

**A ZINE BY OMAR MIRANDA, STEVIE WILSON, AND
INCARCERATED WRITERS AT SCI DALLAS, IN
COLLABORATION WITH COMMUNITY JUSTICE EXCHANGE**



ABOUT THIS ZINE

This zine is an adaptation of the resource “Common Questions About Criminal Court Reform” originally developed by Community Justice Exchange, Critical Resistance, and Interrupting Criminalization for the Beyond Criminal Courts website resource hub (<https://beyondcourts.org/>). The resource is also featured as Chapter Two in the print book *Beyond Courts*. You can order the complete *Beyond Courts* book to send to people inside prisons and jails, as well as download an accompanying study guide at <https://bit.ly/BeyondCourtsBook>.

The zine was created by imprisoned organizer and educator Stevie Wilson, in conversation beyond and between prison walls with organizers at Community Justice Exchange. The zine was beautifully illustrated by imprisoned artist Omar Miranda. Stevie’s words capture the power of the zine format and the importance of collaborative resource creation between abolitionist organizers inside prisons and jails and organizers on the outside.

NOTE FROM STEVIE WILSON

Many well-meaning people have questions about efforts to reform criminal courts and why abolitionists oppose most of those efforts.

As a prison (dis)organizer, I work to deny the prison what it needs to survive: bodies, funds, and legitimacy. I spend lots of time conversing about prisons and policing and how they don’t produce safety or justice. After receiving Community Justice Exchange’s booklet *Beyond Courts*, I gathered a group of imprisoned people to get their feedback on efforts to abolish the courts. I gave each person a piece of paper with these words on it: prisons, police, courts, prosecutors and parole boards. I then asked each person which one of the five would they abolish first.

Because we are imprisoned, I thought everyone would select prison first, police possibly second. I was wrong. Everyone selected courts first. When I asked why they selected courts first, everyone’s response was the same: courts are the only route to prison. Police may arrest

us. Prosecutors may charge us. But it was the court that sentenced and confined us to prison. To them, the math was simple: no courts equals no prison.

It was clear that imprisoned people believe abolitionist movements need to focus on the operation, power, and resources of criminal courts. Imprisoned people understand the central role courts play in the US criminal punishment system. Our lived experiences confirm that courts cannot deliver safety, healing or justice. They simply prop up a system that creates additional harms, destroying people and communities. Abolitionists tend to focus on policing and prisons/jails. These are harmful aspects of the criminal punishment system, but we need to expand our vision. Ruthie Wilson Gilmore writes: *The challenge is to keep the entirety of carceral geographies- rather than only their prison or law enforcement aspects- connected, without collapsing or reducing various aspects into each other.*

After reading *Beyond Courts*, with our study group, we wanted to create a zine that focused on the second chapter: Common Questions About Criminal Court Reform.

Every imprisoned person has lived experience(s) with the criminal court system. We know firsthand the processes and procedures. We know firsthand the harms inflicted. We know firsthand the failed promises of reform. To people without lived experiences with the criminal courts, these reforms, so-called efforts to make court processes and procedures fair, sound good and promising. But imprisoned people know better. We have lived through multiple attempts to reform the courts. And the more things change, the more things stay the same. We continue to experience harm and oppression. This truth prompted us to create a zine that exposes the futility of court reform efforts. We know courts cannot be reformed. They must be abolished. They were never meant to produce justice or safety for everyone. If we want real healing, justice and safety, we must abolish the courts.

In solidarity,

Stevie



Jannie:

We understand that police and prison can be violent institutions, but do we need to get rid of prosecutors and the courts, too?

Abby:

Before I answer your specific question, let me share some information that makes clear the historical role of prosecutors and the courts. Criminal law and its enforcement mechanisms -- the police and the courts -- were designed and continue to serve the interests of people with structural power along the lines of race, wealth, gender, ability, and so on.



Abolitionists pay attention to what is designated a crime. We know that calling something a crime serves as a way to order and control particular people and groups in society. Criminal laws, procedures and courts have served as tools to organize society and to designate some people and some practices as criminal and therefore not worthy of care, community or dignity. We've been taught that crime and harm mean the same thing, but they don't. Not all crimes are harmful and not all harms are criminalized.

