

Architecture, Activism, and Abolition: From Prison Design Boycott to ADPSR's Human Rights Campaign

Raphael Sperry

Let's start with the numbers: in 2014 the United States incarcerated 2.4 million people, almost one percent of the total U.S. population; the annual spending on incarceration is over \$79-billion,⁻¹ with over \$2-billion for prison and jail construction.⁻² This population is housed in, and this money is spent on, an archipelago of 1,719 state prisons, 102 federal prisons, 2,259 juvenile correctional facilities, 3,283 local jails, and seventy-nine Indian Country jails, as well as an uncounted number of military prisons, immigration detention facilities, civil commitment centres, and prisons in U.S. territories.⁻³ This is an aberration—historically, internationally, and morally.

Historically, the U.S. per-capita incarceration rate was generally 0.1 percent of its population, until a rapid climb that began in the mid 1970s. Mandatory minimum sentences, the “War on Drugs,” and three-strikes laws are the proximate causes of the prison population boom. Internationally, the United States has far and away the highest per-capita incarceration rate in the world—we incarcerate more people than the entire European Union put together.⁻⁴ Even compared to authoritarian countries with manifestly unjust legal systems, such as Russia or many Persian Gulf states where political speech may be a crime, for instance, an American is more likely to be jailed, most likely for a drug crime.

Morally, mass incarceration—the “carceral state” or the “prison industrial complex,” names that indicate the significant dimensions of the political economy of incarceration—is founded on jailing people who pose no significant public safety risk. Up to half of U.S. prisoners are jailed for non-violent offenses, especially minor drug crimes, of which marijuana offenses are the largest share. In many jurisdictions half of prisoners are mentally ill; county sheriffs routinely describe their jails as *de facto* mental hospitals.⁻⁵ Structural racism pervades the criminal justice system as people of colour are disproportionately targeted for police stops, tougher charges, more frequent conviction, and longer sentences.⁻⁶ The spectrum of skin

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2010 state and local expenditures of \$72.5-billion, according to the Bureau of Justice Statistics, www.bjs.gov/index.cfm?ty=pbdetail&iid=4679, plus \$6.6 billion for the 2012 Federal prison system, according to the Department of Justice budget, www.justice.gov/jmd/2013summary/pdf/budget-authority-appropriation.pdf. Smaller players such as juvenile detention, Indian, military and other jails are not included.

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As per the 2013 forecast of \$2.4-billion in combined jail and prison construction, www.correctionalnews.com/articles/2013/01/3/prison-and-jail-construction-report-gives-snapshot-industry, and the \$1-2-billion recent annual average in state prison construction alone, www.bjs.gov/content/pub/pdf/scefy8210.pdf (see Figure 3).

3
Prison Policy Initiative, “Mass Incarceration, The Whole Pie,” <http://www.prison-policy.org/reports/pie.html>.

4
“The High Cost of Corrections in America,” The Pew Charitable Trusts, www.pewstates.org/research/data-visualizations/the-high-cost-of-corrections-in-america-85899397897.

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Nicholas Kristof, "Inside a Mental Hospital Called Jail," The New York Times, February 8, 2014, www.nytimes.com/2014/02/09/opinion/sunday/inside-a-mental-hospital-called-jail.html.

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See Michelle Alexander, The New Jim Crow (New York: New Press, 2012), for an extensive discussion of racism in the criminal justice system.

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"Death Penalty Facts," Amnesty International, www.amnestyusa.org/pdfs/Death-PenaltyFacts-May2012.pdf.

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Marc Mauer, "Can We Wait 88 Years to End Mass Incarceration?" The Huffington Post, www.huffingtonpost.com/marc-mauer/88-years-mass-incarceration_b_4474132.html.

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The author is currently president of ADPSR and has been a board member since 2003. The organization's web site is www.adpsr.org.

colour darkens as one goes deeper into the system, from minimum security to maximum to solitary confinement to the execution chamber. Returning with the "tough on crime" wave of the Nixon era, the death penalty exemplified the system's underlying racial dynamics: almost no white perpetrators are sentenced to death for killing black victims, while black killers of white victims are the prototypical targets of execution. The death penalty further reveals the U.S. as an international outlier: the U.S. executes more people than all but four other countries each year, while two-thirds of the world's nations have abolished state execution.⁻⁷

While the total prison population has decreased since 2010, and more than half of U.S. states have decreased their prison populations, careful observers have noted that only New York and New Jersey have had significant decreases in the number of incarcerated people driven by sentencing reform.⁻⁸ Much of the total state-level decline comes from California alone, which reduced its state-level prison population largely by expanding the use of county jails for low-level offenders who had formerly been sent to prison—a combination of devolution of power and creative accounting. In response to complaints of an unfunded mandate from county-level sheriffs, California is providing hundreds of millions of dollars for new jail construction (with an under-used option for counties to use the money for alternative programs instead, such as expanded probation).

