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COVID-19: The Industrial Prison Complex and Black Bodies

Abstract

COVID-19 has exposed a variety of issues and insecurities in our world since its eruption in 2020. While it is heavily discussed, debated and researched, much of the virus' impact is not covered in communities and areas where marginalized bodies suffer disproportionately. One of the most undermined and blanketed populations in our country during the time of the pandemic (and for decades before) is the prison population, which has seen soaring cases and deaths since the virus first touched down in the states. Much of the prison population consist of black men and women and sadly mirror the same health inequalities their non-incarcerated peers face everyday due to racial disparities within medicine, education, job status and housing. An institution that should be designed to rehabilitate convicts as a positive contribution to society has once again been caught in its blatant strategy to hold black bodies captive with an unfair and racist blueprint to further racial equality. This paper serves to analyze what has led to these disproportionate cases and deaths within prisons and how the industrial prison complex and the long history of racist incarceration policies and agendas have exacerbated the effects of the COVID-19 virus on incarcerated men and women.

Keywords

COVID, Covid-19, Racism, Industrial Prison Complex, Incarceration, Health, Medical Racism

Disciplines

African American Studies | Criminology and Criminal Justice | Public Health

Comments

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Africana Studies 130

Dr. Tyeshia Redden

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The eruption and fallout of the Covid-19 global pandemic has been one of, if not the most talked about, analyzed and catastrophic health issue of its kind in recent decades. The death rates, lack of a vaccine or powerful treatment and varying speeds of response by governments and healthcare systems has led to the current situation. Major shutdowns of non-essential merchandisers, small businesses, professional sports and the hurtful impact on politics and economies has created a great level of uncertainty around the globe. The virus has exposed many underlying issues and insecurities throughout various systems. While it is a scary, tragic and uncertain event that is occurring, it can be used to continually analyze and further understand the systematic issues of organizations and structures throughout societies and why they were so susceptible to the harshness of Covid-19 and the subsequent contexts. The quick death and despair dealt by the coronavirus has unequally affected black communities and others, such as native Americans living on reservations throughout North America. While many states have released racial breakdowns of infection rates, twenty-six states specifically failed to release complete information or any at all (Rios & Rangarajan, 2020). Data analysis by many websites and investigators collecting such data have found that black people are disproportionately contracting and dying from the virus. In Michigan, 33% of infections consist of black populations although they make up only 14% of the entire state population, while Mississippi black infections comprise 56% of all cases while they are only 38% of all state residents (Figure 1). In the same data collected, the death rates represent similar trends (Figure 2). Various causes led to these trends, such as Black Americans being more likely to work in jobs deemed essential such as supermarkets, therefore are at greater risk of exposure to the virus (Hawkins, 2020). They also tend to live in historically segregated and dense cities where diseases spread quickly while southern states such as Louisiana where Medicaid is not expanded, are uninsured and can

be immunosuppressed or unable to receive proper Covid-19 treatment. These racial breakdowns are not by chance, they are a result of segregational design that's increasingly impacting black populations. And they have not stopped in the residential homes and communities of the cities.

Prisons have suffered from Covid-19 as well, where black bodies are incarcerated in mass. The industrial prison complex and mass incarceration has been a civil and social rights issues for many years and still sees the same problems and insecurities that befall marginalized groups. Housing ~25% of the entire world's prison population, the United States' usage of incarceration and the economic advantages created through it have greatly benefited the elite and those who welcome racial disparities and inequality. This paper will serve to explain the ways in which mass incarceration throughout the country has contributed greatly to these Covid-19 data trends among black populations and why precautionary measures have reluctantly been followed. The increased risk of exposure and infection in prisons due to poor conditions due to overcrowding and lack of rehabilitation services serve to understand how this is a current issue and will continue detrimentally affect black Americans.

