

[Intro music]

Noelle: Whaaaaat up?!

Miranda: Welcome to The Unpacked Project

Noelle: We're your hosts-I'm Noelle

Miranda: And I'm Miranda.

Noelle: We're here to explore all things social justice. It's through casual conversations, interviews, and story telling that we hope to inspire others to take action towards a more compassionate and equitable world.

Miranda: 'Cause honestly it kinda sucks here sometimes.

Noelle: For real, we can do better people.

Miranda: Alright, let's start unpacking.

[Music plays]

Noelle

In 2019, Asia Johnson first joined The Bail project as a Bail Disrupter in Detroit, where she now works as a Communications Associate. Asia is a writer and filmmaker and has worked with several organizations in the criminal justice reform space, including Cut50, Shakespeare in Prison, Prison Creative Arts Program, Hamtramck Free School, and the Michigan Prison Doula Initiative. Asia is a 2019 Right of Return Fellow, as well as a Winter 2019 Room Project Fellow. Her chapbook, *An Exorcism*, was released in 2018 and her upcoming directorial debut, *Out of Place*, will be released in 2021. Asia is a student at University of Michigan Dearborn where she studies Criminal Justice and Film. When Asia isn't amplifying the stories of those impacted by the criminal justice system and making her dream of a world without cages come true, she is writing poetry exploring topics such as love, sexuality, loss, and beauty.

Miranda

Thank you so much for being here today, we truly appreciate it. That is quite a bio, you definitely have a lot of interests and a lot of background and knowledge in this topic. So Asia, can you just tell us a little bit more about how you became involved in this work and what The Bail Project is?

Asia

Sure. First, thank you so much for having me. Thank you for you know, talking about these tough issues that are usually shrouded in darkness and shedding light on them. Um, so with The Bail Project, I started two years ago, 2000...well it's almost coming up on two years. I started in January 2019. And prior to my work with The Bail Project, I myself was formerly incarcerated. And so I remember sitting in a cell with a girl whose bond was fairly low, or to the average American, you would think that \$500 isn't a lot of money, but her family could not afford it. And she actually sat in jail for over a month until her case came to a close. And so her charges were eventually dismissed and I just remember having that sit with me--wow, somebody is sitting in jail simply because they don't have money. And I also remember the Kalief Browder story, and we all know how tragic that story was. And what the cash bail system is, is a humanitarian crisis, you know, in our jails, but also a constitutional crisis in our courts. And so the presumption of innocence has been stripped from people, and keeping them in these cages when they haven't been convicted of anything is a tragedy. And so we all know that jails are dark, dirty, overcrowded, no place for any human to ever spend one night in. And just

thinking about the loss that people experience when they're sitting in that jail cell and the trauma that they have to experience. And I myself experienced that trauma. And so I, when I heard about The Bail Project, my best friend sent me the link in an email, she said--you have to apply for this job. And I had just come home from my own incarceration not even two months before. And so I didn't have a lot of hope that I would get the job but I knew that I had the passion and the dedication, everything that that would be required of me, I had it in me. And so I applied and just...my dream is to rip this word of cages. And so I feel like I'm realizing this dream every day that I'm working with The Bail Project. And so that's really how I became involved with The Bail Project. It's really like the best part of my life. School is hard. Moving is hard. But this work is hard, but you feel like you are making movement in a system that definitely needs to be abolished.

Noelle

Thank you so much for sharing your story. You know, I think it's one thing for us to talk about these things in context and theories, and then quite another to, you know, speak with someone who's actually experienced it firsthand. And one of the things that we've spoken about is, you're in the best position to try to be changing the system, and then, you know, informing us of how we can move forward because you've actually been there. So thank you so much for sharing that and you know, being vulnerable with that information. So, one of the things when we think about bail, obviously, is the money piece of it, right? That's one of the--it's one side of it that some people kind of always go to. So we'll kind of get into that initially. American taxpayers pay \$14 billion each year to incarcerate people pre trial. So like you said, before they've even ever been convicted of anything. And meanwhile, the \$2 billion bail industry extracts money from precisely those communities that have the fewest resources. So can you explain how the bail industry actually works and the true economic costs of the system?

