’s regulatory and

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<sup>167</sup> Luke W. Cole and Sheila R. Foster, *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement* (NYU Press, 2001), <http://www.jstor.org/stable/j.ctt9qgj6v>.

<sup>168</sup> Pulido, Kohl, and Cotton, “State Regulation and Environmental Justice.” 15.

<sup>169</sup> Pulido, Kohl, and Cotton, 27.

judicial functions, but as Pulido et al. puts it, “Given the hegemonic nature of liberal thinking in the U.S.A., many communities cannot and do not think outside of the framework created by the state.”<sup>170</sup> Abolitionists, on the other hand, view that state as perpetrators of violence, terror, and environmental injustice. In short, in many cases of abolitionist organizing, the state is the enemy. Although abolitionist do still engage with the state, they position the state as enemy rather than friend. Abolitionists are also using strategies outside the state to deal with both the ways we harm each other and the ways that the state harms us<sup>171</sup> (e.g. education, restorative justice, building the capacity of their organizations, feeding their communities).

#### *Re-considering Our Notions of Justice*

Another issue of relying on the state is the state’s idea of justice, which it uses to guide and apply regulatory action. The Environmental Protection Agency (EPA) whose purpose it is to protect human health and the environment by writing and enforcing regulations fails to adequately enforce environmental regulations. More importantly, the EPA’s idea of EJ is based on distributive justice and fairness. The EPA defines EJ as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.”<sup>172</sup> Further, the EPA defines fair treatment as no group of people bearing a disproportionate share of negative environmental harms. This notion of distributive justice that

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<sup>170</sup> Pulido, Kohl, and Cotton, 13.

<sup>171</sup> CR10 Publications Collective, *Abolition Now!*, 9.

<sup>172</sup> OA US EPA, “Learn About Environmental Justice,” Overviews and Factsheets, US EPA, February 13, 2015, <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>.

underpins EPA regulation and the EJ movement's organizing contrasts with abolitionist notions of justice. Abolitionists are working to redefine common conceptions of justice and create alternative conceptions and models of justice, such as restorative and transformative justice models, which do not use the conception of justice offered and practiced by the state. In EJ, applying abolition as a framework, means shifting from distributive justice to abolitionist justice. This means working toward the abolition of pollution and other forms of harm in our communities rather than the mere fair distribution of harm.

#### The Abolition of Toxicity in Our Communities

Abolitionists are identifying and understanding prisons and police to be toxic to their communities, thus, I argue that abolitionism is concerned with toxicity. In previous chapters I have demonstrated how prisons and jails and the system of incarceration are toxic to communities (the function of caging humans as fundamental toxic, water contamination, prisons sited on hazardous lands, air pollution, how incarceration exacerbates vulnerability to climate change, etc.). The EJ Movement, from its founding, has been concerned with toxics, particularly chemical toxics from polluting industries, in low income communities of color. Scholars attribute the rise of the EJ Movement to the protests against the dumping of polychlorinated biphenyl (PCB)-ridden soil in predominantly Black Warren County, North Carolina in 1982.<sup>173</sup> Thus, EJ and the movement for PIC abolition have a common goal of

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<sup>173</sup> Eileen Maura McGurty, "Warren County, NC, and the Emergence of the Environmental Justice Movement: Unlikely Coalitions and Shared Meanings in Local Collective Action," *Society & Natural Resources* 13, no. 4 (June 1, 2000): 373–87, <https://doi.org/10.1080/089419200279027>.

eliminating toxics in communities. However, embracing abolition as a framework requires that EJ accept abolitionist's broader idea of toxicity. It also requires some discussion and re-consideration of EJ notions of justice. Traditionally EJ activists have organized against pollution of a community's air, water, or soil. While these forms of toxicity are also relevant to abolitionist organizing against the PIC, abolitionist are also making a claim about the *social toxicity* of the PIC. Both forms of toxicity, environmental and social, are tied to space and how we create space and how the structures and institutions around us create space. Broadly, toxicity is defined as the quality of being poisonous. In identifying prisons as toxic, abolitionists make the bold assertion that prisons and the condition of being imprisoned are poisonous, to prisoners, to the communities that are over-policed and over-incarcerated, and to the communities where these incarceration facilities are located.

