

Postcards From a Prison Pandemic

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Moon Shot: Part 3  
The Assembly Line

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Someone once told me that the criminal punishment system is like a puzzle missing several pieces. It is confusing, frustrating, and impossible to figure out. For much of my incarceration, I have argued that part of the reason the criminal punishment system is such an abject failure is that it is disjointed and inefficient, which contributes to it being confusing, frustrating, and impossible to figure out.

Last weekend, however, my position on the inefficiency of the criminal punishment system shifted suddenly. As I sat at my desk writing, I looked up at my television. It was turned on, but the sound was muted. On the screen was a children's educational program recorded at the Henry Ford Museum in Michigan. I took a break from writing to watch the pictures on my television. I allowed my mind to drift away from the present pandemic back to a warm afternoon many years ago when I toured the Henry Ford Museum. In my memories, I could recall the large 19th century village outside the main museum that had been carefully moved and reconstructed at the Henry Ford. I remembered seeing the bus Rosa Parks had been riding on December 1, 1955, in Montgomery, Alabama. I also remember walking through the Henry Ford Academy, a public charter school that operates inside the museum.

While my mind wandered through my remembrances of the classrooms of the Henry Ford Academy, I was struck with a fresh understanding of the criminal punishment system. It is not a disorderly and illogical jumble of confusion. It is, instead, a finely crafted invention. It is a reflection of Ford's belief that the efficiency of the assembly line could help improve all segments of public life, from schools to courts.

Ford, himself, was not able to infuse the DNA of his factory innovations much further than the schools he built in Michigan. The New Yorker writer and

Harvard professor Jill Lepore wrote about Ford's early 1900 s education experiment in her bestseller *These Truths*. In her research for the book, she uncovered a pamphlet for one of Ford's original schools. It read in part:

This is the human product we seek to turn out, and as we adapt the machinery in the shop to turning out the kind of automobile we have in mind, so we have constructed our education system with a view to producing the human product we have in mind."

Right about the same time Ford was working to develop an assembly line for students, the modern American criminal punishment system was taking shape.

Fast forward one century later and you can see the assembly line, albeit a complicated one, on full display in every jail, courtroom, and prison in America. Police mine the raw material of a human being. The human is moved along a specially designed assembly line that features exacting divisions of labor. Prosecutors play their role, clerks play their role, defense counsels play their role, judges play their role, and juries play their role as the human moves along the assembly line. The human is tugged and pulled, pushed and molded. At the end of the line, the raw material of a human being is barely recognizable. The assembly line has transformed the raw material of a human being into a prisoner.

The prisoner is then collected and shipped to a warehouse to be used by the prison system. The prisoner is utilized to maintain and help run the prison. But the most lucrative output of the prisoner is his or her ability to increase the earnings of those who are part of the prison system. The prisoner puts money into the pockets of guards and administrators, nurses and doctors, teachers and clinicians. The prison system seeks to get as many years of profitable use out of the prisoner as possible. When the prison system can no longer use the prisoner, the system either abandons the prisoner at the side of the road or buries the prisoner in a field. The prison then returns to the assembly line for a new model.

In this edition of *Postcards From a Prison Pandemic's "Moon Shot"* series, we examine how in a COVID-19 world, the assembly line of the criminal punishment system must be disassembled in favor of a new model focused on equitable justice.

We hold people in prisons today because that is what their sentences call for, not because it is the right thing to do, and certainly not because it is a best practice. The prison sentence is one of the central tools used to

provide efficiency to the criminal punishment assembly line. The most efficient sentence is the mandatory minimum sentence. But even today's sentencing guidelines have become nothing more in many jurisdictions than a selection from a predetermined list on a menu. That is because the goal of the assembly line is not to produce equitable justice, the goal is to produce a new prisoner.

In a COVID-19 world, the assembly line methodology of the past century falls apart. Prisons can no longer hold populations in the same manner as before the coronavirus. And, prisoners can no longer serve prison systems in the same way. Massachusetts state prisons are currently in lockdown, as are many systems across the country. During this lockdown, staff members are cooking meals, picking up garbage, and carrying out many of the other duties that prisoners would typically do for pennies a day. In addition, classrooms are empty and there are no programs for staff members to facilitate. The profitability of having prisoners is gone. And, based off the fact that many health professionals continue to say that we will have future outbreaks of the new coronavirus, prison lockdowns are now part of the new normal.

Instead of an assembly line, an equitable justice system in a COVID-19 world would focus on outcomes. In other words, the focus of a sentence would not be an amount of time in prison, but would instead be a series of goals. We can see this style of thinking at work in many drug and mental health courts. But, some people's knees get a bit wobbly when the same template is proposed for violent crimes. Are violent crimes some great indiscernible mystery? No, in fact, sociologists, criminologists, and other researchers have done a good job over the past several decades identifying key factors, like lack of education and low income, that lead to many violent crimes.

The crux of the problem with using outcome based sentencing is that it requires the court to deal with the individual and not the generic. Our laws and courts are not currently built to do that. They are built to deal with nameless and faceless raw materials. If you were to imagine an equitable justice system that creates customized outcome based solutions for each defendant, what would it look like? I can imagine a hybrid of community based programs, job training, online education, and more that can be brought together to meet the goals set out in a sentence. None of that needs or should be delivered inside the warehouses and virus factories that are today's prisons.

I said early on in this pandemic (and I will keep repeating it) that the biggest hurdle we face in a COVID-19 world is a lack of imagination. It is difficult for many to imagine something other than prisons because that is all we have had for so long. But look around the world today. How much of what people are doing currently could not be imagined only three months ago?

Jill Lepore in These Truths shared the following words from Henry Ford: "Machinery is the new Messiah." Ford felt efficiency could solve any problem. He was wrong. Some challenges cannot be met with mass produced solutions. In a COVID-19 world, challenges must be addressed individually. To create a truly equitable justice system, the criminal punishment assembly line must be shuttered forever and replaced with innovative models of justice.