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The Debt I Owe: Consequences of Criminal-Legal Debt in Metro Atlanta

by

Daniel A. Pizarro

Under the Direction of Jennie Burnet, PhD

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

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ABSTRACT

Neoliberalism alters U.S. carceral practices to extract revenue from marginalized communities. The criminal-legal system made monetary sanctions (e.g., cash bail, traffic fines, probation fees) a common practice that affects the millions of people who cycle through the system. I argue that criminal-legal debt extends punishment outside of carceral structures and creates a “revolving door” effect in which poor, racialized communities are subjected to constant incarceration. Domestic violence cases in Atlanta are a prime example of this phenomenon and illustrates the ways in which incarceration aids neoliberalism. The over policing of minority communities, and by extension the imposition of monetary sanctions, in metro-Atlanta serves to generate revenue and gentrify those neighborhoods. Through a prison abolitionist lens, this research explores the impact of criminal-legal debt in metro-Atlanta through autoethnography, interviews, and online participant observation of court.

INDEX WORDS: Criminal-legal debt, Domestic violence, Metro Atlanta, Policing, Prison industrial complex abolition, and Urban Renewal

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2023

The Debt I Owe: The Consequences of Criminal-Legal Debt in Metro Atlanta

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May 2023

DEDICATION

This project could not be completed without the unwavering support of my family, friends, and Atlanta community. First, I want to thank my mother, Johanna Diaz, for always seeing the light at the end of the tunnel. Her faith in me is my motivation to continue the work that I do. To my brother, Sebastian Pizarro, for being a pillar of strength in our family. To my sister, Alexandra Pizarro, for the constant reminder to embrace joy and laughter in all that I do. To my cat, Tilín, who provided constant cuddles when my mind needed a break. Several of my friends over the past two years have supported me in so many ways. They provided a listening ear, offered new ways of understanding, or gathered resources that were useful for this project. I have much appreciation and respect for Patricio Cambias, Vaneeta Danhoui, Bryn Davis, Viri Fuentes, Kaithleen Hernandez, Karen Hernandez, Courtney Ricketts, Tayleece Paul, Michelle Sanchez, Mouna Vadlamudi, Maya Wilson, and Juanes Zapata.

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS		V
1 INTRODUCTION.....		1
1.1 Debt		7
<i>1.1.1 Neoliberalism</i>		<i>9</i>
1.2 Racialization		13
1.3 Settler Colonialism		16
<i>1.3.1 Property</i>		<i>20</i>
1.4 Patriarchy		22
1.5 Methodology		28
<i>1.5.1 Against the Concept of Culture</i>		<i>28</i>
<i>1.5.2 Autoethnography</i>		<i>30</i>
<i>1.5.3 Courtwatch and Semi-Structured Interviews</i>		<i>32</i>
<i>1.5.4 Sampling</i>		<i>34</i>
<i>1.5.5 Data Analysis</i>		<i>35</i>
1.6 Project Outlined		35
2 CARCERAL APPARATUS: A TRANSFORMING LANDSCAPE.....		37
2.1 Introduction		37
2.2 On Violence		39
2.3 Transforming Carceral Practices		50

2.3.1	<i>Criminal-legal debt</i>	54
2.4	Debt at the Point of Policing	57
2.5	Debt After Arrest	62
2.5.1	<i>Fines and Fees</i>	63
2.5.2	<i>Risk Assessments</i>	72
2.5.3	<i>Probation</i>	75
2.6	Conclusion	77
3	THE CRIMINALIZATION OF DOMESTIC VIOLENCE.....	79
3.1	Introduction	79
3.2	Fulton County’s Domestic Violence Procedures	81
3.3	Benefits of Criminalization	83
3.4	Critiques of Criminalization	85
3.4.1	<i>Heteropatriarchy and Homogenization</i>	86
3.4.2	<i>Recidivism</i>	89
3.4.3	<i>Incarceration of Women</i>	95
3.4.4	<i>Criminal-legal debt</i>	100
3.5	Conclusion	103
4	GENTRIFICATION: POLICING SPACE AND PLACE.....	105
4.1	Introduction	105
4.2	Racialization of Space	107

4.3	Displacement	112
	<i>4.3.1 Policing</i>	<i>115</i>
	<i>4.3.2 Conclusion</i>	<i>121</i>
5	CONCLUSION: MOVING TOWARDS ABOLITION.....	123
5.1	Introduction	123
5.2	Prison-Industrial Complex Abolition	127
	<i>5.2.1 Decriminalize</i>	<i>130</i>
	<i>5.2.2 Demilitarize</i>	<i>131</i>
	<i>5.2.3 Divest</i>	<i>132</i>
5.3	Conclusion	132
APPENDICES.....		134
	Appendix A Data Collection	134
	<i>Appendix A.1 Participant Interview Guide</i>	<i>134</i>
	<i>Appendix A.2 Courtwatch Data Collection Sheet</i>	<i>138</i>
REFERENCES.....		139

1 INTRODUCTION

Atlanta has the greatest racial income disparity in the United States.¹²³ At the same time, the racial wealth gap expands as the city's incarceration rate increases, not because poor people are inherently criminals. Instead, incarceration becomes the primary response to socioeconomic and political problems due to neoliberalism. Many activists and scholars argue that those in power historically and actively construct and reproduce poverty, patriarchy, and racism (as overlapping issues, not separate dimensions) for capital gain. The carceral state primarily relies on policing and imprisonment as tools to enshrine those differences. The carceral state builds on prior conceptualizations of the state that address colonial, gendered, "economic, racial, and sexual repression in a culture marked by increasing polarizations of wealth and poverty, privilege and disenfranchisement," (James 1994, 5) life and death. Further, the carceral state refers to the collaboration of carceral benefactors (i.e., businesses and the wealthy) and the government using carceral practices to maintain existing dynamics of inequality. The state's use of criminal-legal debt, which is the focus of this ethnography, is a carceral practice reproducing the material consequences of race, class, and gender, such as the racial wealth gap in Atlanta.

Criminal-legal debt aids the carceral state and capitalists by disciplining and extracting revenue from vulnerable communities. The coupling of power (e.g., capitalism, White supremacy, and settler colonialism) enshrines differences through criminalization and policing. Neoliberalism brought the emergence of a debt economy, indebting thousands of municipalities across the country. As a solution, municipalities increasingly rely on courts and police to impose

¹ Atlanta Wealth Building Initiative. "Racial Wealth Gap." Accessed November 14, 2022. <https://www.atlantawealthbuilding.org/racial-wealth-gap>.

² Pirani, Fiza. "Atlanta Has the Worst Income Inequality in the US, Bloomberg Report Finds." *The Atlanta Journal-Constitution*, n.d., sec. News.

³ Stokes, Stephanie . "How Atlanta Became The Capital Of Income Inequality." WABE, October 31, 2018. <https://www.wabe.org/atlanta-income-inequality/pantheon/atlanta-income-inequality/>.

criminal-legal debt (i.e., traffic tickets, probation fees, cash bonds, and other court-mandated fines) to generate revenue (Wang 2018). Indebted municipalities transfer their debt to the poor Black and Brown communities that are already hyperpoliced and overrepresented in prisons and jails by imposing monetary sanctions.

Local businesses and (trans)national corporations support mass incarceration and the expansion of the carceral state in metro Atlanta because policing and imprisonment legitimize the state's use of force to make a profit. The metropolitan area's wealthiest residents, businesses, and politicians benefit from the legal system by collaborating and investing in carceral practices (e.g., criminal-legal debt, surveillance technology, privatized jailing services, etc.) that reproduce socioeconomic inequality. Metro-Atlanta's carceral institutions determine who is allowed in public spaces, expand criminal offenses, maintain the status quo, and repress political dissent while imposing criminal-legal debt. This ethnography investigates the impact of criminal-legal debt on the lives of metro-Atlanta residents and the ways in which the carceral state and its benefactors utilize monetary sanctions to reproduce inequality.

Tiffany, a 62-year-old White woman who has lived in Georgia since 1989 reflected on the criminal-legal system's use of fines and fees. I wanted to know her thoughts on why a system allegedly intended to rehabilitate would charge people for committing crimes, or as she put it making "mistakes." She took a moment to reflect on her own experiences with criminal-legal debt and stated:

What's the alternative? You go to jail? It costs them [the criminal-legal system] money.

I'm sure if they're [the criminal-legal system] looking at it in a fiscal sense, they're incarcerating somebody because they made a mistake. It's costing them money to care for this person, feed this person, house this person, clothe this person, all their medical care,

and all those types of things. But if they're saying in lieu of going to jail, we're going to charge you \$1000 dollars for running that stop light over there that you saw. Hey! It works out for them because that hits their [the state's] revenue. It's the same thing for a DUI if they're going to arrest that person. But if they fine that person, rather than keep them in jail for a few weeks they are making money off that person's mistake. I understand the cause and effect in it. I don't quite know what the answer is to it. It's that what's happening is not the answer, even though I understand where their rationale is. It's not the answer because the mistakes that people make should not be generating revenue for someone else.

Tiffany's response suggests that monetary sanctions are profitable for the state (e.g., "that hits their [the state's] revenue;" "they are making money off that person's mistake;" "the mistakes that people make should not be generating revenue for someone else"). Criminal-legal debt has a dual nature, which punishes alleged criminal offenders and creates profit from those offenses. In this sense, fines and fees intend to extract from alleged criminal offenders at the point of policing (e.g., "we're [the criminal-legal system] going to charge you \$1000 dollars for running that stop light over there that you saw"). The officer, acting on behalf of the carceral state, punishes the driver for a traffic violation by imposing a fine, increasing revenue. Tiffany seems to assume that monetary sanctions generate profit only at the point of policing, but fines and fees proliferate throughout the legal system. In the country that incarcerates the largest percentage of its population (Alexander 2010; Davis 2003; Gilmore 2007; Natapoff 2018), fines and fees have a broad impact that affects municipalities, communities, families, and individual lives.

Further, Tiffany states she "understand[s] the cause and effect" of the imposition of monetary sanctions, which is the guiding question of this ethnography. What factors structure the

criminal-legal system's implementation and distribution of criminal-legal debt? What is criminal-legal debt's impact on communities, specifically within metro-Atlanta? How has criminal-legal debt expanded the reach of the carceral state? This investigation interrogates the criminal-legal system's use of monetary sanctions (e.g., court fines and fees, probation fees, and restitution fees) and its impact on poor, racialized, and gendered residents in metro-Atlanta (i.e., Cobb County, Dekalb County, Fulton County, and Gwinnett County). Through interviews with formerly incarcerated people and online court observations of Fulton County's All Purpose Court, this ethnography demonstrates that criminal-legal debt creates a negative feedback loop in which poor, racialized, and gendered communities are caught in a cycle of poverty and imprisonment. In other words, criminal-legal debt, in part, is a mechanism in which the carceral state exploits and reproduces difference (i.e., race, class, and gender).

A consequence of the carceral state's imposition of criminal-legal debt expropriates racialized communities in the U.S., expanding the state's ability to punish and generate revenue. Expropriation is the state practice of taking an individual's possessions. Drawing on Wacquant's (2012) conceptualization of neoliberalism, this study centers the state as the enforcer and implementor of neoliberalist policies, enshrining inequality across race, class, gender, sexuality, and ability. Conceptualizing neoliberalism without understanding how race, gender, colonialism, and capitalism co-constitute one another overlooks the historical and contemporary forms of structural violence in the U.S., which legitimize the criminal-legal system (Dawson & Francis 2015; Hill Collins 2000; Roberts & Mahatani 2010). It is helpful to utilize the White spatial imaginary to understand the ways in which the state deploys the carceral system to segregate communities and hoard resources, thus, creating idealized homogenous spaces, hyper-policed environments, and predictable structural designs and behavior (Lipsitz 2011, 29). Thus, criminal-

legal debt is both a tool of neoliberalism and discipline that expands punishment outside of the physical confines of jail.

Lastly, Tiffany's question, "what's the alternative," is an important one that I aim to answer. The carceral state (also referred to by activists as the Prison Industrial Complex) tends to render alternatives to the system as irrational or unobtainable. However, Prison-industrial complex (PIC) abolition is a "political vision with the goal of eliminating imprisonment, policing, and surveillance and creating lasting alternatives to punishment and imprisonment" (Critical Resistance n.d.). In other words, PIC abolitionists want to dismantle the carceral state and rebuild democratic institutions where everyone has their basic needs met: food, shelter, education, health, art, beauty, clean water, access to land, and anything essential to personal and community safety (Kaba 2021, 2). Abolition's radical potential lies in its constant, critical reevaluation and reflection of changing economic, ecological, political, cultural, and spiritual conditions for the freedom and well-being of all people. An abolitionist framework states that dismantling oppressive systems is necessary but not the definitive end goal of abolitionist praxis (Gilmore 2022; Kaba 2021; Rodriguez 2019). We all need to create new institutions and systems to replace existing ones.

This project utilizes an abolitionist analysis to research the impact of criminal-legal debt on people in Metro Atlanta. I draw on Savannah Shange's extraordinary ethnography, *Progressive Dystopia: Abolition, Antiracism, and Schooling in San Francisco*, which articulates a theoretical and praxis-oriented shift marked as an "abolitionist anthropology" (2019, 9). Abolitionist anthropology is a theoretical framework that merges anti-Blackness theory and critical anthropology of the state (Shange 2019, 7). A critical abolitionist methodology interrogates how the most "concrete, everyday historical technologies of slave-state

dominance... are reflected in post-emancipation (and present-tense) logics of policing, criminalization, and incarceration" (Rodriguez 2019, 1581). Therefore, the literature review for this project situates the carceral state as the continuation of oppressive systems, albeit through different mechanisms of control and exploitation.

An abolitionist lens demonstrates how the U.S. carceral state continues its legacy of domination and violence (e.g., chattel slavery, patriarchy, and settler colonialism) through the criminal-legal system. Different dimensions of oppression are the foundation of the criminal-legal system. Over time, those in power repackage and alter these overlapping power systems but continue to structure the carceral state. The U.S. emerged as a settler colonial project that preserved a racialized, gendered, and heterosexual national identity. Racialized and gendered minorities were kept out of the body politic and subjected to violence (e.g., forceful removal from land, rape, and slavery). This violence persists because the U.S. continues to exist as the governing body on stolen indigenous land and utilizes the carceral state to legitimize and structure its existence. The state's use of criminal-legal debt is a tool that reproduces the same material consequences on which the current system was founded. Thus, it is imperative to situate the deployment of monetary sanctions in the carceral state's broader history of racialization, patriarchy, and settler colonialism. Drawing on the works of Black feminist and decolonial activists, scholars, and revolutionaries, I use an intersectional perspective to analyze the practices of the U.S. carceral state because it views class, gender, sexuality, and race as co-constituted with colonialism and by default capitalism (Crenshaw 1991; Glenn 2015; Jakobsen, Padilla, & Horn, 2021; Nagel, 2013; Robinson 1983; Wang 2018).

1.1 Debt

One of the primary ways neoliberalism has transformed institutions is by deploying debt. While debt is not a new phenomenon, the global scale of indebtedness is new to this contemporary moment. Neoliberalism has relied on debt to transform whole societies and extract revenue from structurally impoverished nations (e.g., the relationship between the global North (the creditor) and the global South (the debtor). Historically, the credit-debtor relationship is imbued with moral sentiments that give debt its power. People are obligated to pay off their debts, and the carceral state continues to uphold this sentiment by deploying criminal-legal debt. Additionally, the weight that debt holds is related to its dual function. Politically, debt serves to control and discipline people. As an economic incentive, debt creates new markets for exploitation.

Those in debt have a moral obligation to repay what they owe, and those who fail are "bad" people (Graeber 2014). This moral sentiment has traversed centuries of human transactions and influenced many aspects of social life (Charbonneau & Hansen 2014, Graeber 2014). For example, the criminal-legal system frames crime and justice through debt. When someone violates the law, the state says there is a moral debt owed to society, which range from citations and court mandated classes to imprisonment or even death. Neoliberalists utilize debt to maintain power, resulting in debt economies around the world (Charbonneau & Hansen 2014; Lazzarato 2012; Wang 2018). A debt economy is when most of a society have insurmountable debt that increases indefinitely, eventually reaching a peak where people are unable to pay their debt (Lazzarato 2012). Through neoliberalist restructuring, the state became the main enforcer of policies that streamline the accumulation of capital at the expense of poor, racialized, gendered communities.

Debt, as a political tool, functions to socially control and discipline whole communities, particularly Black people in the United States (Dawson & Francis 2015; Wang 2018). From an economic view, debt economies create financial markets for profit (Vaccaro, Hirsch, & Sabaté 2020). The emergence of a debt economy expanded the carceral state to maintain order while simultaneously profiting off the warfare, social control, and repression it creates. Scholars have conducted extensive research on the hierarchical nature of debt (or credit) (Guerin & Kumar 2020; Graeber 2014; Peebles 2010). Peebles (2010, 226) investigated the effects of the creditor-debtor relationship and conceptualized the defining feature of debt as its ability to link "the present to the past and future." Regarding the carceral apparatus, monetary sanctions imposed by the criminal-legal system demonstrates this link. The carceral apparatus is defined as the invisible forces of power that categorize, surveille, demobilize, target, and manage marginalized populations (Wang 2018). Graeber (2014, 121) writes, "even when we speak of a criminal 'paying his debt to society,' we are saying that he has done something so terrible that he has now been banished from the equal status under the law that belongs by natural right to any citizen of his country." Fines and fees link a person to the "crime" that was committed. Depending on the nature of the crime, an arbitrary sentencing time will be served, and the monetary sanctions imposed after incarceration link a person to the debt they owe to society. Monetary sanctions after an arrest or imprisonment associates an individual to the crime they committed because a case cannot be closed until all financial obligations are completed (Edelman 2017; Natapoff 2018). As Harris et al. (2010) concluded, criminal-legal debt disproportionately impact poor, marginalized communities by reducing household income; limiting housing, credit, transportation, and employment opportunities; and increasing the likelihood of recidivism. Court

finances and fees imposed by the criminal-legal system thus increase and prolong the symbolic and literal debt owed to society.

1.1.1 Neoliberalism

Neoliberalism is the current iteration of capitalism that has transformed many aspects of society (e.g., capital, labor, institutions, and governments) including carceral systems. The current neoliberalist order in the United States is characterized by economic changes, particularly the reconfiguration of a manufacturing-based Fordist economy to a service-based economy where financial interests dominate (Dawson & Francis 2015). As an economic theory, neoliberalism reemphasized individualism, self-interest, liberty, freedom of choice, economic growth, technological innovations, and accumulation of wealth without government interference. The emergence of neoliberalism brought:

A set of policies and ideological tenets that include the privatization of public assets; the deregulation or elimination of state services; macroeconomic stabilization and the discouragement of Keynesian policies; trade liberalization and financial deregulation; a discursive emphasis on "neutral," efficient, and technical solutions to social problems; and the use of market language to legitimize new norms and neutralize opposition (Dawson & Francis 2016, 27).

Neoliberalism, at its basic core, is a strategy of the ruling class to structurally abolish the barriers to their wealth and privilege. Carceral states are responsible for generating the conditions for capital accumulation, in part, by making favorable conditions for new markets to flourish (e.g., implementing fines and fees) and repress political threats (Robinson 2020). In other words, neoliberalism transformed the criminal-legal system to create new avenues to extract revenue that discipline surplus populations and maintain structures of inequality. For example, the rise of

mass incarceration generates profits while depleting social wealth. More money is funneled into carceral expansion instead of investing in communities that are deprived of resources (i.e., education, healthcare, food). People who are deprived of necessities may turn to what would be characterized as criminal behavior (i.e., theft by taking) to survive. Therefore, the criminal-legal system reproduces the conditions that lead to incarceration (Davis 2003).

Much of the basic principles of capitalism have remained constant throughout its different iterations such as endless capital accumulation and outward expansion. These two principals have maintained centuries of structural violence and such as poverty and racism and structure ongoing colonial and imperialist projects. It is important to note that race, gender, and sexuality are not categories of identity that have emerged because of capitalism. They are all “social constructions, processes, structures of power, and relationships that have mutually constituted and reconstituted one another over time and in which are embedded in the processes of exploitation, dispossession, and marginalization” (Chomsky 2018, 34). For example, after the Civil War the South transitioned from an enslaved labor force to prison labor. Southern elites and politicians enacted laws that created the conditions of newly freed Black people to be recaptured and used as free labor for capitalist gain. Therefore, all iterations of capitalism are gendered and racialized, including neoliberalism (Glenn 2015; Inwood 2015; Jakobsen, Padilla, & Horn 2021; Roberts & Mahtani 2010; Robinson 1983, Wang 2018) and by extension carceral debt. Capitalists and politicians change the social formations and technological innovations that allow capitalism to operate.

It is imperative to understand the impact that neoliberalism has on carceral expansion because the legal system’s restructuring affects and alters marginalized communities in distinct and violent ways. The globalization of capital necessitates the expansion of the carceral state

because neoliberalism has created global crises that require the expansion of a global police state (Charbonneau & Hansen 2014; Hill Collins 1990; Harvey 2020; Robinson 2020; Sadbury 2013). For example, the emergence of neoliberalism turned debt into a huge commodity, destabilizing whole societies. “The recurrent international debt crises of the last three decades were used to enforce neoliberal restructuring of economies of debtor states” (Mahmud 2012, 482). As people organize to change their material conditions, carceral states rely on police to repress political dissent while maintaining existing power dynamics to continue extracting capital from the global south.

In the U.S., debt became a new method of exploitation that extracts revenue from poor marginalized communities. For example, banks utilize predatory loan practices that negatively impact individuals and municipalities. On an individual level, consumer debt with poor credit scores can negatively impact employment possibilities because employers are increasingly checking credit reports when making hiring decisions (Harris, Evans, & Beckett 2010). Additionally, property managers check credit scores to determine housing eligibility, which negatively impacts poor people from obtaining adequate, affordable housing. These practices disproportionately impact marginalized communities keeping them structurally impoverished. The phrase “structurally impoverished” puts the onus of poverty on neoliberals, government officials, and institutions because they wield power and structure the conditions for people’s material reality.

While considerable attention has focused on debt as money and repayment (Guerin & Kumar 2020, Graeber 2014; Peebles 2010), few studies interrogate debt's disciplinary function and the ways in which criminal-legal debt contributes the cycle of poverty and mass incarceration. Criminal-legal debt is a commodity that generates revenue as thousands of people

encounter the criminal-legal system yearly. In the U.S., police are the enforcers of the rule of capital because policing as an institution conceives, administers, and fabricates order (Correia & Wall 2021). Criminal-legal debt happens at the point of policing. In other words, police can issue fines and fees while on duty. Traffic tickets and citations are a clear example of police issuing debt as a part of their duties to ensure people follow traffic laws or other ordinances to maintain order. Failure to pay these fines may result in a warrant for that individual's arrest. Thus, law enforcement is central to creating the necessary conditions for the accumulation of capital. Additionally, police ensure a stream of human capital to fill prisons and jails. Incarceration is encumbered with fines and fees (e.g., bail, probation, court mandated classes, video conferencing) to generate profit off individuals taken out of the workforce. Carceral states, like the U.S., transformed and expanded to accumulate revenue through debt collection. In other words, the criminal-legal system altered its practices to generate wealth.

To understand how the U.S. criminal-legal system has come to rely so heavily on fines and fees as a ubiquitous practice, it is important to understand the historical processes that lead to the contemporary moment. The criminal-legal system was founded on different forms of oppression (e.g., race, class, gender, settler colonialism, ability, and sexuality), and these dimensions of oppression are repackaged and altered but nonetheless continue to structure the carceral state and the lives it touches. However, experiences of oppression are not separate categories or realities that can be separated from other identities true to an individual or collective. In other words, different oppressions are experienced simultaneously and create the conditions of people's lives (Combahee River Collective, 1977; Crenshaw 1991). The U.S. emerged as a settler colonial project that preserved a racialized, gendered, and heterosexual national identity that normalized straight, White males at the expense of everyone else. White

elites structurally kept racialized, gendered, and sexualized minorities out of the body politic and subjected marginalized communities to violence (e.g., forceful removal from land, rape, slavery) and premature death.

1.2 Racialization

Race is a fundamental system that structures society (Chomsky 2020; Davis 2003; Dawson & Francis 2015; Glenn 2015; Wang 2018) and has historical roots embedded within the criminal-legal system. Racism is the entanglement of cultural values with hierarchized biological features that construct certain categories of personhood that are divided into those proliferated for life and those vulnerable to premature death (Gilmore 2007; Stryker 2014). However, race as an organizing principal is not fixed, but constantly changed through political struggle. Racism, specifically anti-Black racism, manifests differently as structures and institutions change, which is demonstrated through the development and expansion of the carceral apparatus.

The devaluing of Black life is characteristic of this contemporary moment as it was within the system of chattel slavery. Chattel slavery in the U.S. was a racist system of forced labor that relegated people of African descent to the legal status of property that aided in the unequal accumulation of wealth for White people (Davis 2003). Mass incarceration, police brutality, and the intensive policing of Black communities continue the legacy of anti-Blackness that founded the U.S. and the White people continue to benefit off its legacy. Therefore, it is imperative to characterize the criminal-legal system as a continuation of chattel slavery to recognize how policing and incarceration reproduce racism.

Spillers (1987) identifies three vectors by which power was imposed on enslaved peoples and I expand their argument by suggesting that the criminal-legal system repackages those vectors of power to control, maintain, and exploit undesirable populations. The first vector of

power by which enslaved people were subjected to was physical force and violence. While most are aware of the violence enslaved people were subjugated too, it is less apparent to see how the criminal-legal system relies on similar forms of violence (i.e., direct, structural, and cultural) to control society. The criminal-legal system uses mechanisms of intimidation, physical violence, torture, lethal weapons, and surveillance to legitimize its power. It does not take much research to see the disproportionate rate of Black people being murdered at the hands of police since we are constantly bombarded with spectacularized images of police brutality through the media. Death is not a byproduct of chattel slavery but built into the foundation of a system that relied on the disposability of Black people. A logic of disposability continues to structure our present by “determining who will be subject to police violence, incarceration, poor education and health care access, and shorter life expectancies” (Stitt 2018, 151).