Prospects for Prison Design

Architects/Designers/Planners for Social Responsibility (ADPSR⁻⁹) has contended since the launch of our Prison Design Boycott/Alternatives to Incarceration campaign in 2004 that an appropriate design response to mass incarceration is to refuse the design commission of prisons and jails. We have argued that investments in prison infrastructure should instead go to community health infrastructure: clinics, schools, affordable housing, parks, etc. While ADPSR's absolutist position helped to mark out one pole of debate (and has also evolved—see below), prison design and construction have continued apace over the past decade, and with

new refinements. More sensitive prison designs, especially when delivered in a strongly modernist aesthetic such as the Halden Prison in Norway and the Justice Center Leoben in Austria, posit a humanizing role for architects in transforming incarceration into a therapeutic endeavour. This trend has correlates in the United States, as in new jails proposed with rooftop gardening opportunities, extensive visiting facilities to promote family ties, and operational concepts filled with individualized plans and programming such as the Juvenile Detention Center in Union County, N.J.—¹⁰

But even the best-intentioned designs for rehabilitative prisons can go wrong, and often do. One of the most heavily promoted and innovative recent prison designs is the California Healthcare Facility (CHCF), a 1,700-bed prison hospital in Stockton, California. Touted both as a major new source of employment in an economically depressed region and as a solution to the unconstitutionally poor medical conditions in the California prison system, the facility was built with unprecedented speed and employed some of the best prison designers in the country (HOK was the lead design firm). Yet before the facility was fully opened, it was already failing, and a court ordered a halt to further admissions. (Of course, fully opening was itself a major challenge, as the Stockton area did not have enough trained medical personnel of the various types needed to staff the medical side of the massive facility.) The level of neglect in operation was shocking: prisoners were left to sit in their own feces and given broken wheelchairs (this in a brand-new facility); there was also an outbreak of scabies and at least one death on site in the first six months of operation.—¹¹

The impact of the CHCF failure should not be underestimated. The project was supposed to solve constitutional problems established in over a decade of litigation and monitored by a well-funded, court-appointed Special Master. The design and construction team met an incredibly aggressive schedule while exceeding minority hiring goals (an important local economic criterion), and broke new ground in humanizing the prison environment. (Of course, they were starting from a very low standard with the California system: the designers considered adding short-cropped grass to the landscape design to be a major victory.) The construction of the project

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"Union County Juvenile Detention Centre," Ricci Greene Associates, www.riccigreene.com/project_desc.php?pid=112&type_id=1&p=f.

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Paige St. John, "Admissions Halted at Problem-plagued Stockton Prison," The L.A. Times, February 4, 2014, articles.latimes.com/2014/feb/04/local/la-me-ff-prison-stockton-20140205.

allowed the governor of California to declare (prematurely) that “the prison crisis is over in California.”¹² But the crisis is far from over, and improved prison design did not solve the problem. This may just be indicative of the peculiarities of California, where prisons have been seen for many decades through the all-or-nothing lens of prison gangs and prison-guard killings, where the corrections department is run more by the guards’ union than by staff responsive to voters or elected officials, and where independent media are largely banned from visits and interviews. It may also indicate a failure due to scale, as some advocates of prison reform believe that any prison intended to hold 1,700 people will engender neglect and abuse (these advocates often place the appropriate size of prisons at 200-300 people, or fewer). In time, the CHCF may become a better place, but it certainly indicates the limits of redesigning physical facilities to improve conditions without challenging the underlying dynamics of mass incarceration.

Evolution of Activism

Perhaps the most telling evolution of prison design during the era of mass incarceration is not “more humane” prisons but “supermax” prisons—large-scale facilities intended for solitary isolation. As state-level prison systems have grown from one or a few prisons into a network of large prison complexes, “the hole” went from the small disciplinary portion of a larger prison to an entire unit of the network, a freestanding prison-within-a-prison with respect to the larger system. (Each prison or jail site also tends to have its own isolation areas, officially referred to as “segregation” and still sometimes called “the hole” or “the box.”) In line with the usual perversity of prison dynamics, court restrictions on the use of other methods of harsh punishment have bolstered the use of isolation, so that now over 80,000 people are in solitary on a typical day across the U.S. The return of the death penalty coupled with a lengthy appeal process (at least in most states outside Texas and Virginia) has similarly led to the perverse expansion of death rows housing people awaiting execution—to address the “overcrowding” of death rows. Special units have thus been constructed for just for this purpose; predictably, and despite the additional legal scrutiny given to death

row cases (which among other things leads to a shockingly high rate of exonerations of condemned prisoners, and can result in pre-execution incarceration times measured in decades), the conditions on death row are often *de facto* solitary confinement, as if death itself was not punishment enough.