Asia

Absolutely. So, you know, historically, bail was designed to ensure that those accused of a crime would come back to court. It was never meant to be a punishment, it was never meant to have our jails filled to the max, [with] people who haven't been convicted of anything. But that is exactly what bail has become, it has become a punishment. It was supposed to be affordable, but you know, right now the average American can barely afford a \$400 emergency expense and the average bill amount is over \$400. And so what we see is that this industry has become about money and less about human lives. And it creates a two tiered system in the justice system, one that benefits those with money, and the repercussions of not having money, which will mean that you sit in a jail cell until your day in court. And that could be weeks, months, and sometimes even years. And right now, it's especially important because COVID, we're seeing court dates be pushed back and rescheduled and postponed. And so people are staying in jail for up to 9, 10, 11 months, waiting for their day in court, but if they had the money they would be free. And they would be able to fight their case from a position of liberty and be with their families, not losing their jobs, and maybe even custody of their children or their homes. And so the cash bail system really does wreak havoc on those that are affected by it.

Miranda

Definitely, and you know, on any given day nearly half a million people really are in jail cells across America, just waiting for their criminal cases to move forward. And people in pre-trial detention now make up more than two thirds of America's jail population, which is just--it's crazy to me. And you know, like you said, even though they're presumed innocent until guilty, they still

suffer the harms of incarceration unless they have enough money to pay bail and ultimately buy their freedom. So you know, like you were talking about, really this system continues to oppress people that are typically from communities of Color, right? They're already oppressed, and they are in under resourced communities, and then now they're suffering because of this. So can you explain how this system criminalizes poverty and perpetuates mass incarceration, and that racial inequality piece?

Asia

So exactly what you said about under-resourced communities, but OVER policed communities. And so what we see is people being overcharged. Somebody in the inner city of Detroit may do the same thing as somebody from one of the suburbs, and the police aren't there to arrest that person in that suburb, the police are doing other things. Whereas in the city, you know, just being poor is a crime. Just being black is a crime. You can be--one of our former employees, he was with the Bronx Freedom Fund. He was literally riding his bike down the street and the police asked for his ID, asked what he was doing, and he got charged with resisting arrest. And, you know, he's Black, he's in New York, where the police are stopping you just because you look suspicious. And that is what we're seeing and that's what's happening everywhere now. You get stopped for frivolous things and put in jail for things that shouldn't be criminal, like, for example, substance use. That's not a crime, it's a health issue. And we're throwing people in jail and keeping them there because they don't have money and they aren't getting their needs met. And so, instead of addressing the root causes of crime or being an under resourced community or the root cause of incarceration period, we are just incarcerating people, and arresting people, and charging people, and keeping them in cages, and it's predominantly happening to Black and Brown communities. And the fastest growing population of incarcerated individuals right now, which you know, I was one of those women, and women are even more at a disadvantage because we don't make as much money as our male counterparts. But usually we are the breadwinners in the house, we're single parents sometimes, sometimes we're trying to go to school and take care of our kids. And for women, it's exceptionally hard.

Noelle

Yeah, and you know, you using the term cages, and I think that really gives a good visual to the reality of the situation of how traumatizing it is when people are quite literally locked up in there and can't get out because they can't afford it. Research shows that the longer someone is held in pretrial detention, the more likely they are to be re arrested later. So we know jails are harmful, they often just exacerbate problems that someone may already have had before they entered, or like you said, they're arrested for something that's really a health issue like addiction, and they are not given treatment and given the proper care while they're in jail. And so, you know, the way that we use pretrial detention clearly needs to change, what are some alternatives that should be utilized to transform pre-trial.