Second, White people subjected enslaved people to forced labor and deplorable living conditions. With the end of slavery, White elites reconfigured the criminal-legal system to coerce Black people into a system of control and repression (Alexander 2010; Chomsky 2020; Gilmore 2007). Chomsky (2018) illustrates that a dual carceral system emerged in the north and south with the collapse of Reconstruction. Black Southerners were targeted with coerced penal labor that stemmed from a loophole in the 13th amendment, which legally allows the exploitation of incarcerated laborers (Alexander 2010; Gilmore 2007). For example, the racial makeup of prisons in Alabama went from 99% White before emancipation to 85% Black by 1894 (Chomsky 2018). The demographic shift of the criminal-legal system occurred because southern political elites wanted to maintain a "subservient and captive" labor force as a source of income for the state (Dawson & Francis 2015). Therefore, Southern states rewrote their criminal law and created the Black codes as an incitement for other crimes (Mancini 1996).

The gross enforcement of these new laws created the market for convict leasing – a profitable system of contracting prison laborers without compensation (Alexander 2010). Companies would contract laborers from prisons in the south to build infrastructure, such as roads, without having to pay wages. Plantations would also contract prison laborers to work the fields that emancipated Black folks were finally free from. This practice became a new form of legalized slavery with horrible working and living conditions (Alexander 2010). The coercion of prison labor continues to exist today. For example, the California Department of Corrections utilize incarcerated people to combat the summer wildfires that devastate neighborhoods.⁴ Incarcerated people are put in dangerous situations with little to no compensation.

Space is also a racialized process that justifies over-policing certain communities. In the North, migrant Black folks who were fleeing the violence they experienced in the South were trapped in a "low-wage economy" and cast into racially segregated residential areas that became increasingly criminalized spaces (Chomsky 2018, 34). The structural disadvantage of Black communities at the time was due to White flight, deindustrialization, and unemployment that generated Black urban poverty and crime (Chomsky 2018). At the time, theoretical frameworks began to associate crime with race. Biological approaches to race gave explanations of 'Black criminality' that drew from the colonial mentality that Black people are a threat to modern society (Chomsky 2018; Davis 2003; Gilmore 2007; Fanon 1963; Kaba 2021; Nagel & Nocella 2013). As Fanon said, "confronted with a world configured by the colonizer, the colonized subject is always presumed guilty" (1963, 16).

Lastly, White people viewed enslaved people as property, and Black families were torn apart and sold, all while being demonized as dangerous and inferior to White society (Kaba

⁴ Lowe, Jaime. "What Does California Owe Its Incarcerated Firefighters?" The Atlantic, July 27, 2021. <https://www.theatlantic.com/politics/archive/2021/07/california-inmate-firefighters/619567/>.

2021). While humans as property in the U.S. is illegal, incarcerated people become property of the state in prisons and jails. Incarcerated people are not afforded autonomy over themselves.

They are all at the mercy of correctional staff who govern all aspects of daily living.

Additionally, property relations continue to exist and structure other power relations. Property includes material, tangible objects as well as various immaterial goods. In the U.S., property acts as an object and relation. It is a thing to be possessed and a contract defining the terms of possession (Correia 2013). The power imbalance between who owns property and who sets the terms of possession is a racialized process that relies on the carceral state to enforce those relations.

The rise of mass incarceration justified by the War on Drugs and the War on Terror have devastated Black families. Black men, on average, are incarcerated at higher rates than any other racial or ethnic group in this country. Using data from the 2010 U.S. census, the Prison Policy Initiative concluded that in Georgia Black people were incarcerated at a rate of 2,036 per 100,000 people, Latinx people had an incarceration rate of 1,099 per 100,000, and White people were incarcerated at a rate of 640 per 100,000 people (Prison Policy Initiative 2018). The higher incarceration rate of Black people is not because they are inherently criminal but because the legacy of anti-Blackness that is embedded with in the criminal-legal system aims to incarcerate Black people (Gilmore 2022).

1.3 Settler Colonialism

The U.S. carceral state continues this country's legacy of settler colonialism by aiding in the displacement of native residents for urban renewal projects (i.e., gentrification) that attract wealthier residents. Gentrification is central to this project because urban renewal projects expand the reach of the carceral apparatus to geographically racialized space. Space is racialized

in two ways, through the carceral state's practices and processes that reproduce race and racial ideologies that are inscribed in space (Hankins, Cochran, & Derickson 2012). Gentrifiers in neighborhoods identified as potentially profit laden areas displace native residents (usually Black and Brown communities) who are demonized as criminal and dangerous. Gentrifiers who demonize these neighborhoods call for intensive policing of the areas to protect their interests and transform the landscape to attract wealthier, usually White, residents. Gentrifiers overreliance of the police puts Black and Brown communities in closer proximity to the criminal-legal system (Hankins, Cochran, & Derickson 2012; Zimmer 2012). As a result, native residents are issued criminal-legal debt by changing neighborhood norms while being forced out of their homes. In this regard, police protect the interests of the wealthy and help transform the demographic and landscape of an area. Therefore, gentrification is the repackaging of settler colonialism by utilizing the criminal-legal system to aid in the displacement of people from their homes.

Simply put, colonization is a power struggle (Fanon 1963). Settler colonialism is a type of colonization in which colonizers take land from native populations with the goal of controlling resources and permanently settling to form new communities. For the colonizers, there is no intent to return home. Rather, they transform the settlement into their new home. The colonial regime is then legitimized through force, and seldom does it try to hide this fact (Fanon 1963). Settlers eliminate the indigenous population from the land to build their colonies, which has been done through assimilation, genocide, forced removal, or designated to reservations outside the White settlement (Glenn 2015; Hernandez 2017). However, colonizers are not solely content with restricting the space of the colonized through law and order. Land becomes privatized and exploited because of the value it holds under a capitalist system. The exploitation of land

required systems of labor exploitation such as chattel slavery. The trans-Atlantic slave, a triadic system that includes the industry of White settler, land dispossession of Native American land, and forced enslavement of Africans, created the conditions for ongoing accumulation of European and American wealth (Glenn, 2015).

Recent literature posits that settler colonialism is predicated on the logic of elimination, which excludes the native population from creating and participating in the body politic (Chomsky 2018). Incarceration can be understood as a pillar to invasion and settler colonialism because it criminalizes autonomy and coerces labor (Hernandez 2017). Fanon (1963) writes that the official spokesperson for the colonizers and the regime, is the police officer or the soldier. There has not been a single period in U.S. history in which the police were not a force of violence against racialized communities (Kaba 2020). Policing as an institution in the U.S. emerged from slave patrols in the South, controlling industrial labor in the North (Kaba 2020), and surveilling the 'frontier' from Indigenous people as manifest destiny encroached on their lands in the West. Therefore, police institutions' historical roots provide insight into how they are essential in securing property relations to maintain the status quo.

The U.S. depended on the enslavement of racialized others and dispossession of their land, as seen with the forcible removal of Native Americans (Chomsky 2018; Inwood 2014; Wang 2018). As settler societies "depend on racialized workforces, settler cultures, institutions, and politics simultaneously tend toward excluding racialized workers from full inclusion in the body politics" and controlling their participation in community life through fluctuating labor demands (Hernandez 2017, 8). The logic of elimination has not ended; instead, it has been re-engineered to control and repress racialized others. For example, when images of police brutality circulate media, such as a police officer forcing his knee on the back of a Black man's neck until

he dies, the public is witnessing what police see as their job (Kaba 2020). The carceral state is controlling certain people's participation in society by authorizing who can be where and restricting what they can do in public spaces. Therefore, settler colonialism is not a singular event but an on-going process (Glenn 2015; Hernandez 2017; Jakobsen, Padilla, & Horn, 2021).

Settlers demonize natives by transforming them into the “quintessence of evil values” (Fanon 1963, 6) and subjecting them to violence. “The ‘savage’ and eliminable indigene is racialized as ‘other’ in contrast to the ‘civilized’ sovereign settler, who becomes White” (Glenn 2015, 61). Once the U.S. colonists fought for their independence from colonial regime (i.e., Great Britain) Whiteness became the national identity. Aileen Moreton-Robinson (2008, 85) explains, “the USA as a White nation state cannot exist without land and clearly defined borders, it is the legally defined and asserted territorial sovereignty that provides the context for national identification of Whiteness. In this way . . . Native American dispossession indelibly marks configurations of White national identity.” White people cast Whiteness as the status quo and position themselves as full citizens.

Therefore, space is a racialized process and urban environments rest on the presumption that certain spaces (e.g., low-income neighborhoods) are condemned to welfare dependency, high street crime, low socioeconomic status because of the characteristics of the residents (Zimmer 2022). The dismantling of the welfare state - a characteristic of neoliberalism - was intimately tied to constructing urban non-White communities trapped in impoverished neighborhoods as deserving of their situation. “Coded racism was used to construct poverty as a personal moral failure” (Wang 2018, 85). While holding people responsible for their economic situation due to changes in the economy, Black communities were simultaneously painted as

deserving of punishment. Rebranding poverty as a personal moral failure is intimately tied to the notion that Black people are disposable and subject to mass incarceration (Wang 2018).

Gentrification continues the legacy of settler colonialism by collaborating with local police departments to displace residents and erase the culture of a neighborhood. Wealthier, White people come into structurally disadvantaged neighborhoods and purchase relatively cheap property with the intent to profit. Gentrifiers surge the housing market with unaffordable prices, displacing native residents from the neighborhood. The landscape and demographics of the neighborhood change, replacing native residents for wealthier ones. Police aid in this project by hyperpolicing neighborhoods that are inscribed with racial ideologies (e.g., a neighborhood branded as criminal, dangerous, or unsafe) and utilizing practices and processes that reproduce race (i.e., property relations). The intensive policing that gentrified neighborhoods experience relates to criminal-legal debt because increased police presence leads to increased monetary sanctions.

1.3.1 Property

As Ruth Wilson Gilmore (2020) said, "capitalism requires inequality and racism enshrines it," and this relationship is evident in residential housing dynamics. Under a capitalist system, property is violence. Property embodies specifically racialized and gendered practices of accumulation and property entitlement stemming from the country's long history of racial capitalism and colonization (Bonds 2019, 576). The legal history of property ownership in the U.S. is marked by dispossession of Indigenous lands, human enslavement as legal property (e.g., women and enslaved Africans), and exploitation of devalued labor (Bonds 2019). Property, then, is a mechanism through which difference becomes enshrined in capitalist social relations through racial ideologies (Melamed 2015).

Property means something owned or possessed and the right to possess (i.e., ownership). It includes material, tangible objects as well as various immaterial goods. In the U.S., property acts as an object and relation. It is a thing to be possessed and a contract defining the terms of possession (Correia 2013). In other words, property is simultaneously a form of wealth accumulation and a site of belonging and identity (Bonds 2019). Modern liberal nation-states promise access to property as an exercise of autonomy and full citizenship (Correia 2013). However, colonial claims to property rights are founded on white supremacist ideologies that impact the structure of a city. The carceral state uses property as an organizing tool to determine who is a citizen and who is not, resulting in more carceral interactions for low-income communities (Correia 2013; Bonds 2019). Many activists and scholars have shown that affordable housing increase public safety and prolongs life (Davis 2003; Kaba 2021). Yet low-income communities are often met with the violence "of racist urban policy, deindustrialization, and the predations of real estate continue to agitate for neighborhood investment as [cities] channel increased funding into policing and high-end development projects designed to attract the young, White, and wealthy back into the city" (Bonds 2019, 575).

Whiteness, defined as a social status that legitimizes distinct social, political, and economic freedoms within an unequal property order, links the process of racialization to the unequal distribution of property. Whiteness stems from the governing of property and its interest in the relationship to those who do not own property; therefore, those with no property are imagined as possessing a criminal disregard for propertied order (Bonds 2019). This assumption centers property relations to material and discursive structuring of people and spaces as well as emphasizes the role of the state in maintaining property regimes (Bonds 2019). Neoliberal restructuring of the government protects the interests (i.e., property) of the wealthy, while

subjecting others to debt, displacement, and incarceration. Blaming low-income communities for the poverty they experience while subsequently deeming them as criminal obscures the realities and conditions that create social and economic stratification. Instead of tackling the root causes of stratification, incarceration becomes the solution to these problems.

A settler colonial framework provides a historically grounded and inclusive analysis of U.S. class, gender, and race relations. An advantage to using a settler colonialist framework is that it can grapple with the particularities of racisms and sexism afflicting different marginalized groups while simultaneously acknowledging structural and cultural factors that connect these racisms and sexism (Glenn 2015). “The logic, tenets, and identities engendered by settler colonialism persist and continue to shape race, gender, class, and sexual formations into the present” (Glenn 2015, 57). A defining feature of colonialism is that “economic reality, inequality, and enormous disparities in lifestyle” can never be obscured (Fanon, 1963). In cities, the disparities between the rich and poor are prevalent as one travels from one neighborhood to another. Condemned buildings, poor infrastructure, and poor access to goods and services are visible manifestations of the disparities between neighborhoods.

1.4 Patriarchy

The carceral state reproduces gendered dynamics (i.e., patriarchy) through its practices (e.g., mandatory arrests and no-drop prosecution) that uses human capital to impose criminal-legal debt. Domestic violence cases exemplify how the carceral state does not address the root cause of criminality but actively maintains the conditions for recidivism (i.e., the likelihood that someone will reoffend). Increased rates of recidivism signify more carceral debt. When an individual re-offends, a judge can impose fines and fees and increase bail. While domestic violence is not a new phenomenon, the criminalization of it is, meaning the carceral state

expanded its reach to arrest individuals who commit gender-based violence. When new behaviors are criminalized, it provides the carceral state a new avenue to impose criminal-legal debt. The carceral state can determine how much a new criminal offense is worth (bail) and any other related forms of punishment. The 1994 Violence Against Women's Act, a set of federal policies and procedures for local police departments to incarcerate domestic violence abusers, criminalized new behaviors that could be exploited through criminal-legal debt (Goodmark .

The VAWA fails to protect survivors of intimate partner violence because the ideological premises of the law are founded on the power dynamics that it actively tries to criminalize – patriarchy. Both heteropatriarchy and heteropaternalism are expressions of patriarchy that refer to narrow definitions of the male/female binary, in which the male gender is perceived as strong, capable, wise, and composed and the female gender is perceived as weak, incompetent, naïve, and confused (Arvin, Tuck, and Morrill 2013). Young (2003) asserts that the logic of masculinist protection allows men to take on the role of protector in relation to women and children because of males' perceived qualities. This gendered dynamic is illustrated in the relationship between the carceral state and its people.

The logic of masculinist protection suggests that a good man is one who protects his family and puts himself in danger to save them. This logic follows that this type of man is selfless and self-sacrificing, especially in relation to women. In contrast, a bad man is selfish, domineering, and wants to control women. The unpredictability of the ever-looming threat of 'bad' men means that the 'good' man needs to be in constant state of vigilance to ensure the safety of their family. In the face of a threat, the subordination of women is necessary to ensure the safety of the family; thus, women are rendered subordinate and are kept away from their decision-making autonomy (Young 2003). Patriarchy, in part, stems from "male specialization in

security,” and the subordination of women stems from the need for protection. However, this logic is an unequal power dynamic that mirrors power structures between experts of care and those being cared for (i.e., paternalism).

The carceral state reproduces gendered dynamics (i.e., patriarchy) through its practices and procedures. Giving attention to domestic violence cases exemplifies how the carceral state does not address the root cause of gender-based violence but actively maintains the conditions for recidivism (i.e., the likelihood that someone will re-offend). Increased rates of recidivism signify an increase in carceral debt. While gender-based violence is not a new phenomenon, the criminalization of it is, meaning the carceral state expanded its reach to arrest individuals who commit domestic violence. When the legal system criminalizes new behaviors, it provides the carceral state opportunities to imprison more people, increase police budgets, and create new avenues to impose criminal-legal debt. For example, the 1994 Violence Against Women’s Act, a set of federal policies and procedures aimed at local police departments to incarcerate domestic violence abusers, criminalized new behaviors that entrapped and indebted more people into the system (Goodmark 2018). By failing to address the root cause of gender violence, the criminal-legal system can maintain the conditions correlated with increased vulnerability to domestic violence, ensuring people will reoffend and fine them in the process.

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The relationship between protector-protected is reminiscent of the relationship between the legal system and the people living within it. People give their autonomy to defend and aggress in the face of danger in exchange for protection from the state (Young 2003). From a young age, people are socialized to rely on the police in the face of a threat. The criminal-legal system decreases the rights of people (e.g., defending oneself against an abuser) to justify its actions as maintaining the protection and safety of its citizens. The logic of masculinist protection situates state actors as selfless agents who know how to protect their citizens, rendering people in a society dependent on the state. Since the carceral state allegedly provides protection, it demands obedience and submission from the people.

The logic of masculinist protection is evident when one looks at the emergence of the VAWA as a federal law. Anti-violence advocates began focusing on the inactions of the criminal-legal system, which resulted in several civil cases across the country. Class action lawsuits in the late 1970s in New York City and Oakland, California, challenged police departments' failure to intervene in intimate partner violence cases. In other words, the state failed to protect women and children from bad men. Local governments enacted new changes, and police departments "promised to treat intimate partner violence like other crimes" (Goodmark 2018). By 1980, almost every state had passed some form of domestic violence legislation, including mandatory domestic violence training for law enforcement personnel, civil protection orders, and increased penalties for committing domestic violence (Durfee 2012, 66). A clear turn towards criminalization began in 1984 when the United States Attorney General's Taskforce on Domestic Violence made a public commitment to strengthen the criminal-legal response to domestic violence (Goodmark 2018). The punitive turn towards criminalizing intimate partner violence resulted from a culmination of the state's historical failure to handle domestic violence, the belief that intimate partner violence is a public problem requiring state intervention, and the tendency to address social problems through law and order (Goodmark 2018).

In 1994 Congress passed the VAWA as Title IV of P.L. 103-322. This legislation was passed because many people perceived the criminal-legal system as not acting on behalf of women despite the changes implemented by the civil lawsuits two decades earlier. The parts of VAWA that discuss the criminal-legal system created incentives for police, prosecutors, and courts to create and implement state interventions to domestic violence. Since the legislation's passing, the federal government has awarded \$5.7 billion in grants. Most of the funding was

given to the criminal-legal system. Over time, a growing disparity emerged between grants awarded to the criminal-legal system and social services for battered women (Goodmark 2018). Thus, leaving most women and gender minorities fleeing abuse to fend for themselves. As of 2019, VAWA's two largest grant programs channel approximately \$268 million yearly to courts, police, prosecutors, and nongovernmental organizations supporting the criminal-legal response to domestic violence (Goodmark 2018).

Criminalization became popular during neoliberalism's ascendancy, which structured U.S. social policy (Goodmark 2018). Neoliberalism propelled the use of the criminal-legal system, replacing social welfare policies for mass incarceration as the solution to structural and political issues. The criminalization of domestic violence took the responsibility of holding abusers accountable away from community members. Police and imprisonment are the primary methods by which people in the U.S. handle situations of domestic abuse, which have pacified communities and expanded the reach of carceral institutions. However, the carceral state does not address the root cause of gender-based violence, allowing the cycle of abuse to continue. The state's inability to effectively address the root cause of crime allows people to re-offend, which allows the state to generate revenue through criminal-legal debt. Thus, the carceral state is unable to support and protect survivors effectively. The reliance on the criminal-legal system to handle intimate partner violence continues the states' monopolization of violence, repackages patriarchy through criminal-legal procedures, legitimizes mass incarceration, and provides a consistent revenue stream by supplementing criminal-legal debt with other forms of punishment.

1.5 Methodology

1.5.1 Against the Concept of Culture

It is essential that anthropologists engage in praxis (i.e., political action) with communities at all stages of the research process to ensure that the work being produced addresses community needs, centers the experiences and knowledge of directly impacted people, empowers communities to become actors of change, and reduces harm. Academics must move away from the myth of neutrality and be accomplices in liberation. Through an ethos of care and commitment to social justice, anthropologists can position themselves as agents of change that practice anti-racism by speaking truth to power, exposing structural violence, and organizing to ensure peoples' safety and well-being. This work engages in an abolitionist praxis (Kaba 2021) to get to the root causes of the carcerality that will ultimately deepen the collective understanding of interlocking oppressive systems to dismantle and rebuild life-affirming ones.

However, while our actions must change, so too must our ethnographic writing. This project draws on Abu-Lughod's (1991) and McLaurin's (2001) critiques of ethnographic writing to depart from the culture concept that is ingrained in anthropological epistemologies. Culture is a lens to differentiate oneself from another group of people. Culture solidifies difference, making communities seem "other" (Abu-Lughod 1991). Much of anthropological discourse assumes that cultural differences are self-evident; however, culture is learned and constantly changing. Many anthropologists believed with great conviction that one could not be objective about one's society. This assumption has impacted native and indigenous anthropologists by erasing, minimizing, or ignoring lived experience as a valid form of knowledge production (McLaurin 2001). These authors disrupt anthropological assumptions about self and other that are

challenging “power relations in everyday life [that] remain enmeshed in identity politics” (McLaurin 2001, 54).

Abu-Lughod (1991) reflects on the use and political consequences of this classification and interrogates the theoretical value of culture upon which the self and other are predicated. The dominant discourse on culture perpetuates dangerous tendencies. For example, cultural feminists overlook similarities and points of coalition that would strengthen political movements (Abu-Lughod 1991). Additionally, culture tends to blur different experiences due to class, race, sexuality, living space, ethnic origin, personal experience, age, mode of livelihood, and geopolitical systems (Abu-Lughod 1991; McLaurin 2001). Feminist anthropology highlights two critical themes. First, the self is always a construction; it is “never a natural or found entity” (Abu-Lughod 1991, 140). Second, constructing a self in opposition to someone else will entail violent repression or disregard other forms of difference. The self is caught in a web of oppression and power relations, raising issues in positionality, audience, and power inherent in the distinction of self and power.

Anthropologists need to reckon with their positionality and subjectivity to prevent consequences that will negatively impact the work for collective liberation (Juris & Khasnabish 2013). Being negligent or unaware of how one navigates the world hinders one’s awareness of biases, blind spots, and limitations that ultimately harms communities intentionally or otherwise. Positionality gets at self and subjectivity, but there needs to be a focus on their relationship to inequality and power dynamics (McLaurin 2001). Some academics still debate the validity and reliability of lived experience as data. The collective knowledge gained from organizing alongside communities must be integrated with subjective lived experiences to evolve and inform future actions and theories (Cammarota 2008). There is materiality (derived from

political and economic relationships and fields of power) to identity that must be acknowledged. Notions of self are intricately woven into the body politic of American society. Scholars who contend with their positionality deconstruct the notion that expertise in a particular discipline equates to knowing the best path towards a more just future. McLaurin (2001, 53) noted that subjective knowledge could not only be used for resistance but transformation as well. It is “self-awareness and self-actualization” (Mahmoudi, Khoshnood, & Babaei 2014, 86) that create the foundation for a more democratic, egalitarian, and just world.

1.5.2 Autoethnography

One of the principal methodologies for this project is an autoethnographic account of my personal experiences with the carceral state as both a community organizer in Atlanta and someone who has been incarcerated. Autoethnography is an approach to research and writing to describe and systematically analyze personal experience to comprehend social life (Ellis, Adams, & Bochner 2010). While many scholars disregard autoethnographic work as biased, unreliable, and not generalizable, I contend that autoethnography can further decolonize the discipline's assumptions about knowledge production and politicize the research process to create a more just and democratic world. Additionally, using an autoethnographic methodology falls in line with the decolonial intersectional analysis this project uses because it focuses readers' attention on forms of storytelling that deepen people's capacity to empathize with each other (Ellis, Adams, & Bochner 2010), and mobilize people to organize with resisting others to dismantle oppression and build a life-affirming world.

Abu-Lughod (1991, 140) raises the question, "[w]hat happens when the other that the anthropologist is studying is simultaneously constructed as, at least partially, a self?" To understand the complex dynamics and relationships entangled in metro-Atlanta's carceral

systems, I draw on my lived experience as someone who has been incarcerated and is in community with formerly incarcerated people. As a queer, non-binary, Latinx person maneuvering the world, I, like many other folks from marginalized communities, have greater contact with the carceral state. I was arrested in 2017 and 2020 for misdemeanor offenses. In 2017, I was arrested for underage drinking. In 2020, racist employees in Downtown Decatur bar called the police on my friends and I for entering their establishment. My arrest is an example of racial profiling. Therefore, it is imperative to interrogate how different criminal offenses are used to control specific populations. Both incidents resulted in criminal-legal debt, such as bonds and probation fees.

I briefly share these experiences because they have impacted me in profound ways that have deepened my understanding of the carceral system and led me to community organizing, specifically PIC (prison-industrial complex) abolition in Atlanta. Writing about these experiences is a way of knowing and a form of healing as I make sense of myself regarding these experiences (Ellis, Adams, & Bochner 2010). Writing personal narratives also opens the doors for witnessing which “allow readers to observe and, in turn, better testify on behalf of an event, problem, or experience” (Ellis, Adams, & Bochner 2010, 8).

Autoethnography is retrospective and selective about the ideas that stem from or made possible by being a part of a group or possessing that identity (Ellis, Adams, & Bochner 2010). It is necessary to understand where the perspective for this study originates because “every viewpoint is a view from somewhere and every act of speaking, a speaking from somewhere” (McLaurin 2001, 57). My commitment to liberation and critical analysis of interlocking systems of oppression does not stem from the academy, but rather from being in community with queer, working-class, radical, Southern, Black and Indigenous leftists and leftists of color.