Social toxicity begs us to consider, at an institutional level, the relationship of institutions to our communities and how institutions impact and organize our social lives, and at an individual level, how we interact with each other interpersonally. Abolitionists care about what abolitionist means in people's daily lives. Alexander Lee, founder and director of the Transgender, Gender Variant & Intersex Justice Project, writes, "The PIC is very much a plague upon our communities, and its destructive role in all our lives must be addressed if we are ever to reach full liberation."<sup>174</sup> Lee refers to the PIC as a plague which suggests it is an epidemic disease that infects the individual body and affects how we deal with each other at the community-level due to its infectious nature. How does the logic of punishment that drives the PIC permeates our communities and our day-to-day interpersonal interactions with one

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<sup>174</sup> CR10 Publications Collective, *Abolition Now!*, 110.

another? In the day-to-day, abolition is replacing modes and practices of punishment with alternative modes of caring and accountability.

The racialized regime of punishment is entrenched in the PIC and articulated as justice.<sup>175</sup> The PIC relegates certain groups of people to this system of punishment as a rearticulation of slavery.<sup>176</sup> This regime of punishment also manifests post-slavery through the enforcement of Black codes and the terror of lynching. Ofelia Ortiz Cuevas states,

These visions of racial punishment are twisted into social hallucinations that legitimize policing and imprisonment. These twisted or inverted perceptions emerge from a whole constellation of institutional structures situated within histories where the meaning and the value of the racial body is actualized in the moment of its destruction at the hand of the state.<sup>177</sup>

The logic of punishment the state is invests in is toxic to our communities. In rendering certain racialized bodies, especially black and queer lives, disposable and therefore deserving of punishment and being displaced in cages, an unsustainable system is forged in which we punish and contain certain people but never get to the root of the problems in our communities. When we decide not to reproduce the harmful logics of criminalization and punishment of the PIC, “we can free each other to take responsibility for harmful actions that occur in our communities instead of trying to fabricate an impossible innocence...we are all necessary to each other and we are all involved in each other’s actions for worse and also for better.”<sup>178</sup> To not further reproduce the harmful logics of the PIC, we must acknowledge that we are a community and that we are all implicated in the ultimate sustainability and liberation of our community as whole. Acknowledging our connectedness to another is key to accountability.

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<sup>175</sup> *CR10 Publications Collective.*, 42.

<sup>176</sup> *CR10 Publications Collective*, 44.

<sup>177</sup> *CR10 Publications Collective*, 46.

<sup>178</sup> Gumbs, “Freedom Seeds: Growing Abolition in Durham, North Carolina.” 153.

The toxic practices of the PIC and the toxic modes of dealing with each other under the PIC regime of punishment are destroying people and communities. Therefore, we must struggle to dismantle the PIC if we want to build safer, more sustainable, and more just spaces where we live, work, play, and pray. Once we begin to imagine a world without prisons and put those ideas and dreams into practice in our communities and in our daily lives, we find that “there’s so many other ways to treat people”<sup>179</sup> that is not based upon surveillance, criminalization, punishment, and their ultimate destruction.

*A Futures-oriented EJ*

How do we *build* EJ? The EJ movement has largely been reactive, focused on stopping environmental harms in communities. Abolition on the other hand is largely about looking forward and tapping into our radical imaginations to create the futures we want to exist in. Abolition is working toward the possibility of a future society without the PIC and the logics that underpin it. Therefore, abolition as framework within EJ could help foster a futures-oriented EJ, providing more liberating insights into the struggle toward creating more just communities. This means a proactive rather than reactive EJ. The difference between a reactive and proactive movement is the difference between saying what we do not want (reactive) and saying what we want (proactive) in our communities.<sup>180</sup> A futures-oriented EJ is one that builds the capacity to create just communities rather than only and primarily responding to the polluting of our communities. While it is also important to address the environmental harms impacting our

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<sup>179</sup> CR10 Publications Collective, *Abolition Now!*, 139.

<sup>180</sup> Agyeman, *Sustainable Communities and the Challenge of Environmental Justice*.

communities, it is also critical to begin building EJ in our communities, envisioning and creating what that looks like. Building EJ in our communities might look like developing unity and fullness through community barbeques at the neighborhood park (Refer back to Chapter 2.).