Asia

So our Detroit site actually just partnered with an organization called Dawn Farm. And Dawn Farm is a rehab treatment facility, and what we're doing together is clients who identify substance use as a need in their life, or they need to get treatment, we are sending them to this fairly expensive rehab facility--we got funding from the McGregor Fund to send our clients there on scholarships. And so instead of jailing people who have a health crisis, there should be alternatives, there should be treatment, there should be resources in the community that are supporting people. If you are committing crimes of poverty, why aren't we training people for

jobs? Why are we giving them access to education? Why aren't we in a position to--it's about needs and not risks. Like, identifying a need and then meeting them, not condemning them for having this need. And that's what I see a lot, I see a lot of condemnation for people who are at a disadvantage from people who are from these communities. It's looked down upon, it's criminalized, and we have to, as a community, start supporting the under resourced communities, and defunding the police. I mean, people have started with that narrative, but what we need to do is talk about what we would do with that money. And we need to invest in the communities and invest in individuals. People are paying too much money to incarcerate and I feel like when you start talking dollars and cents, sometimes the people that wouldn't normally listen to this conversation, their ears perk up--like, I'm spending HOW MUCH to incarcerate this person? And so even attacking it at that angle and showing people the data and the numbers. And they're like--wow, it's cheaper and more morally responsible to help this person versus throwing them in a jail cell and letting them waste away losing everything they've ever worked for. And so also we see--my colleague Megan mentioned this earlier--when we're doing these needs assessments, you know, we've posted bond for people who are as young as 17. And she did an interview with one of our young clients and she said--what is it that you need? What can I help you with? And he said, I really just want my grandmother to be okay. And we're realizing that it's not just about this individual, but about their community, their world, and their incarceration, it's wreaking havoc on their entire family. So when you jail one person, you're really jailing that person's entire family. And I know that because my family, when I was inside, my family was like, we're in here with you. And at the time I couldn't understand that like you're NOT in here with me. You're not looking at the same four walls every day. You can come and go as you please. And now looking at my clients and seeing the concern that they have for their families, I'm like--wow. I get it now.

Miranda

Yeah, and I mean, looking at these why's, you know, unfortunately, we really know the answer is that it's about money and it's about power, and maintaining control over certain communities, and free labor. And you know, again, I use this word oppression so often in so many of these episodes, but we're talking about oppressed groups of people. And actually, you kind of reminded me, we just spoke with Kara Gross from ACLU and she's responsible for like legislation reform and initiatives. And she brought up what you said, the Democrats and Republicans are both at the table talking about saving money, and it's something that both sides can agree on. So, it's an interesting topic to kind of discuss from that lens. But, you know, while non monetary options of releasing people on a promise to return to court, we know that as personal cognisance, it's already available to judges yet many use it only a fraction of cases, right? And then there's also making bail affordable--that's an option as well, however, it's "been unsuccessful", which it could easily be, and also difficult to enforce. So why is that?

Asia

You know, first, we come from a standpoint that pretrial incarceration should ONLY be for extreme cases where that person poses an imminent threat to themselves or to the community--an imminent threat of violence. And so I think that judges don't use this, A--because we've come to a place economically where there's such a disconnect from those who have money, and those who don't have money. So a judge is sitting on the stand, and he's like--you can afford \$5,000. [No] HE can afford \$5,000. But that person who's standing in front of you in their handcuffs, who may or may not have done what you're accusing them of, cannot afford that money. And I think that the disconnect between those who have and those who have not, is one of one of the big reasons why judges are not making cash bail affordable. But again, money

should not be the determining factor on whether somebody is free or not. It should not. And we see with our work with The Bell Project that people return to court even when they don't have money on the line. 90% of our clients return to court and it's not because they have skin in the game, it's because their needs were met. They have transportation to court, they have childcare for their children, they were able to return to work. And so the idea that money will bring people back, I think that is outdated. It is, you know--judges--I mean, I can't speak for judges, because I'm not one and I definitely don't think I would ever want to be one, but if they just took the time to actually listen to the people who want to end cash bail, and just use common sense and smart justice, they would see that--and looked at the numbers, they will see that it isn't money that's bringing people back to court.

Noelle

Well, I think like Miranda was saying, I think when we kind of look underneath it sometimes you have to wonder how much of it is for other reasons, right? How much am I--am I making this unaffordable because I KNOW you won't be able to pay it, and you'll stay locked up, you know, and that's the unfortunate--

Asia

Exactly! And that's why I said like, the punishment aspect of it. They know that there's no way you will afford this so you're going to stay in jail. And it's not because they think that this person is a threat to society, or going to get and do something, you know, very harmful. It's just that caging Black and Brown bodies has been the way of the world. And also judges, they maintain that discretion but it's the prosecutors who are making recommendations. And so what we need to do as a community is think about the fact that prosecutors and judges are elected officials, and so if you see a prosecutor who's progressive on the issues, who's talking about ending cash bail, who's talking about doing needs assessments instead of risk assessments, those are the people that we need to put into office, and just aligning the values that that these elected officials are espousing. We need to make sure that they align with ours. And so that's another one of the reasons why I think just exercising our right to vote is so important, because cash bail along with many other issues, could be abolished? Like, we don't we don't have to have the systems in place that have been in place for all these years.

