

CAPITALISM AND CALIFORNIA'S URGENT NEED TO REFORM THE PRISON VOLUNTEER PROGRAM

*Delrishia White**

INTRODUCTION

In the summer of 2018, 459,123 acres burned in the largest fire in California's history, and almost 2,000 incarcerated men, women, and minors helped extinguish it. The fires in Mendocino and Lake Counties were the largest in the state's history, creating roughly \$267 million dollars in damages. It's no wonder why the state turned to prison labor to reduce the financial impact it would incur—an exploitive solution that needs to be interrogated and severely reformed.

My position on California's egregious practice is not only rooted in my personal and professional commitment to human rights but also in my disappointment as a native of the golden state, and repulsion of a system that robbed me of my mother and father and cradled all but one of my *six* brothers from youth through adulthood. This piece is grounded in the Black, queer, feminist activist Charlene A. Carruthers's articulation of capitalism: "an economic system in which the means of production, access to goods, and the value of goods are controlled by private individuals and corporations."¹

For this system of capitalism to work, there must be people that exist on both sides of the system: beneficiaries and marginalized people. America's judicial system is far from color-blind and unfortunately, the easily-dubbed *progressive* California is quite *regressive* when it comes to the law as well. Bummer. In this country, Black people are especially vulnerable to being oppressed in this system. According to the Public Policy Initiative of California, at the end of 2016, Black men accounted for 29% of the incarcerated population—a grim disparity considering that the same make up only 6% of the state's adult population.² It is capitalism that creates a structure predicated on the mindset that prisoners are *worth less* and therefore *owe more* to society. Yet, it is this country's anti-Black history that sets the backdrop through which this exploitation of Black bodies and revocation of Black liberties is made tolerable. This proposition justi-

* M.Ed., Harvard Graduate School of Education.

1. CHARLENE A. CARRUTHERS, UNAPOLOGETIC: A BLACK, QUEER, AND FEMINIST MANDATE FOR RADICAL MOVEMENTS x (2018).

2. See *Corrections: California's Future*, PUB. POL'Y INST. CA 3 (Jan. 2019), <https://www.ppic.org/wp-content/uploads/californias-future-corrections-january-2019.pdf>.

fies, for many, an incarcerated person—including youth—sacrificing their life for society for less than \$2 an hour to fight California’s most threatening fires, according to the California Department of Corrections and Rehabilitation (CDCR).³

In addition to race, capitalism influences how a person is valued in America. The level of education one acquires, the amount of money one has earned, and a person’s association to big named brands, through employment or otherwise, all influence a person’s social status. We see this in the tiered college system with bachelor, master, and terminal degrees. We see this in our credit system; the more access to a line of credit coupled with the lowest need to access it makes one financially attractive to gatekeepers of economic opportunity. In every facet of life in America, this trend is palpable. The more one has, the higher one’s social rank. Incarcerated people, who are often drawn from the bottom of the social hierarchy, experience dehumanization, which deprives them, among other things, of quality education, quality healthcare, and agency.

THE GOLDEN STATE BENEFICIARY

California saved between \$90 and \$100 million dollars in one recent year by endangering human life.⁴ In this case, human life that is undervalued due to the “criminality” with which it is associated by way of culture, policies, and media propaganda. While professional firefighters are paid an average of \$49,080 per year in the United States,⁵ an incarcerated firefighter makes less than \$20 a day working the same hours while their bodies are subjected to an equal level of risk and trauma. These firefighters are forced back to their prison quarters, likely with limited access to low- or no-quality healthcare.⁶ Incarcerated firefighters “are more than four times as likely, per capita, to incur object-induced injuries, such as cuts, bruises, dislocations and fractures, compared with professional firefighters working on the same fires.”⁷ According to the CDCR, “[t]he primary mission of the Conservation Camp Program [CCP] is to support state, local and federal government agencies as they respond to emergencies such as fires, floods, and other natural or manmade disasters.”⁸ It is not in the state’s interest to provide healthcare, job training, or

3. See CDCR’s *Conservation Camp Program Frequently Asked Questions (FAQ)*, CA DEP’T CORRECTIONS & REHABILITATION, https://www.cdcr.ca.gov/Conservation_Camps/docs/FAQ-Fire-Camps.pdf.

4. See *Hundreds of the Firefighters Battling Sonoma Fires—Inmates*, KQED NEWS (Oct. 13, 2017), <https://www.kqed.org/news/11623289/hundreds-of-the-firefighters-battling-sonoma-fires-inmates>.

5. See *Occupational Outlook Handbook*, BUREAU LAB. STATISTICS (Apr. 12, 2019), <https://www.bls.gov/ooh/Protective-Service/Firefighters.htm>.

6. See generally Andrew P. Wilfer, et al., *The Health and Health Care of US Prisoners: Results of a Nationwide Survey*, 99 AM. J. PUB. HEALTH 666 (2009), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2661478/>.