Over time, people in power have changed what is considered a crime to advance and protect their own interests and to prevent Black, Indigenous, and other marginalized people from building power accessing wealth, and obtaining resources.



Abby:

Throughout history, criminal law and the courts been used to reproduce social hierarchies that keep people and groups at the margins or lower status of society.

The criminal legal system has consistently been used to set up separate and unequal systems of justice. The Court of Indian Offenses created crimes specific to Indigenous people and banned Indigenous dancing ceremonies, and cultural practices. A 1823 Supreme Court ruling (Johnson v. McIntosh) codified the "doctrine of discovery," enabling the theft of Indigenous land.

Black codes and Jim Crow laws were legal tools used to circumscribe the lives and freedoms of Black people, denying them basic rights that white people had. Even today, Black people are more likely to be arrested, charged, convicted and imprisoned than white and Hispanic people.

The law and courts have also encoded the hetero-patriarchal domination of women, queer, trans and gender non-conforming people. Until the mid-twentieth century, an unmarried man charged with raping an unmarried woman could avoid prosecution and punishment by marrying the woman and the woman had no choice in the matter!

Criminal courts have also enforced bans on cross-dressing and sodomy, and over the past few years, several states have introduced bills that criminalize the provision of gender-affirming healthcare. Some have passed laws banning drag shows and even mentioning queer and trans people in a positive manner to school age people.

Sex work continues to be criminalized, as does abortion. In 2022, the Supreme Court ended the constitutional right to abortion. The law and courts continue to be used to interfere with people's sexual and bodily autonomy.

Throughout U.S. history and today, police and prosecutors use vagrancy laws to prosecute people simply because they are visible in public space. These laws have been used aggressively against Black people, poor people, political dissidents, queer or trans people, leftists and intoxicated people.

Whether through broken windows policing or just regular policing, poor people are arrested and prosecuted every day due to the criminalization of poverty and homelessness.

Deaf, disabled, and non-English speaking people have and continue to face barriers in the criminal legal system that bar their participation in their own defense, leading to an increased risk of punishment.



Abby:

The truth is that police and prisons aren't the only violent institutions we need to eliminate if we are going to create a society in which everyone is valued and everyone can thrive. Courts and prosecutors are central Players in the prison industrial complex. Criminal courts do not prevent or reduce violence; they create and exacerbate it. And this is what they were meant to do.



Jonnie:

What if we made sure the court actors- like judges and prosecutors- were more diverse (in terms of race, gender, sexuality, etc)?

Abby:

It's true that the criminal punishment system has a diversity problem: 95% of elected prosecutors are white and 75% of judges in the federal system are too. But no matter the identity of an individual prosecutor or judge, their systemic function and power remain the same.

The job of the prosecutor is to charge people with crimes, secure convictions on behalf of the State, and punish people. The job of the judge is to enforce criminal law and criminal procedure. The characteristics of the individual people who inhabit these roles cannot change their structural function: harming people accused of crimes and compounding their vulnerabilities and oppression.





Abby:

In the few places where Black women have been elected as head prosecutors, nothing changed. Both Kim Foxx in Chicago and Marilyn Mosby in Baltimore fought to keep pretrial detainees, poor people, locked up during the COVID-19

pandemic. Vice-President Kamala Harris made her name as California's head prosecutor by prosecuting Black women for truancy.

Jannie:

Okay, but what if we passed procedural reforms to make criminal courts fairer? For example, what if we passed stronger speedy trial and open discovery laws?



Abby:

This might lead to better case outcomes for some accused people. But for most accused people, these changes won't lead to their exoneration or prevent their incarceration. These changes only ensure people are sentenced more swiftly, in ways that seem more fair.



Procedural reforms are important, but they are also a red herring. While they are important to have, they are also easily circumvented by prosecutors and judges. They necessitate new funding streams to the criminal punishment system to ensure they can be exercised. And they further entrench the idea that it is possible to wring justice out of this current system. We have to be aware of the traps of these kind of reforms which entrench the power and legitimacy of the criminal punishment system.



Jonnie:

What if there were more prosecutions of the real bad guys that typically get off easy, like police officers who hurt and kill people, white supremacists, tax evaders or people who commit white collar crime?