While my experience is a partial truth that is a valid form of knowledge production (McLaurin 2001), it would be harmful to generalize my experience to everyone who has been incarcerated. Autoethnographers must consider how people experience similar systems, or they run the risk of making sweeping generalizations that obscure other ways of being or relating (Ellis, Adams, & Bochner 2010). However, my experiences give me a critical perspective to analyze systems of oppression. Reckoning with my positionality led me to understand that my lived experience is insufficient alone for this analysis if I aim to understand how the criminal-legal system has historically and continues to disproportionately categorize, surveille, demobilize, target, and manage marginalized populations.

1.5.3 Courtwatch and Semi-Structured Interviews

I chose Fulton County court as my online field site to observe the ways in which monetary sanctions are imposed on residents in Fulton County. I conducted participant observation of Fulton County's State Expedited Court, which oversees misdemeanor offenses. Due to the global pandemic, many government proceedings went remote and took place online. Since first appearance misdemeanor court are public spaces, the county is responsible for making these hearings accessible. Therefore, Fulton County live-streams these court proceedings on YouTube through a video conferencing program (i.e., Zoom). While the public does not have access to the Zoom link that grants you access to participate in court proceedings, I was able to observe court on Youtube.

Fulton County's State Expedited Court oversee arrestees from Fulton County Jail and Union City Jail. Fulton County Jail incarcerates men while Union City Jail incarcerates women, erasing, misgendering, and jeopardizing the lives of transgender and gender non-conforming folks. On Zoom, Fulton County Jail and Union City Jail video call separately. In each case, all

arrestees sit in a room together some in jail suites some not, all masked, and all handcuffed waiting to see a judge. In addition to the jailers, the presiding judge, two Assistant Solicitor Generals (prosecutors), and two public defenders are always present. Occasionally, hired private attorneys attend to represent their client. Victims of crimes and family members of defendants may participate in court proceedings if they were contacted by the Fulton County Solicitor General's Office, given access to the Zoom link, and agreed to speak in court. Otherwise, everyone else views the livestream through YouTube.

State Expedited Court occurred Monday through Friday starting at 2:00 pm. Court lasts anywhere from 45minutes to over four hours depending on how many people were booked and processed. Observations for this project began in January 2022 and ended June 2022. A data collection template titled, Courtwatching Data Collection Sheet (see Appendix A.2), was created by Southern Center for Human Rights, a human rights law firm, to document information related to this study. I altered this template from a previous project I helped lead with Southerners on New Ground (S.O.N.G.), a queer abolitionist organization in the South, that investigated the impact of cash bonds in Atlanta. The data collection sheet documented information relevant to this project including perceived race, perceived gender, criminal history, criminal charges, prosecutor recommendations, bond amount(s), sentencing, and notes. I analyzed a total of 81 misdemeanor cases for this project.

Additionally, six formerly incarcerated people participated in semi-structured, person-centered interviews were conducted as another data source (Spiggle 1994; Wutich et al. 2014, 507). I structured interview questions to be open ended with follow up probes A probe is an intervention to get more information about a topic. Probes are purposefully open-ended because it allows the interviewee to respond in a multitude of ways that do not limit or lead to a particular

response (Levy & Hollan 2014). Inclusion criteria for interview participants include: 1) 18 years of age at the time of the interview; 2) previous incarceration in the metro-Atlanta area. I conducted all interviews online using the video conferencing program, Webex, and the interviews lasted between 45-130 minutes. All participants were given link a few days prior to their scheduled interview. Participant interviews, along with participant observation, allow researchers to interrogate the “complex interrelationships between individuals and their social, material, and symbolic contexts” (Levy & Hollan 2014, 296).

Before each interview, I explained the project to every participant and asked their permission to record and transcribe their interviews. All interviews were recorded, transcribed, and anonymized. I created an interview guide (see appendix A.1) to structure the interview. All participants spoke in English. Of the seven, two participants spoke both English and Spanish during their interview. I kept the original Spanish in the excerpts followed by an English translation. The following excerpts used in this study underwent minimal changes. I removed filler words (e.g., um, like) and unnecessary contractions (e.g., and, so, but) when appropriate for cohesion and flow.

1.5.4 Sampling

I interviewed six formerly incarcerated individuals living in metro-Atlanta. I selected participants through purposive sampling, a form of non-probability sampling that allows researchers to fall on their own judgement when recruiting participants (Bernard 2011; Spiggle 1994). My sample, in essence, was self-selecting in the sense that participation was based on those who wanted to participate, had time to participate, and those who were willing to disclose their criminal history. All six participants remain anonymous throughout this thesis and I assigned each participant a pseudonym.

Recruitment for this study was difficult because this project aimed to conduct research with stigmatized and “semi-hard” to find populations. I recruited participants through snowball or respondent-driven sampling. Respondent Driven Sampling is a method of recruiting hard to reach populations through an in-members social network and is an effective way to build a sampling frame (Bernard 2011). At the end of the semi-structured interview, I asked all participants if they knew of other folks who may be willing to participate in the study. When they responded affirmatively, I provided them with my contact information to share with potential interview participants. In other words, I relied on other people’s social networks for recruitment.

1.5.5 Data Analysis

Data from all interviews, field notes, and surveys were cleaned for personal identifiers before analysis began. After I transcribed my interviews and recorded courtwatch data on Microsoft Excel, I utilized a qualitative analysis computer software, Nvivo, to analyze my data. All data were stored on my personal, password-protected computer. All field notes and interview transcripts were analyzed in NVIVO using a mixture of repetition and ‘cutting and sorting’ (Ryan and Bernard 2003) to identify consequences of criminal-legal debt. I created a code sheet from recurring themes that emerged in the data.

1.6 Project Outlined

The following chapters lay out my argument that criminal-legal debt reproduces the material realities of race, class, and gender while simultaneously creating the conditions for people to re-offend. The following chapter details how the carceral state's overreliance on criminal-legal debt subjects marginalized communities to institutionalized forms of violence, maintaining inequality inherent to its everyday practices and procedures. The legal system is

flawed, with racialized and classist practices disproportionately impacting poor, racialized communities. Debt at the point of policing and debt after an arrest entrap poor Black and Brown communities who encounter the criminal-legal system in a cycle of poverty and incarceration.

For example, Chapter 3 describes how the carceral state maintains and contributes to the cycle of inequality by taking an in-depth look at how the legal system criminalizes domestic violence cases. The criminalization of domestic violence fails victims of gender-based violence by perpetuating patriarchy, increasing the likelihood of recidivism by neglecting the underlying factors of gender violence, and capitalizing off conflict by imposing criminal-legal debt. Focusing on domestic violence clearly shows how the carceral state reproduces the material realities of poor, marginalized communities.

However, the carceral state is the collaboration of government and businesses utilizing and capitalizing off the criminal-legal system. In chapter 4, I articulate how gentrifiers rely on police and imprisonment to displace marginalized communities to transform structurally impoverished neighborhoods. This chapter demonstrates how gentrification expands the carceral apparatus to geographically racialized space. Finally, this thesis ends with abolitionist recommendations for communities, advocacy organizations, the government, and other interested parties invested in ending mass incarceration.

2 CARCERAL APPARATUS: A TRANSFORMING LANDSCAPE

2.1 Introduction

The criminal-legal systems use of monetary sanctions (i.e., fines and fees) contributes to the cycle of violence and inequality inherent to its everyday practices and procedures. The state utilizes monetary sanctions in violent ways that disproportionately impact marginalized communities and criminalizes poverty. In other words, the carceral state's use of criminal-legal debt reproduces race and class. Criminal-legal debt keeps poor, predominately Black and Brown people in constant contact with the criminal-legal system as a revenue-generating mechanism that increases the risk of recidivism and keeps communities structural impoverished. Through participant observation and interviews with formerly incarcerated people, this study illustrates that criminal-legal debt has enduring effects such as reducing household income, limiting opportunities and resources, and increasing the risk of recidivism. These findings challenge the prevailing notion that fines and fees ought to be an addition or supplement to punishment because criminal-legal debt increases harm by exacerbating existing systems of power.

Throughout history, debt provided a bedrock for systems of exchange (i.e., value-making systems) while simultaneously structuring social relations through discipline (Muhmud 2012; Waquant 2012). Conflicts about who owes what to whom have been essential to discourses on right and wrong (Graeber 2014). Debt encompasses discourses of morality as seen in the demonization of the homeless, the unemployed, "drug addicts," and welfare recipients (Lazzarato 2012). Graeber (2014) writes, "the difference between debt and a moral obligation... is simply that a creditor has the means to specify, numerically, exactly how much the debtor owes." Money has the capacity to transform moral judgements into quantifiable transactions

justifying inequality and violence, such as criminal-legal debt in the neoliberal era. For example, a Fulton County prosecutor asked the court for a \$500 cash bond for criminal trespassing on private property. The crime of being on someone else's property without their consent is worth \$500 according to Fulton County. The carceral state attaches financial value to all crimes.

However, neoliberalism is neither ahistorical, nor an objective system separate from politics or governance. It is a reformist system that repackages colonial, racial, and gendered practices to maintain inequality (Jakobsen, Padilla, & Horn 2021). Neoliberalism uses moral coercion to mobilize the carceral state (Graeber 2014). Through the language of risk and the use of risk assessment tools, the carceral state abstracts poor, racialized communities into threats. As Graeber (2014, 5) noted, "if history shows anything, it is that there's no better way to justify relations founded on violence, to make such relations seem moral, than by reframing them in the language of debt." Neoliberalism commodified debt by generating new methods of exploitation and disciplining the poor that have produced a new form of subjectivity: the indebted man (Lazzarato 2012; Robinson 2020; Wang 2018). This is true of monetary sanctions imposed by the criminal-legal system. Monetary sanctions discipline those who come into contact with the criminal-legal system. Those who do not have the ability to pay their debt are pushed towards reincarceration, creating a cycle of indebtedness and incarceration.

Wacquant's (2012) theoretical framework on neoliberalism positions the state as the central enforcer and implementer of neoliberalist policies, which is useful to understand why the criminal-legal system utilizes criminal-legal debt as a method of revenue accumulation. Business and transnational corporations deploy and invest in new methods of wealth accumulation that depend on the expansion of the carceral apparatus, defined as the invisible forces of power that categorize, surveille, demobilize, target, and manage marginalized populations (Wang 2018).

The state has the sole monopoly over the criminal-legal system. However, businesses and transnational corporations impose their political agenda to generate revenue through carceral expansion. Debt is a social contract that has material consequences. It is an invisible force that confines people to the conditions set forth by the debt (Lazzarato 2012). The criminal-legal system is altering its practices (i.e., expanding and increasing monetary sanctions) to repay outstanding municipal debt accrued by businesses and transnational corporations (Wang 2018). This shift is contributing to the rising levels of inequality that disproportionately affect poor, racialized, and gendered communities (Alexander 2010; Chomsky 2018; Gilmore 2007; Kaba 2021; Lazzarato 2012; Wang 2018).

2.2 On Violence

The criminal-legal system subjects poor marginalized communities to institutionalized forms of violence to uphold a cis-White, patriarchal order. Galtung's (1990) theorization on the three dimensions of violence, direct- structural- and cultural violence, highlight the ways in which the carceral apparatus has a monopoly on the use of violence that perpetuates social suffering across intersecting forms of identity (e.g., race, class, gender, disability, and sexuality). The interrelated dimensions of violence that are structured through overlapping systems of oppression are inherent to the criminal-legal system's functionality and can be observed through Metro-Atlanta's carceral practices. For example, the increased militarization of Atlanta Police Department has endangered poor, Black and Brown communities, and the department's involvement in the Georgia International Law Exchange Program (GILEE) has doubled the number of police killings from 2017 to 2018 (Project South 2019). Atlanta's involvement in this transnational law enforcement training program is expanding the carceral apparatus by

improving strategies, technology, and weapons that cause mass injury (e.g., mass incarceration and criminal-legal debt) and premature death (e.g., police killings).

Direct violence is an event in which physical harm is done to someone. The state allows officers to operate on its behalf to enforce laws, maintain social order, and repress political opposition, which can all result in mass injury or death (Gilmore 2022). The media's display of police brutality on Black bodies are prime examples of the state's use of physical harm. On June 12, 2020, Rayshard Brooks was murdered by officer Garrett Rolfe at the Wendy's right near my home. Mr. Brooks was found asleep in his vehicle, which was parked at the drive-thru of the restaurant at 125 University Avenue in South Atlanta. While completing sobriety tests for the two officers at the scene, Mr. Brooks admitted that he had been drinking. In body cam footage obtained by the New York Times (Browne, Kelso, & Marcolini 2021), Mr. Brooks asked officer Rolfe if he could lock up his car and walk to his sister's home, which was a short distance away. Officer Rolfe then asked Mr. Brooks to take a breathalyzer test to which he agreed. Officer Rolfe determined that Mr. Brooks had too much to drink to operate a vehicle and decided to arrest him. Mr. Brooks refused arrest and ran away from the officers with a taser he had taken from officer Bosman during an altercation. Officer Rolfe fired his gun three times at Mr. Brooks after tasing him in pursuit. Mr. Brooks later died in the hospital during surgery.

However, Rayshard Brooks is not the sole victim of militarized police violence in Atlanta. The perpetual violence on Black bodies on display by police is systematic and continues the legacy of racialized violence that founded this country. For example, Kathryn Johnson, a 92-year-old grandmother, was murdered by a police SWAT unit in her home (Hill 2016). In 2016, Jamarion Robinson was shot over 60 times by U.S. marshals in East Point (Vigdor 2021). In 2014, Baby Bou Bou was mutilated by a flashbang thrown in his home (Boone 2015). Anthony

Hill, who suffered from mental illness, was naked and unarmed when he was killed by a police officer (Tatum, Georgia International Law Enforcement Exchange Program). Outside of metro-Atlanta, the lives of George Floyd, Travon Martin, Sandra Bland, Breonna Taylor, Eric Garner, Michael Brown, Tamir Rice, Philando Castile, Daunte Wright, and countless others. The use of deadly force by police is a systematic racialized practice in the U.S.

A more subtle form of violence that the general public is not accustomed to seeing is the dehumanization of incarcerated people in jails and prisons. Alex, a Black woman from the metro-Atlanta area, recounted how dehumanizing incarceration is for people. She said:

There's a lot of implicit violence. Like, they do things very sneakily so that they can get away with it... A lot of the cops are very hostile towards us. They didn't treat us like people. They wouldn't even look us in the eyes. We were let out for less than one hour out of 24 hours and for some reason the jail guard would only let my roommate and I out of everyone in there. She would only let us out for 10 minutes a day. And it felt like she was just picking on us for no reason. We did nothing to her. They just don't treat you like a human, and they're very insensitive to people who have mental health and drug addictions. They're very insensitive to them.

Being locked up for more than 23 hours is a cruel punishment for anyone. Prolonged confinement in deplorable living conditions have debilitating effects on the body and mind. In 2019, the Southern Center for Human Rights and the Georgia Advocacy Office filed a lawsuit on behalf of incarcerated women with severe mental illness held in deplorable conditions of solitary confinement for over 23 hours. Photos of the jail demonstrated “garbage strewn cells, standing toilet water on the floor, a trail of urine flowing from a cell door, bloody clothes and underwear stained with fecal matter lying in the living areas, toilets full of garbage, and feces and blood on

the walls” (Riley 2022). Some of these women in the South Fulton Jail were arrested for petty offenses but remained incarcerated for months on end. She states:

For example, when I was in my second holding cell before there was a young woman in there who was on meth. Well, she was detoxing from meth, and she was having so much pain and discomfort. I let her lay down next to me in the cell and they were being so insensitive towards her. They kept calling her names like special and this and that. I was getting so angry. I'm very emotional so I was trying not to cry. Um, but they just were so insensitive to her. I'm thinking in my mind, like, you're a cop, shouldn't you be more sensitive that this person is detoxing from drugs, that they don't really know what's going on, that they're in pain. A lot of the cops were just like, either misogynistic cismales or women who perpetuated misogyny and who really weren't sensitive. But there was one cop who was actually treating me, like a person.

In the case of Alex's cellmate who was detoxing from methamphetamine, officers neglected to care for her addiction allowing her to experience severe “pain and discomfort,” while simultaneously ridiculing her for detoxing. The demonization of drug addicts as a societal norm justifies the lack of care and treatment that those battling addictions should be given. Instead, incarceration becomes the solution to their addiction. Negligence, dehumanization, and deplorable living conditions in the jail exacerbate symptoms of severe mental illness for people who already are underserved due to their mental health.

Giorgio Agamben's concept, the state of exception, illustrates the way officers deploy and normalize direct against incarcerated people. Police use violence (e.g., fatal and non-fatal) in the name of “law and order,” and officers determine whether violence will be used by depending on their clarity and ethical sense to act as the sovereign (i.e., act on behalf of the state) (Agamben

1998). Officers enact, what Giorgio Agamben terms, the state of exception, which is the "sanctioned and naturalized disregard of the limits of state juridical and political power through times of state crisis" (Puar 2007, 3). As seen with the instances of direct violence, officers ignore the limitations and obligations of the law in order to "enforce" the law. In other words, police position themselves outside the realm of law, while forcing others to comply to their will based on their own judgements on behalf of the carceral state. The carceral state writes into law that officers can operate outside the rule of law to enforce and maintain order.

The state of exception exists as the norm for marginalized communities because they are viewed as threats to the capitalist, cis-hetero, patriarchal order of the United States. Marginalized communities are more vulnerable to social and physical death because the state has never viewed them as the 'true' citizens worthy of protection (Davis 2003; Glenn 2015; Inwood 2015; Palacios 2016). As seen with the War on Drugs and War on Terror, a permanent state of exception based on fear mongering grants immunity to state sanctioned violence against its marginalized populace. Police operate outside the law by doing exactly what the law says not to do and reinforces the notion that some humans are disposable (MacLeish 2013; Puar 2007; Van Munster 2004). Thus, law and order are maintained by condemning lives to *homo sacer*: killing people without punishment (MacLeish 2013; Van Munster 2004).

The violence imposed on Black and Brown bodies by the criminal-legal system is systematically embedded with racialized practices, which Paul Farmer (1997) defined as structural violence. The state does not engage Black people and other marginalized communities in the process of citizenship making. Rather, they are subjected to surveillance, discipline, dispossession, control, and violence, which Mbembe (2003) articulates as "contemporary forms of subjugation of life to the power of death." The overrepresentation of Black and Brown people

in prisons and jails as discussed by Michelle Alexander (2010) illustrates racialized practices as central to the criminal-legal system. Stop and frisk, routine traffic stops, broken windows policing, and other policing technologies are biased against marginalized communities, leading to disproportionate rates of incarceration among people underserved minorities.

The criminal-legal systems' practices and procedures exacerbate and maintain structures of inequality. Increasingly, low-income communities are arrested for petty crimes that are only minor inconveniences for people with income, but they have severe impacts on poor, racialized communities who are unable to pay the high monetary sanctions routinely imposed by the criminal-legal system (Edelman 2017). Individuals unable to pay bail are jailed until their trial, fined excessively, and surmount increasing costs and fees (Edelman 2017). A cash bond requires a defendant to pay a lump sum of money assigned by the judge to be released. "Failure to pay begets more jail time, more debts from accumulated interest charges, additional fines and fees, and in a common penalty with significant consequences for those living below or near the poverty line, repeated driver's license suspensions" (Edelman 2017; xv). In other words, poor people are punished for being poor, keeping them trapped in a cycle of poverty.

The stigma that follows incarcerated people after imprisonment hinders their ability to fully integrate into society and increasing their risk of reoffending. After incarceration, poor, racialized communities lose their liberty and social well-being (e.g., job loss, prohibited from receiving public benefits, may lose custody of their kids). Imprisonment leads to social death by denying incarcerated folks the right to public civic life (e.g., disenfranchisement) and private life (e.g., family, sexual expression) (Jackson, 2013). Social death soon follows when people re-enter into society. The stigma that follows formerly incarcerated people excludes them full participation in the public sphere, pushing them further towards the periphery of society.

Punishment continues after incarceration by denying formerly incarcerated people public assistance (i.e., housing, food stamps, employment), making it extremely difficult for those who leave the carceral system to stay out.

To reiterate, the criminal-legal system created the problem of mass incarceration through targeted practices that disproportionately imprisoned marginalized communities and set the scene for the new criminalization of poverty (Alexander 2010; Edelman 2017; Natapoff 2018). The systems and mechanisms used by the criminal-legal system to incarcerate people is structural violence. The systematic targeting of Black and Brown people and subsequent prolonged imprisonment of poor people for their inability to pay are structures created to maintain the operations of the criminal-legal system. Without a constant flow of “criminals” entering the system, the criminal-legal system would not be as profitable of an industry as it is now.

Finally, cultural violence is “those aspects of culture, the symbolic sphere of our existence... that can be used to justify or legitimize direct or structural violence” (Galtung 1990, 291). The end of slavery reconfigured the criminal-legal system to continue the coercion and exploitation of Black labor prevalent to this day (Alexander 2010; Chomsky 2020; Gilmore 2007) as well as to repress political dissent. During my interview with Hyzam, they noted that the criminal-legal system is “just like modern day slavery. It just never went away you know. It just took a new identity.” The current criminal-legal system is historically tied to the system of chattel-slavery. After emancipation, the South reengineered the carceral system to incarcerate newly freed Black people for free labor (Davis 2003; Gilmore 2007; Kaba 2021).

Racism, specifically anti-Black racism, is the basis for the carceral system in the U.S., documented in the penal system's historical record (Chomsky 2018; Davis 2003; Kaba 2021; Roberts & Mahtani 2010). The over policing of Black communities is the repackaging of anti-

Black racism obscured by the popularized notion that police “protect and serve.” For example, Alex was about fifteen years old when she had her first experience with the police. She was on her way to the food health store with her twin when they were both stopped by police in Downtown Decatur, Georgia. She said:

My twin and I were going to walk through this neighborhood to get to the health food store that we usually went to after school. This White cop just rode up on us on a motorcycle like, he's on a horse back in the day and he was like, y'all can't go through this neighborhood and you can't walk through his neighborhood. I said why? He didn't give a straight answer, so I just kept walking with my twin. He rode up on us again and was like, “I said you can't go through this neighborhood.” I was like, “you didn't give me any reason why.” Then he was like, “what are your names” and he pulled out a pad like this (shows pad on the screen) and was like, “what are your names?” Even though I knew he was wrong because I was aware of how people are I just I looked him in his face and just gave him my name. I felt so belittled. My twin gave him her name as well, and he was like, “yeah, y'all need to turn around. You can't go this way to go to McDonalds.” I was like, “we're not even going to McDonald's.” We're going to the health food store. It was like so many jabs he was giving us as people of color that I was having to bite my tongue. I knew if I were to say something a certain way or whatever that it would be ugly. So, we just had to, like, swallow our pride and walk back. Then, ironically, a White student was coming up next to us. He passed us and went towards where the cop was going because he was going to walk through the neighborhood. We were watching from a distance, and he talked to the White cop real quick and he [the cop] let the young, White male go through the neighborhood. Yeah, my twin and I were crying. We knew it was wrong, but

we felt powerless in that moment. It's like what could, should, whatever we have done.

That story sticks with me.

Alex's story is a prime example of how Black people and other racialized groups are overpoliced in this country. The officer prevented Alex and her twin from going to the food health store without a justification and assumed that they were going to McDonalds. That assumption alone was enough to block their path. However, the White student was able to pass without any complications, while Alex and her twin were forced to take an alternative route. Police protect cis-White life while hyperpolicing everyone else. Alex explained that they felt the reason for being stopped was racially motivated, meaning that officers can and do internalize oppressive ideologies. When oppressive ideologies are internalized albeit explicitly or implicitly, they can manifest in people's words and actions.

Unfortunately, I have my own experience with racism that led to my arrest. I was arrested in Downtown Decatur in December 2020. My friends and I had decided to go out for a few drinks since the pandemic allowed months to pass without seeing each other. After starting the night at Victory Sandwich Bar, which was one of my favorite bars in the area, the group decided to go down the road to Trackside Tavern. The bar is known to have a grunge aesthetic, which was a vibe at the time. As an undergraduate, it was a decent spot to play pool, shoot darts, and hang out with friends. Prior to this encounter, I never had any problems with this establishment. While the bar's staff and regulars were predominately White (pretty sure the staff was all White), my friends and I never had any problems with racial discrimination there. However, the night of my arrest my friends and I, a group of Black and Latinx people, were met with hostility by the staff and complacency by the other customers. The employee yelled at us to leave without being given any explanation, and they threatened to call the police if we did not leave. The group

decided to stand our ground and not leave. One man in particular, not sure if he was on staff or the owner, yelled ballistically in our faces as if we had committed the worst crime in the world. I certainly felt the hostility was coming from a place of prejudice, considering we had done nothing wrong. At some point between our back and forth, another one of the staff called the police.

The atmosphere of the bar was extremely tense as my friends and I argued with the bar staff as we all waited for the police. Personally, I was extremely upset and angry that a White man threatened my friends and me with the police after experiencing a whole summer of riots in response to police brutality. It felt like a slap in the face, considering our only offense was to walk into the bar while non-White. After ten minutes, two White cis-male officers arrived at the bar. Immediately they spoke with the staff. The man who was yelling at us lied saying that my friend's and I had been disturbing people's pool games, throwing things in the bar, and yelling at people. This was not the case at all. Of course, my friends and I immediately objected and told our side of events, that we had walked in for less than five minutes before being berated to leave without any justification, and the one they provided was fabricated. The officers proceeded to tell us that we had to leave the bar, but we were not taking no for an answer. We felt wrongfully treated by the bar staff and felt like we were owed an apology. The officers told us to leave again and when we refused, I was dragged to the floor and arrested. When I went down, there were a few seconds of disbelief because everything happened so quickly.

One minute you are trying to tell someone that you are being mistreated and the next thing you know you are on the floor with the full force of an officer's knee pushing up against your back. I remember looking into my best friend's eyes as they were handcuffing me, both of us in shock. Once I fully grasped what was going on, I immediately asked what I was being

detained for. I was met with silence. I kept trying to understand why they were arresting me, and I was met with the silent treatment. On the ride to the Dekalb County Jail, while I was being processed, as I lay in a cell for hours, not once did I know what I had been arrested for. Even the judge at my first appearance misdemeanor court hearing, was utterly shocked and confused as to why I was detained when the public defender explained the situation. I was given a signature bond and was released from jail. I did not commit a crime. I was wrongfully arrested.