All of this said, the futures that we envision and work toward building do not come from nothing. We draw from our past, we look to the pioneers that came before us, and we dig our fingers into the radical traditions of knowledge because this movement toward building safer, more just, more sustainable communities is rooted in a larger history of liberation struggles.

*Looking Back, Moving Forward: Alternative Genealogies, Alternative Futures*

*SANKOFA – “it is not taboo to go back and fetch what you forgot.”*

The Sankofa symbol, which comes from the Akan in Ghana, is a mythical bird that has its feet planted forward and its head turned backwards and an egg in its mouth. It symbolizes the importance of using wisdom of the past as guide for moving forward into the future.<sup>181</sup> Using this idea of Sankofa to guide us, let’s reconsider genealogies of EJ. Indeed, embracing abolition as a framework within EJ would be a new direction for the field and movement of EJ, but I propose that there are abolitionist origins of EJ that affirm and ground this move toward an *abolition ecology*.<sup>182</sup> Nik Heynen develops this concept of abolition ecology, contending with the field of Urban Political Ecology (UPE). Heynen offers that a “UPE attentive to racial and colonial capitalism, or an abolition ecology...can provide revolutionary ideas about how we can

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<sup>181</sup> “The Power of Sankofa: Know History,” *Carter G. Woodson Center* (blog), accessed November 15, 2017, <https://www.berea.edu/cgwc/the-power-of-sankofa/>.

<sup>182</sup> Nik Heynen, “Urban Political Ecology II: The Abolitionist Century,” *Progress in Human Geography* 40, no. 6 (December 1, 2016): 839–45, <https://doi.org/10.1177/0309132515617394>.



recreate urban nature free from white supremacist logics...”<sup>183</sup> Although I am contending with the field of EJ, Heynen’s approach still applies, and perhaps forming these new approaches and frameworks within these respective fields will mean continued discourse between the two fields and will build the capacities of these fields.

Considering abolition as a framework within EJ opens up the door to alternative genealogies of EJ. What if we include Harriet Tubman as a pioneer of EJ? Dorceta Taylor (2011) places Harriet Tubman within the genealogy of EJ. She argues that Tubman was a leading EJ activist of her time.<sup>184</sup> Tubman learned various environmental skills while toiling the fields with her father that helped her escape and guide hundreds of others to escape slavery. She learned the routes that led to the North and how to navigate the terrain of the plantation in the night; she learned how to read river currents so she could tell the direction a river was flowing; she learned “to feel the tree trunks to identify where the moss was heaviest,” which helped point her to the North since moss grows heavier on the northern side of trees; she did what “Henry David Thoreau and John Muir (considered the fathers of American environmentalism) did when they wanted to intensify their connections to the earth.” This transcendental connection was important to Tubman to relinquish her fear of making the raids to guide enslaved blacks to the North.<sup>185</sup> If these actions by Tubman make her an EJ activist as Taylor argues, then Tubman’s abolitionism was EJ. Taylor suggests that the expertise that enslaved Africans brought with them from their homeland in Africa or that they developed while in captivity to escape slavery

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<sup>183</sup> Heynen, 842.

<sup>184</sup> Dorceta E. Taylor, “Introduction: The Evolution of Environmental Justice Activism, Research, and Scholarship,” *Environmental Practice* 13, no. 4 (December 1, 2011): 280–301, <https://doi.org/10.1017/S1466046611000329>.

<sup>185</sup> Taylor, 281.

and “forge new lives for themselves in freedom” is knowledge that is left out of the genealogy of EJ.<sup>186</sup> She asserts that this struggle for freedom is also a part of the long history of EJ. Locating Tubman, an abolitionist, and locating abolition as part of the genealogy of EJ, specifically black EJ activism, gives us a history to inform and guide our struggle to build alternative futures.