Noelle

Yeah, so in counties that are moving away from cash bail, I think they tend to rely on like the electronic monitoring, or like you mentioned, risk assessment instruments, you know, as replacements. So can you expand on this for us and just describe the impact-- describe 1, specifically kind of what these methods are, and then just the impact of using them.

Asia

I just talked to one of my clients who has been wearing an ankle monitor since March. And it has gotten in the way of him getting hired at jobs, it has gotten in the way of him actually feeling free. Kids come up to him and they asked him--what is that on your ankle? And it's not something that anyone wants to talk about. I mean, it's not freedom. Electronic monitoring is just another form of incarceration. It's dehumanizing. And moving through the world in a way where you feel trapped still, is sometimes--that's just as violent as being in jail. And with risk assessments, what it is, is these algorithmic tools are codifying our biases, they are making predictions on what a person will do and we all know that human beings are dynamic, unique,

and you cannot predict my actions just because I'm a Black woman who's formerly incarcerated. And so it's racist is what these algorithmic tools are. And so we definitely think that there's better solution than electronic monitoring and using these risk assessment tools.

Miranda

Definitely. You know, so in cases when preventative detention must be used, it clearly needs to be safer, right? It needs to be more humane, more conducive to rehabilitation, and today's jails currently are. So let's talk about how that decision gets made a little bit. As opposed to how pervasive the system currently is, are there certain circumstances that pre trial detention should be used? And then are there procedural safeguards in place for people who actually must be held?

Asia

So again, when somebody is an imminent threat and when somebody has made a threat of violence, and they're in court and they're saying--if I get out, this is what I'm going to do. Or if they've already done something very violent and there's no question that this is what they've done. And still, even that gets complicated because of the presumption of innocence. And so there's always a question if they haven't been convicted of anything. As long as they don't pose an imminent risk of violence then pretrial detention should only be for those who do present that risk. And so what we have to do to improve the condition. First of all, jails--dark, dirty and overcrowded, again, and doing a needs assessment of what this person actually needs. If this person needs anger management classes, let's get them in those classes. Let's not put them in a cage. If a person is poor and they feel forced to steal, let's get them in a job training program where they can make money and not feel like this is what they have to do. If a person is experiencing housing instability and maybe are committing crimes of poverty, let's get them in some housing. Let's get them back on the right path. And so I just think personally, and I don't speak for The Bail Project, but jails...jails are just not the answer for any. And I do think--I know that we at The Bail Project don't believe that jails are the solution for anything, for any of society's ills. Like, there is a solution and jail isn't it.

Noelle

Yea, it makes me think of the interview that we did with Adam Foss, you know, where we just talked about how outdated of a system it is and how it originated. And just our tendency kind of as a nation to respond to violence with violence and not really valuing being able to provide people with alternate opportunities to grow. And that's a big part of what he talks about with Prosecutor Impact is, you know, training prosecutors to figure out what do people need, you know, what is missing? What have we missed along the way that's prevented us from being able to create communities and places where people can thrive. Instead, we just continue to incarcerate and make these issues worse and not healing communities. I mean, it makes me think of so many prior episodes with Noble...you know, just not healing communities either. For people to be able when they are released, even if it's through bail, or if it's after they've completed a sentence, that they're going back to healthy communities where they can continue to be a citizen and prosper. So, it just makes me think of so many things that we've spoken about, you know, really make those connections. I know that Bail Project uses Bail Disruptors as a means to pay bail for people living in poverty, like you're saying, crimes of poverty and people living in poverty who aren't able to pay the bail. So in addition, community release with support is another important piece of what you all do. So can you explain the role of Bail Disruptors and how the whole process works?