Various literature and analytical data sources will be used to analyze this subject of Covid-19 in prisons and among black inmates. The critical race theory will primarily be used to examine the societal implications and causes of this racial pandemic disparity through the industrial prison complex. Literature such as James Kilgore's *Understanding Mass Incarceration*, Adams, Klinsky and Chhetri's *Barriers to Sustainability in Poor Marginalized Communities in the United States: The Criminal Justice, the Prison-Industrial Complex and Foster Care Systems* and anti-incarceration projects such as The Sentencing Project will be used to understand how American prisons were and are industrialized, marginalizing, oppressive and profitable outlets. American magazines such as The Marshall Project and other current news and

media sources will be analyzed and used for data research to understand the severity and truthfulness of this subject. Various research articles and op-eds by the likes of Dr. Yusef Salaam will be used for the correlation and analysis of Covid-19 in prisons. Lastly, the recent actions taken by city mayors, governors and others on decreasing incarceration rates and prison overcrowding during the pandemic will be used to show political awareness and proactive efforts to hinder this problem.

The Northern American incarceration problem is proven through the mass effect it has on more than five million people, all under direct surveillance of the criminal justice system either through imprisonment, probation or parole, eight times larger than the imprisoned population 50 years ago (Gordon, 1999). Since the beginning of the War on Drugs in the 1980's, drug related arrests and incarcerations skyrocketed from 40,900 in 1980 to 452,964 in 2017 and is continually rising (The Sentencing Project, 2019) The War on Drugs paired with a rise in violent crime during the 1970's saw an initial variation in crime rates, and eventually a decline while incarcerated people rose every year. President Nixon famously stated that "Doubling the conviction rate in this country would do more to cure crime in America than quadrupling the funds for [Hubert] Humphrey's war on poverty" (Jealous & Simon, 2011). By outlining the importance of high incarceration rates, rather than any other reformatory operations, Nixon enabled law enforcement to carry out arrests and charges at high and unreasonable rates with a theorized model in mind for curing "America's problem."

Prisons started becoming home to large numbers of black bodies during this rise in incarceration rates to political and philosophical reasons, as theorized Michelle Alexander. She argues that "the gains won by the civil rights movement in the 1960's and '70's unleashed fear and insecurity among large sectors of the white population...many whites believed their jobs and

educational opportunities were imperiled because of affirmative action” (Kilgore, 2015). The rise of mass incarceration and its political backing also saw the introduction of gerrymandering based on prison locations, in which prison inmates were counted as residents of the prison’s district but unable to vote due to the voting laws (Adams, Klinsky & Chhetri, 2019). This gave political advantages such as congressional representation to other non-prison, white districts as more and more people were incarcerated throughout the years. Combined with the inability to be in a jury and losing voting rights, political inequality strengthens itself even more by using places of incarceration as a means of gaining advantages for election and political prominence.

The philosophical reasoning behind the purpose of prison and criminal justice changed throughout this early period as well. Prison was previously seen as a rehabilitative institution. White Americans sought ways to hinder their “inevitable” societal downfall as they watched the civil rights movement. The ideology of incarceration moved from forgiveness and rehabilitation to punishment, personal responsibility and bad choices. Racial and socio-economic divides in America were related to crimes, not segregated legislation and culture or lack of federal aid. Prison became a place in which the criminal must decide to turn their life around, not where society could contribute to helping one get their head back on their shoulders and re-enter as a respectable citizen. The War on Drugs escalated to protect white people from mass incarceration by taking advantage of the financial disparities in black communities. Crack, the same drug as cocaine but in a solid, cheaper form and popular among poor black communities was given harsher sentencing charges and mandatory minimums while cocaine, the more expensive and popular product among whites was not portrayed as the equal component of its kind, and therefore was given a less harsh punishment to white users. There were theories by a 1996 California reporter who tied members of the CIA to directly sourcing crack into African

American communities to contribute to incarceration and ultimately structural genocide of the African American (Kilgore, 2015). Theories and stories like this were not uncommon and still to this day are scrutinized.