Wherever power guides social relations, which is everywhere, violence will be used (Kleinman 2020). The criminal-legal system has a monopoly on the three dimensions of violence to legitimize its existence and exercise its power. In this sense, power is an instrument of rule and "owes its existence to the instinct of domination" (Arendt 1970, 236). Laws within a social order maintain the hegemonic and normative processes that justify the violence and overlapping forms of oppression that is central to the criminal-legal system's functionality (Wang 2018). Those populations deemed disposable or deviant experience the most violence (i.e., direct, structural, and cultural) from the criminal-legal system.

The carceral state's institutionalized power is legitimized and justified through its ability to punish (Foucault 1977). These invisible forces of power are violent because they are embedded with cultural and social forces (e.g., racism, sexism, colonization, heteronormativity, etc.) that reify direct and structural violence experienced by marginalized communities (Galtung 1990; Scheper-Hughes & Bourgois 2004). Arendt (1970, 238) argues that people support the law that gives power to institutions of a nation and their support is the continuation of "consent that brought the laws into existence" in the first place. However, the U.S. is a settler-colonial project intertwined with its history of racial and gendered practices that systematically excluded marginalized communities from full inclusion into the governing body (Hernandez 2017, 8).

When examining who is erased from the body politic, it becomes easier to understand how lynching, policing, death penalties, surveillance, forced sterilization, pat-downs, body cavity searches, and monetary sanctions are tactics used by the carceral state to differentiate who is and is not a citizen, who is an is not the exception. Colonial, racial, and gendered logics have not disappeared; they have been re-engineered to continue to control and repress marginalized others.

Of importance, the structural and cultural dimensions of violence are central to this studies investigation of criminal-legal debt. As noted above, the racial and classist ideologies that are rooted in the criminal-legal system manifest in the distribution of criminal-legal debt imposed in the U.S. The burden of debt is felt the most by poor marginalized communities and is a mechanism that keeps these communities in greater proximity to the criminal-legal system. Monetary sanctions are violent because it is a predatory addition and sometimes an alternative to punishment.

2.3 Transforming Carceral Practices

The neoliberal turn expanded the reach of the carceral system by investing in technology that exacerbates violence, broadening the scope of criminalized offenses, and imposing monetary sanctions as a ubiquitous practice to the criminal-legal system. Amid growing recessions and state fiscal crises that have emerged due to global capitalism, prison expansion as an economic development in the United States may have run its course, although this has been contested (Edelman 2017; Robinson 2020). Since 2000, incarcerated people in private prisons increased by 47 percent, and the overall prison population by 9 percent (Robinson 2020). In 2000, Georgia's private prison population was approximately 3,746 people. In 2019, the total private prison population increased by 110% totaling 7,883 people. State prisons increasingly rely on private

corporations to provide prison services, such as healthcare, education, food, telephone, and transportation (Wang 2018; Robinson 2020). All of these services charge a fee that incarcerated people must pay. According to Prison Policy Initiative (n.d.), Georgia is one of eight prison systems that charged incarcerated people for phone calls during the pandemic.

Incarceration statistics for Georgia are alarming and suggest that while prison expansion may have stopped, other carceral mechanisms emerge to take its place. The incarceration rate for Georgia is 968 per 100,000, including people in prisons, jails, immigration detention, and juvenile justice facilities (Prison Policy Initiative n.d.). Prison Policy Initiative stated that Georgia “locks up a higher percentage of its people than any democracy on earth” (n.d.). In comparison to founding NATO (North Atlantic Trade Organization) countries, Georgia outranked them all (incarceration rate per 100,000): United States (664), United Kingdom (129), Portugal (111), Canada (104), France (93), Belgium (93), and Iceland (33).

Many low-level offenders are serving sentences in county jails, which is rapidly expanding (Edelman 2017; Morrell 2012, Natapoff 2018). Every year, about 13 million people are charged with crimes as minor as pedestrian in a roadway or as serious as intimate partner violence. In the U.S., most people will experience the criminal-legal system at the misdemeanor level. In Georgia, approximately 236,000 people cycle through county and city jails (Prison Policy Initiative n.d.). The rise of misdemeanor offense emerges because of surmounting municipal debt seen across the country (Harris, Evans, & Beckett 2010; Wang 2018). The "financialization of municipalities, the loss of key tax revenue streams, deindustrialization and capital flight" (Wang 2018, 153) contributed to the \$3.7 trillion municipal debt in the U.S. In January 2021, Truth in Accounting, a 501(c)(3) nonprofit, nonpartisan organization composed of businesses, community, and academic leaders interested in improving government financial

reporting, published a report titled, “Financial State of the Cities 2021.” This report analyzed the fiscal health of 75 of the U.S.’s most populous cities based on 2019 annual financial reports. Overall, the report concluded that 62 cities did not have enough money to pay their debts. Atlanta is \$262.4 million dollars in debt. The city’s financial problems primarily stem from unfunded retirement obligations, such as pensions and healthcare benefits.

The imposition of criminal-legal debt is not new. However, fines and fees are two forms of monetary sanctions imposed by the carceral state that serve different functions and have distinct histories. Fines are monetary sanctions imposed for breaking the law and have been a part of the Anglo-American legal system since its inception (Foster 2020). Historically, fines were meant as an alternative to incarceration for White Americans – “a sanction for infractions too minor to merit incarceration” (Foster 2020, 5). In the aftermath of slavery, the criminal-legal system sentenced fines on newly freed people knowing many would not be able to afford them (Harris, Evans, & Beckett 2010). It was the foundation for the convict leasing system, the practice of renting out incarcerated labor for private companies, in the South that lasted until the 1940s (Harris, Evans, & Beckett 2010, 1757). Fines are imposed in a similar manner today, particularly for traffic and parking violations (i.e., minor infractions), but are now almost always imposed in addition to incarceration and probation (Foster 2020).

What is new to this contemporary moment is the imposition of fees, an additional monetary sanction charged for access to services or to fund the carceral state (Foster 2020). Fees are seen everywhere in the criminal-legal system but vary tremendously between states and within states (Foster 2020; Harris, Evans, & Beckett 2010; Natapoff 2018). For example, they are named differently through the country, they are imposed for different reasons, and they fund different programs. The variability of fees stems from the fact that each state and the District of

Columbia have different state court systems, and 34 states have municipal courts that work in conjunction or outside of the state court (Foster 2020). Foster explains:

Many states have enacted laws that impose fees uniformly in particular types of cases. States with municipal courts, however, often give discretion to assess fees to the local legislative body or court. Even states without municipal courts often give local government, courts, probation departments or prosecutors discretion to impose a variety of fees for costs that the local government incurs such as for probation, diversion programs, or jail (2020, 6).

Regardless, what constitutes a fee under the criminal-legal system is so vast that they are seen at every step of an individual's encounter with the criminal-legal system. Fees can be imposed before someone is arrested (warrant fees), and then through arrest (bail), conviction (lawyer fees, court security fees), services provided while incarcerated (room and board, phone calls, medical fees) or probation (probation and drug test fees) (Edelman 2017; Foster 2020; Harris, Evans, & Beckett 2010; Natapoff 2018).

Since the 1980's and the ensuing rise in mass incarceration, state and local policy makers have drastically increased the scope and value of fines and fees imposed by the carceral state (Foster 2020). Fines and fees were initially funding the carceral state. Now, fines and fees have become popularized by state and local legislators because they produce a steady stream of revenue that funds other government services and general fund revenue (Foster 2020). In 2007, an estimated 10.5 million misdemeanor prosecutions took place in the U.S. with varying amounts of monetary sanctions across the country. Subsequently, around 13 million people go to jail annually and millions more are placed on probation (Harris, Evans, & Beckett 2010, 1760). All

of those interactions with the criminal-legal system resulted in fines and fees. Therefore, the carceral apparatus is not weakening, but its power and scope are being reimagined.

2.3.1 Criminal-legal debt

Criminal-legal debt is a systematic tool that generates revenue for local and state governments, while keeping poor marginalized communities in a cycle of poverty and incarceration. Indebted municipalities are accruing revenue by imposing fines and fees on those caught up in the criminal-legal system, "including fees for public defenders, prosecutors, court administration, jail operation, and probation supervision" (Robinson 2020, 92-93). This expansion extends to people who have unpaid traffic tickets and other minor offenses (Harris, Evans, & Beckett 2010; Robinson 2020). The shift towards offender-funded policing and punishment, incentivizes local police departments to exploit residents by imposing fines and fees at the point of police contact (Wang 2018, 21), all while the range of criminal-legal debt continuously rises (Harris, Evans, & Beckett 2010, 1757). Currently, 95 percent of arrest warrants are due to unpaid fines in the U.S., which means this form of extracting state revenue is a systematic institutional practice (Wang 2018).

Scholars have focused on the "advantages" of monetary sanctions as an alternative to incarceration and probation. The literature assumes whether implicitly or explicitly, that criminal-legal debt either already is, or ought to be, an alternative to confinement and criminal-legal supervisions. However, activists and scholars noticed that at all levels of the U.S. government (e.g., city, county, state, and federal), carceral decision makers (e.g., judges and prosecutors) increasingly impose monetary sanctions on folks convicted or are accused of a crime regardless of whether a crime was committed (Harris, Evans, & Beckett 2010). In a groundbreaking study, Harris, Evans, and Beckett (2010, 1756), concluded that:

[M]onetary sanctions are now imposed by the courts on a substantial majority of the millions of U.S. residents convicted of felony and misdemeanor crimes each year. We also present evidence that criminal-legal debt is substantial relative to expected earnings and usually long term. Interviews with criminal-legal debtors suggest that this indebtedness contributes to the accumulation of disadvantage in three ways: by reducing family income; by limiting access to opportunities and resources such as housing, credit, transportation, and employment; and by increasing the likelihood of ongoing criminal justice involvement.

Interviews and courtwatch data for this project support Harris, Evans & Beckett's (2010) findings. Indebted individuals caught in the criminal-legal system are hindered in three ways: reducing household income; limiting opportunities and resources; and increasing the likelihood of recidivism. However, to further Harris, Evans & Beckett's (2010) findings, my analysis shows that these disadvantages reinforce one another in a negative feedback loop. In other words, criminal-legal debt entraps poor, marginalized communities in a cycle of poverty and imprisonment. The cycle in which poverty and incarceration feed off one another creates a revolving door effect. Those who are already impoverished are in greater proximity to the carceral apparatus. Once involved with the system, the accumulation of criminal-legal debt begins. Lack of support and resources as well as the looming threat of criminal-legal debt (i.e., reduced income) after incarceration can contribute to recidivism. The more involved someone is with the criminal-legal system, the more debt they accrue, the less opportunities available to them, and the less disposable income they have. Thus, activists and scholars ought to take criminal-legal debt seriously because it is a tactic used by the U.S. carceral state to control, displace, and monitor marginalized communities.

Monetary sanctions ought to be conceptualized through its disciplinary function because it highlights the ways in which debt actively creates the conditions for recidivism (i.e., the rate at which people reoffend) and the docile bodies produced from it (Lazzarato 2012; Wang 2018). Neoliberal restructuring of the state changed social rights (e.g., unemployment insurance, welfare benefits, minimum wage, healthcare, etc.) into social debts. The relationship between creditor (i.e., grants rights) and debtor (i.e., the benefactors from services or assistance) altered. The creditor-debtor relationship changed because public benefits transitioned to social and private debts. At the same time, citizens transitioned into debtors. Creditors prescribe new behaviors bound to debtors' repayment. Lazzarato (2012, 104) argues that the debtor is not expected to pay money but instead in behaviors, ideologies, values, social commitments, interactions, "the time conforming oneself to the criteria dictated by the market and business, etc." Debt produces a type of subjectivity that suits market rule, which Lazzarato terms the indebted man (Lazzarato 2012). This is true for people who continuously come into contact with the criminal-legal system. However, the carceral state expects all monetary sanctions paid or else individual's run the risk of incarceration and become second class citizen that can legally be discriminated against.

As noted earlier, neoliberalism restructured society to adopt market rule ideology to generate more profit. As the U.S. moved away from a manufacturing-based Fordist economy to a service-based economy where financial interests dominate (Dawson & Francis 2015), the transition excluded hundreds of thousands of people from the formal economy (i.e., surplus populations). The carceral state expanded to discipline and exploit those left out of the formal economy. Surplus populations have no value for capitalists if they are kept from participating in the global economy. Therefore, carcerality became the solution for capitalist expansion as seen

with the imposition of monetary sanctions at every point of an individual's encounter with the law (Foster 2020).

The expansion of the criminal-legal system became the institution in which surplus populations were housed in order to extract revenue and free labor (Wang 2018). While criminal-legal debt is justified as an obligation to repay society for the transgression committed, the impact of monetary sanctions debilitates people for years after the incident occurred. Poor, racialized communities who are unable to pay their criminal-legal debt are subjected to excessive fines relative to income and surmount increasing costs and fees (Edelman 2017). After incarceration, criminal-legal debt transforms the experience of incarceration from time limited experience to a long-term status (e.g., loss of employment, banned from public benefits), hindering their ability to pay their criminal-legal debt. "Fines and fees in the justice system hurt millions of Americans, entrenching them in poverty, exacerbating racial disparities, diminishing trust in courts and police, and trapping people in perpetual cycles of punishment" (Foster 2020, 3). Poor communities are kept out of the formal economy, pushing many people into a cycle of illegality and incarceration as a means of survival.

2.4 Debt at the Point of Policing

Due to racial and class biases in policing, debt at the point of policing (e.g., citations and traffic fines) disproportionately impacts poor Black and Brown communities. In this regard, fines are a racial surtax, which is a form of revenue extraction deployed by the government to continue to expropriate from non-White residents (Wang 2018). For example, in racially diverse cities, Black people bear the burden of criminal-legal debt due to fines imposed by law enforcement (Gilmore 2007; Harris, Evans, & Beckett 2010; Sances & You 2017; Wang 2018). A recent study examined data for more than nine thousand U.S. cities and found that "the use of fines as

revenue is common and that it is robustly related to the share of city residents who are black" (Sances & You 2017). Eighty-six percent of the cities in the study obtained revenue through fines and fees that averaged around \$8.00 per capita—while in municipalities with larger Black populations verged on \$20.00 per capita (Sances & You 2017). This dramatic gap suggests that fines at the point of policing is a tool used to exploit Black residents to generate revenue for indebted cities.

Police can issue tickets and citations for a plethora of reasons such as littering, marijuana possession, and disorderly conduct (Natapoff 2018). In all of these instances, police issue monetary sanctions for behaviors that transgress public norms. The police are the first point of contact for these occurrences, and it is during these interactions that police impose monetary sanctions for transgressing public norms. Meaning, police assume the role of generating revenue (i.e., imposing debt) (Wang 2021), and this is prevalent with the high prevalence of traffic and parking tickets issued within the U.S. (Foster 2020). The Atlanta-Journal Constitution released an interactive map titled Georgia's 50 Worst Ticket Traps, which evaluated the amount of revenue that 50 cities and counties in Georgia accumulated between 2008-2012. In Atlanta, the average ticket revenue per capita (i.e., the average price paid for a ticket) between 2008-2012 was \$112.98. In those four years, Atlanta generated \$50,598,342.40 in traffic tickets alone. In Gwinnett County, \$49.92 was the average ticket revenue per capita and generated \$42,900,363.00. Cobb County's average ticket revenue per capita was \$54.73 and generated 39,250,694.20 in four years. DeKalb County has an average ticket revenue per capita of \$117.78 and accumulated \$84,019,282 making it the county who generated the most money in the metro-Atlanta area. The numbers were drastically higher in more rural parts of the state due to departmental quotas that demand each officer to fine a certain number of people either monthly

or quarterly (Natapoff 2018). However, the distribution of fines by police perpetuate racism through their practices. Racial profiling is a major issue across the U.S. police departments that contributes to mass incarceration because police are more likely to stop and fine poor, Black and Brown communities (Alexander 2010). Although racial profiling is not an explicit or articulated practice of mainstream police conduct according to police officials, several studies on policing demonstrate otherwise (Warren et al., 2006; Chang and Poston, 2019).

For example, the United States Department of Justice (2011) released a report that found Black drivers were 31 percent more likely to be stopped by law enforcement than White drivers. A study conducted by Meehan and Ponder (2002) demonstrated that people who were stopped and subsequently had their vehicle searched for equipment violations (e.g., improperly tilted rearview mirror) or other seemingly objective criteria show that those who are deemed out of place (e.g., Black motorists in White neighborhoods) are stopped and asked to consent to searches at higher rates than White folks. Policing depends upon a systematic construction of space whereby neighborhood social control and identity are enforced through geographically targeted police tactics (Bloch 2021), which will be explained further in chapter four. As Epp, Maynard-Moody, and Haider Markel (2014) argue, being out of place may raise suspicion and provide grounds to establish probable cause for an investigatory stop. Additionally, they argue that differences in how racial and ethnic groups are treated by police are revealed in the data showing why a stop was conducted and what occurs after a stop is initiated (e.g., traffic fines, arrest).

An excerpt from Hyzam's interview named some of the racial and classist ideologies that influence police practices. Hyzam explained:

I had this friend, we are no longer friends, who works for the Dekalb Police Department. They told me and even confirmed that they [the police department] basically train them to target certain individuals, and so I was just like damn. My lived experience has been true to that. In my other truck I got pulled over all the time for nothing. This one [officer] was like 'oh your hitch was blocking the license plate. This mother fucker pulled me over and told me my hitch was blocking the license plate. You know what I am talking about? The hitch ball that is manufactured to the truck that comes with it when they build it was blocking my license plate. He just pulled me over for some bullshit.

Hyzam believed the officer's reasoning for pulling them over was unnecessary, "he just pulled m over for some bullshit." Hyzam found it hard to believe that the officer's reasoning, the "hitch was blocking the license plate," was a genuine reason for pulling them over. A truck's hitch is manufactured by companies to be underneath the license plate as to not obscure its view from police. As Hyzam said, "hitch ball is manufactured to the truck" leading it to be no fault of their own but also the officer's reasoning is false.

Race and class are factors police consider when deciding who to stop, fine, or arrest (Alexander 2010; Davis 2003; Foster 2020; Kaba 2021). Hyzam points to these two factors in their experience with traffic stops. They said:

The type of car that you have a lot of times will influence if a cop is going to pull you over. What is looked as more suspicious or who drives that car rather. Who is more likely to drive this type of car? Um... like a lot of times if it's an older car or if it's a car primarily Black folks drive that is getting pulled over a lot... but I feel confident about not getting pulled over now because of the vehicle I have. And it's honestly been the least amount... I have actually not been pulled over and I've always gotten pulled over before.

All the time, but in this car it's like different. It's a Tacoma and it's like lifted. The windows are tinted. No one is looking at it. The color is a neutral color. No one is paying attention. It is not sticking out, and it's like more of an expensive vehicle. Also, this specific vehicle is more White people owned versus like other brand trucks and that like affects police and who they are pulling over.

Hyzam's association between the type of vehicle and the frequency in which people are stopped signify class and racial bias. The "type of car," "who drives that car," and "this specific vehicle is more White people owned" are used by police as proxies for race and class. Buying a new car predominately owned by White men may have prevented them from being routinely pulled over, which has not been their prior experience. Material signifiers of race and class (i.e., the type of car you drive) influences a police officer's decision to pull someone over and enact a system of sanctions to extract revenue from already structurally disadvantaged communities (Foster 2020).

As another example, Kevin, a 31-year-old, first generation Peruvian-American, was on a date in Atlanta when he and his date were stopped by an officer. He retells:

We were turning onto Moreland from Glenwood, and we got pulled over. I just thought it was so funny because we're like two radical queers who hate cops getting pulled over. He [the officer] basically was like 'I looked up your stuff and you have no registration on your car.' And, like, the guy [the date] was, like, what?

The date had his registration up to date. They explained to the officer that there was some sort of mistake. He said:

He went back and did some tests. Then he finally came back like ten minutes later and was like 'I'm sorry, that was my mistake. I mistyped your license plate or something.' I was like what? Why were you doing that in the first place? Like, I guess that's what you need to do as

cops sometimes, but like I don't know why? We are two Brown people, so it was just like thanks for wasting our time for nothing. We didn't do anything to warrant getting pulled over, you know.

While this instance did not result in criminal-legal debt, it provides an example of how Black and Brown people are overpoliced regardless of whether and actual offense occurred. Kevin's reaction, "why were you doing that in the first place," showcases that the stop was not merited in showcases that the stop was not merited as was the case for Hyzam. While the officer's reasoning for stopping Kevin is unknown, officers must have a justification for pulling someone over, regardless of the facts or how flimsy the reason may be. Officers' discretion to stop whomever they want results in the disproportionate rate of incarceration and monetary sanctions on people of color.

Monetary sanctions at the point of policing are a systematic practice known as a racial surtax that exploits poor marginalized communities. While citations and traffic violations are imposed on those breaking the law, Black and Brown communities are receiving the burden of these financial obligations. Police are directly implicated in the unequal distribution of fines and do so through racial and classist signifier. These signifiers influence an officer's discretion to stop and ultimately fine someone. Therefore, the carceral state's imposition of criminal-legal debt is not a neutral practice; monetary sanctions actively contribute to racial and class distinctions.

2.5 Debt After Arrest

Misdemeanor courts show case the negative consequences of criminal-legal debt. Carceral mechanisms attached to misdemeanor courts such as risk assessment tools and supervised probation exacerbate these negative consequences. Misdemeanors are not at the forefront of criminal-legal reform because their impact and relevance are underestimated. The

consequences of misdemeanor cases begin before a conviction and long after sentences are served (Natapoff 2018). People with misdemeanor offenses are jailed, fined, supervised, tracked, marked, and stigmatized which hinders their ability to re-enter society. Jail has devastating consequences for those under its grasp. “It is where you go when you are arrested, where you stay if you can’t make bail, where you will serve your sentence if convicted, and where you might end up if you can’t pay your fine” (Natapoff 2018, 21). While jailed, people often lose their jobs, driver’s license, welfare benefits, child custody, immigration status, and housing (Edelman 2017; Natapoff 2018).

An arrest is the beginning of the formal criminal process (Natapoff 2018). Police take people into custody and an arrest may include booking, fingerprinting, mugshots, and a strip search in the jail. The arrest creates a permanent record of the incident. Once arrested, an individual can spend up to two days in jail before a judge is required to determine if the police had sufficient evidence to make an arrest (Natapoff 2018). Regardless of whether there is sufficient evidence to legitimize an arrest, criminal-legal debt is still imposed on those caught in the system through cash bonds, pretrial diversion, and the terms of their bail (e.g., courses).

2.5.1 Fines and Fees

Incarceration financially hinders people by reducing household income for criminal-legal debt. People miss work due to incarceration, volunteer hours, court-mandated classes, and probation meetings. People missing work means less money for living expenses and their legal obligations. For example, Tiffany, who has lived in Georgia since 1989, was arrested for a DUI in Doraville, Georgia. Tiffany stated that the court mandated sanctions created an immense financial burden on her and her family. She said the “one in Doraville was a huge financial impact because I had to be at the jail, you know, those five days that was a full-time job for a

week. I had community service. It was 40 hours of community service I was given, which was another full-time thing for a week.” Apart from the days spent in jail, Tiffany had to miss an additional two weeks of income. Many people with low-income, who live paycheck to paycheck, cannot afford to miss two weeks of work. It can jeopardize other aspects of their life such as paying bills or buying groceries. Tiffany said:

I had to pay the city of Doraville... God, it was close to \$2000 dollars for fines. Then you have to pay the state to get your license back, which was another ridiculous amount that I can't remember off hand at the moment. You had to prove to them that you had gotten insurance, which I don't know how it is anymore. Back then if you got a DUI, then you had to get a special type of insurance, which I can't remember the name of it now. It was paid for upfront for 6 months and it was more expensive. You had to show that you had purchased this insurance, whether you had a car or not. It didn't matter if you had a vehicle. You had to have this insurance just in case you were driving someone else's vehicle. So, it was the city of Doraville, then the insurance thing, and then I went down to the DMV, which back then was off of Moreland Avenue. I don't know where it is now. You were there all day, and you have to present all these documents. Then you pay them. It's like \$300-\$400 bucks to get your license back. Oh, and you have to go to a DUI class, which costs money...So, yeah, it's a huge financial impact.

Tiffany's case illustrates how misdemeanors can reduce family income and reproduce poverty over time (Harris, Evans, & Beckett 2010). In addition to the fines and fees she had to pay the criminal-legal system, Tiffany was obligated to pay the Department of Driver Services, another state institution, to reinstate her license. She was forced to pay for car insurance despite the court

suspending her license. All of these fines and fees add up which for a lot of people is a “huge financial impact.”

The sanctions placed on people after an arrest can severely impact people’s ability to complete court mandated sanctions. While paying for insurance for a car she could not operate, Tiffany had to walk and use public transportation to volunteer, work, and live her life. She said:

Not being able to drive with two small children was a huge impact... Marta didn't run out to where we lived. We lived on Oak Cliff and Buford Highway then and the closest MARTA station was in Doraville. But there was no bus that ran out to where we were. So, it was kind of like you had to get up there. I'd walk up to... I can't remember what it was. Anyway, we get up to the Doraville Marta station and then from there, I would take it to wherever it was I needed to go. So, for a year that's how I got around because I couldn't drive. I carried them [her children] with me for a lot of the community service that I had to do, because I couldn't afford to hire a sitter to be a way to do the community service. That was the reason that I was having to do community service in an actual daycare center, because I could take them with me to do that. So, yeah, it was an impact on my other family members and the children as well.