Asia

So our Bail Disruptors are really the face of abolishing this system. They are--and I was a Bail Disrupter for a while, and we are the people on the ground in our communities who are seeing these ills every single day. And we are going into the jails and interviewing our clients, posting their bonds and then supporting our clients after their release. Whether it's a court reminder, transportation, maybe our client doesn't have a cell phone, maybe they need treatment for an addiction or just whatever they've identified as a need, we make sure that we are in a position to help them with that, because anything else would be irresponsible. And so we are disrupting this flawed, deeply, deeply flawed system, with every bond that is paid. And with every case that comes to a close and a person gets their freedom, I feel like we are chipping away at mass incarceration. Chipping away at this system that will eventually crumble and fall. And we're in 20 sites across the country. And so our bail disruptors are in jails every single day, securing the freedom of the communities most underprivileged. And so something you said a minute ago reminded me of the trauma to prison pipeline. And jail is just a response to trauma with further trauma. And that's something that Bail Disruptors are disrupting--that trauma to jail, trauma to prison pipeline. So many of our clients have experienced trauma in some way, shape, or form, and some multiple traumas across different categories. And what we try to do is be a hope for them. And so many of our Bail Disruptors are impacted themselves, and have had that lived experience, and we're able to meet them where they're at. And not only that, but like be an example, because sometimes, our clients maybe they don't even need all of the things that we can help them with, maybe they just need a word of encouragement. And that's what we're there for. We are there to try to make it so that they never have to find themselves in a jail cell again simply because they don't have the money to do it. And so our Bail Disruptors are really the hardest working people in our organization and they are doing this work every single day. And it really--it just gives me hope every single day when I hear as a Communications Associate now, I'm telling stories of clients across the country and talking to Bail Disruptors every day. Sometimes, you know, the light gets dim, and you're like--oh my god, it feels like this is never going to end and people are always going to have this cash bail system, people are always going to be in jails, we're always going to have mass incarceration in this country. But then you hear one or two stories about a client who got their GED, or a client who got a great job after incarceration, and a client whose charges were dismissed and you're like--this is why I do this work. These Bail Disruptors are the reason why this organization's wheels keep turning. And so what we're trying to do is eventually work our way out of a job because we want to end cash bail. And then, you know, we'll all be unemployed, but nobody is sitting in jail because of poverty.

Miranda

Yeah. I mean, it's beautiful right? And that work, it takes a lot of heart because it's hard to continuously see sometimes your work not working out the way that you hoped that it would, you know what I mean, against this system. But you're right, right. When we hear these stories, they provide so much hope to people. So, you know, you spoke a little bit earlier about when folks receive bail assistance they are highly likely to return for their court date, I think, did you say like 90%, or something fairly high. So you've already shared the rates of return for people who provide bail assistance, but what strategies does your organization use to ensure their compliance?

Asia

So we provide our clients with court reminders via text or phone call, we have a partnership with Lyft--so if a client needs transportation to court, or even to a job interview, or maybe their car broke down and they need to get their child to childcare, we will provide them with the transportation. We've partnered in Indianapolis, we partnered with the Black Lives Matter movement there and we had a resource tent outside of the jail. In Detroit we partner with Footlocker and we gave out book bags full of school supplies to our clients, our hygiene products, and we're doing that at sites across the country. Just trying to be a resource in and of itself, for whatever it is that they need. And The Bail Project, if we can't provide that assistance, we will find an organization that will provide you with what you need. That's why community partnerships are so important.

Noelle

So how does it logistically work? How does someone get connected with being able to have a Bail Disruptor? Like how does that whole thing work?

Asia

So we get referrals from public defenders, the community and also from people in the jail themselves. Our phones ringing off the hook with phone calls straight from the jails. But what people need to know is that if you have a loved one incarcerated, all you have to do is visit Bailproject.org and we have a map that shows you where we are in the country. And there's a little tab that says need bail assistance, and you just fill out a form, somebody contacts you, and we do what we can to help at that point.

Noelle

Okay, yeah, it's just good for people to know. I think that for people listening, you never know who knows who and what people are going through and experiencing. So, you know, it's good for people to have that information. So we've talked a lot about changes that they clearly need to be made in pre trial and we've already touched on some of these things, but we always like to ask our interviewees how would you reimagine the pre trial system? If you had a magic wand and you can make things more just and more equitable, what would that look like?