ADPSR has focused on challenging these harshest forms of punishment—solitary confinement and the death penalty—through a confluence of design and advocacy. On the design side, both death chambers and supermax prisons or “segregation units” require specialized design participation to be realized and are identifiable as unique spaces within the broader context of prisons. Death chambers have been reshaped by recent court rulings requiring that legal observers (from the victim’s family, the offender’s family, and representatives of the public) have adequate space, light, viewing angles, and separation from each other. Supermax prisons are similarly conditioned by court rulings over minimum amounts of space and light per person, although many details have never been litigated. They are extremely complex buildings designed with stringent security specifications and requiring the integration of a large range of specialized systems: remotely controlled doors and locks, electronic sensors, surveillance cameras, panic buttons, etc. The kinds of plumbing, hardware, lighting, and even concrete and steel used are closely scrutinized to determine their resistance to an anticipated long-term assault by the buildings’ occupants. Which is to say, all these spaces require architectural expertise and participation.

ADPSR’s identification of execution and isolation as human rights violations allows for a broad base of support for our work. Even the AIA Code of Ethics includes support for human rights in principle,^{–13} and ADPSR is currently petitioning the AIA to realize this principle by specifically prohibiting the design of spaces intended for execution or prolonged solitary confinement. On the one hand, the human rights approach may seem too limited in the relief it can provide for those unjustly caught within the system of mass incarceration, the great majority of whom are not sentenced to death or spending years in isolation. On the other hand, we believe that challenging the legitimacy of harsh punishment opens the door to challenging the legitimacy of other aspects of the criminal

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It states that
“Members should
uphold human
rights in all their
professional
endeavors” in the
American Institute
of Architects’
“Code of Ethics &
Bylaws,” www.aia.org/about/ethic-sandbylaws/index.htm. Note that
unlike ethics code
“rules,” “ethical
standards” are not
enforceable.

justice system as well. Execution and solitary confinement reveal the racism, fallibility, and vengefulness that underlie the “tough on crime” mentality. The struggle to abolish these practices creates an arena where larger visions of abolition can enter.

In this arena, ADPSR's reliance on human rights as a frame comes with assets and limitations. Human rights have powerful legitimacy to most Americans and are seen as mostly non-partisan—even Republicans will go to war in support of human rights (despite the inherent contradictions of such an approach to human rights protection). Working with human rights discourses gives access to powerful allies, as seen in endorsements of ADPSR's campaign by Amnesty International, Human Rights Watch, and the U.N. Special Rapporteur on Torture.⁻⁴⁴ And the limitations of human rights are themselves of benefit to some participants. In discussions with AIA chapters, one of the objections most often raised to ADPSR's proposal is that it may open the door to proposals to prohibit other types of unpopular projects (animal research labs, abortion clinics, etc.). But the fact that no other building types involve a clear intent to violate well-established interpretations of international human rights standards has reassured many AIA members.

On the other hand, human rights discourse primarily highlights individual abuses and is limited to extreme cases: mass incarceration itself is not a clear-cut human rights violation if each prisoner can be shown to have actually broken a law and to have received due process in court. Human rights discourse is thus not an effective tool with which to critique the excessive criminal sentencing laws and drug policies driving mass incarceration (at least at present). Nor does it lend itself to critiquing the economic interests within the prison industrial complex; it is largely silent on the deeply troubling phenomenon of prison privatization, for instance, despite the clear corruption involved. On balance, though, by opening the door to the abolition of execution and solitary confinement, human rights can help raise the larger question of whether other odious criminal justice practices might need to be abolished.

The Future of Abolition

Architects are, for better and worse, an unrelentingly positive and future-oriented group, for whom virtually every problem is a design challenge. Thus, strategies to engage the profession in struggles over the shaping of incarceration must have a design dimension to have relevance.⁻¹⁵ When the question becomes one of designing “better” prisons, prison abolitionists should be wary; but conversations over the choice between designing prisons and other forms of public investment in community health and safety can have far more transformative outcomes. There are opportunities for design and planning exploration here, such as in the reuse of prisons for other purposes, or holding community design charettes to investigate alternative projects when jail or prison construction is proposed. The growing realization that the vast majority of people with mental illness are held in jails rather than treated in mental health facilities is one way to sharpen the focus on the choice between different kinds of buildings.⁻¹⁶

At the local level, proposals for jail construction are meeting opposition in many areas and bringing up the same contrast. In Champaign-Urbana, Illinois, local activists defeated a planned \$20-million expansion of the county jail and replaced it with community programs aimed at keeping people out of jail.⁻¹⁷ Similarly, ADPSR is part of a coalition in San Francisco working to replace a planned jail project with community health infrastructure such as transitional and supportive housing for our vulnerable populations struggling with homelessness, mental illness, and substance abuse (not to mention affordable housing more generally).