Not having a reliable form of transportation could have severely impacted her ability to show up to work or complete other court mandated sanctions. She had to walk and use public transit to take her kids and herself to and from volunteer hours. In some instances, the sanctions imposed by the criminal-legal system create obstacles that make it difficult to complete court mandated sentences. In Fulton County, a man was caught trespassing at the Marta station, breaking the court’s previous order prohibiting the defendant from using Marta. The public defender stated that the defendant was found at the Marta station because he was trying to get to work. The

defendant has no reliable form of transportation and before he was prohibited from riding the train, he relied on it to get to and from work.

Another example of the financial burden of monetary sanctions is illustrated through the compiling debt that accumulates as one maneuvers the criminal-legal system. For instance, Kevin was also arrested for a DUI. He was found by police asleep behind the wheel of his friend's vehicle. Like Tiffany, Kevin had to pay thousands of dollars in fines and fees:

I had to pay the court fees and just like the DUI fine itself. I had to go to DUI school. I had to do... Well, with the court fees, like, every time you met with your probation officer, I guess you pay a part of it off, but if they did a drug test on you randomly, you would have to pay for that. I feel like that was all the things I had to pay, but, you know, those are hefty prices. But, yeah, it was a lot... I think I would say, like, all the fees and everything probably came out to \$5,000. I think, which doesn't sound like a lot, but for most people in the world that's a lot.

Depending on the frequency of probation visits, the cost of drug tests and probation fees can add up dramatically. For low-income communities, \$5000 is a huge financial burden, especially when fees are not anticipated. If an emergency were to arise, many people would not have the means to handle it because they must worry about paying off their debts or risk incarceration (Edelman 2017; Foster 2020; Harris, Evans, & Beckett 2010; Natapoff 2018).

However, even the cost of bail can be unaffordable, leaving defendants to turn to relatives, friends, and bond companies to be released from jail. An individual's inability to pay bail is a main correlate of pre-trial mass incarceration, meaning when poor people cannot afford to pay, they either remain incarcerated or turn to the private bail-bond industry (Robinson 2020). The result is that millions of people remain incarcerated, or families become indebted to generate

profit for bail companies (Robinsons 2020). For example, Kevin had to pay a cash bond to get out of jail, which he could not afford. He could not remember the exact amount but assured that the amount “was at least in the grands.” His family had to go to a bail bonds company to bail him out or else he would have remained in jail. As Kevin noted, “that was just money that was lost from my family.”

The criminal-legal systems imposition of monetary sanctions forces many people to decide between other financial burdens (e.g., outstanding medical bills, groceries, utilities) and their criminal-legal debt. For example, Maritza, a 36-year-old Nicaraguan – El Salvadorian woman living in Chamblee said that her arrest had a significant impact on her ability to pay other outstanding debts. In January 2021, she was arrested for defending herself against her attacker. In Georgia, mandatory arrest laws for domestic violence require officers to arrest someone when there is visible bodily harm. In self-defense, Maritza protected herself with her daughter’s sword leaving scratch marks on her attacker. Maritza retells:

I mean, I lost all my savings and then some. I was trying to pay off some debt that I had and things. Just like after everything that happened, I had to take a mental health break from work. In 2021, like after January 15th, I was checked out... Well, I did volunteer work, but that wasn't paid. My thinking was that after I did this volunteer work that I was doing at the end of January through the end of February that I would go back to work, but, like, I... I couldn't. I went on unemployment until October of last year, so it really set me back a lot.

The back-to-back experience of abuse and incarceration was a huge emotional, mental, and financial impact for Maritza, as is for the millions of people that encounter the criminal-legal system. Maritza’s experiences were so impactful that it hindered her ability to work. To navigate

those experiences, Maritza made the decision to go on unemployment for several months. Her inability to work made her lose her savings “and then some” to pay off her criminal-legal debt, which set her back tremendously in paying off her other debts.

Additionally, loss of opportunities and resources such as housing, credit, transportation, and employment are also a major disadvantage that impact marginalized communities (Harris, Evans, & Beckett 2010; Natapoff 2018). After Kevin’s first DUI, the court sentenced him to a first-time offender diversion program, which is an alternative to prosecution for people who have committed their first offense. Those who agree to participate receive an individualized program that may include counseling, courses (e.g., anger management), drug tests, community service, and mandated supervision. All of these obligations are mandatory to complete the program and prevent further prosecution. When all obligations of the program are completed, a judge can dismiss the charges and seal the individual’s criminal record from background checks that employers and housing applications require. That was not the case with Kevin. The presiding judge should have sealed his record when Kevin completed his obligations to the court. However, when Kevin applied for housing a few months later, his arrest appeared when the landlord did the background check.

As more people encounter the criminal-legal system more people are going to be turned away from housing options and other resources that they may need. People who have never been arrested stigmatize incarcerated people as dangerous, untrustworthy, and threatening. The demonization of incarcerated people justifies the decisions made by property managing companies and landlords to deny incarcerated people housing. This becomes increasingly problematic as the neighborhoods of incarcerated people become gentrified. As neighborhoods change, gentrifiers are less likely to rent to formerly incarcerated people in fear of them

reoffending or fearing their property investments devaluing for housing them. Regardless, neighborhoods in the process of gentrification displace incarcerated people from their neighborhoods due to rent surges. Housing insecurity is correlated with recidivism. The connection between criminal-legal debt and gentrification will be discussed further in chapter 4.

Monetary sanctions are also imposed when no criminal offense was committed. While observing court in May 2022, a 71-year-old elderly Black man appeared before court. He was arrested a few days prior for pedestrian in a roadway. Allegedly, this man was standing in the middle of an intersection. Officers observed the defendant walking through lanes, approaching cars, and soliciting money. Soon after officers approached the defendant and demanded he leave the area. At that instance the defendant left. A few hours later, the police and noticed the defendant soliciting at the same location. The prosecutor asked for a \$500 cash bond, a stay away order from the location, and no drugs, alcohol, or weapons while on bond. The prosecutor justified their recommendations by acknowledging the defendant's 48 prior interactions with the criminal-legal system, majority of them being trespassing convictions. In a frustrated tone, the public defender said: "Your honor this is the first time I've seen someone arrested for pedestrian in the roadway. I really think this is something that can be a regular citation not an arrest in the jail." The public defender asked the judge to issue a signature bond because "he has nobody who can help him right now." The defendant did not commit a crime. He was in the roadway approaching cars during red lights, pleading for money. In Atlanta, it is common to see people in the streets soliciting for money, food, and other resources. Some people solicit on the urban streets as a means of survival since there is a lack of safety nets for the city's most vulnerable.

For example, it is a regular occurrence to see unhoused people sleeping on the streets while walking to class in downtown Atlanta. Regardless, Fulton County Attorney General's

office recommended the court impose a monetary sanction. After the public defender made her case, the assistant solicitor general interjected and said, "Your honor if I might add on behalf of the state, if council wants to try to resolve the case today, we would make the recommendation of time served. Credit one day time served and close the case." The public defender states that she needs to speak to the defendant before accepting the offer. After hearing two other cases, the judge asked the public defender if the defendant was going to "plead guilty to pedestrian in a roadway for time served." The defendant agreed to plead guilty, but the public defender said that she could not represent a guilty plea at the State Accusation Court calendar and the defendant would proceed "pro se" (i.e., on one's own behalf). As part of the agreement for a plea, the prosecutor said, "state would recommend 12 month serve three days credit for the three days in custody and balance suspended," as well as a stay away order from the incident location. While no monetary sanction was imposed at first appearance misdemeanor court, the defendant has plead guilty to the offense. Should he return to court, the state will likely use this guilty plea as a justification to impose other forms of punishment, such as probation, values clarification courses, and potentially jail time with a three-day credit.

In my case, I had no idea what "crime" I committed when I was taken to Dekalb County Jail. It was not until I was before the judge that I was informed that the state was charging me with criminal trespass and disorderly conduct. Despite the judge granting me a signature bond, the state continued to seek prosecution. Offenses such as disorderly conduct and obstruction are sometimes referred to as contempt-of-cop-crimes because they grant officers the discretion to arrest people who challenge their authority (Natapoff 2018). These types of crimes create a problem unique to misdemeanor policing because it gives officers the ability to establish sufficient evidence for arrest by asserting that the alleged individual engaged in disruptive

behavior (Natapoff 2018). The officers arrested me because I challenged their authority by asking questions and not leaving when they told me to.

Police rely on disorderly conduct and similar statutes to detain people who “disrespect them or express disagreement with their actions” (Natapoff 2018, 59). However, talking back and asking questions are not criminal offenses. In fact, the Supreme Court ruled in *City of Houston v. Hill* that “the freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state.” Yet, I was denied that legal freedom. If anything, I was arrested for speaking out against the mistreatment my friends and I experienced. Violations like disorderly conduct, obstruction, and resisting arrest are easily accused, and give police the power to arrest folks based on violations of their own perceptions of authority (Natapoff 2018).

Like Kevin, the state sought to put me in a diversion program that would seal the incident from future background checks. My obligations were to pay a \$350 non-refundable administrative fee to the Dekalb County Probation Department, complete 40 hours of community service, attend a values clarification course, stay away from Trakside Tavern, complete said obligations within 120 days, and return to court. When I was given the terms of my diversion program, I was not given a specified date or time to return to court. However, it was still my responsibility to make sure I made it to court on whatever specified day the court assigned. The values clarification course was an eight-hour seminar that cost me \$200 to attend. Personally, this course did nothing for me. I was not enriched or empowered to look at things differently. If anything, I was acutely aware how much money people were making off of these courses.

2.5.2 *Risk Assessments*

The language of risk and risk assessment tools allow prosecutors to abstract poor racialized communities as threats to the social order and decontextualizes people's life circumstances to justify the amount of criminal debt. The language of risk has had global implications, like "financial market panics, terrorist fears, and apocalyptic visions of climate change," that have real-life consequences (Andersson 2016, 67). Risk, as an analytical tool that predicts threats to safety and security, provides a reconceptualization of people who come in contact with the carceral state, specifically poor people of color, as security threats. Risk assessment tools in the criminal-legal system are used to assess if someone is a flight risk (i.e., likelihood of not returning to court) or a threat to the community. The language of risk and risk assessments produce material and semiotic consequences that structure how defendants are "constituted, imagined, and governed" (Werth 2019, 328). In other words, risk not only describes the social world (e.g., a looming threat to society) but actively creates it (Werth 2019).

Often, risk assessments are understood as predictive and probabilistic tools that analyzes uncertainty (Beck, 1992; Ewald, 2002; Hannah-Moffat, 2013), but in the carceral apparatus it functions in a way that makes risk a certainty (Werth 2019). People who cycle through the criminal-legal system are seen as precarious, dangerous individuals who need to be prosecuted for their risky behaviors. Risk assessments pull from people's criminal histories and hold them in the present (Werth 2019). For example, assessments draw on past criminal convictions, previous parole violations, outstanding warrants from other legal jurisdictions, and data from aggregate recidivism rates and "inscribe these histories in the present – and into the bodies of penal subjects" (Werth 2019, 283). Through these assessments, defendants are produced as criminals

inherently risky in the present. Yet risk cannot be contained by the criminal-legal system as seen with the nearly 13 million people that cycle through prisons and jails yearly.

However, risk is not just the anticipation of danger; it is also the source of potential profits. Risk quantifies the potential threat someone poses to a community in dollar amounts by justifying the imposition of monetary sanctions. Risk provides a language that constitutes a domestic, internal threat to public safety allowing for millions of dollars to be allocated to fighting and preventing crime. Prosecutors in State All Purpose Court invoke risk through phrases such as “they are a menace,” “he is not someone we want walking in our community,” and “they are a flight risk” as a way portray offenders as threats to society.

In Fulton, judges assess risk in first appearance misdemeanor court by listening to an individual’s criminal history and the prosecutor’s recommendations to determine if someone will be given a signature or cash bond. For example, during a February court observation, a man was brought before the court for one count of obstruction of an officer, one count of possession of marijuana less than an ounce, one count of use of a drug related item, and one count of carrying a concealed weapon. The defendant had gone through the criminal-legal system a total of 36 cycles with the majority of his criminal history in Georgia. His last arrest was for a probation violation in Clayton County, and he had an open case pending for theft of service and criminal trespass. Three of the 36 cycles out of Dekalb County were for damages to property. He also had two outstanding arrest warrants out of Roswell and Decatur. In addition, the defendant had four FTAs (or failures to appear in court) and eight probation violations in the past eight years. With all of this in mind, the prosecutor argued, "Given his history the defendant is not a good candidate for probation and has a history of not appearing. The state is asking a bond amount that reflects that so he will appear in court since he is a risk to the citizens of Fulton County." The

state recommended \$500 cash bond for each count except the concealed weapon, which they asked for a \$5000 cash bond. However, the public defender stated that the defendant was unemployed and would not have the means to post bail. Meaning, the defendant would remain in jail until his next hearing. The judge sentenced the defendant to a \$1000 cash bond for obstruction, \$500 cash bond for marijuana possession less than an ounce, \$500 cash bond for use of drug related object, and a \$5000 cash bond for carrying a concealed weapon. Judges are influenced by risk assessments to determine a defendant's legal sanctions.

However, the abstraction of risk assessments flattens the complex realities of the carceral state. For example, risk assessments reproduce racial biases, intensifying racial disparities in the criminal-legal system (Werth 2019). Additionally, people who are deemed flight risks to the court may have several obstacles to overcome in order to attend court. There are several reasons someone may not attend court such as not being able to take time off from work, could not get childcare, no form of transportation, or fall ill (Foster 2020). When a 42-year-old man came before the court in March 2022 for simple battery, the prosecutor mentioned the defendant's history of FTAs out of Fulton County. The defendant had a total of 36 cycles with the criminal-legal system, and as the prosecutor said, "with all of this in mind, your honor, the state thinks the defendant is a possible flight risk and will likely reoffend." The state asked for a \$2000 cash bond, no further contact with the victim, a stay away order, and no drugs, alcohol, and weapons while on bond. The public defender argued that the defendant acted in self-defense. Regarding the FTAs, the public defender mentioned that the defendant has battled with homelessness on and off and did not receive the notices to return to court. At the time of this arrest, the defendant was unemployed due to ongoing health issues and would not be able to make bail. The presiding judge sentenced the defendant to \$2000 cash bond, no further contact with the victim, a stay

away order from the incident location, and no drugs, alcohol, or weapons while on bond. Due to his inability to secure bond, the defendant remains in jail until his next court appearance.

The criminal-legal system utilizes risk assessments and the language of risk to abstract individuals into quantifiable financial risks. Courts bring an individual's past (i.e., criminal record) to the present to predict someone's future (i.e., likelihood of future criminal behavior). The courts' reliance on risk does not anticipate danger; it makes danger a certainty. Risk assessments assume that an individual is already a criminal based on the past. The imposition of legal sanctions (i.e., debt) is issued to change a defendant's behaviors. The assumption of risk assessment is that the individual is not likely to offend but will offend; therefore, the defendant is being sanctioned for the next crime they commit. Risk assessments justify the amount of criminal-legal debt someone accrues without considering the context in which someone commits a crime, or the resources needed to appear in court.

2.5.3 Probation

Probation supervision is a mechanism to extract revenue from people that the state deems as dangerous but falls short in addressing the underlying risk factors for recidivism. The number of people on probation has dramatically increased from 800,000 in 1977 to roughly 4 million in 2010 (Edelman 2017). Probation supervision is the primary mechanism for monitoring and collecting criminal-legal debt from people sentenced in Georgia courts (Shannon 2020). While some people are incarcerated, others may be sent to probation (i.e., court-ordered supervision), which is often used as a punishment and a mechanism for reincarceration (Goodmark 2018). For example, the more economically disadvantaged defendants are, the longer it will take them to pay off their monetary sanctions; the more criminal-legal debt they accumulate, the longer they will remain on probation or incarcerated; and are more likely to be unemployed and become

recidivists (Wang 2018). As Goodmark (2018, 149) noted, “given the focus on catching probationers in bad behavior, it is not surprising that failure rates among probationers are high and that the impact of probation on recidivism is insignificant.” Probation is not effective because officers spend their time in “control” related tasks (e.g., taking urine samples, searching homes) while failing to target specific risk factors that may lead to recidivism.

The numerous conditions people on probation must meet contributes to the high recidivism rate (Goodmark 2018). People on probation must pay the costs of monitoring and surveillance (e.g., ankle monitors) in addition to any fees associated with programs they are required to attend as a condition of probation. In addition, maintaining employment while on probation can be difficult when they are also required to go to counseling, attend programs, complete community service, and regularly visit their probation officer (Edelman 2017; Natapoff 2018). The private companies contracted by municipalities to provide probation services have the power to impose additional fines and fees (Wang 2018). The consequences of minor probation violations can be severe, and incarceration for failure to pay monetary sanctions is common (Goodmark 2018).

Kevin was put on probation after being convicted for his second DUI arrest. He articulated that his officer did not care what he was doing personally to change his behaviors. Probation, for him, consisted of checking in monthly with his probation officer and paying the fee. He said:

Oh, you [referring to the probation officer] could care less like, you're not even looking at me. It's funny too, because when I was on probation I had to meet up and give the money. After I was done paying my fees, she [probation officer] was like, oh, you don't have to come in next month. I'll call you about coming in the following month. Okay, never got a

call. So, I'm like I need to get in contact because I'm not trying to fuck up. I remember I was on the phone for like hours one day just trying to get in contact with her. I finally got through to her, and she was annoyed. She sounded annoyed being like I can't believe you're wasting my time with this. She's like no you've paid. Why would you come in? Like, what? I'm just like no one expressed this to me. That just shows you don't care if I'm actually doing drugs or anything. You only do if I'm still paying money and coming in. Then if I fail a drug test that's more money you can get out of me. But they don't give a fuck, so I don't think there's any morality in paying fees. I don't think there's a need for it besides continually screwing over a person.

Kevin's probation officer engaged in "control" related tasks by receiving payments, administering drug tests, and requiring Kevin's presence for court mandated supervision. Control related tasks serve as a mechanism of control that deeply impacts a person life if they fail to oblige. Had Kevin not paid his probation fees or missed supervision with his probation officer he would have been arrested. Overall, Kevin did not see the reason for probation other than as a mechanism of extraction and does not think "there's any morality in paying fees."

2.6 Conclusion

The carceral apparatus rests on the premise that incarceration is a consequence of people's actions and, therefore, people who break the law should lose some or all of their (Gilmore 2007). While there are violent criminal offenses that need to be dealt with seriously, many who come into contact with the carceral state are nonviolent offenses. Mass incarceration is a result of the interlocking systems of oppression that are the foundation of the criminal-legal system. Throughout history, criminalized offenses have changed depending on the population, the acquisition of material goods, and the stability of a social order (Gilmore 2007). In this

current epoch of global capitalism, surplus populations are controlled by expanding the carceral apparatus as a mechanism of capital extraction, specifically through monetary sanctions (Harris, Evans, & Beckett 2010; Wang 2018). The imposition of criminal-legal debt as a ubiquitous legal practice creates the conditions to reincarcerate the most vulnerable to state violence.

Once released from prison or jail, criminal-legal debt transforms the experience of incarceration from a time-limited experience to a perpetual status. Their status as formerly incarcerated limits their access to housing, employment, and public assistance and other forms of legal discrimination against formerly incarcerated people. Debt further debilitates people financially and further hinders their access to resources (e.g., housing, food stamps) and opportunities (e.g., employment). The dual burden of their status as formerly incarcerated and of carceral debt continues the cycle of racialized, gendered violence.

Domestic violence is a prime example of the carceral state expanding its reach by criminalizing gender-based violence while simultaneously continuing the cycle of poverty and incarceration that entrap Black and Brown communities. Many abusers of domestic violence have committed abuse more than once. Unfortunately, it is a severe problem that has not been adequately addressed as women and other gender minorities continue to be subjected to gender based violence. There is a high recidivism rate for domestic violence in this country, suggesting that incarceration is not slowing down the rate of domestic violence. What is happening is that abusers and an increasing number of victims cycle through the criminal-legal system every year, raising more revenue for the carceral state.

3 THE CRIMINALIZATION OF DOMESTIC VIOLENCE

3.1 Introduction

In 2020, the Criminal Justice Coordinating Council and the American Journal of Emergency Medicine identified a 25-33% increase in domestic violence incidents (Sharpe 21 Jan. 2022). The U.S. enacted federal laws to respond to the plight of women whose suffering was neglected by local police departments. The Violence Against Women Act (VAWA) introduced as part of the 1994 Crime Bill created several federal programs that help people subjected to various forms of gendered violence (e.g., battery, rape, sexual assault, and stalking), protect undocumented immigrant women, and funded resources (e.g., visitation centers, housing, and lawyers) (Goodmark 2018). However, the VAWA expanded the reach of the criminal-legal system, ensuring criminalization as the primary response to intimate partner violence in the U.S. (Goodmark 2018); thus creating new opportunities to impose criminal-legal debt. Throughout this chapter, domestic violence, intimate partner violence, and family violence are used interchangeably to refer to the act of violence against women and other gender minorities.

To understand the negative impact of the VAWA, critical attention must be given to how structural oppression and state violence structure and exacerbate its effects on survivors of gendered violence (Davis, Dent, Meiners and Richie, 2021). The ideological underpinnings of the VAWA are flawed because the criminalization of intimate partner violence repackages gender-based oppression (i.e., heteropatriarchy) along with other dimensions of oppression (e.g., racism and classism). Heteropatriarchy is defined as the social systems in which heterosexuality and patriarchy are perceived as normal and natural while privileging cis gendered men above women and gender minorities. One such privilege is the notion that men can protect and make rational decisions on behalf of everyone else. This gendered dynamic is replicated in many

institutions, which is known as the logic of masculinist protection (Young 2003). Through this gendered lens, the criminal-legal system acts paternalistically by making and enforcing decisions on behalf of everyone. Additionally, the state allegedly offers protection and safety (through policing and incarceration) from people who transgress the law (e.g., committing abuse).

Public and scholarly discourse argue that incarceration and police are said to be deterrents for criminal behavior, yet domestic violence continues to impact the lives of women and gendered minorities. Discourses on deterrence argue that people choose to obey the law based on the consequences of their actions. The criminal-legal system attempts to prevent criminal offenses by increasing the level of punishment for transgressions. Deterrence is often associated with “tough on crime policy,” such as “three strikes laws, mass incarceration, capital punishment, mandatory sentencing, and effort to increase the number of police officers” (Corrêa & Wall 2018, 229). Even fines and fees are considered a deterrent since it aims to prevent further offenses from occurring. However, people continue to be swept into the legal system for repeat gender-based crimes, meaning there is a disconnect between criminalization’s intended purpose and its desired effect on family violence.

The criminalization of domestic violence is of importance to this project for several reasons. First, of the 81 court observations analyzed, 38 of those cases (approximately 47%) dealt with domestic violence, making it a significant data point to be discussed. Second, cases of intimate partner violence are clear examples of the revolving door effect in which abusers are continuously subjected to incarceration and criminal-legal debt without addressing the root cause of violence. Failing to address the root cause of violence increases the risk of recidivism among abusers. Third, the criminal-legal system is not without its gendered dimension; thus, it becomes critical to assess criminal-legal debt through a gendered lens.

3.2 Fulton County's Domestic Violence Procedures

It is important to understand the policies and procedures of the criminal-legal system in order to understand how it operates. How legal systems criminalize behaviors (e.g., the procedures that leads to an individual's arrest) illustrates existing power dynamics that are coded into law that have consequences (i.e., good or bad) for people in their local context.

Understanding these dynamics is crucial to not replicate the harm victims have already endured. Fulton County's procedures on family violence can offer some insight as to why the county sees a surge of domestic violence cases in its jails. The official code of Georgia Annotated, §19-13-1 defines family violence as:

[T]he occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

1. Any felony; or
2. Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass. The term "family violence" shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention. (Ga. L. 1981, p. 880, § 1; Ga. L. 1988, p. 1251, § 2; Ga. L. 1992, p. 1266, § 3; Ga. L. 1993, p. 1534, § 3.)

In Fulton, the procedures around domestic violence requires officers to make an arrest in instances where a felony has been committed or probable cause exists to justify an arrest. Arrests are also made on non-felony incidents when "legal cause for a warrant exists" (Atlanta Police

Department Procedures on Family Violence n.d.). For example, a warrant can be issued against an individual accused of intimate partner violence if the victim has documented evidence that they were attacked by a defendant.

The law places some limitations on an officers' discretion to arrest someone accused of domestic violence. Officers cannot base their decision to arrest someone off of the victim's consent or request to arrest someone, and the relationship of the parties cannot be a determining factor. When a complaint of family violence is made by two or more parties, officers must evaluate each complaint separately to identify to predominant aggressor. If an officer identifies a predominate aggressor, then they are not required to arrest anyone else believed to have committed an act of family violence during the incident. There are several factors an officer must consider when identifying the predominant aggressor (Atlanta Police Department Procedures on Family Violence n.d.), some include:

- a. Prior family violence involving either party;
- b. The relative severity of the injuries inflicted on each person, including whether the injuries are offensive versus defensive in nature;
- c. Threats that created the fear of physical injury;
- d. The potential for future injury;
- e. Whether one of the parties acted in self-defense or in defense of a third party;
- f. Prior complaints of family violence; and
- g. Whether the person had reasonable cause to believe he or she was in imminent danger of becoming a victim of any act of family violence.

In Fulton County and across the U.S., legal jurisdictions enacted what is known as no-drop prosecutions. During the early years of the VAWA, antiviolence advocates focused on the low

prosecution rates (Goodmark 2018). Previously, prosecutors argued that they could not prove a crime without the cooperation of the abused. Many survivors refused to testify because they feared retaliation from their partners, were concerned of the impact of incarceration on their partners, or objected to incarceration because it would deprive them of support (e.g., emotional, financial, and parental) (Goodmark 2018). No-drop prosecution are a set of policies created and implemented to address this problem. This policy allowed prosecutors to file cases against abusers without the cooperation of the victims (Goodmark 2018).