Scholars note the fact that the EJ movement emerges out of the Civil Rights movement. However, an alternative (as in additional) genealogy of the EJ movement is that it develops from the Black Power movement. *The Principles of Environmental Justice*, drafted and adopted at the First National People of Color Environmental Justice Leadership Summit held on October 24-27, 1991, in Washington D.C., resonates with the Black Panther’s *Ten-point Program*, written in 1966 by the organization’s founders, Huey P. Newton and Bobby Seale. In contrast to the Civil Rights movement, the Black Power movement, and particularly looking to the Black Panther’s position in the Black Power movement, was about human rights as opposed to civil rights and was an expression of national and *international* black liberation. The Black Power movement linked black struggles in the U.S. to the struggles of other people of color and oppressed people internationally. The language of the Black Panther’s *Ten-Point Program* is in the form of list of demands for the U.S. government to uphold what they outline to be black people’s human rights as well as the human rights of all oppressed people in the U.S. This program includes, first and foremost, a demand for black self-determination. It also makes demands for suitable housing, decent employment, decent education, free health care, an end to police brutality and murder of black people, freedom for black and oppressed people in

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<sup>186</sup> Taylor, 281.

prisons, and an end to all wars of aggression. Similarly, *The Principles of EJ* links environmental justice to a broader struggle for economic, political, and cultural liberation from colonization and oppression nationally and internationally. The document also advocates for human rights of people of color. The Preamble to *The Principles of EJ* declares:

WE, THE PEOPLE OF COLOR, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the *destruction and taking of our lands and communities*, do hereby re-establish our spiritual *interdependence* to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in *healing ourselves*; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, *to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples*, do affirm and adopt these Principles of Environmental Justice...(emphasis added)

The Preamble also resonates with the PIC abolition movement in calling out the state and private interests for the *destruction* of POC communities and in its inclusion of the necessary *healing* that needs to take place in our communities. Moreover, abolitionists stress the importance of acknowledging that we are connected and accountable for each other's liberation, or that our liberation is *interdependent*. *The Principles of EJ* likewise recognizes our interdependence as important to ensuring EJ and securing liberation for everyone. If EJ activists returned to this document to guide their EJ work, it seems that EJ goals align with abolitionist goals more than one might assume.

Placing the Black Panthers in the genealogy of EJ is significant because their demands are abolitionist demands. It is also important to note that the Black Panthers began as an

organization to protect Oakland's black community from racist police violence.<sup>187</sup> One of the most important and lasting impacts of the Black Panther Party was their free breakfast program for kids. The Black Panther Party originated the free breakfast federal legislation and programming that exists in many school across the U.S. today. The Black Panther's free breakfast program was a direct response the government's war on poverty, which was supposed to provide basic needs such as housing, food, and safety to its citizens, but were failing to do so in black communities.<sup>188</sup> Not only were they feeding their communities, helping each other survive, but they used this program to build community and foster allyship.<sup>189</sup> The Black Panther's organized to create access to food in black communities—one of the most important issues still impacting black communities across the U.S. They also several other "survival programs" (more than 60), some of which included free ambulance, free busing to prisons, free clothing, free commissary for prisoners, free dental, free food, police patrols, and sickle cell anemia research.<sup>190</sup>

The Black Panthers and the Black Power movement broadly as part of a genealogy of EJ offers alternative tactics and strategies to the dominant EJ strategy of working with the state as a partner. Furthermore, the Black Power movement's struggle for self-determination adds to the conceptualization of a futures-oriented EJ in which we can exercise self-determination

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<sup>187</sup> Eugene Puryear, "The Civil Rights and Black Power Movements," *Liberation News* (blog), February 18, 2017, <https://www.liberationnews.org/05-10-01-the-civil-rights-black-power-mov-html/>.

<sup>188</sup> Arielle Milkman, "The Radical Origins of Free Breakfast for Children," *Eater*, February 16, 2016, <https://www.eater.com/2016/2/16/11002842/free-breakfast-schools-black-panthers>.

<sup>189</sup> Milkman.

<sup>190</sup> "A Huey P. Newton Story - Actions - Survival Programs | PBS," accessed March 2, 2018, [https://www.pbs.org/hueypnewton/actions/actions\\_survival.html](https://www.pbs.org/hueypnewton/actions/actions_survival.html).

deciding what we want our communities to look like, what kind of futures we want, and growing environmentally and socially just communities.