Asia

There would be no such thing as cash bail. There would be no such thing as rendering justice based on the color of one's skin, based on the amount of money in their bank account, based on their immigration status. None of these things will matter. It would be strictly fact based. And also, I imagine a world where there are no jails and where there are more schools, more teachers, no Bail Disruptors because bail won't exist. There would be no Bail Project and justice would be served for everyone, regardless of who you are, what you are, how you identify. That would be a perfect world. I mean, it will be one race and that would be the human race, and we'd all be in this together. Communities would come together to support our own--and we've seen people mobilize and change and change things. And so, we just need to keep that momentum going, and when we are faced with adversity, just not backing down. And learning to pivot, learning to adapt, but not adapt in a way that is maintaining the status quo. We're always striving to achieve more, be more, do more.

Miranda

Definitely. And, you know, that's a beautiful dream, right? And we're gonna get there one day, might not be in my lifetime but we're going to get there one day. And we see a lot of communities in the world that do a better job at supporting their people, right? Here in America we just don't, but it's not that we need to reinvent the wheel, right? It's happening in plenty of other places. You know, this work is extremely important so can you tell us some action steps for someone wanting to support local or national Bail Disruptors and The Bail Project?

Asia

Sure. So like I said, if you have a loved one that's incarcerated, just visiting Bailproject.org. Our national revolving bail fund--donating to it is like your money never stops working because the money that you donate to our national revolving bail fund bails one person out, but as soon as that person's case comes to a close we get that money back and then your money keeps working to bail out the next person, and the next person. And so, I think that that's one of the coolest things about donating to our organization--that your money, it's not a one stop shop, it's not a one and done. It constantly is being used to help hundreds and thousands of people come home and return to their lives. And as the holidays are approaching, I just think of people who are stuck in a cell because of not having money to leave. And thinking about what that's doing to not only their soul and their heart and their body, but also to their family's. So just--not only just donating to The Bail Project, or visiting our website to get educated on the issue, but supporting people who you know are coming home from jail. Like being the person who gives them a word of encouragement, maybe offering transportation yourself, maybe helping them get a job, you know? Like, most people that are in our jails and prisons are coming home and they could be your neighbor. And so, just having that compassion, and that love, and that care for everyone is very, very important.

Noelle

So, again, like Miranda said, as you were just talking about how you reimagine it and kind of this vision, it just sounds so great. I'm like--I'd like to be there. And I hope one day we do and, you know, thank you so much for all the work that you're doing as a--that you did as a disruptor, then now as a Communication Specialist, and sharing the stories and sharing this knowledge with the community. We really appreciate it. What platforms can we find you on and where can we go just to learn more about the work that you do and that The Bail Project does?

Asia

Absolutely. So you can always visit our website bailproject.org. We are on Instagram, [Facebook](#) and [Twitter](#) @bailproject. And, you know, we're constantly trying to just change this system, educate people on this issue and bring people home and living by our mantra that freedom should be free.

Miranda

Definitely. As always, we'll link to everything in our show notes and on our website, so definitely check that out. I've been on your website, great information, a lot of stuff I really wasn't aware of. So just again, thank you so much for being here with us today. We really appreciate your insight, the information that you've shared, and like Noelle said earlier, being vulnerable with your story.

Asia

Thank you so much. I can't wait to come to Florida and Covid not be a thing anymore and we can like, be in the same room.

Miranda

Right? One day we're gonna get there.

Asia

We're gonna get there. That's part of the world I imagine too, a world without this.

Miranda

Alright folks, join us next week with Kara Gross, Legislative Director and Senior Policy Counsel from ACLU of Florida, as we explore policy reform and legislative efforts for civil rights, both nationwide and here in Florida.

[Outro music plays]

Miranda: The Unpacked Project is produced by Vicky Lee. Branding and Marketing by Raquel Avalos.

Noelle: Show us some love and be sure to like, subscribe and review our podcast. And to stay connected and up-to-date, follow us on Instagram at the_unpacked project.

Miranda: Shout out to all of our listeners who unpacked with us today, we'll see you next week.

Noelle: Peace!

Miranda: Ayye byeeeee