However, determining who is the predominant aggressor can be complicated and not easily determined. For example, a woman who defends herself from her attacker who has less visible injuries than her abuser can be seen as the primary aggressor when an officer assesses the “relative severity of the injuries inflicted on each person.” If there are no witnesses at the time of the incident than it can be difficult to determine if the victim’s actions were “offensive versus defensive in nature,” particularly if both parties (i.e., victim and abuser) accuse each other of violence. In this instance, the police may determine that the victim was the primary aggressor and arrest them for battery and family violence. Procedures that are enacted, such as APD’s Procedures on Family Violence, have increased the rate of incarcerated women and gender minorities who defend themselves, resulting in surmounting monetary sanctions.

3.3 Benefits of Criminalization

Criminalization of domestic and family violence offers some benefits for the victims who experience abuse. For example, mandatory arrest policies “intended to encourage the justice system to treat domestic violence crimes as seriously as other crimes, to deter abusers from future violence, and to help keep victims safe by placing the locus of responsibility for arrest and prosecution on the state (so that the abuser did not have an incentive to threaten or harm the

victim)” (Durfee 2012, 66). The criminalization of domestic violence has helped women seek safety by providing some distance between women and their abusers. Policies that require an arrest, if there is evidence of assault, give some women time to find a safe place to stay (Durfee 2012; Goodmark 2018). The criminal-legal system can provide limited resources such as victim advocates and crime victim compensation funds to people subjected to abuse (Goodmark 2018). Additionally, mandatory arrest policies remove the arrest and prosecutorial decisions from the victim and to the state. These policies alleviate the pressure victims may experience from their aggressor to drop charges or prevent arrest (Miller 2005).

At first appearance court a judge may issue the defendant a stay away order from the victim and no contact as conditions of their bail sentence. The risk of arrest is an alleged deterrent for defendants to not reach out to their victims. Prosecution can articulate to abusers that the state is serious about ending the abuse; even the threat of incarceration can provide some leverage for victims against their partners (Goodmark 2018). In most court cases that dealt with intimate partner violence, the presiding judge would mandate a no contact order, a stay away order from the incident location, and a one-day anger management program as conditions for a defendant’s bail. These protections that are written into the law aim to protect the victim from experiencing more harm from the defendant.

A one-day anger management course is an intervention program mandated by the court. Batter intervention programs are aimed at changing the behaviors of the person who committed the harm. While the course is not meant to provide medical or psychological therapeutics, it is intended to provide individuals with tools to manage their anger and stress, communicate effectively, develop emotional intelligence, and provide mindfulness and assertiveness training.

At the completion of course, attendees are given a certificate of completion to show the court to fulfill their court mandated obligations.

The goal of criminalization is to hold criminal offenders accountable. Accountability, the belief that people should be held responsible for the pain or harm they inflict through punishment, via the criminal-legal system, is a driving principle of criminalization. Punishment expresses the society's condemnation of the act and reinforces societal norms regarding that behavior (Goodmark 2018). Arrests, convictions, prosecution, and incarceration meet that requirement. Deploying the criminal-legal system to handle domestic violence highlights the carceral state's discontent of gender violence, which validates the experiences of victims and may alter community perceptions on the acceptability of intimate partner violence (Goodmark 2018).

However, criminalization has not had the desired impact on abusers or survivors. Most of the benefits of criminalization offer short term relief without providing long-term solutions for both survivors and abusers. While the threat of physical violence should be the immediate concern, there are other aspects of domestic violence that the criminal-legal system fails to address, such as the survivor's financial situation or an abuser's internalized misogyny. The court systems failure to address these related issues allow for cycles of abuse to continue.

3.4 Critiques of Criminalization

However, there are several critiques against the criminalization of intimate partner violence. The VAWA and the policies it subsequently influenced do not protect or provide justice for survivors because the law is situated within existing power dynamics. The criminal-legal system further endangers survivors by arresting the aggressor, taking away the victim's agency through mandatory arrest policies. These policies while intended to help victims of abuse

may have drastic consequences for women of color (Durfee 2012; Mills, 1998, 1999). “In fact, the overall impact of mandatory arrests laws for domestic women who kill their partners in self-defense have increased, but they have not led to a decrease in the number of batterers who kill their partners” (Davis, Dent, Meiners and Richie 2021, 177). In other words, while the law criminalizes intimate partner violence, the overall prevalence of domestic abuse has not changed. If anything, the rate at which women are arrested for defending themselves has increased (Durfee 2012; Goodmark 2018).

Criminalizing domestic violence has failed in significant ways. First, the legal procedures enacted by legal personnel (e.g., prosecutors and judges) maintain the values, characteristics, and features of heteropatriarchy, which is the ideology that guides most cases of intimate partner violence. Second, the law homogenizes the experiences of survivors and does not consider other factors when prosecuting cases. Third, policies, like mandatory arrests, have increased the number of incarcerated women and gender minorities who defended themselves from the abuse. Fourth, criminalization has done little to prevent recidivism rates among abusers and fails to address the internalized misogyny that allow men to commit abuse. Lastly, the criminalization of domestic violence allows the criminal-legal system to impose criminal-legal debt.

3.4.1 Heteropatriarchy and Homogenization

Criminal-legal proceedings maintain and legitimize heteropatriarchy by not listening to needs of domestic violence survivors. For example, prosecutors in Fulton County prosecute individuals accused of domestic violence regardless of whether or not the survivor seeks criminal charges. The state takes the autonomy away from survivors just as heteropatriarchy takes autonomy away from women and other gender minorities. The state exerts its power in that it

knows what is best for survivors. While it is the case that many people subjected in abuse remain in the cycle of abuse, it also deprives survivors' autonomy over their own decisions. The same autonomy that was denied to them from their abusers. It is imperative to interrogate the ways in which federal policies are embedded within systems of oppression that structure the daily lives of people.

The Georgia Commission on Family Violence created a prosecutorial protocol for family violence incidents which illustrates how Fulton County repackages heteropatriarchy. The document states, "[c]harges will be prosecuted without victim cooperation if there is deemed to be sufficient independent evidence to prove the elements of the crime(s) without the victim's full involvement." Fulton County prosecutors seek to impose cash bonds, no-contact order with the victim(s), stay away orders from the location of the incident (which may result in homelessness for the defendant or victim), and a one-day anger management course as the defendant's condition of release. In many instances, the judges do side with the prosecutor's request to pursue charges. However, court observations revealed that in a couple of instances survivors, public defenders, and prosecutors all say that that the victim of domestic violence does not want to press charges. During a February State Expedited Accusations court (i.e., first appearance misdemeanor court), a Fulton County prosecutor said, "while we respect the victim's decision, we are concerned for the victim's safety." In this regard, the state acts paternalistically allegedly in the survivor's best interest. Despite the survivor's wishes, prosecutors continue to pursue retributive justice.

Another issue regarding the criminalization of domestic violence is that the criminal-legal system homogenizes the experience of intimate partner violence, rendering other factors (e.g., race and class) contributing to abuse invisible. The assumption that domestic violence is a

homogenous experience is then embedded within the criminal-legal systems procedures on domestic violence. Tiffany mentioned that the criminal-legal system fails to consider the individual experience of abuse. She said “there is no one size fits all with people because we, as people, are so completely and intrinsically unique. There's no way to go into situations” like domestic violence “with the same idea that you use on the situation prior.” Not all domestic violence cases are the exact same and they should not be treated as such. Survivors of abuse do not exist as a homogenized group. For example, many of the experiences of Black women endure are not neatly folded within delineated distinctions of race or gender oppression. The overlapping structures of racism and sexism structure women’s lives in ways that cannot be observed separately (Crenshaw 1991).

Male-centered theoretical perspectives fail to explain and generate solutions for women of color because the carceral system treats them differently (Battle 2016). As Tiffany noted, “[d]ifferent people react differently to people and perceive things differently.” Women of color have different experiences, identities, and needs that the criminal-legal system does consider. In mandatory arrest jurisdictions, women of color have higher arrest rates for domestic violence (Goodmark 2018). Poor racialized communities are disproportionately impacted by the negative consequences of criminalization because they are at greater risk of experiencing state violence (Battle 2016; Davis, Dent, Meiners and Richie 2021; Goodmark 2018).

The overrepresentation of people of color in economically stressed neighborhoods likely accounts for the high rates of intimate partner violence among low-income women of color (Goodmark 2018). Women of color may not report or rely on the criminal-legal system as often as their White counterparts because of the historical violence racialized communities have endured. Tiffany believes that the police are not well equipped to handle domestic violence

incidents because police are not trained well enough to handle the range of abuse. Tiffany said “people call them [the police] in for domestic violence disturbance all the time. I think probably a good majority of their calls are probably for things like that, but they're [police] going into situations they're not trained for.” By treating all domestic violence cases the same, the police neglect to consider cultural nuances of how their presence may escalate a situation in regard to domestic violence. Tiffany goes on to say that the police can escalate incidents to be “extremely volatile situation.” For example, the hyperpolicing of Black and Brown communities may lead to lethal force in which a similar situation with White counterparts may deescalate or use nonlethal force. For Tiffany, she believes that it is not the fault of police as individuals but a failure of society. She notes, “I don't think it's necessarily their fault as individuals.” “I think it is society's fault for not giving them the tools that they need to perform the tasks that we, as people, need them to perform,” such as safety and protection. However, it is imperative to recognize that racialized gendered violence and state violence are not separate or isolated instances but integral to one another (Kaba 2021).

3.4.2 Recidivism

The overreliance of the criminal-legal system has diminished its effectiveness of punishment while simultaneously obscuring policymakers' responsibilities to deal with the underlying problems driving criminality. VAWA's prioritization of the criminal-legal system to intimate partner violence solidifies the assumption that criminalization is working to lower rates of domestic violence or deter violence (Goodmark 2018). However, this belief is unwarranted. Many of the men I observed in court who were charged with battery/ family violence were repeat offenders. During court, the Pre-trial services regularly told the presiding judge these men's history of family violence. The criminal-legal system benefits from the narrative that

criminalizing domestic violence will deter people from committing violence because it legitimizes and profits from a community's overreliance on the criminal-legal system.

Prosecutors in Fulton County constantly frame defendants as individuals who are likely to reoffend. If the criminal-legal system is premised on the idea that criminalizing domestic violence will deter people from committing gender violence, then why is that so many men continue to batter? In January, a twenty-seven-year-old man was arrested and charged with three separate battery/ family violence charges that all took place within the span of two months. Pretrial stated that the defendant had 12 prior arrests with some history of domestic violence as well as a failure to appear from 2016. In the first offense, allegedly what began the dispute between the defendant and the survivor was about a pair of socks that the defendant wanted to wear. The argument resulted in the defendant dragging the survivor by the hair. When the survivor called the police, the defendant left the incident location. The prosecutor asked that the court issue a \$3500 cash bond, no further contact with the survivor, a stay away order from the incident, a one-day anger awareness course, and no drugs, alcohol, or weapons while on bond. The prosecutor stated that the defendant did have "a history of violence" and "poses a potential flight risk."

When the public defender spoke, she was very adamant that the defendant was not a flight risk and that the failure to appear was from 2016. Stating when the offense occurred is a tactic used to distance the defendant from their past. The public defender argued against the stay away order because the incident location is the defendant's home. Allegedly, the survivor does not have a permanent address "since she hops from home to home." Essentially, the stay away order would be forcing the defendant from their home. Then the public defender stated that the defendant's mother was on the zoom call to verify the defendant's home address. The mother

was sworn in by the judge and repeated the same information provided by the public defender. The judge asked the defendant's mother if she was fearful of her son to which she responded, "Who? My son? Oh, no. If he was doing wrong, I'd let him know." She remained visible to the court during her son's two other charges. After the mother spoke, the public defender asked for a lower cash bond. The judge sentenced the defendant to a \$1500 cash bond, and no drugs, alcohol, or weapons while on bond. The judge did not issue a stay away order. However, Judge Robinson said that if the victim was at the home the defendant is ordered to leave.

Judge Robinson stated to the court that she was ready to continue with the next case. However, the next two cases pertained to the same defendant and victim. Again, the charge was for battery/ family violence, but the incident occurred in December 2021. The survivor and defendant were arguing because the defendant was smoking in the apartment. The defendant got angry and punched the survivor in her mouth and right breast. The prosecutor asked for a \$4,000 cash bond and acceded a stay away order. On the police report, it stated that the survivor's address was the defendant's address. However, the attorney general's office was not able to get in contact with the survivor. Judge Robinson commented that she was thinking about issuing a no contact order because of the three incidents, that happened to the same survivor. The public defender interjected and reiterated to the court that the survivor was not on the lease. Judge Robinson decided to sentence the defendant a \$3000 cash bond and a one-time visit with an officer to his residence to see if the survivor remains in the home. The judge said the defendant can take up residence at the location if the survivor is not there and she is not on the lease. However, if she is there, then he cannot be there temporarily or permanently. Judge Robinson said, "I can't remove her from the home since I do not have the lease in front of me and this is not a dispossessory case."

Lastly, the defendant was again charged with battery/ family violence. The defendant got angry again with the survivor. This time, he threw the survivor to the ground and started punching her. The prosecutor reiterated to the court that the defendant will more than likely reoffend and asked for a \$5000 cash bond, no further contact with the victim, and another stay away order. Then the defendant stated to the court that he had no idea about these two other charges. The public defender immediately interjected and told the defendant to remain silent. Judge Robinson said that the defendant should be quiet “since the state is listening.” The defendant was then sentenced to an additional \$2,500 cash bond, no further contact with victim, as well as the conditions sentenced in the first two cases. This excerpt is a prime example of the family violence cases I observed in Fulton County. The prosecutors routinely relied on previous violent history of defendants as a justification for court mandated sanctions, but never once did the court adequately address the reasons for the pattern of abuse.

Clearly, criminalization is not working and stating deterrence as a sufficient justification for incarceration is not enough. Incarceration fails to help abusers value or create empathy, which is a necessary precondition for preventing harm (Goodmark 2018). Instead, abusers recount that incarceration creates an atmosphere where they can ignore or repress the consequences of their actions, increasing the likelihood of future violence (Goodmark 2018). In other words, the over reliance of the criminal-legal system to deal with gendered violence only fosters more violence. The environment within prisons and jails reflects the social norms of the society, including notions of masculinity (Goodmark 2018). Incarcerated men usually construct their masculinity in contrast to the feminine (Mills 1999). An essential part of hegemonic masculinity is to be viewed as powerful (i.e., not feminine); thus, violence against women and other gender minorities reinforces hegemonic masculinity. Incarcerated people “bring

problematic notions of masculinity into the prison [and jails], have experiences that further shape, warp, and reproduce those norms,” and return to their communities with those ideologies (Goodmark 2018; 29).

The criminal-legal system fails to address the misogyny that many repeat offenders of domestic violence have internalized. Kevin articulated that because the legal system fails to address internalized patriarchy, then the likelihood for abusers to reoffend is likely. He said:

I mean, besides the obvious physical violence against black and brown bodies, I think it's kind of that. Not ever acknowledging the emotional and mental needs after physically hindering someone from doing something or putting them in jail. They don't do anything to teach you the lessons so that you don't do it again. There is nothing in place for that. I had a client who is a journalist at CNN who is... I forgot the name of the documentary. I have to look it up. She was interviewing this guy, and I forgot what prison in California. Basically, he started a male support group in prison talking about toxic masculinity and patriarchal things and how all of those things not only are privileged to these men, but it's also what put them in there, and how they need to start acknowledging that, and expressing their emotions, and not hiding from them in order to be a productive member of society, and just to be a better person.

Kevin suggests that “toxic masculinity” and “patriarchal things” are what lead men to prison and jail after committing physical abuse. Sanctions such as a stay away order or a one-day anger management course “don't do anything to teach you the lessons so that you don't do it again.” Gendered violence cannot be seriously addressed if abusers do not confront the ideologies and experiences that led to the violence, such as “not hiding from” their emotions. For many repeat offenders whose violence appears to uphold a fragile and unstable sense of masculinity and

entitlement, the threat of punishment seems to be an offense to their authority and may trigger further violent interactions (Goodmark 2018). The one-day anger management courses mandated by Fulton County does not provide adequate support and resources for abusers to handle their internalized misogyny. Behaviors and the ideologies that guide those behaviors cannot be changed in a day. To transform from internalized oppression requires consistent reflection and introspection that is not offered in an eight-hour course. If this were possible, the recidivism rate for domestic violence would not be as high. Keving said:

I think that's great [the program in California] but like that shouldn't be up to somebody in the prison system. That should already be in place, and it shouldn't only happen when someone is going crazy and attacking people in prisons or jails to then talk to therapists or something. Therapy and mental health needs should be accessible and part of the prison industrial system, because otherwise it literally is going in that cyclical cycle and you're like, well, you'll be back because we didn't do anything to try to help you. Because they think you're not deserving of help and that's violent.

What these men need are sanctions that bring them within systems that provide strong but supportive boundaries that will prevent further violence while addressing the needs that led to the violence in the first place. Failure to address the root causes of gendered violence and lack of resources during and after incarceration fails to break the cycle of abuse and potentially lead to death, as seen with the tragic story of Miriam Abdulrab. Demarcus Brinkley's, who was found guilty of murdering Miriam Abdulrab, had an extensive criminal history with at least three separate instances of molestation and rape. Prosecutors believed Brinkley was high risk for reoffending; however, at no point in Brinkley's run in with the criminal-legal system were the behaviors targeted or stopped.

In the early morning of August 13, 2021, Miriam Abdulrab was abducted at gunpoint by a man who followed her home after her late shift at a Midtown bar. Her body was found hours later near an abandoned home in southeast Atlanta only two miles away from her home. Police quickly accused and arrested Demarcus Brinkley, who was indicted on several felony charges (e.g., murder, kidnapping, and attempted rape) in November 2021. Police state that the attack occurred when Brinkley spotted Miriam Abdulrab randomly at a gas station. Kevin, who personally knew Miriam was devastated by his friend's murder. He said:

No, because most of the time people that are in the prisons or in jail, or whatever, it's such like, petty nonviolent crimes. Then the people that I guess, like, "should be in jail" (placed quotations marks around should be in jail) from their standards aren't. These are people that are dangerous, like the man that killed Mariam. He had a lot of [criminal] history and you guys [the criminal-legal system] were just letting him roam free. Y'all didn't do shit.

Kevin places the onus of Miriam's murder onto the criminal-legal system, "[h]e had a lot of history and you guys were just letting him roam free. Y'all didn't do shit." Kevin believes that since the criminal-legal system did not address the internalized misogyny that justified Brinkley's actions led Brinkley to continue harming women and children.

3.4.3 Incarceration of Women

While the original intent of VAWA was to decrease violence against women, the rate of domestic violence perpetrated by men has increased, as well as the rate of incarcerated women (Goodmark 2018). VAWA allowed for more stringent laws to be passed regarding intimate partner violence which brought many women into conflict with the law, particularly women of color, poor women, lesbians, trans women, sex workers, immigrant women, women with

disabilities, and other marginalized women (Davis, Dent, Meiners and Richie 2021). Increased reliance on the criminal-legal system has led to the systematic punishment of survivors for protecting themselves and their children, while living in unstable and dangerous conditions. “Survivors are criminalized for self-defense, failing to control abusers' violence, migration, removing their children from situations of abuse, being coerced into criminalized activity, and securing resources needed to live day-to-day while suffering economic abuse” (Kaba 2021, 51). In other words, women who are arrested usually have been subjected to abuse and are being prosecuted because of mandatory arrest policies.

Mandatory arrest laws require officers to make an arrest if there is evidence to suspect abuse or a physical altercation occurred. However, mandatory and prearrest policies have had severe consequences for women and gender minorities who attack their abusers in self-defense. There are numerous incidents where police are called to respond to a domestic dispute in which the officer arrested the battered woman who was defending herself. In Chamblee, Maritza was arrested for attempting to protect herself after her aggressor used physical force. She said:

I was dating this trash individual, and it was just a really fucked up situation that went from zero to 1000 in like minutes. The source of it all is poor relationship choices on my end. I never imagined for any of the events that happened that day to even be a possibility, because I had only been knowing this person for two months. Since I met him, we hung out like every single day it seemed. He was... he's a scammer. Basically, he scammed the fuck out of me, but my *presentimiento ya me habia dicho todo* (intuition already told me everything). The last night that he was with me I told him, “You need to sleep on the couch.” When I woke up in the morning, he was *dormido* (asleep) and he

had his phone open on the couch. Like on and open, and I wanted to confirm all of my *sospechas* (suspicions). So, I ran out.

At the time Maritza was living in the office that she worked at. The office is “a giant ass warehouse off of Murphy Avenue.” At the time, no one was using the space due to the pandemic. It was empty for months. Her colleague from Chicago previously stayed at the office while visiting the city. The colleague returned to Chicago once her job canceled in-person field operations and transitioned virtually due to the pandemic. Maritza said:

“And so, I'm like fuck it. I'm going to stay there too, and *ahoro con renta* (I'll save on rent) because I was going to have to move soon anyways. We had literally just moved the stuff that weekend, and that happened when I walked in. I saw that he had the phone *abierto* (open). I wanted to get out of there and search it through *bien* (good). In my rush, I left my phone *y me lleve solo de el* (and I only took his). I had gone down the street to look and I found all the *pruebas que queria* (evidence I wanted). And so, I was screenshotting them and sending them to my phone and when I did that *es cuando el se dio cuenta que avia dejado el mio* (when he realized that I left mine) and his was gone.

Él me mandó un mensaje amenazándome diciendo que más te vale que llegues en cinco minutos o no sabes qué (He sent me a message threatening me saying that I better get back in five minutes or else). So *yo llegue* (I arrived), and I parked the car. I had the window open and basically *el me pego* (he hit me) like *haciendome haci* (doing this to me) (hitting her right arm) *en el carro* (in the car). He went in and took the phone away from me though and went inside. I didn't have a phone cause he had both of the phones and I didn't like *jamás me hubiera imaginado que* (never did I imagine that) he was going to get physically violent with me. I didn't know what to expect and I didn't have anything

to protect myself with, but *vi que un* (I saw a) sword of my daughters was there. It's this really cool swirly kind of sword with two things that come out of it. And, like, *yo por querer tener algo para que no se atraviera pegar me de nuevo* (I wanted to have something so that he wouldn't dare hit me again), I was holding it and telling him *que me tenia que dar mi telefono y que se fuera a la chingada* (needed to give me my phone and he could go *a la chingada*).

He went into the room *hasta fondo* (to the far back) into the office where my bedroom stuff was. I don't even know why he went in there because he didn't have anything in there. But he went in there, so I was just standing at the door with the sword. Then he started wanting to leave *sin darme mi telefono* (without giving me my phone). I was like just give me my phone and you can go and get the hell out of my life. But then he started pushing into the sword saying, "let me go." I guess it caused a little scratch on his stomach *y el llamo a la policia diciendo que* (and he called the police saying that) I was holding him hostage *y que no se que* (and I don't know what). When they [police] got there, I still didn't have my phone. I was telling them all these things when he was calling them. But when the officers showed up, I had admitted that I held the sword. They charged me with possession or *como se llama* (what's it called) assault with a deadly weapon. *Y todavía no he ido a corte* (and I still haven't gone to court)."

Maritza's story is not a random incident.

There is a growing problem in which victims are mistakenly identified as the aggressor in the relationship, arrested, and charged with domestic violence (Cramer, Cousin, & Hardy, 2003; Miller, 2005). The passing of mandatory arrest laws has led to an increase in the percentage of women arrested for domestic violence, suggesting that mandatory arrest laws "are having the

desired effect” (Durfee 2012, 65). However, the increased detainment of women is not the same for men. The percentage of men arrested for domestic violence has increased slightly, which has narrowed the gender gap in the ratio of male-to-female arrests for domestic violence (Durfee 2012).

It can be difficult for officers who respond to a domestic violence dispute to discern who is the victim and who is the perpetrator – both parties may have injuries, both parties might have inflicted violence, and both parties may claim to be the victim. Durfee (2012) terms these cases as situationally ambiguous, defined as cases in which it is unclear for the officer what the context, motivation, and consequences of violence are for both parties and who is considered the aggressor. These types of cases sometimes obscure the boundaries of victimization and offending (Ferraro, 2006). For Maritza, her experience has led her to be distrustful of the police. She said:

“You can’t expect the police to do anything for you. I told them that he had hit me, but because there were no physical markings it's like what I said didn't matter. They charged me with such a heinous crime for something that was a tiny little scratch but *el a mi* (him to me), my nail had broken. I had *uñas positzas* (acrylic nails) and two of them broke. One of them was bleeding. The one nail was bleeding and my other finger had to get an X Ray. *Sigun que no estaba* (Allegedly it was not) broken, but I'm pretty sure something was up with it because *hasta la fecha* (till this date) it hurts. Yeah so, I’m over here visibly injured, but I'm the one that goes to jail.”

In Maritza’s case, she was not able to call the police after she was assaulted because she did not have a phone. The man who assaulted her called the police and framed himself as the victim because Maritza was defending herself with her daughter’s sword. Due to Georgia’s mandatory arrest laws the officer had to arrest Maritza because she was accused of using a weapon against

her aggressor. Both Maritza and her aggressor had markings “a tiny little scratch” from the sword and her broken nails but only Maritza was taken to jail.

3.4.4 Criminal-legal debt

The criminalization of intimate partner violence results in economic penalties and contributes to income instability for both the victim and aggressor. Women who live in economically disadvantaged communities and are struggling financially are at greatest risk of intimate partner violence (Cunradi et al. 2000). For example, poor women who leave their abusers may not have the financial means to support themselves and may run the risk of homelessness or endure other abusive relationships for financial security. Some women experience financial instability for as long as three years after the abuse has ended, and scholars have argued that “economic instability prevents women from leaving abusive relationships” (Goodmark 2018, 34).