Prisons were industrialized into profitable sources of labor during the late 1970's when American companies moved offshore looking for lower wage rates and the attractive concept of less manufacturing regulations. Mass incarceration presented an attractive source of profit and cheap labor veiled under rehabilitation and employment benefits for inmates. Inmates became entrepreneurial opportunities for corporations as those serving longer terms were faced with the option of either earning a few cents an hour and occupying themselves or receiving no financial benefit whatsoever. Hundreds of thousands chose the former. By 2012, nearly a million inmates were "employed", all earning practically nothing for their services, and serving major American corporate businesses such as AT&T in customer cellular service or McDonalds and Eddie Bauer sewing clothes (Kilgore, 2015). Over 3100 businesses and financial market investors are making a combined profit of \$1.8 billion through high incarceration in public prisons (Cummings, 2012).

The rise of private prisons increased the opportunity to lease inmates for the purpose of manufacturing and good services, all with stocks and bonds traded on the global market. Laws require private prison companies to maximize profits for shareholders. In 2010 the two largest private prison companies combined for a net profit of \$2.9 billion (Cummings, 2012). Lobbyists are hired to increase prison construction and legislation while politicians are often directly or indirectly pulled in as big shareholders with the promise of being advocates in return for a profitable market. Through this beds and cells can continually be filled just through the statement and support of politicians who are elected through a war on drugs agenda or as recently with an immigration crisis where the risk of rapists and murderers flooding our borders presents a similar

depiction of Mexican people as black people. The importance of mass incarceration is seen in the massive expenditure increase: 500% increase over the last forty years (The Sentencing Project, 2019). With black men being six times more likely to be imprisoned as white men, the various ways that increase incarceration and financial gain lead investors, shareholders and those who advocate a racist agenda to profit greatly. It is through this history and continual oppression that the Covid-19 has created a similar crisis and attitude in all prisons throughout North America.

The prison population consists of a considerable percentage of the USA population with approximately 2.2 million in June of 2019 (The Sentencing Project, 2019). With the industrialization and political backing, prisons have generally not had a problem with filling up beds but rather finding empty ones. Overcrowding has resulted in unsanitary conditions and paired with inadequate medical attention and care by prison workers there has been major health problems from asthma and cancer to mental health conditions. Cities from New York and Philadelphia to Detroit have seen frightening rises in Covid-19 cases and the risk of exposure poses a threat to all prisons. There have been at least 14,513 cases confirmed among prisoners, with 218 deaths (The Marshall Project, 2020). While the entire US population has seen 250 confirmed cases per 100,000 people, the prisons have seen ~696 confirmed cases per 100,000 in the same time period (The Marshall Project). 3,950 cases have been reported among prison staff with 13 deaths from coronavirus confirmed which poses the danger that the virus and the terrible conditions not only pose a threat to inmates but those who directly work with and around them including law enforcement officers and those who regularly visit prisons such as healthcare workers. At Rikers Island, the main New York City jail complex and one of the largest in the world saw a soar in cases over 12 days in April. Rikers became one of the first well known prisons to confirm cases and deal with the pandemic within their walls. While the infection rate

for the general New York City population was 0.5%, the city jails were 3.91% and rising (Bryant, 2020). Jared Trujillo, the president of the Association of Legal Aid Attorneys said his clients didn't have access to soap or hand sanitizer, were "caged" in large communal areas and their symptoms were not taken seriously (Bryant, 2020). The attitude toward the prisoners by city officials and prison staff reflects the history and continual negligence towards the humanity and rights of these men and women.

In other states, the number of cases and deaths follow similar situations and trends. In Michigan, there have been 1,412 cases with 41 deaths, over 700% higher than Michigan overall (The Marshall Project, 2020). While Ohio has reported less deaths at 29 total, 2,890 prisoners have reported coronavirus infections and symptoms.