A more recent black liberation movement that can be placed in this alternative genealogy of EJ is the Black Lives Matter (BLM) movement. BLM is working toward abolitionist goals and encapsulates similar ideals of the Black Panther Party, including black self-determination, economic justice, an end to war on black people, access to technology, reparations, investment in health and education of black people, and divestment from the PIC. BLM, founded by Alicia Garza, Patrisse Cullors, and Opal Tometi, began in 2013 in response to the acquittal of Trayvon Martin's murderer, George Zimmerman.<sup>191</sup> Co-founder, Alicia Garza writes, "Black Lives Matter is an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise. It is an affirmation of Black folks' contributions to this society, our humanity, and our resilience in the face of deadly oppression."<sup>192</sup> The affirmation of black life is an abolitionist goal as the PIC is predicated on sustained by anti-blackness. In an article titled, "Do Black Lives Matter?" in *The Abolitionist!* magazine by Critical Resistance, Robin D.G. Kelley writes, "This affirmation is not new. It has been a first principle of Black abolitionist politics, though not necessarily the first principle. The first principle of Black abolitionist politics is marronage, is fugitivity, is 'get out of Dodge.'"

The BLM movement has been centered around anti-black police brutality, but has encompassed wide range of issues affecting black people, including environmental justice. BLM is also global in scale. They link the criminalization and police killings of black people in the U.S.

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<sup>191</sup> "Herstory," *Black Lives Matter* (blog), accessed November 16, 2017, <https://blacklivesmatter.com/about/herstory/>.

<sup>192</sup> "Herstory."

to criminalization and police killings in Brazil, and BLM activists even visited Rio de Janeiro to connect with activists there about the issues. The scale of this movement is important to mention because they are demanding that black lives matter everywhere, that black people everywhere deserve to not be criminalized and brutalized by police, that black people everywhere deserve to live out a quality of life in which they are not targets of anti-black violence, whether the risk is from being gunned down for wearing a hoodie and holding a bag of skittles (Trayvon Martin) or from being poisoned through their tap water by their own government (Flint, Michigan).

BLM must be in discourse with the struggle for EJ because black people are disproportionately impacted by environmental injustices. Black people also live in over-policed communities, and as a result, are disproportionately incarcerated. Although black people make up 13 percent of the U.S. population, they represent 40 percent of the incarcerated population.<sup>193</sup> David Pellow, in his work, “Toward a Critical Environmental Justice Studies: Black Lives Matter as an Environmental Justice Challenge,” argues that police brutality and environmental politics are closely intertwined. Pellow proposes a *Critical Environmental Justice (CEJ) Studies* framework to address these interconnected issues, which I will discuss in further detail later. In the context of EJ, the idea of black lives matter leads us to ask the following questions: (1) how would this idea of black lives matter manifest in terms of creating environmental justice and (2) how is the idea that black lives matter also equate to environmental justice, especially considering that black people tend to be more exposed to

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<sup>193</sup> Prison Policy Initiative, “Breaking Down Mass Incarceration in the 2010 Census | Prison Policy Initiative,” accessed November 16, 2017, <https://www.prisonpolicy.org/reports/rates.html>.

environmental harms and inequities? When black lives matter, it looks like healthy breathing spaces in black communities and black children missing fewer days of school due to asthma. When black lives matter, it looks like access to clean drinking water. When black lives matter, it looks like living within a mile of stores that provide affordable, quality whole and fresh foods. If this is what it looks like when black lives matter, then black lives matter also means creating environmental justice. It is important to acknowledge our interdependence in struggles for EJ and our collective liberation. When black life is valued, all life is valued because this nation was built on anti-blackness. Thus, when we value black life, we can unearth environmental racism and can better ensure environmental justice for everyone. BLM co-founder Alicia Garza affirms this idea:

#BlackLivesMatter doesn't mean your life isn't important—it means that Black lives, which are seen as without value within White supremacy, are important to your liberation. Given the disproportionate impact state violence has on Black lives, we understand that when Black people in this country get free, the benefits will be wide reaching and transformative for society as a whole. When we are able to end hyper-criminalization and sexualization of Black people and end the poverty, control, and surveillance of Black people, every single person in this world has a better shot at getting and staying free. When Black people get free, everybody gets free. This is why we call on Black people and our allies to take up the call that Black lives matter...Our collective futures depend on it (Garza 2014).<sup>194</sup>

We are on a better trajectory to create EJ when we begin imagining a world that *loves* black people.<sup>195</sup> What do our communities look like when they love black people? We affirm the value of black life through the creation of more just and sustainable communities for black

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<sup>194</sup> "A Herstory of the #BlackLivesMatter Movement by Alicia Garza," *The Feminist Wire* (blog), October 7, 2014, <http://www.thefeministwire.com/2014/10/blacklivesmatter-2/>.