Public processes of capital planning and program budgeting generally look at criminal justice (sometimes called “public safety”) and public health as detached categories, without understanding the connections between the two. In a sadly common scenario, jail and prison “needs assessments” are conducted by construction companies, as in Los Angeles County, which hired construction management firm Vanir to assess jail needs in 2013. To no one’s surprise, the result was a range of jail construction options with price tags ranging from \$1.3-billion to \$1.6-billion.⁻¹⁸ Slightly

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With a few exceptions. The ADPSR’s insistence that “better design” of execution chambers is simply not possible often gains acceptance among architects; the possibility of “better” design for solitary confinement, however, tends to provoke design speculation.

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“Jails House 10 Times More Mentally Ill Than State Hospitals,” The Washington Post, April 8, 2014, www.washingtonpost.com/national/health-science/report-jails-house-10-times-more-mentally-ill-than-state-hospitals/2014/04/08/96b22836-bf04-11e3-9ee7-02c1e10a03f0_story.html.

17
James Kilgore, “Reflections on the Campaign to Stop Jail Construction in Champaign County (IL),” Freedom Never Rests, February 3, 2014, www.freedomneverrests.com/2014/02/03/reflections-on-the-campaign-to-stop-jail-construction-in-champaign-county-il.

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“Los Angeles County Jail Plan: Independent Review and Comprehensive Report,” Vanir Construction Management Inc., file.lacounty.gov/bc/q3_2013/cms1_197361.pdf.

See, for instance, the excellent work of the Washington State Institute for Public Policy, such as “Prison, Police and Programs: Evidence-based Options that Reduce Crime and Save Money,” www.wsipp.wa.gov/ReportFile/1396/Wsipp_Prison-Police-and-Programs-Evidence-Based-Options-that-Reduce-Crime-and-Save-Money_Full-Report.pdf.

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See the work of the Los Angeles Economic Roundtable, which includes potential criminal justice cost savings from better care of the homeless population in Los Angeles, as a rare example of this much-needed kind of analysis. They also document that providing housing to the homeless would result in even greater health system savings than the substantial criminal justice savings possible.

better-informed approaches use demographic data to project jail population trends, but even these analyses generally fail to look at alternatives to current criminal justice policies. More progressive participants in the criminal justice system can generally propose pre-trial diversion, bail reform, community courts, and other alternatives to incarceration to offset projected jail or prison expansion plans. Among this range of options are many strategies that can be tailored to various jurisdictions and can often be shown to be far more cost-effective than further expansion of mass incarceration.—¹⁹ In most cases, however, the consideration of alternatives is viewed as shifting resources from one component of the criminal justice system, such as corrections, to another—the courts, police, or probation; alternative investments in public health infrastructure are almost never considered.—²⁰

Abolition has long been concerned with achieving real public safety for all communities, with the recognition that the most heavily policed and imprisoned communities generally remain the most dangerous for residents. Elements of a public health approach to violence reduction exist in proposals for harm reduction as an alternative to the “War on Drugs” and in epidemiological analyses of street violence, but are not connected to each other, nor do they express a broader view of social needs. What is needed is a planning approach that brings together the criminal justice and public health fields, so that communities can assess their assets and needs together. Geography is a key factor in this approach: strategies and investments must be targeted in particular areas and with a fine-grained spatial logic. Planners and design professionals are a necessary (but not sufficient) component of these analyses. At the fine-grained level, the design of individual pieces of new community investments is important to their success, especially when dealing with traditionally under-served communities that may have special needs with regard to language or cultural practices. This might be the design of a new community centre, health clinic, housing complex, etc. In this context, a community-design model of practice engaged with local residents is essential to doing this work well, which can be a natural outgrowth of a broader community-planning process that would identify facility needs to begin with. Public health and criminal

justice agencies will also be part of these processes.

This is the brightest prospect for architecture and abolition: to insist on envisioning a future where building a healthy community is seen as the appropriate response to crime and violence, to advocate for the resources for that vision, and ultimately to shape what is missing to realize the vision.