States have been faced with the option of a sort of prison reform never considered before as they attempt to balance an agenda of hindering the spread of the virus with the threat of crime rates. Therefore, many governors and mayors have begun releasing inmates to decrease overcrowding and reduce exposure rates. 650 people have been released in New York City and many states throughout the country are following suit. Likewise, in North Carolina 485 have been released, all with low-level offense crimes or within a few months of finishing their sentences while in California inmates are being released with bail amounts set to \$0 (Prison Policy Initiative, 2020). In Charles County, Maryland, the jail is at less than 30% capacity as reported (SoMDNews 2020). Another problem that arises within many prisons and jails that have contributed to the high number of coronavirus cases are the medical co-pays, in which incarcerated people are expected to pay \$2-\$5 for physician visits, medications and testing. Because they earn only a few cents per hour, these are the equivalent of charging a free-world worker \$500 for a medical visit (Prison Policy Initiative, 2020). Only a few states such as

Hawaii, Nevada and Delaware have suspended medical co-pays for state prisons, but as of now private prisons have little to no restriction on this.

There has been a level of hysteria not only with the pandemic, but with the continual releases of inmates from prisons throughout the country on the general public. Words such as “rapists and murderers” have been used to describe the people being released, creating backlash by many throughout the United States in fear of increased crime rates. This is again a reflection of the general perception of those who are incarcerated who are evil and fully responsible for their choices and the circumstances that led them to enter the justice system. In opposition to this, many inmates being released are scared themselves. Joh Mele, a newly released inmate, expressed his fear, not relief, at entering the free world during a pandemic. He said in an interview that he was given a five minutes notice that he would leave the jail three months early and was given two bus tickets and directed towards a homeless shelter but refused with concern for contracting the virus (Scannell, 2020).

Other cities have attempted to contribute to Covid-19 efforts not only through release but decreasing the number of arrests and new incarcerations. Philadelphia Police Commissioner Danielle Outlaw notified her law enforcement officers that for an extended period police would delay arrests for nonviolent crimes, drug offenses, theft and prostitution (Melamed & Newall, 2020). Not only will this reduce the infection rate among inmates in prisons, but also the infection rate among law enforcement officers and save their lives as well. Nonprofit bail funds are also looking to post bail for inmates as bails are shortened.

However, not all prisons and law enforcement groups are contributing to the elimination of Covid-19 in the same way. Multiple reports and incidents have been filmed and heard of throughout the past few days of May 2020 in which NYPD police officers are arresting people in

the Bronx for breaking quarantine. While initially it may seem acceptable to enforce the stay-at-home order through arrests it has been upheld in a racist and discriminatory way. In the Bronx, police have disrupted funerals and people walking while practicing social distancing and in many cases doing so by brutally punching and assaulting unarmed black citizens. However, in Central Park there have been flocks of mostly white people gathered to enjoy the warm weather and escape the solitude of their homes have not received the same harsh treatment from police. Rather, police officers have handed out masks to those who don't have them rather than brutally assaulting them as they have on the other side of the city. It's a continual reminder that black bodies are treated differently by law enforcement, even to the point of such blatancy as the NYPD is within their city. Through that same brutality and corrupt enforcement of the law, black bodies are still susceptible to mass incarceration and the risk of contracting Covid-19 in prisons just the same.

The industrial prison complex and the racism behind mass incarceration has had a long history of wrongfully imprisoning black bodies and doing so in complicated legislative and profitable ways. When a prejudiced agenda not only upholds racism but also offers financial and political gain at the same time, it is not a wonder that this is a problem that still poses a massive threat to black communities. The long line of incarceration policies and laws that have sustained this industrialization have led to the current genocide of black inmates during the Covid-19 pandemic. It is important to understand that the origins of the American justice system were mostly founded and molded to continually oppress black bodies and hinder black socio-economic opportunities in the United States. The oppression does not stop at the court room. It continues in the jail cells, where overcrowding, abuse and awful conditions cause inmates to suffer from a variety of health conditions. Dwindling the chances of proper rehabilitation,

prisons then release these people back into society with a high chance of recommitting crimes or being wrongfully charged if they are black.