Abby:

These prosecutions are exceptional prosecutions. They serve as acceptable sacrifices of the system's own foot soldiers to maintain the status quo. They give the impression that the system is addressing the underlying violence of policing, white supremacy or capitalism, without actually doing so. And they individualize what are systemic problems.



As Mariame Kaba and Andrea Ritchie remind us: *"Focusing on arrests leaves the whole system intact."* Calling for justice in the form of prosecuting the bad guys only serves to legitimize and further entrench the system leaving poor people and people of color open to further criminalization, prosecution, and imprisonment.

Jannie:

Okay, but what if we passed procedural reforms to make criminal courts fairer? For example, what if we passed stronger speedy trial and open discovery laws?



Abby:

While civil cases usually result in monetary penalties, don't be fooled. They can and often do lead to incarceration. Poor people are burdened with financial penalties they cannot pay and the judges throw them in jail. A failure to pay child support can lead to imprisonment. A failure to appear in court leads to an arrest warrant and incarceration.

Even without the threat of incarceration, civil court can result in harsh and devastating punishments. And who gets to decide whether to issue a civil summons or arrest? Often times, it is the police. When such discretion is retained by law enforcement, we know the results will be anti-Black and discriminatory.

Every day, thousands of people are held under civil commitment in the U.S.. Under civil commitment, people with disabilities can be stripped of their legal rights, detained and forcibly medicated. Civil commitment is often indefinite and has fewer protections than criminal cases. Just because something is called civil doesn't mean people aren't deprived of their freedom and autonomy.

BEYOND COURTS STUDY GUIDE

BY STEVIE WILSON AND
COMMUNITY JUSTICE EXCHANGE



HOW TO USE THIS GUIDE

This guide was written by imprisoned organizer and educator, Stevie Wilson, in collaboration with Community Justice Exchange, to support people inside prisons and jails in their collective study and discussion of Beyond Courts. Inside the guide you'll find prompts and questions to think about what is written in each chapter. We offer you these questions as a starting place for discussion and as one way to navigate the content of the book.

NOTE FROM STEVIE WILSON

Every imprisoned person has lived experience(s) with the criminal court system. We know firsthand the processes and procedures. We know firsthand the harms inflicted. We know firsthand the failed promises of reform. To people without lived experiences with the criminal courts, these reforms, so-called efforts to make court processes and procedures fair, sound good and promising.

But imprisoned people know better. We have lived through multiple attempts to reform the courts. And the more things change, the more things stay the same. We continue to experience harm and oppression. We know courts cannot be reformed. They must be abolished. They were never meant to produce justice or safety for everyone. If we want real healing, justice and safety, we must abolish the courts.

CHAPTER 1: CRIMINAL COURTS 101

1. Ruthie Wilson Gilmore writes: “The challenge is to keep the entirety of carceral geographies- rather than only their prison and law enforcement aspects- connected without collapsing or reducing various aspects into each other.”

While the violence of prisons and policing are becoming more apparent to the public, why is the violence of courtrooms still hidden?

Why is this component of the prison-industrial complex (PIC) left out of defund/invest conversations?

2. What do most people think is the purpose for laws and the criminal court system?

3. Look at the graphic on page 3. What stands out to you? Why do you think the author’s illustrated criminal court like a machine?

4. While you read through the steps of a criminal case, reflect on your own prosecution and experience of criminal court. Did anything make you think differently or reveal something new about your own experience?

5. Throughout “Chapter 1: Criminal Courts 101” the author’s include several “illusions” versus “realities.” Did any of the realities surprise you? If you could come up with your own “illusion vs. reality” about criminal courts or the path of a criminal court case, what would it be?

6. Which image in this chapter stood out to you the most? Why so? What did it capture about the nature or workings of criminal court?

7. The authors assert that criminal courts, like cops and cages, are part of a system designed to punish.

8. What does this book reveal about the role of criminal laws, procedures and courts in our society?

9. Who has been the main target of the US criminal legal system, and how do courts and laws create and reinforce social hierarchies?