7. Abby Vesoulis, *Inmates Fighting California Wildfires Are More Likely to Get Hurt, Records Show*, TIME (Nov. 17, 2018), <http://time.com/5457637/inmate-firefighters-injuries-death/>.

8. *Conservation (Fire) Camps*, CA DEP’T CORRECTIONS & REHABILITATION, https://www.cdcr.ca.gov/conservation_camps/ (last visited Apr. 26, 2019).

workforce development for a person in the carceral system. And for a Black person whose family has been intergenerationally deprived of wealth and education, resisting the status quo is even more cumbersome. The CCP program exclusively benefits the system—a system that restricts the freedom of incarcerated Black people. It is only within a capitalist structure that people can convince themselves that the incarcerated firefighter’s life is worth less than that of the free-world firefighter, when both risk paying the ultimate price—their lives.

IMPACT ON INCARCERATED INDIVIDUALS

CCP advocates argue that “prison volunteers” *choose* to participate and in fact, *benefit* from participating. The reality is, incarcerated individuals are highly vulnerable, and this choice has serious constraints. The criminal legal system is designed to sever familial relationships outside of prison, leaving those on the inside even more defenseless than they otherwise would be. And, contrary to popular belief, most cannot care for themselves to purchase hygiene products, food, and even healthcare items like glasses on the prison black market—in response to the lackluster healthcare services offered to them. For many, this is not a choice. This is an opportunity to pay for their own commissary that would allow them to better care for themselves on the inside. Proponents argue that inmates give back to society through firefighting. Frankly, incarcerated people will spend the rest of their lives being punished, regardless of whether or not they are incarcerated. Roughly 46,000 formerly-incarcerated people remain on parole,⁹ and about 223,000 remain disenfranchised.¹⁰ For those who have experienced incarceration, the market, like so much of American life, remains distinctly *unfree*. Couple this reality with court-sanctioned restitution, housing instability, and of course, *race*—the future is bleak for incarcerated firefighters in California. These firefighters were sentenced to incarceration, and they are doing their time. They don’t owe society their volunteerism.

AN ALTERNATIVE PROGRAM

Utilizing incarcerated individuals to aid in fighting fires is not inherently wrong. As the program exists today, incarcerated firefighters earn two days off of their sentence per day of service fighting fire. People classified as violent offenders earn one day off per day of service. Incarcerated people earn \$2 per day with an additional \$1 per hour when fighting an active fire. If California continues to utilize prison labor to ameliorate the increasingly devastating fires that burn within its borders,¹¹ policy

9. See Justin Goss & Joseph Hayes, *California’s Changing Parole Population*, PUB. POL’Y INST. CA (Feb. 2018) <https://www.ppic.org/publication/californias-changing-parole-population/>.

10. See *Number of People by State Who Cannot Vote Due to a Felony Conviction*, PROS & CONS (Oct. 2017), <https://felonvoting.procon.org/view.resource.php?resourceID=000287>.

11. “More than 1,000 wildfires have been sparked in a *one-week period* in July — that’s more than three times the average 250 or 300 that begin each week at this point in the season, according to the California Department of Forestry and Fire Protection,

makers must also ensure equal pay and quality healthcare for those laborers. Additionally, inmates need robust options to rely on for employment and career opportunities once they are released from prison.

In a recent study on reincarceration, researchers found that Black men were more likely to return to prison than both their white men counterparts and their Black women counterparts.¹² It is not difficult to see why: racism pervades the housing, healthcare, and employment systems with which newly-released Black men interact, which increases the likelihood of a return to prison. Creating viable opportunities that translate into a productive life after incarceration is one way to curb this epidemic. Assuming that the criminal legal system was designed to engender more public safety, we must also assume that the success of formerly incarcerated folks is a collective responsibility that we all share.

CONCLUSION

There is no redemption song for people with felony convictions—especially if they’re Black. This country’s anti-Black rhetoric has led to the overincarceration of already deeply disenfranchised members of American society. This system of punishment discounts the values of Black lives by haphazardly preparing inmate firefighters to engage in dangerous activity with little compensation. These volunteers won’t be remembered as the heroes that risked their lives combatting California’s largest fire with the firefighters alongside them. Instead, they’ll be reduced to “criminals” of little worth with disposable lives. Incarcerated people are just that, incarcerated. . . but they are still people. California should not rely on prison labor to quell wildfires until all humans, including the Black bodies that make up the prison labor force are freed from institutionalization, can make an unconstrained choice, and are equally compensated. Period.

or Cal Fire.” Jennifer Calfas, *California’s Wildfires are Spreading Faster and Burning More This Year. Experts Say It ‘Can Only Get Worse,’* TIME (July 31, 2018), <http://time.com/5353986/california-wildfire-2018-season/> (emphasis added).

12. See Katie Ropes Berry, et al., *The Intersectional Effects of Race and Gender on Time to Reincarceration*, JUST. Q. 11 (2018).