However, the relationship between community income levels and domestic violence is not a consequence of who lives in low-income neighborhoods or the individual characteristics of the men living in those neighborhoods. Instead, living in a low-income neighborhood in and of itself increases the risk of intimate partner violence. Studies have shown that as many as two-thirds of low-income women are subjected to intimate partner violence and household income level is the main correlate of intimate partner violence (Durfee 2012; Goodman, Smyth, Borges, & Singer, 2009). Additionally, intimate partner violence is associated with lack of resources: food and housing insecurity, utility disconnection, and healthcare (Durfee 2012; Goodmark 2018).

The pandemic caused a huge spike in unemployment rates as businesses and corporations could not afford to pay workers during mandatory lockdowns. In April 2020, Georgia’s

unemployment rate hit 12.3%, approximately 605,847 Georgians had no form of income (U.S. Bureau of Labor Statistics). If income-level and intimate partner violence are correlated than the increase of domestic violence cases during the pandemic begins to make more sense. However, this also means that more people came into contact with the criminal-legal system, increasing the rate of mandatory arrests. In turn, increasing the amount of criminal-legal debt issued by the state. As previously noted, criminal-legal debt continues the practice of mass incarceration by criminalizing people who are too poor to pay them (Edelman 2017; Natapoff 2018).

In March, a 42-year-old Atlanta native was arrested for simple battery against his girlfriend. Atlanta Police Department responded to a domestic dispute call and were met by the defendant (perceived man). Allegedly, the defendant said he had an argument with his girlfriend. The defendant told officers that another man came to the home trying to kick him out and that he did not remember what happened because he struggles with substance abuse. However, the victim stated that they were returning from the grocery store when they both got into an argument. Then the defendant slapped his girlfriend's face with an open palm. The victim's friend saw the incident and prevented the altercation from escalating. Pre-trial services read the defendant's criminal history and is said to have 36 total charges for violent and non-violent offenses. Additionally, the defendant had a previous failure to appear (FTA) charge (i.e., did not show up to court) out of Fulton County in 2012 as well as others. The prosecutor asked the court to issue a \$4000 cash bond, no further contact, stay away order, no drugs, alcohol, or weapons, and a one-day anger awareness course. Through a risk assessment, the prosecutor reasoned that the state believed the defendant would reoffend and is likely to not appear in court.

The public defender stated that the defendant denies all allegations and was acting out in self-defense. Allegedly, the victim ripped his shirt, and her friend pulled a knife on the

defendant. She argued that the defendant would not be able to pay a cash bond because he has been unemployed for the past two months. Addressing the defendant's FTAs, these charges were a result of the defendant being homeless multiple times throughout his life and did not receive notice to appear at court. Additionally, the public defender stated that the defendant had ongoing health issues that need to be addressed and are going to connect him with a social worker to address those needs. The public defender asked that the judge to consider a signature bond in order to address the FTAs from other counties.

Judge Robinson sentenced the defendant to a \$2000 cash bond, no further contact with his girlfriend, a stay away order from his girlfriend's house, and no drugs, alcohol, or weapons while on bond. In these instances, it is apparent that the criminal-legal system is not preoccupied with addressing the root cause of intimate partner violence. First, this individual has a history with the criminal-legal system yet none of what the judge sentenced the defendant addresses the reason this individual used violence. Even if Judge Robinson sentenced the defendant to a one-day anger management class, it still would not provide enough support and resources for him to change his behaviors in the long-term. The defendant's criminal history illustrates that he has engaged in violent offenses before and an assumption can be made that he has likely participated in a court mandated anger management course before, thus the one-day course may not be adequate to change people's behaviors.

Additionally, if housing insecurity and poverty are correlates of intimate partner violence, then how are perpetrators of abuse supposed to change their behaviors when they lack economic and social stability. How is the defendant going to pay bail, the anger management course, and other legal fees that will be imposed as he navigates the criminal-legal system? Second, issuing a \$2000 cash bond with no money or employment keeps the defendant from being released from

jail. While some argue that this is a good thing, there are many perpetrators of domestic violence who do have the means to pay bail. Thus, low-income individuals are being punished not for intimate partner violence but because they are poor. Finally, arrests have serious social consequences that make it hard for people to stay out of trouble. Arrests can prevent people from employment and lose employment, driver's license, child custody, immigration status, and housing (Cunradi et al. 2000; Natapoff 2018).

In Maritza's case, the judge issued her a \$2000 cash bond. When the incident happened, Maritza did not have a stable place to live. She was living in her job's warehouse when altercation occurred. Maritza said, "I didn't have the money at the moment, but my friends luckily pulled together the money." She recounted how her public defender argued for her to be sentenced a signature bond because she did not have the means to pay a cash bond, "but the judge didn't allow it." Had her friend's not posted bail, Maritza would still be in jail separated from her children. Additionally, she is still making payments on her lawyer, which have cost her approximately \$5000 a sum she was hoping to use for her other debts. As Goodmark (2018) noted, people who experience abuse usually assume the majority of the financial burden.

3.5 Conclusion

The criminalization of domestic violence is a prime example of the expansion of the criminal-legal system and how criminal-legal debt exacerbates existing power dynamics that do not address the root causes of criminality. Criminalization is a tactic of the carceral apparatus to arrest people for the violent behaviors people commit without providing adequate support to transform the harm people cause. The criminal-legal system profits off the violence others inflict by creating the conditions for those same individuals to reoffend. While criminalization has had alleviated some survivors, it has also created drastic consequences that are antithetical to the

desired impact of the VAWA. The overreliance of the criminal-legal system has diminished punishment's effectiveness because incarceration fails to address the underlying factors of domestic violence while also punishing victims who defend themselves from abuse. Legislation, such as the VAWA, fails to protect or provide justice for victims of intimate partner violence by perpetuating existing power dynamics, homogenizing the experiences of survivors, increasing the likelihood of recidivism by neglecting the underlying factors of gender violence, and capitalizing off violence by imposing criminal-legal debt. Possible departures away from criminal-legal system will be discussed in chapter 5.

Domestic violence, as previously indicated, is correlated to low-income communities that are deprived of social services and material wealth. Some urban spaces, such as Metro-Atlanta, have communities of color that are structurally disadvantaged and are increasingly being displaced for urban revitalization projects. This signifies those crimes, such as domestic violence, are laden with meaning in geographically bound places. This is not to argue that low-income communities are inherently violent and criminal but to argue that criminal-legal system in conjunction with businesses and corporations reproduce poverty, race, crime, etc. in geographically bound space. These spaces are embedded with meaning and delineated by race and class, justifying the intensive policing of Black and Brown communities.

4 GENTRIFICATION: POLICING SPACE AND PLACE

4.1 Introduction

Carceral logic permeates other institutions that appear to have nothing to do with the criminal-legal system. The carceral state aids and benefits from urban development projects (i.e., gentrification) by displacing undesirable populations from their neighborhoods. Scrutinizing property relations illustrates the ways in which gentrifiers (e.g., investment bankers, developers, and new residents) and the carceral state collaborate to disproportionately displace marginalized communities under the guise of progress, development, and safety. Gentrification expands the carceral apparatus outside the physical confines of jail to geographically bound racialized spaces. For example, police may be called consistently to patrol a predominately Black neighborhood because White affluent residents who recently relocated to the neighborhood are anxious seeing their new neighbors out on the street, even though they are simply enjoying an evening stroll. Overtime, a neighborhood's demographics may change dramatically due to the combined forces of hyperpolicing of Black and Brown bodies and gentrification, developing areas to "a point where what you're building is unaffordable," as Tiffany—a former resident of Doraville, described it.

Gentrification, meaning the influx of relatively wealthy people into an urban district where there were previously few such people, is a method of accumulation that alters spaces to attract and conform to the predominantly White middle class (Mele 2017). Real estate professionals and companies invest in particular areas because they identify a gap between the current rent a neighborhood offers and potential earning of the neighborhood if some change is enacted such as renovating abandoned or dull properties, evicting long-time residents, or demolishing and redeveloping buildings (Zimmer 2022). This value gap combined with younger

generations' preference for urban living motivates investors in urban housing markets (Zimmer 2022). Huge financial investments then cause the gap to rapidly increase (Zimmer 2022).

However, the process of gentrification is a neocolonial dynamic. Those in power (i.e., government and the wealthy) determine which communities deserve housing and resources. Paulino stated “police are just there to protect private property and discipline the poor-working class.” Gentrifiers and police collaborate to alter a neighborhood, resulting in displacement, imprisonment, and criminal-legal debt for Black and Brown communities. As Alex noted, “a lot of culture and art gets erased with gentrification,” meaning the landscape changes in order to cater to the aesthetics of wealthy, mostly White people. In Decatur, Alex feels “there are places where it's like, wow, that place is gone. I used to love going there. What happened? There's a brand-new place that's like, you can tell what type of clientele that they want to come in and the type of space they're trying to make it.” The displacement, erasure, and policing of former residents from their homes resembles the displacement and erasure of Indigenous populations in this country (i.e., settler colonialism). Gentrification is the repackaging of settler colonialism that founded this country.

Additionally, gentrification is a racialized process that transforms Black and Brown neighborhoods into predominately White spaces by displacing poor residents through rising housing costs, intensive policing, and surveillance. Businesses and corporations identify structurally disadvantaged neighborhoods to invest financially that can generate huge profits if the area becomes populated with affluent residents. However, to attract affluent residents to an area previously demarked as dangerous or criminal, the area must be devoid of residents who are viewed as such. Policing and incarceration are solutions to the gentrifiers problem. Increased monetary sanctions from the criminal-legal system serves businesses and corporations by

allowing gentrification to creep into communities with relative ease and displace long-time residents of a neighborhood. Therefore, this study contends with the notion that police institutions preserve and seize private property for neoliberal gains.

4.2 Racialization of Space

The social construction of race is a process that racializes geographical space. In other words, space is mechanism through which race manifests (Hankins, Cochran, & Derickson 2012; Zimmer 2022). For example, Alex suggested that in parts of Decatur “you can ride down a few streets and it's like you're in a completely different place [than 5 years ago] but that's because of gentrification.” In Decatur, municipal resources are concentrated in Downtown Decatur and the area near Emory University. These neighborhoods have better infrastructure, wealthier homes, and better schools than the surrounding areas, which are referred to as unincorporated Decatur (or as unincorporated Dekalb). These neighborhoods are low-income Black and Brown communities.

Geographies of race suggests that there are spatial practices and process that reproduce and reify race in conjunction with the racial ideologies inscribed in space (Hankins, Cochran, & Derickson 2012). Kevin hinted that in South Atlanta there are invisible borders that can be understood as demarcations of class and racial stratification within space. He said:

I don't know where I blur the lines of these neighborhoods cause, to me, Summerhill is still part of Grant Park. It's just kind of like a sub neighborhood but it is definitely the closer you are to the park the nicer and more money you can tell there is. Then when you go closer towards the old stadium, like Hank Aaron, it gets a little more like what it used to be, and then it definitely kind of gets more, I would say, Black around there. As soon

as you cross over Hank Aaron that's like the dividing line where you see that change completely.

The "change" Kevin refers to is in Atlanta you can drive five minutes down a road and the demographics, wealth, and infrastructure of the neighborhood drastically changes. I lived in the Summerhill neighborhood during my second year of grad school. I moved to the area as it was one of the few neighborhoods in the city with affordable housing. One of Atlanta's oldest historically Black neighborhoods in the city is deprived of many municipal services afforded to its neighboring residential area such as Grant Park or Glenwood. The area is characterized with empty parking lots, rundown buildings, the highway way, railroad tracks, and unhoused people roaming the streets. Summerhill has been neglected for years.

Non-White racialized spaces are inscribed with racial ideologies that denote which communities are worthy of resources and safety. Before Georgia State University (GSU) bought the former the Braves stadium, Kevin stated that Summerhill had:

Nothing around except a bunch of parking lots around the stadium and so back then Summer Hill, you know kind of dangerous, a little run down. Once the Braves left and Georgia State bought the stadium the new Summerhill strip where all these new restaurants that are trendy and coffee shops and pizza places opened up and it's really cute and quaint. It reminds me like what a neighborhood would look like in the Babysitter's Club or something. Obviously, when money like that comes into a neighborhood, they're trying to push people away. The dividing line is that main highway, like Hank Aaron, and I think that's just Atlanta in general. How it's built up. It's like, oh, it's like this and then, like, oh, you crossover Moreland or you cross over Memorial like any major road and that's where you kind of see an invisible border. I

mean that's just the nature of gentrification, which is to keep pushing people away from you.

Non-native residents describe urban spaces demarcated as predominately non-White through the language of criminality, demonizing and labeling these areas as morally inferior (Zimmer 2022). Labels such as “crime infested,” “unsafe,” and “sketchy,” are used to justify the structural violence marginalized communities experience, such as displacement or hyperpolicing. Even Kevin described Summerhill before its gentrification as “kind of dangerous, and a little run down.” A consequence of the moralized racing of space opens these areas to be seized for expropriation, settlement, and development (Zimmer 2022). Kevin stated that “when money like that comes into a neighborhood, they're trying to push people away.” In other words, investments made by developers will not benefit the original inhabitants of the neighborhood because these new developments are not intended for them.

While it is a good thing that previously neglected neighborhoods are being invested in, one must interrogate the impact development has on current residents. Alex stated that “you can tell what type of clientele that they [developers] want to come in and the type of space they're trying to make it” referring to newer businesses and housing developments attempts to attract wealthier people. In Summerhill and Peoplestown (another historically Black neighborhood), the demographics of the neighborhood are changing. More affluent White folks and university students are moving in while pushing Black people either to the Westside of Atlanta (i.e., Westend, Bankhead, and Mechanicsville), which are also being impacted by gentrification, or further out into the suburbs with less access to public transit, large public hospitals, and other essential services (Immergluck 2022).

Since GSU bought the stadium in 2016, the University and the developers it has partnered with have transformed the neighborhood by making it “trendy,” “cute,” and “quaint.” New apartment complexes are being developed. The “new Summerhill strip” was built housing “new restaurants that are trendy and coffee shops and pizza places opened up.” Publix bought one of the empty parking lots near the stadium, which is significant because Summerhill is a food desert, meaning there was no access to grocery stores in the area. These changes at face value are great but come at the expense of current residents who are unable to afford to stay in the area.

Whiteness is place bound and persists as a construct with material consequences because of segregated neighborhoods and the hoarding of resources that skew opportunities and life chances along racial hierarchies (Lipsitz 2011). The racialization of space grants White people privileged access to opportunities for social inclusion and upward mobility while denying and displacing everyone else (Hankins, Cochran, & Derickson 2012; Zimmer 2022). In Summerhill and Peoplestown, the development of apartment complexes, grocery stores, and restaurants aid in constructing those neighborhoods into areas appropriate and acceptable for White people. The absence of these things in the neighborhood are structural barriers that hinder a community’s socioeconomic mobility by not providing opportunities and resources needed thrive.

Neighborhoods in the process of gentrification and racialized White spaces (e.g., the suburbs) are embedded with ideologies and practices that are negated to non-White spaces. When describing the city of Norcross’ downtown area, Tiffany said it was “a very well kept quaint, little area. It’s also probably 90% affluent White people. You get outside of that little circle area right there and then that’s where you have everyone else.” Kevin described the gentrified part of Summerhill as “cute and quaint.” These spaces get characterized as such

because the wealth and resources are hoarded in those area. Racialized White spaces get more resources invested into their communities resulting in better infrastructure, schools, jobs, and neighborhoods.

Policing as institution enforces racialized geographies through geographically targeted police tactics to maintain neighborhood homogenization and social control (Bloch 2021). For example, the Midtown Improvement District, a self-taxing district that aims to make the Midtown neighborhood more desirable for business, has its own supplemental police force, the Midtown Blue, that is “funded by commercial property owners” (Midtown Alliance n.d.). More than 40 off-duty Atlanta Police Department (APD) officers patrol the area and work exclusively in the Midtown Improvement District. Essentially, the Midtown Improvement District project hires police officers to patrol individuals in the city, predominately unhoused people in the area. These private police forces have numerous implications for poor residents, unhoused people, and Black or Brown people.

In downtown Decatur, Alex observed police officers frequently patrol the Marta station. They articulated that police are “keeping post” because “there are a lot of homeless people in Decatur and, you know, people of color that will ride the train...that are usually, you know, under scrutiny.” Police contain, control, and remove undesirable populations from public space because the visibility of poor Black people, as well as certain non-Black people of color, trans people, and differently abled people induce anxieties founded on prejudice. Certain bodies who are not the ideal resident of a neighborhood or space become targets for the police. Their presence is a threat to the homogenization of the area and thus deserving of policing and imprisonment.

The state acts as a main arbiter in enforcing the racialization of space. In chapter 2, for example, Alex described her and her twins experience with a police officer in Downtown Decatur. The officer stopped them and said they could not walk through a neighborhood that they were passing by. “In Decatur there are certain neighborhoods that apparently, they said [the cop] you can't walk through. But I realize, now that I'm older, that the cop was saying that to my sister and I because we are people of color.” The officer did not provide a justification as to why they were not allowed to walk through the neighborhood. However, moments later the same officer allowed a White student to walk through the same neighborhood Alex and her twin were barred from. The bar in downtown Decatur that I was arrested at called the police to remove my friends and I to maintain a majority White clientele. Officers, who act on behalf of the state, determine who can and cannot be in a space.

4.3 Displacement

As urban renewal projects take hold across the country, the rate at which the previous tenants of those areas are displaced increases. Maritza noted that in her neighborhood in Chamblee the “rent prices [are] going up.” Paulino observed that a major change in the city is “for sure prices, like housing, going way up and developments popping up everywhere too.” When describing the process of gentrification in the city of Doraville, Tiffany claimed “I understand wanting areas to be nicer areas, but not to a point where what you're building is unaffordable for the people that live there currently. If you want to clean up an area, then clean up an area, but don't clean up an area to exclude all of the people that are currently there. But that's what happened... Right now, I can't afford a place over in this area.” These three responses illustrate how capital investments in Metro-Atlanta have caused rents to surge and displaced former residents.

Urban renewal or revitalization projects are processes that do not inherently displace existing residents as long as protections are in place that prevent drastic rent surges (Mele 2017; Zimmer 2022). However, this is not the case in Atlanta. Kevin stated that “even affordable apartments in Atlanta are not truly affordable given the wealth gap, inflation, and the lack of raise in income for most people.” His remarks signify that many neighborhoods experiencing gentrification lack protections for low income residents, contributing to the displacement of poor Black and Brown communities. When low-income communities are suddenly hit with an influx of investors and resources, then the cost of living dramatically increases while people’s wages remain relatively the same (Mele 2017; Wang 2018; Zimmer 2022). Previous tenants are then unable to afford their homes forcing them to leave and relocate. Resources are hoarded in the newly developed areas, keeping previous tenants from accessing those resources and hindering them from upward socioeconomic mobility.

Displacement of native residents is profitable for municipalities because it raises the property value and income level of an area. As Kevin suggests “the city and government” benefit from gentrification because it brings “income for them to just keep developing things... and push people out that have legacy residence, so that they can sell their houses to people that can buy it without even looking at it and upsell.” People who rent their homes in unregulated markets are most vulnerable to displacement, but even some property owners are impacted by increasing property taxes or by investors backed by state power through eminent domain (Zimmer 2022). Additionally, displacement in and of itself is profitable for speculators and landowners because they seek to reap large profits from displacing low-income tenants and repopulating these areas with people who can afford to pay higher costs (Zimmer 2022).

Urban development usually relies on a process of promotion and image construction, invoking race and class in the promotion of gentrifying a neighborhood. As Alexis notes, “I feel like to me it’s when areas that were in the past impoverished or areas that have more people of color and less developed areas start becoming more developed and there’s usually like a lot of classism and racism involved in gentrification even though it is like developing communities.” People who currently reside in a space suited for urban renewal are viewed as obstacles to wealth accumulation by those who wish to use the land. “Existing racial hierarchies and entrenched racist ideologies are then seized upon and sometimes deepened by the groups” who benefit the most from gentrification (Zimmer 2022, 48). Gentrifiers who flip a neighborhood and generate massive profits from buying cheap and reselling at higher prices must overcome stereotypes of spaces that were previously deemed poor or non-White. Their obstacle is to persuade investors and new residents that the neighborhood is or is becoming a Whiter space (Zimmer 2022).

Since gentrification usually progresses through a neighborhood unevenly, it is usually within the best interest of gentrifiers to delineate boundaries between White and non-White spaces, such as highways, railroad tracks, or street intersections. Kevin named Hank Aaron Dr SW, a road that that separates Summerhill and Peoplestown on the southside of Atlanta, as an invisible boundary that separates poor predominately Black neighborhoods from newer, rich, relatively White neighborhoods. Summerhill and Peoplestown already began its gentrification process with Peoplestown being less developed than Summerhill. At the intersection of Hank Aaron Drive and Ormond Street there is a clear disparity in infrastructure and housing. Summerhill’s residential area is filled with renovated single-family homes and new apartment complexes. Peoplestown in contrast has condemned buildings, deteriorating corner stores, empty lots, boarded up homes, and a visible homeless population that is predominately Black.

However, things are changing in Peoplestown as GSU, the city, and developers reimagine what the neighborhood could look like. As Peoplestown transforms through capital investment, the poorer and non-White residents of Peoplestown will be forced to relocate. The Westend, Pittsburg, and Mechanicsville are also predominately Black neighborhoods found on the Southwest side of the city neighboring Peoplestown. However, the highway separates these neighborhoods from one another. As Peoplestown develops the highway will demark the boundary between relatively wealthier residents from poorer Black spaces. However, in time these Southwest neighborhoods will transform drastically as the investment capital seeks to expand profits. Gentrification in these areas has already started.

4.3.1 Policing

The imagined racialized boundaries are enforced through policing tactics (e.g., racial profiling, stop and frisk, and traffic stops) that put older residents in greater proximity to the criminal-legal system. Policing and public safety programs in this context are focused more on the perception of safety, working under discriminatory assumptions that certain environments or bodies potentiate future criminal activity (Hanhardt 2016). As anti-Blackness continues to structure social relations, Black-majority neighborhoods will continue to be stigmatized. In other words, the Blacker the neighborhood, the lower its social status (Shelby 2017). Politicians, developers, and pro-gentrifier residents rely on the police to contain the presence of Black people, “to make them feel unwelcome and unsafe in spaces now designated as White,” as well as removing and displacing them to create space for urban renewal (Zimmer 2022). As existing residents get caught in the criminal-legal system, the municipalities who are benefiting from new development simultaneously make more money off of existing residents who get officers called on them by new businesses and residents.

The carceral apparatus targets and surveils Black and Brown communities that, in part, contribute to the material and social conditions to reify and reproduce race and surplus populations. As an institution, policing is fundamentally tied to ensuring property relations and aiding in the gentrifications of neighborhoods. In other words, police are instrumental in the racialization of space (Zimmer 2012). Police enforce property holdings of the wealthy, especially in situations where those holdings are threatened whether real or perceived (Zimmer 2012). As Natapoff explains:

While the legal purpose of an arrest is to identify people who may have committed a crime, in practice police use their arrest power for many reasons: to maintain neighborhood order, clear a corner, send a message in a high-crime neighborhood, stop a fight, or gather information. (2018, 59)

Police aid in the displacement of people by assuming the lead role in ensuring new formal and informal norms about who is allowed to be where, what they are permitted to do, and so on (Davis 2003; Gilmore 2007; Wang 2018; Zimmer 2012). Those who transgress new norms or are perceived as threats to new residents are criminalized, resulting in criminal-legal debt. For example, when Atlanta was chosen to host the Olympics in 1996, the city lost about 20% of its Black population to forced displacement (Immergluck 2022; Johnson-Long 2020). The Olympics offered Mayor Bill Campbell federal funds to develop the downtown and midtown areas. In anticipation of the games, the city decided to rid these areas of the houseless populations that took refuge in Downtown's Woodruff Park (Johnson-Long 2020). APD officers began arresting people under newly passed quality of life laws in these areas. Thousands of poor Atlanta residents were given one-way bus tickets to other cities as long as they promised not to return (Johnson-Long 2020).

Some 9,000 poor Atlantans were arrested during the 18 months before the opening ceremonies” At one point [Anita] Beaty, [Director of Metro Atlanta Task Force of the Homeless] came into possession of piles and piles of arrest citations pre-printed with the designations ‘homeless’ and ‘African American.’ All the arresting officer had to do was fill in a name. (Johnson-Long 2020, 62)

Within 18 months of receiving the federal grant the Atlanta City Detention Center (ACDC) was built and Woodruff Park had new surveillance technology installed. ACDC is an 11-story building that can hold 1,400 people, which quickly filled up with people who were breaking the new quality of life laws put in place (Johnson-Long 2020). In the years ahead of the Olympics, Atlanta developed more parts of the city furthering the racial wealth gap. About 29% of public housing was demolished, leaving Black and poor Atlantans struggling to find housing (Immergluck 2022; Johnson-Long 2020). These dynamics continue to harm Atlanta’s residents more than twenty years later.

In an interview conducted in September of 2020 by journalist Laura Thompson, Tom Gissler, a former Atlanta Police Department (APD) officer, spoke out against APD’s involvement with gentrifying neighborhoods in Atlanta. Three years into his job, APD started instructing officers to patrol the Bedford Pines Apartments area, a residential area found on Boulevard in the heart of the Old Fourth Ward neighborhood. An area known to house predominantly single Black women and children. Allegedly, APD believed that it was a place where a lot of illegal activity was taking place. Officers placed signs that prohibited street parking believing it would deter criminal activity. Gissler was ordered to:

Write tickets on every single car that's on the street and I want you to get those cars out of there; if they don't move, tow 'em. I want you to start running checks on everybody standing on the street; if they have got warrants, I want you to lock 'em up.

Bedford Pines was subjected to an aggressive policing strategy that disproportionately impacted Black residents. Requiring officers to conduct background checks on people out on the street without probable cause is unlawful. The demand to “start running checks” continues the practice of racial profiling and mass incarceration because they are being conducted in a predominately Black residential neighborhoods without any justification.