10. Why doesn’t diversifying courts and prosecutors offices alleviate the harm courts cause?

CHAPTER TWO: COMMON QUESTIONS ABOUT CRIMINAL COURT REFORM

1. Why aren't "crime" and harm synonymous?
2. Provide two examples of "crimes" that aren't harmful. Provide two examples of harm that isn't criminalized.
3. What happens to a person or group once they have been deemed criminal?
4. Why do abolitionists say the court system isn't broken? What is one example of a reform described in this chapter that tries to fix the system? How does that reform ultimately fail to provide a meaningful fix?
5. How have courts and laws been used to dominate and oppress people historically in the United States? How have they been used to create and reinforce social hierarchies? Share one historical example that stood out to you from this chapter. Can you name other examples not included, from history or present day?
6. What is a reformist reform? Have you experienced any of the reformist reforms described in this chapter? What did you think about it then? What do you think about it now? What is an example, or two, of a non reformist reform?
7. Why isn't diversifying the bench or prosecutor's office a real solution to the harms caused by the criminal punishment system?
8. According to Dylan Rodriguez, what is the purpose of diversity, equity and inclusion efforts?
9. How do civil courts harm people? Provide two examples of how civil violations lead to incarceration.
10. What type of barriers have you or your loved ones experienced in your interactions with the courts or court actors? What ideas do you have for resolving them without increasing the courts resources?
11. Does prosecution of only the "real bad guys" eliminate the harm courts cause? What purpose do these prosecutions serve?
12. Describe a time you or someone you know addressed or resolved harm without the police or courts.

CHAPTER THREE: PROBLEM CREATING COURTS

1. Why do you think the author's call the programs described in this chapter "problem creating courts"?
2. What is a diversion program?
3. What do you think is the appeal about a diversion program or speciality court? Why does the public believe these programs are good?
4. Why do defendants accept assignments to these programs?
5. How do people enrolled in diversion programs end up incarcerated anyway?
6. How do these programs entrench the legitimacy of the carceral state?
7. How do they evoke the long tradition of racial subordination in the U.S.? How do these programs enlarge the power of judges and prosecutors?
8. How is diversion already built into the system?
9. What do abolitionists want instead of diversion programs? Why should you have to be arrested to access services often provided through diversion programs?
10. Have you or anyone you know been assigned a diversion program? What was your/their experience?

CHAPTER FOUR: COMMUNITY INTERVENTIONS TO SHIFT POWER

1. Each stage of a criminal case is a potential site of contestation. Each stage can become an arena to shift power away from the system and towards people and communities. This chapter discusses interventions developed by individuals and communities to shift and build power. List and briefly describe the interventions mentioned.
2. How would you respond to someone who argues that focusing on individuals while all prisons need to be dismantled is a mistake?
3. Describe the power-shifting capacity of three of the interventions mentioned.
4. Have you ever participated in these kinds of interventions? What was your experience?
5. If you or a loved one has experience with the system, imagine what an intervention would have looked like and its impact. Share your imagining.

CHAPTER FIVE: DEFUNDING COURTS

1. How are campaigns to defund police and defund courts connected? What are their common goals?
2. The number of criminal cases prosecuted don't reflect the actual harm in our communities. What do they reflect?
3. How did prosecutors across the country help fuel mass incarceration?
4. Explain how criminalization is a root cause of mass incarceration?
5. What does Erica Perry mean when she says diversion programs are "coopting our language"?
6. Why does the Seattle Solidarity Budget target municipal courts?
7. What do budgets reflect? Why is contesting them important?
8. Consider yourself as the decisionmaker of a community. Instead of courts, police, prosecutors and jails, where would you like to see money spent? What would your top five budget priorities be?
9. Who could you partner with in your community to shift budget priorities and create safety?

CHAPTER SIX: NO SUCH THING AS PROGRESSIVE PROSECUTORS

1. Why do abolitionists place the term “progressive prosecutor” in quotations?
2. What does the “progressive prosecutor” electoral strategy seek to do?
3. Besides decarceration, what metric do abolitionists suggest we consider when assessing “progressive prosecutor” office?
4. What is the measure of abolitionist change?
5. How have “progressive prosecutors” expanded the reach of the criminal punishment system into our communities?
6. Can you identify a way prosecuting offices in your community have increased their legitimacy by claiming to provide care, support or services?
7. How do “progressive prosecutors” use diversion programs?
8. What has been the relationship between prosecutors and activists/organizers in under-resourced communities?
9. How does targeting only one component of the PIC stymie abolitionist goals?
10. How do prosecutors, even so-called progressive ones, seek to uphold the legitimacy of the office?