<sup>195</sup> Lisa Bates and Sharita Towne (Black Geographies: Insurgent Knowledge, Spatial Poetics, and the Politics of Blackness, UC Berkeley, October 12, 2017).

people. When we affirm black life in this way, we are also creating more just and sustainable communities ubiquitously.

#### Affirming Black Humanity

*Ubuntu – “humanity” and/or “humanity towards others”<sup>196</sup> and/or “My humanity is caught up, inextricably bound up, in what is yours”<sup>197</sup>*

This specific proposal of imagining and subsequently creating a world that loves black people is pertinent in this discussion of how to liberate our carceral landscape. One’s humanness is tied to the landscape.<sup>198</sup> Black people are rendered disposable, less than human, when they are thrown in cages in awful environmental conditions to be forgotten about. One of the workings of the PIC is both naturalizing prisons and naturalizing black people’s place in them. Anti-blackness is embedded in the carceral landscape. Thus, liberating our carceral landscape in order to create more environmentally and socially just landscapes means that we must affirm black humanity in our theory and praxis.

In her work “On plantations, prisons, and a black sense of place,” Katherine McKittrick addresses blackness, place, and violence to consider the ways in which slave black geographies (e.g. the plantation) and post-slave black geographies (e.g. the prison) in the Americas “are

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<sup>196</sup> “Ubuntu Philosophy & Meaning - Ubuntu,” accessed December 4, 2017, <http://www.ubuntu.thiyagaraaj.com/Home/about-ubuntu/ubuntu-philosophy-meaning>.

<sup>197</sup> Angela Thompsell, “What Is the Definition and Meaning of Ubuntu?,” ThoughtCo, accessed November 16, 2017, <https://www.thoughtco.com/the-meaning-of-ubuntu-43307>.

<sup>198</sup> Willie Wright (Black Geographies: Insurgent Knowledge, Spatial Poetics, and the Politics of Blackness, UC Berkeley, October 12, 2017).



connected to practices of domination and deliberate attempts to destroy a black sense of place.”<sup>199</sup>

Contending with analyses of racial violence, McKittrick explicitly states the need to move away from primarily focusing on black suffering, and instead, to produce analyses of race based on *human life*. She argues that the limitation of analyses focused on black suffering, regardless of good intention, is that blackness always ends up associated with placelessness and degradation. This normative association of blackness with placelessness and degradation makes it easy to justify and naturalize racialized violences such as imprisonment or pollution. McKittrick’s human life analysis de-naturalizes violence against black people. This shift in analyzing racial violence is particularly important in the context of imprisonment and it coincides with abolitionist approaches to addressing the PIC. One objective of abolition is to denaturalize the prison, and the idea that imprisonment should be the predominant response to social, political, and economic problems. In this process of de-naturalizing our carceral landscape and systems that construct it, we also deconstruct the idea that certain people (mainly black people) belong in prisons, that blackness belongs to the violence of imprisonment.

Within this human life analysis, the prison becomes a site in which a radical black sense of place can be developed. EJ tends to focus on the harms and degradedness of places, but we need to also start perceiving the potentiality of places.<sup>200</sup> Therefore, I argue that the prison is

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<sup>199</sup> Katherine McKittrick, “On Plantations, Prisons, and a Black Sense of Place,” *Social & Cultural Geography* 12, no. 8 (December 1, 2011): 947–63, <https://doi.org/10.1080/14649365.2011.624280>.

<sup>200</sup> Lindsey Dillon, “Black Ecologies” (*Black Geographies: Insurgent Knowledge, Spatial Poetics, and the Politics of Blackness*, UC Berkeley, 2017).