Criminal-legal debt contributes to the process of gentrification. Gentrifiers create new neighborhood norms that indebt existing residents who are not accustomed to them. The intensive policing of Black and Brown communities results in the continuous imposition of monetary sanctions on structurally impoverished communities. In the case of Bedford Pines, restricting street parking allowed officers to impose monetary sanctions on poor residents (e.g., imposing debt at the point of policing). An area already deprived of adequate parking had even less parking for its residents, resulting in traffic violations due to the new code enforcement. Therefore, APD and the city created an avenue to generate revenue by extracting it from Bedford Pines residents. They disguised their actions under the euphemism of “deterrence.”

By talking with community members, Gissler discovered an intentional strategy deployed by the owner of Bedford Pines apartments to gentrify the area by enlisting the APD. The Bedford Pines apartment owner wanted to tear down section 8 housing (i.e., affordable housing) to build luxury homes. A consequence of this decision would displace most Black residents since they would not be able to afford the rent. Additionally, the development of luxury housing would

increase the surrounding value of the properties, forcing former residents to leave the neighborhood.

Creating unstable housing conditions leads to greater vulnerability to police and state sanctioned violence. As seen with Bedford Pines, imposing criminal-legal debt at the point of policing aids in the process of gentrification. When people are unable to pay their criminal-legal debt, they go to jail creating an avenue for property owners to evict and displace those same individuals regardless of a committed crime. For example, a warrant for unpaid fines that leads to incarceration is sufficient for a landlord or property managing company to evict someone from their home. Property owners are motivated to act on these opportunities because housing people with criminal records devalues a property. Or people with outstanding criminal-legal debt may fall behind on bills, such as rent, to evade incarceration, eventually leading to their eviction. Additionally, people can be evicted if they are convicted of a felony or have multiple run ins with law enforcement at the residence, such as incidents of domestic violence. In the case of Bedford Pines, Gissler stated that the owner of the apartment complex went to APD and said “we want you to police in here, and we're going to give you a section of Bedford Pines to actually have office space. And I want you to lock up as many people as possible so we can make these apartments vacant, and we can knock 'em down.” Gissler confronted his supervisors and asked them about the situation. He said “I go to my supervisors: Is this what the case is? And they looked at me like, what are you, stupid? Of course, why else would we be doing this?” Gissler's story illustrates APD's involvement in aiding gentrification efforts in the city.

Additionally, police departments and public safety programs are weaponized by affluent, White people to maintain Whiteness within already racialized White spaces or neighborhoods in the process of gentrification. In the latter, police reassure gentrifiers that their transforming

neighborhood is on the road to becoming a clean, civilized, safe space. New property owners rely on the police to manage anxieties about owning property in districts with significantly less income and predominately non-White. Local businesses play a role in Atlanta's displacement of Black citizens by mobilizing police forces to utilize surveillance and community policing tactics to change the landscape and makeup of the city, as seen with the construction of new luxury apartments at Bedford Pines.

In this regard, police act like an occupying force rather than protecting the community. As Paulino suggests:

Just understand that the police are usually not your friend. They don't give a shit about you. They will harm you if they deem it necessary, and you can't trust what they deem necessary. They are just really here to protect the rich, protect the property of the rich, and corporations. They are trained to view the general civilian population as like an enemy. It's like an insurgency the way they are trained to the way they're funded. The culture of the police and everything. They are like accountable to seemingly no one.

As Alex Vitale (2017) found, police often assume a warrior mentality and view themselves as soldiers fighting against the public rather than upholding public safety. It also does not help that police departments are increasingly militarized through military grade equipment and weapons. Many officers are military veterans, participate in international military training programs (e.g., the Georgia International Law Exchange Program), and create militarized units (e.g., Special Weapons and Tactics) that fuel this mentality. Many of them embrace the perception that entire communities are inherently dangerous and criminal. Paulino underscores his point saying its “just state terrorism on part of the police.” Contemporary policing repackages mechanisms of colonial control such as profiling, harassment, arbitrary searches, checkpoints restricting

movement, and seizure of property. Therefore, policing as an institution is a public denial of the equal moral worth of communities of color. Just like in classic colonial practices, characterizing people as morally inferior serves to create material wealth for dominant groups.

4.3.2 Conclusion

Spaces in the process of gentrification are aided by policing tactics that are already embedded with racialized meaning. The representation of majority-Black and Brown communities as desolate, dangerous, riddled with crime and unsuitable for economic investment creates a problem for gentrifiers. It then becomes clearer to see how aggressive policing transforms these areas into affluent, safe spaces worthy of wealthiest residents who will predominately be White while displacing non-White communities (Zimmer 2022). Police tactics, flawed with racial and class bias, are weaponized against native residents as a means to displace them from their neighborhoods. The intensive policing of gentrified neighborhoods not only protects private property for gentrifiers, but it also ensures to prospective tenants that the neighborhoods that are moving into is a safe for them. As a result, native residents are incarcerated and indebted to the legal system.

Therefore, space is created and embedded with racialized meaning that justifies intensive police presence in Black and Brown communities undergoing gentrification. However, there are alternatives to the criminal-legal system that can prevent mass incarceration and the displacement of marginalized communities from their homes. Prison industrial complex abolition (PIC abolition) is a political movement that aims to dismantle oppressive systems and invest in communities. Abolition gives power back to the people in order to change the material conditions brought by neoliberalism. New systems must be created that disseminates power,

accountability, and resources democratically. PIC abolition is the solution to the socioeconomic and political problem brought on by neoliberalism and carceral expansion.

5 CONCLUSION: MOVING TOWARDS ABOLITION

5.1 Introduction

In this current epoch of global capitalism, the material realities of poor, racialized, and gendered communities are controlled by expanding the carceral apparatus as a mechanism of capital extraction, specifically through criminal-legal debt. The criminal-legal system's overreliance on fines and fees creates a negative feedback loop where poor Black and Brown communities are trapped in a cycle of poverty and imprisonment. This ethnography, through court observations and interviews, demonstrated the ways in which monetary sanctions are a mechanism by which the carceral state reproduces and exploits race, class, and gender. Criminal-legal debt is a systematic practice that reproduces inequality because the system itself was created through the coupling of power (i.e., White supremacy, settler colonialism, capitalism, patriarchy) that structures the system today (Gilmore 2022). The material consequences that result from incarceration and by extension criminal-legal debt reproduces race, class, and gender relations.

The neoliberal turn expanded the reach of the carceral system by investing in technology that exacerbates violence, broadening the scope of criminalized offenses, and imposing monetary sanctions as a ubiquitous practice to the criminal-legal system. Police actively generate revenue for the carceral state by issuing debt at the point of policing. Officers arrest people to fill the prisons and jails that allow the system to generate revenue. However, police practices are flawed with racial and class bias that disproportionately impacts Black and Brown communities. Once released from incarceration, criminal-legal debt transforms the experience of incarceration from time limited experience to a long-term status. Criminal-legal debt not only debilitates people but hinders their ability to access resources (e.g., housing, food stamps) and opportunities (e.g.,

employment). Additionally, monetary sanctions not only burden you financially, but a criminal record opens the door for legal discrimination against incarcerated people – continuing the cycle of racialized gendered violence.

The criminalization of domestic violence exemplifies the expansion of the carceral state and how criminal-legal debt exacerbates existing power dynamics that do not address the root causes of criminality. Legislation, such as the VAWA, fails to protect or provide justice for victims of intimate partner violence by perpetuating heteropatriarchy, increasing the likelihood of recidivism by neglecting the underlying factors of gender violence, and capitalizing off abuse by imposing criminal-legal debt. The overreliance of the criminal-legal system has diminished punishment's effectiveness because incarceration fails to address the underlying factors of domestic violence while punishing victims who defend themselves from abuse. The criminalization of intimate partner violence results in monetary sanctions that exacerbates income instability for both the victim and aggressor. Domestic violence is correlated to low-income communities that are deprived of social services and material wealth. While the threat of abuse may be addressed immediately through incarceration, the law fails to address poverty, housing instability, unemployment, and internalized misogyny which are correlated to domestic violence. Without addressing these key issues, domestic violence will continue to impact the lives of gender minorities.

Finally, a carceral logic permeates other institutions that have seemingly nothing to do with criminal-legal system but aid in expanding and legitimizing its power. Under neoliberalism there is little stability, so municipalities deploy and expand the carceral apparatus to deal with the inequality it creates. Metro-Atlanta is experiencing a housing crisis in which there are relatively few affordable housing developments in the area. Urban renewal projects seize structurally

disadvantaged neighborhoods, transforming the area to attract wealthier residents while displacing native ones. Thus, gentrification is a racialized process that displaces low-income residents by increasing housing costs, surveillance, and police presence to transform non-White spaces into White spaces. In this sense, gentrification expands the carceral apparatus to geographically bound racialized space and the police protect private property for neoliberal gain.

Space is racialized in two ways through policies and procedures enacted by the carceral state that reproduce race (e.g., redlining) and through the racial ideologies that are inscribed in space. Structurally disadvantaged neighborhoods are usually characterized as dangerous, criminal, and unsafe. The government has historically neglected these communities and refused to invest in their wellbeing thus the landscape of the neighborhood may look run down, lack necessities (e.g., grocery stores), and riddled with criminal activity that help people survive. However, gentrifiers identify the neighborhood as an investment opportunity to make profit if they develop the area and attract wealthier residents. In order to ensure they make a return on their investment, gentrifiers have to ensure that the neighborhood is a safe place to live for potential residents. Policing and incarceration aid gentrifiers by subjecting native residents to intensive police practices. The more police presence in a neighborhood, the more criminal-legal debt will be issued. Increased criminal-legal debt serves businesses and corporations by allowing gentrification to creep into communities with relative ease and displace long-time residents of a neighborhood. Thus, it is imperative to interrogate the ways in which a carceral logic permeates other institutions to maintain inequality.

However, it is not enough to theorize problems that plague the criminal-legal system, alternatives to the system need to be imagined and actualized in order to reduce the violence and harm marginalized communities experience. Prison Industrial Complex abolition offers guiding

principles to reduce the power of the carceral state. Criminal justice reform will not change the system because the system was built to control and exploit poor racialized communities. When I asked Maritza what lessons she has learned by being in the system, she immediately stated that abolition is the solution to the U.S. carceral state. She states that:

[E]ven though we know that it's [the criminal-legal system] not working, we just continue doing the same thing because it profits the people that are in power. And because they're in power there's not really anything we can do about it. At least it would seem that way, but luckily people are working to change that. That's what's really needed because it's bullshit. We tell ourselves, the country, the land of the free, but it's the opposite. You're always at risk of being incarcerated over anything over bullshit. Traffic offenses are considered crimes in Georgia and it's a traffic offense like why can you take me to jail because I forgot to go to pay a broken taillight? I forgot that to pay a ticket and I didn't get the memo to go to court for it so because it didn't go to court now, I got to spend the weekend in jail. Like, how is that protecting me or serving me? No, no, that shit doesn't make sense."

In its current form, the carceral state operates as intended. As Hyzam articulated, "[y]ou cannot reform this poison. I mean the foundations of these things are doing exactly what it was intended to do. It's doing exactly what its intended to do. We have to destroy the whole fucking system and start over." In order to create meaningful change, the system itself needs to be abolished and replaced with life-affirming projects that centers the humanity of every person. Demilitarizing, decriminalizing, and divesting from the criminal-legal system are abolitionist steps (i.e., non-reformist reforms) that reduce the scope of the criminal-legal system and gives power back to marginalized communities.

5.2 Prison-Industrial Complex Abolition

Prison Industrial Complex abolition is a political movement that has captured the imagination of many people across the country due to activists' radical demands to dismantle oppressive systems that disproportionately impact marginalized communities and replace them with life-affirming projects. Critical Resistance, an abolitionist organization working to dismantle the PIC, defines the term as "a political vision with the goal of eliminating imprisonment, policing, and surveillance and creating lasting alternatives" (Critical Resistance, n.d.). PIC abolition is gaining more traction and popularity as we are constantly exposed to police brutality against Black bodies in this country. The murders of Travon Martin, Rayshard Brooks, George Floyd, Breonna Taylor, Sandra Bland, Ma'Kiah Bryant, and countless others have illustrated that the institutions of policing and mass incarceration do not keep racial, gendered, or sexualized minorities safe (Davis 2003; Gilmore 2007; Jackson 2013; Rodriguez 2019). Grassroots activists create and demand alternatives that rely on community-led solutions rather than disposability, punishment, and state-sanctioned violence. Historically and contemporarily, abolition is a political struggle rooted in the legacy of Black liberationists. It draws its name from those who demanded and organized to abolish the institution of slavery in the U.S. It is a grassroots framework that analyzes the root causes of structural inequality by collectively dismantling oppressive systems while simultaneously building new life-affirming ones.

PIC abolition is an open invitation for everyone to dream and radically imagine a new world where everyone is liberated and has their basic needs met. It may be frightening to think of ending institutions deeply ingrained in U.S. culture. However, it is essential to remember that these institutions were once created. The same can be done for new life-affirming, democratic

institutions if we move away from the PIC. The contemporary abolitionist movement must be grounded in presence, creativity, and abundance as the current system is abolished, and new systems emerge that center on collective forms of safety, community, justice, care, and liberatory forms of education.

PIC abolition is a journey. Abolition is an intergenerational project that will be achieved over long-term gradual change. In other words, the systemic change required to transform the violence enacted by the PIC requires a complete cultural shift that may not be actualized in our lifetime. However, everyone can practice abolition within their relationships while simultaneously fighting for the conditions to actualize it. Everyone engages with the criminal-legal system; therefore, everyone is responsible for changing it. PIC abolition requires that we change everything, including ourselves. Abolition requires that we do the internal work to transform as much as it requires that we organize to change our material conditions. Everyone can practice abolition by changing how we relate and interact with ourselves, each other, non-human beings, and the land. Empathy, conflict resolution, (self) love, gratitude, collectivism, and grace are values to lean into as we do the internal work to expel the many ways all of us have internalized oppression. These values lay the foundation to transform how we relate to everything outside of ourselves, which is important in a capitalist society that preaches individualism and fosters alienation. The revolution starts at home.

Apart from the internal work, PIC abolition is a project that envisions a liberated world where everyone's needs are met. To build that world, we must be willing to experiment with one another. An abolitionist project is not limited to any one thing. A project could look like neighbors getting together once a month to provide financial resources for other neighbors struggling. Another example is providing jail assistance (e.g., transportation or supplies) to those

released from incarceration. Several abolitionist campaigns and projects in metro Atlanta are fighting against different facets of the PIC. For example, Stop Cop City is an abolitionist campaign trying to prevent the destruction of the Wueelaunee Forest (also known as the South Atlanta Forest) for capitalist gain. The Atlanta Police Department wants to use 300 acres of the forest as "a tactical training compound featuring a mock city" (Defend the Atlanta Forest n.d.). The proposed training facility would increase police officers in hyper-policed Black and Brown neighborhoods, expanding the carceral state. Shadowbox Studios, a major film company, also wants 150 acres of the forest to construct "an airport and erect the largest sound stage in America (Defend the Atlanta Forest n.d.). Wueelaunee is vital to Atlanta's resiliency in the face of climate change since it is home to wetlands that absorb rainwater and prevent flooding. Organizers are drawing attention to the potential crisis the destruction of the Wueelaunee forest will bring to Atlanta residents, specifically Black and Brown residents.

Non-reformist reforms are methods that organizers and communities can push to dismantle the PIC over time. Non-reformist reforms reduce the scope and power of the system rather than maintain or normalize it. These methods do not improve the system but gradually chip away at it. Some examples of non-reformist reforms are ending paid administrative leave for cops under investigation, decriminalizing drug use and sex work, and prioritizing spending on community health, education, and affordable housing. On the other hand, liberal reforms aim to extend, legitimize, and maintain the PIC to reproduce inequality. For example, politicians and liberal organizations enacted reforms that required police officers to wear body cameras while on duty because of the high number of police killings. Surveilling the police was an attempt to hold individual officers accountable for murdering people. Nevertheless, Black and Brown communities continue to be terrorized by state violence. As Audre Lorde (1984) said, "for the

master tools will never dismantle the master's house." Reforming the PIC is ineffective because they operate within the logic of carcerality and do not reduce its oppressive power.

Three types of non-reformist reforms (not an exhaustive list) are critical to abolition: decriminalize, demilitarize, and divest. These three non-reformist reforms are tangible ways to reduce the size of the PIC. Decriminalizing behaviors such as marijuana possession or sex work reduces police jurisdiction. In other words, the fewer criminal offenses, the fewer police interactions. Demilitarization aims to stop the militarization of the police. Lastly, divesting from the PIC means there is ample funding to invest in community-centered projects.

5.2.1 Decriminalize

The carceral state rests on the premise that putting people in cages is a consequence of people's actions and, therefore, should lose all freedom (Gilmore 2007). However, crime changes depending on what counts as stability in the social order and by populations that need to be controlled (Gilmore 2007). As more behaviors become criminalized, more people will be housed in overcrowded prisons and jails. Criminalized offenses (e.g., drug related offenses) should be reevaluated and decriminalized. Homelessness, drug addiction, sex work, etc. are criminalized offenses that aim to control and punish because society has deemed these groups of people as unworthy of being in public. Criminalization is not about morality but simply a means to control who can do what where. Therefore, gradual steps should be taken to reduce the populations in prisons and jails. I say gradual because we need to create systems and train communities to handle conflicts and harm as it arises.

How are we in relationships with the people deemed disposable by the state (e.g., homeless folks, sex workers, trans people, currently and formerly incarcerated folks, etc.), and how do we care for their needs as we organize to care of our own? Our definitions of community

must be expansive and cannot continue the same logic of disposability that structures the U.S. empire. Being in right relationship with one another means that we must get to know one another and confront our own biases. We cannot build solidarity and comradeship if we are not engaging in dialogue with everyone in a community.

Atlanta Based Project

5.2.2 Demilitarize

In recent years, police departments all over the country are increasingly becoming more militarized. The military and its benefactor's profit from selling police departments across the country weapons, tactics, and surveillance strategies (Gilmore, Bhandar, & Toscano 2022). As noted in the previous chapter, police behave like an occupying force against the public because war is profitable. The U.S. has profited from domestic wars such as the War on Crime, the War on Drugs, and the War on Terrorism because they play on racial ideologies that demonize marginalized people as dangerous, devastating communities. These fabricated wars solidified the connection between police departments and the military by providing scapegoats to militarize police forces.

There is no reason police departments should be utilizing military-grade weapons and combat tactics on civilians. Reducing the connection that local police departments have with the military is an act of harm reduction. Police officers should not be trained like an armed militia against its citizens because it easily allows people to be hurt or killed. The militarization of police departments is correlated with the use of lethal force that, unfortunately, many people experience in this country. The money police departments spend on militarization could be directed to other community needs.

5.2.3 *Divest*

The criminal-legal system is a billion-dollar industry. It is the only department on all levels of government that do not experience budget cuts. In fact, police budgets increase yearly for new weapons, trainings, and facilities. Yet, budgets for education, healthcare, infrastructure, housing and so on are routinely cut, leaving many people without any government assistance. Divesting from the criminal-legal system and investing in community needs would solve many of the socioeconomic and political problems marginalized communities' experience. People desperately need community support, not more police presence in their neighborhoods.

How can a system that relies on violence and lacks accountability be able to transform the violence people act on others? As Kendall (2020, 84) stated “we need to take critical, radical measures in listening to women in the poorest communities about what they want and need instead of projecting narratives of ignorance onto them.” The over reliance of the criminal-legal system has promoted the individualistic approach to ending violence by conditioning people to think that calling the police is the only way to intervene in stopping violence. The criminal-legal system has successfully transferred the power that we all have to organize collectively to stop violence to the state.

5.3 Conclusion

As this ethnography demonstrated, neoliberalism relies on the carceral state to deal with the socioeconomic and political crises that it creates. As debt continues to rise, the criminal-legal system will expand to maintain current hegemonic systems at the expense of marginalized communities. While this study focused on metro Atlanta residents, neoliberalism is a global system that has and continues to restructure whole governments for capital gain. As a result, a global police force is emerging to ensure capital's reign and repress political opposition. The

conditions and ideologies I articulated are not unique to metro Atlanta but characteristic of power held globally. This point is not to suggest a universal and undifferentiated global carceral regime but to articulate that people's struggles and material realities worldwide are interconnected.

While we struggle to change the material realities in our context, we must maintain sight that the struggle of oppressed peoples is connected, and we must build solidarity with everyone fighting for liberation. This is our task, in part, as scholars, organizers, and people living in this world.

Abolition is a path toward our collective liberation, and I implore everyone to participate in the struggle for abolition.

APPENDICES

Appendix A Data Collection

Appendix A.1 Participant Interview Guide

Georgia State University

Interview Guide – Formerly Incarcerated Person

Title: Consequences of Criminal-legal debt on Formerly Incarcerated Folks

Principal Investigator: Jennie Burnet, Ph.D., Georgia State University

Student Investigator: Daniel Pizarro, Georgia State University

Interview format: Semi-structured

After the purpose of the research has been explained and the informed consent procedure has been completed, the student investigator will begin the 90-minute interview by asking general questions about the interviewee and their community before proceeding to more sensitive topics such as incarceration, policing, or debt. Not all topics will be covered in all interviews. Not all questions will be asked of all interviewees.

List of topics to be covered and sample questions:

Reminder: When answering questions please try NOT to use names or personal information that can identify someone.

Interview Guide: structure the flow of questions and thinking of follow up ones

- **General Questions:**
 - To start, tell me about yourself, your age, your background.
 - Follow up probes:
 - Who are you?
 - Who are your people?
 - How old are you?
 - What is your gender?

- What is your relationship status?
- How would you describe your sexual orientation?
- What is your race?
- What is your ethnicity?
- Do you have children?
 - How many?
- Who do you live with? (e.g., parents, siblings, cousins, friends)
- **Occupation:**
 - Are you currently employed?
 - What do you do?
 - How long have you done X? (Or how long have you been unemployed)
 - How many jobs do you currently have?
 - Any side hustles, gigs, or other forms of income?
 - If yes, what are they?
 - Are your basic needs met?
 - How much do you make monthly?
 - How has incarceration impacted your job or ability to find one?
- **Home:**
 - Where do you call home?
 - You said x is home, why?
 - Migration:
 - When did you move?
 - Why did you move?
 - Did you move alone?
 - Were you previously incarcerated in that state?
 - When?
 - Could you describe what happened?
 - What is your current housing situation (e.g., house, apartment, hotel room, in between housing, etc.)?
 - How much do you pay for rent?
 - Where in Atlanta do you live?
 - *Try to get a specific neighborhood and street if you can.*
 - How long have you lived there?
 - What is the demographic of your neighborhood?
 - Are there any changes that you are noticing to your neighborhood?
 - What are they?
 - How has this impacted your neighborhood?
 - What is your neighborhood like?
 - Are there a lot of:
 - Police?
 - Can you describe what that is like?
 - What are they doing?
 - Who are they interacting with?

- Do you know why they are there?
 - Do any live in your neighborhood?
 - Are there any private police forces in your community?
 - Surveillance Cameras?
 - Are there a lot in your area?
 - How prevalent are they?
 - Do private homes have security cameras?
 - How does surveillance make you feel?
 - Other forms of policing or incarceration?
 - Why do you name those things as being policing or incarceration?
- **Policing/ Incarceration:**
 - When was the first time you had a personal experience with the police?
 - Do you feel comfortable sharing that experience?
 - How did that moment impact you?
 - How often would you say that you have encounters with police?
 - How do you experience “policing” in your everyday life?
 - Are there any experiences that don’t involve police but still feel like they are there?
 - Can you name and describe an experience?
 - Why do you consider that policing?
 - How has that impacted you?
 - Are there certain spaces you notice that have more police presence?
 - Can you name or describe those spaces?
 - Why do you think that is?
 - Are there certain spaces you notice that have less police presence?
 - Can you name or describe those spaces?
 - Why do you think that is?
 - What circumstances led you to be incarcerated in Union City or Fulton County Jail?
 - You said you were arrested for x,y,z... Do you consider what you did a crime?
 - Why or why not?
 - Were there any needs that you were lacking before you were incarcerated? What were they?
 - Were those needs met anytime during or after you were released from incarceration?
 - Do prisons and policing make you feel safe? Why or why not?
 - What makes them unsafe?
 - Have you always felt this way or did your opinions change over time?
 - After this experience with the CJS, what are your thoughts on it?
 - The Criminal Justice System says that it is meant to keep us safe, what are your thoughts on that?
 - In what ways would you say the system is violent?

- Are you on probation?
 - What are the terms of your probation?
 - How much do you pay for probation?
- Has the carceral state impacted the way you perceive yourself?
 - Why or why not?
 - Has this impacted the way you perceive police and prisons? How?
- **Debt:**
 - What fines and fees do you have to pay?
 - Can you name the fees and their amounts?
 - How often do you make payments? When are they due?
 - How were you told that you had charges?
 - Were/ are you able to pay for the charges imposed by the CJS?
 - Why or why not?
 - Did the judge know you were not able to pay?
 - **If yes**, Why do you think they make you pay all of these fees knowing that you do not have money to pay them?
 - **If not**, why do you think they did not ask you if you could afford to pay?
 - What would happen if you couldn't pay those fines and fees?
 - What impact has debt from the criminal justice system (e.g., fines and fees, surveillance technology, bail) had on you? Your family? Your community?
 - What other financial burdens are you facing?
 - Outside 'normal' living: When did those begin?
 - What would happen if you didn't pay those?
 - Why do you think the Criminal-legal system charges money when someone is arrested or imprisoned?
 - Why do you believe that?
 - What do you think the moral justification is for charging people financial fees for committing a crime?
 - Where do you think it comes from?
 - Do you think the CLS should be imposing court fines and fees?
 - Why or why not?
 - How do you think that money is currently spent?
 - Should it be spent like that?
 - How should we use that money?
 - Who currently benefits from this money? Who doesn't?
 - You said X does/ does not benefit, why?
- **Final Question:** What is the major lesson or take away from your experience with the CJS?

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