CHAPTER SEVEN: ABOLITIONIST PRINCIPLES AND CAMPAIGN STRATEGIES FOR PROSECUTOR ORGANIZING

1. Why is electing a new or different prosecutor never the goal of abolitionist prosecutor organizing?
2. Instead of focusing on an individual or personality, what does abolitionist prosecutor organizing focus on?
3. Why don't abolitionists call for the prosecution or incarceration of "killer cops"?
4. What is the best thing a prosecutor could do for people in need of social services?
5. Provide an example of resource shifting from carceral prosecution to carceral social services.
6. Have you experienced or witnessed any of the baseline tactics mentioned on page 93? If so, share your experience.
7. How are the two strategies "shrinking systems of harm" and "boosting resources for community" linked?
8. Select a demand from the example demands. Which strategies and tactics would you use to obtain your demand goal?

FOR MORE INFORMATION, IF YOU HAVE ACCESS TO EMAIL, CONTACT COMMUNITY JUSTICE EXCHANGE AT BEYONDCOURTS@COMMUNITYJUSTICEEXCHANGE.ORG.

COMMUNITYJUSTICEEXCHANGE.ORG





Jonnie:

What if the legal system gave out more fines and monetary penalties instead of incarceration as punishment?

Abby:

Removing the power to incarcerate is good, however monetary sanctions are not a just or equitable alternative. Fines only enrich the system we are working to dismantle. And don't forget -- what happened in Ferguson Missouri, where fees and court fines extracted from poor people became a major source of revenue for the local governments.



The inability to pay fees and fines often results in incarceration and leaves people trapped in debt to the criminal punishment system. History has shown us that substituting jail or prison with fines, for most people, will just result in imprisonment, heavy debt and further poverty and precarity.



Jannie:

What if we only used criminal court to deal with serious and violent harm, like rape or murder?

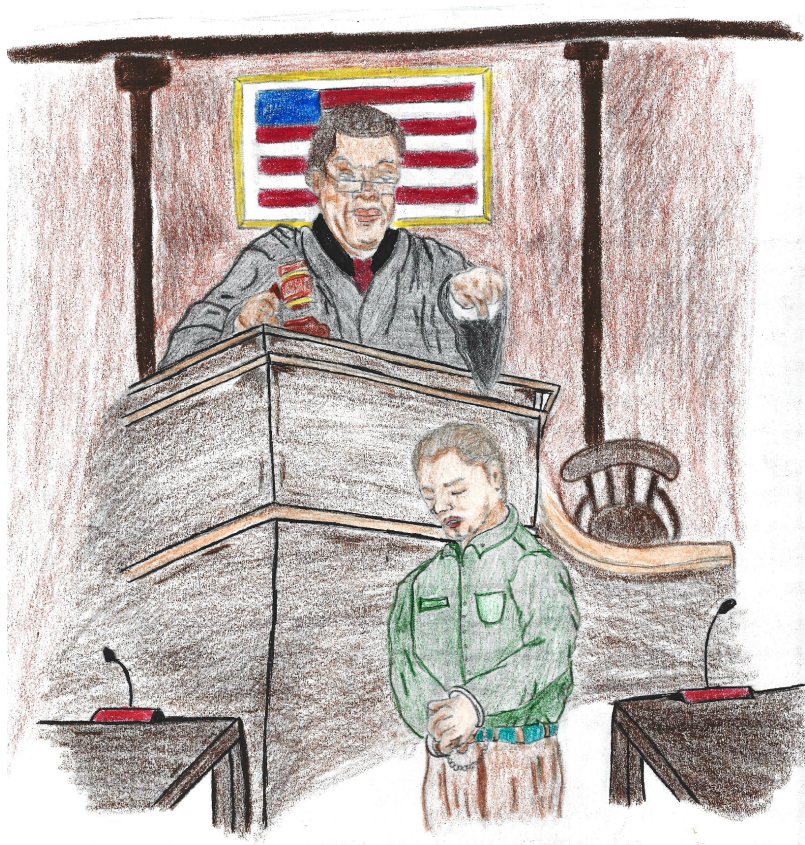
Abby:

Let's get clear about something: the cases being prosecuted in criminal courts across the country don't reflect the actual harm happening in our communities. They reflect patterns of policing.