Covid-19 has appeared as just another genocidal tool to be used upon inmates. The American culture's negative perception of incarcerated people has hindered the necessary measures needed to save and protect them during the pandemic from death. Understanding this issue in its entirety is important for various reasons, from understanding the historical racist agenda of American politics and the justice system to the improper health care provided to anyone when they are a black or non-white body. The relevance of this can be applied and used to analyze other marginalized groups such as Hispanic and Native American communities who also suffer from political negligence and high incarceration rates. There are dozens, if not hundreds of solutions and actions that should immediately be taken to end the current and future risks that befall incarcerated people. Completely eliminating private prisons to prevent personal interests of CEO's, investors and shareholder politicians would be an immense step in the right direction to protecting inmates and preventing incarceration. Legalizing marijuana would reduce drug offense arrests and prison populations. Re-inventing the purpose and actual architectural conditions of prisons into actual rehabilitative locations will change society's entire perception of crime and eventually raise more awareness of external circumstances that can cause one to commit a crime, not just a bad choice and lack of personal responsibility. Treating an inmate as a human being regardless of their charges is important to preventing stereotypical and racial pictures to be painted. Until then, inmates will continue to be treated inhumanly during this pandemic and after. Their human rights are not eliminated when they don the orange jumpsuit and enter the dark, gloomy cell. Rather their right to hopefully and eventually become an accepted member of society should be magnified and have heightened importance if our country

is so concerned with reducing crime rates. As Yusef Salaam says of the prison population, “they are the forgotten population” (Jealous & Simon, 2011). Until their vulnerability and human rights are truly acknowledged, the prison inmate will sadly continue to only be known as a number in a numbered jail cell, forgotten, useless, and hopeless.

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Appendix

Figure 1 and 2 reveal the demographic disparity that has befallen black communities with the Covid-19 pandemic within the United States. Percentage of black population consisting of each state is provided and percentage of the states' total infections/deaths within the population is also reflected. These figures show that while black communities do not make up the majority of the state's population, the percentage of total covid-19 infections/deaths consist of a much higher percentage in almost every scenario.