not only a site of environmental injustice and other violences, but the prison is also a site of potentiality, meaning that the people housed in prisons have developed particular worldviews and modes of resistance within the space of the prison. Take the deadly Attica Rebellion of 1971, where prisoners protested the horrendous prison conditions and demanded their human rights be respected as an example. The prisoners of Attica organized, creating a Manifesto essentially demanding that they be respected as human beings. Another example is the story we learned from Lenny in Chapter 2 of how he and his fellow inmates resisted against the extreme heat conditions of the jail by choosing not to leave the recreational yard and go back inside the jail. Lenny took it upon himself to make sure everyone had ice water to survive the deadly heat. For their own survival in the thick heat of the prison, they chose the sit-in, or in this case sit-out, method of resistance similar to that of the Civil Rights movement. This kind of organizing and resistance in the prison does not make the news, but it is still an important human rights issue because even incarcerated people have the right to not be subjected to conditions that could lead to their premature death. Activists outside the prison learn from those who are inside those prison walls and we should be guided by their insider knowledge. If we view the prison as a site of potentiality rather than a site of disposability, we affirm the humanness of incarcerated folk and can form alliances with incarcerated people to radically (re)imagine justice, space and place, and our visions for what constitutes safety and sustainability.

Once we disassociate blackness from criminality and carcerality, we can see black people as human, prisoners as human. McKittrick's human life analysis centralizes our interrelatedness as humans. When we are able to see one another as humans, whether one is

on the inside or the outside of those prison walls, then we are able to make connections and form alliances and coalitions with each other. Realizing how we are connected will put us in a better position to build safe, sustainable, and just futures for everyone. In discussing the fourth pillar of indispensability in Critical Environmental Justice Studies, Pellow echoes the importance of affirming each other's humanity in relation to our own:

EJ studies suggests that various marginalized human populations are treated—if not viewed—as inferior, and less, valuable, to society than others...Critical EJ Studies makes this theme explicit by arguing that these populations are marked for erasure and early death, and that ideological and institutional othering is linked to the more-than-human world as well. Moreover, CEJ counters that dominant perspective with a framework that contends that these threatened bodies, populations, and spaces are *indispensable* to building socially and environmentally just and resilient futures for us all.<sup>201</sup>

Taking all of what has been said in this thesis into deep consideration, let's embrace abolition. "What is, so to speak, the object of abolition? Not so much the abolition of prisons but the abolition of a society that could have prisons, that could have slavery, that could have the wage, and therefore not abolition as the elimination of anything but abolition as the founding of a new society."<sup>202</sup> This is the project of abolition. Through abolishing our carceral landscape, we are undertaking, among other things, a project of creating environmental justice, of building safer, more just, and more sustainable communities. Since we live in a world that is predicated on anti-blackness, a world in which anti-blackness is built into the landscape, through abolition, we can build a landscape that loves black people, we can create alternative ways of existing, moving, breathing, building, and healing in this world of ours.

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<sup>201</sup> D. N. Pellow, "TOWARD A CRITICAL ENVIRONMENTAL JUSTICE STUDIES: Black Lives Matter as an Environmental Justice Challenge - EScholarship" 13, no. 2 (October 1, 2016): 221–36, <https://doi.org/10.1017/S1742058X1600014X>.

<sup>202</sup> Fred Moten and Stefano Harney, *The Undercommons: Fugitive Planning and Black Study*, 2013, [http://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=6024&context=lkcsb\\_research](http://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=6024&context=lkcsb_research).

## Conclusion

*“Abolition is not some distant future but something we create in every moment when we say no to the traps of empire and yes to the nourishing possibilities dreamed of and practiced by our ancestors and friends. Every time we insist on accessible and affirming healthcare, safe and quality education, meaningful and secure employment, loving and healthy relationships, and being our full and whole selves, we are doing abolition.”<sup>203</sup> –Morgan Bassichis, Alexander Lee, Dean Spade*

Our system of mass incarceration is toxic to communities, both in the ways in which it degrades our environments and negatively impacts the health of people on the inside, and in the abolitionist view that the logic of imprisonment is fundamentally toxic to our communities. Applying abolition as a framework in EJ requires shifting from distributive justice to abolitionist justice. This means working toward the abolition of pollution and other forms of harm in our communities rather than the mere fair distribution of harm. I return to this question that an abolitionist framework in EJ leads us to ask, what do communities without toxicity look like and how do we arrive there? Looking to my interviews and case study to answer this question, communities without toxicity looks like comm[unity] parks, increased access to nutritious foods, adequate housing, and better access to healthcare and education. We get there by investing in those resources, by changing the way we distribute our state budgets. Instead of spending money on incarcerating people, we need to spend money educating and nourishing people. We get there by building coalitions, by moving beyond the state and creating abolition in our everyday lives, asking ourselves how we can better treat one another as to not reproduce the toxic logics of racism and punishment that underpin the prison industrial complex.