Policing and prosecution don't protect public safety or survivors of violence. In fact, 70% of survivors of sexual, domestic, and gender-based violence choose not to call the police or pursue criminal charges at all. Any reliance on criminal prosecutions leaves the majority of us behind. Of all the cases that are reported, less than 1% are actually prosecuted, and even fewer result in convictions.



Remember, the prosecution prosecutes on behalf of the state not on behalf of the survivor. The court process is not in service of the survivor and the survivors themselves are often re-traumatized through having to relive the harm and by being forced or coerced by the state to testify against their will.



Abby:

If we want to protect victims of domestic, sexual, and gender-based violence, we can and must do so outside of the criminal punishment system. We can start with providing immediate financial, housing, and healthcare assistance, increasing funding to non-carceral, community based domestic and gender-based violence service providers and creating community based options for safety and accountability that do not rely on the police or punishment system.



Jonnie:

What if we gave more resources to public defense lawyers and beefed up their offices to reduce caseloads?

Abby:

It's true that public defenders are widely under-resourced and that this lack of funding affects the quality of the defense for the people they represent. As long as we have the current criminal punishment system, we should be funding public defense lawyers so they have the resources and capacity to vigorously defend people being prosecuted.



However, more funding for public defense lawyers will not change how the criminal legal system is systematically designed and constructed to disadvantage the defense. Even the most resourced, trained, and skilled defense lawyers are working in a system that is designed to convict and favors the prosecution at every step of the case. Better representation has rarely proven sufficient to counteract prosecutors' work to punish.



Jannie:

Many people who are prosecuted feel like court processes are hard to understand and hard to navigate. Shouldn't we make court processes easier to understand? Shouldn't we try to make courtrooms more transparent and accessible to the public? Shouldn't we make these places more friendly?

Abby:

It's true that courts and their processes are often inscrutable. And being so entrenches prosecutorial power.

Anyone who has tried to advocate for themselves or a loved one in a criminal court is familiar with the barriers excluding the public from the courtroom processes. These include physical, financial, technological, and linguistic barriers.



However, making courtroom processes more transparent, accessible and easier to understand does not fundamentally alter the unjust distribution of power at the core of the system. And just how friendly can we make courtrooms? At the end of the day the purposes of these places is to restrict people's freedoms. They would still be places where people experience unfreedom.

Jonnie:

What if there were fewer prosecutions?
What if sentences were shorter? What if we
reduced funding for the prosecuting office?



Abby:

Now, we're talking! These are reforms we can get behind. Many abolitionists refer to these kinds of reforms as "non-reformist reforms." Each of these reforms shrink the size, scope, and resources of the prison industrial complex. They will not transform the system in and of themselves but they reduce the system's power and potential to harm without re-legitimizing or expanding the system's scope.

Jonnie:

If we do away with criminal courts, how will we enforce the law? Won't there be chaos?



Abby:

A central goal of PIC abolitionists is to reduce violence and harm. And the current criminal punishment system (cops, courts and cages) doesn't reduce harm. It actually creates more of it. We don't believe it is possible to create healing and justice in the current system.



Abby:

Many people are already practicing and experimenting with new ways of addressing harm and violence in our communities. Transformative and restorative justice practitioners across the world are and have been experimenting with local, community-based interventions

Instead of criminalizing social problems like poverty homelessness, mental health crisis, drug/substance use and addiction, we need to address these issues at their root and provide people and communities with the resources they need to live well and thrive.

Instead of cops, courts and cages, we need to provide housing, health care, living wages, access to clean water and food, and other life-enhancers to people and communities. These things reduce harm and violence. Cops, courts and cages don't.

For most of human history, we have lived without prisons, policing, criminal law and courts as they exist today. We believe we can build a future without them, too. This doesn't mean we want chaos or unfettered violence. We want to live in a world where less harm happens and in the instances when it does, people who have harmed are able to take accountability and endure consequences and people who are harmed are able to find healing. This isn't possible inside the current system.



"Ironically, many efforts to change these repressive structures - to reform them -- have instead provided the glue that has guaranteed their continued presence and acceptance." - Angela Davis





"Rather than punish violence better or faster, we need to end violence by changing the social relationships in which it occurs." - Ruth Wilson Gilmore