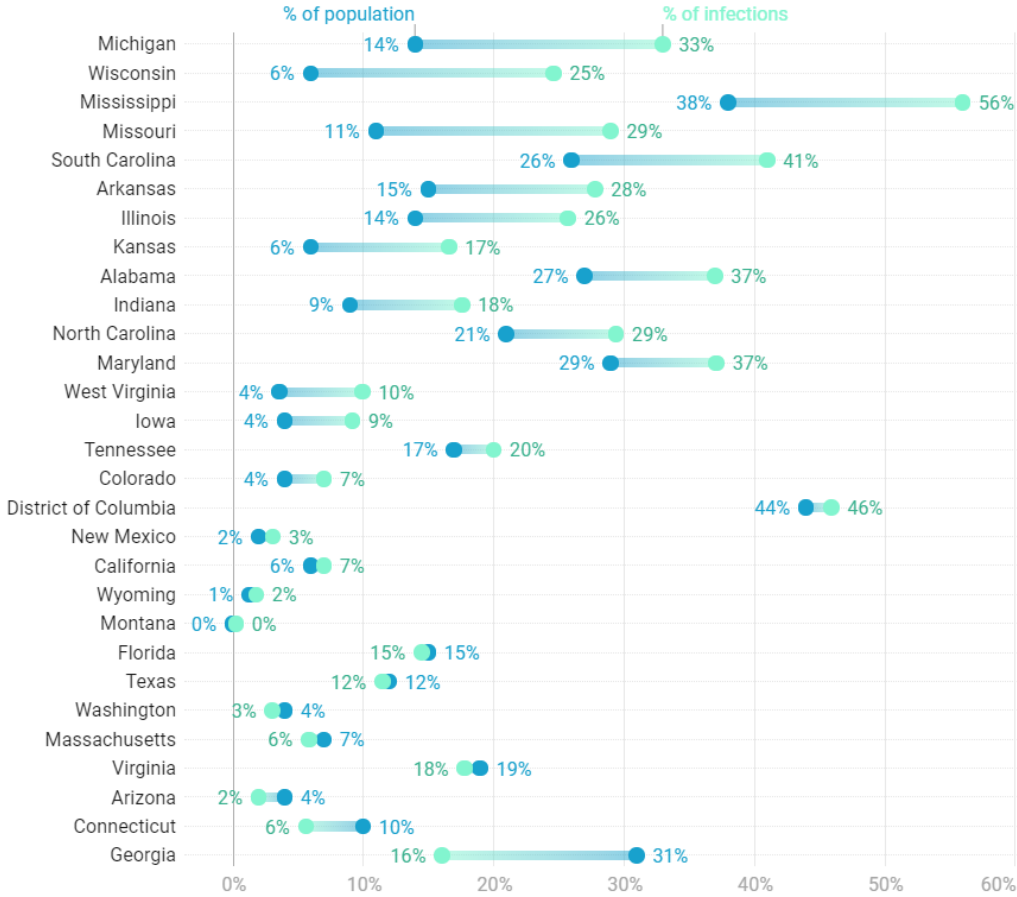


Figure 1. Data collected by CDC for demographic characteristics of COVID-19, representing infection rate for Black populations with Covid-19. Retrieved from Center for Disease Control database.

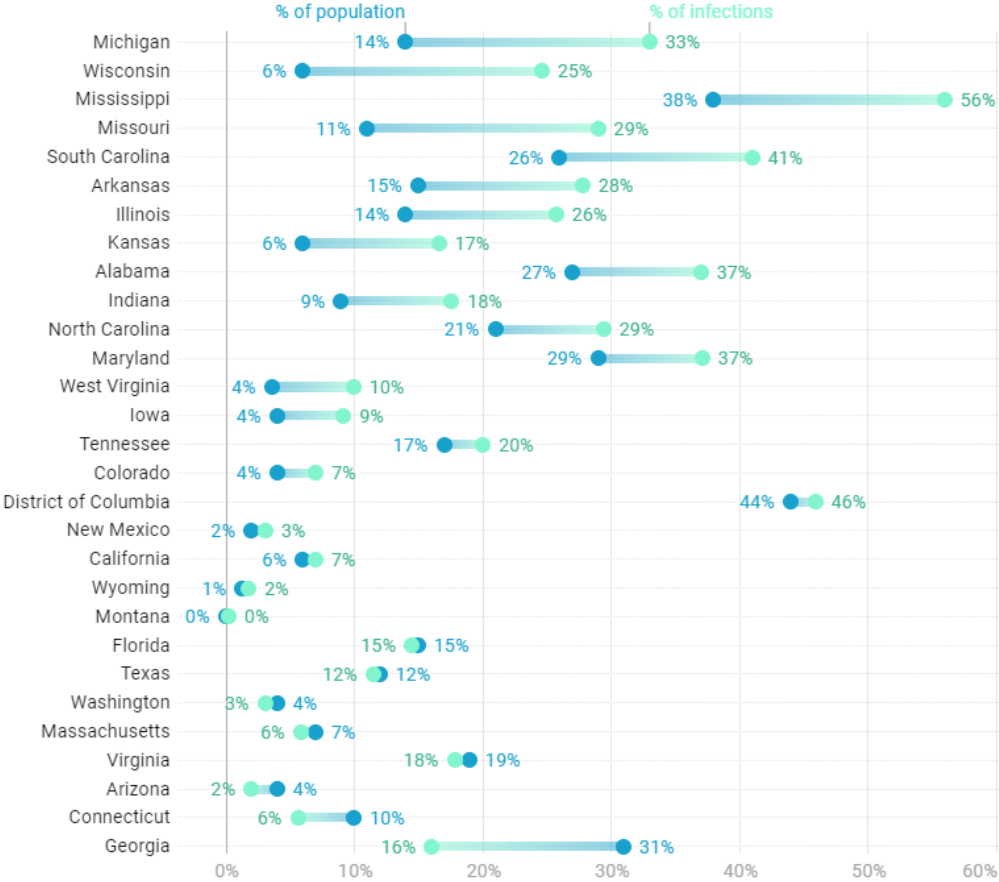


Figure 2. Data collected by CDC for demographic characteristics of COVID-19, representing fatalities in the Black community due to COVID-19. Retrieved from Center for Disease Control database.