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<sup>203</sup> Bassichis, Lee, and Spade, “Building an Abolitionist Trans and Queer Movement with Everything We’ve Got.”

Appendix A<sup>204</sup>

Mira Loma Detention Center property photographs



View of hoists in Vehicle Fleet Services Garage.



View of apparent hydraulic hoist in Vehicle Fleet Services Garage.



View of 55-gallon drums of used oil in Vehicle Fleet Services Garage.



55-gallon drums of used coolant and filters in Vehicle Fleet Services Garage.

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<sup>204</sup> "Phase I Environmental Site Assessment Report, Mira Loma Facility and Transitional Facility (AB900)" (Converse Consultants, 2014), [ftp://dpwftp.co.la.ca.us/pub/PMD/MiraLomaWomenFacility/Draft\\_EIR/EIR%20Tech%20Appendices/Appendix%20E-1/DPW-Mira%20Loma%20Lancaster%20-ESA-FINAL%20RPT.pdf](ftp://dpwftp.co.la.ca.us/pub/PMD/MiraLomaWomenFacility/Draft_EIR/EIR%20Tech%20Appendices/Appendix%20E-1/DPW-Mira%20Loma%20Lancaster%20-ESA-FINAL%20RPT.pdf).



View of 400,000-gallon water reservoir at Mira Loma Detention Facility.



View of pump station for water reservoir.



View of 5-gallon containers of oil stored at pump station.



View of Well #3 water pump station.



300-gallon new oil/100-gallon transmission oil in Vehicle Fleet Services Garage.



View of hydraulic hoist outside Vehicle Fleet Services Garage.



View of clarifier outside Vehicle Fleet Services Garage.



View of Boom Room used to store Hospital hazardous waste.





View of 100,000-gallon water tower at Mira Loma Detention Facility.



View of Heliport and Aero Hanger (Building 33).



View of 5,000-gallon jet fuel AST at Heliport.



View of emergency generator at Building 33.





View of 4,000-gallon diesel fuel UST for Hospital emergency generator.



Gasoline containers in flammable storage unit in Hospital maintenance yard.



View of biohazardous waste storage for Hospital.



View of nitrous oxide and oxygen cylinder storage outside Hospital.



View of emergency generator and 4,000-gallon diesel fuel UST north of Bldg. 3.



View of biohazardous waste storage container north of Building 2.



Flammable/corrosive cabinets seen throughout the facility. These in Bldg. 5.



Fuel station with one 4,000-gallon diesel fuel UST and one 8,000-gallon gasoline UST.



View of flammable storage cabinet with spray paints in Bldg. 6.



View of 55-gallon drums of motor oil in Building 6.



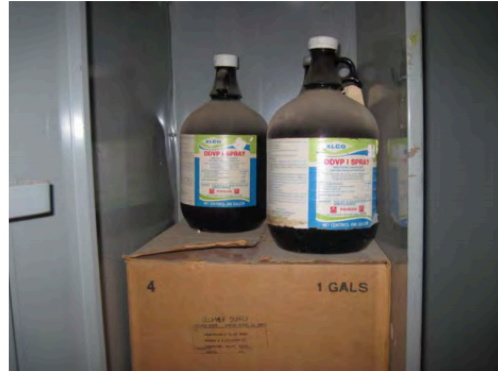
Sumps located in Building 4165 (Kitchen) basement.



Refrigerant for large commercial refrigerators in Building 4165.



View of oil/tar like substance in Sergeant Senior Building.



View of old one-gallon containers of insecticide in Hanger.



Insecticides and quart containers of cleaners in Hanger.



55-gallon drum of oil in Hanger.





View of paint containers in block building northeast of George Barracks.



View of gasoline containers in Quasi Hut maintenance shop.



Hydraulic oil beneath hole punch machine in George Barracks.



Paint in Building 3630-30 Maintenance Building.



View of steam tunnel access and vent at Mira Loma Detention Facility.



View of 10,000-gallon UST fill port at Steam Plant.



View of Steam Plant.



View of corrosion inhibitors and chemicals used at Steam Plant.

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