

**Black Women &
Incarceration:
CHANGING THE NARRATIVE
(A White Paper)**

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*To all folks, especially Black women impacted
by incarceration and state violence.*

To all the children of incarcerated parents.

*And to all the freedom fighters who have centered the stories of
those most impacted by incarceration and state violence.*

This report is dedicated to all of you.



INTRODUCTION

Black Women & Incarceration: Changing the Narrative is an analysis and a conversation which carefully examines the ways the media has—often erroneously—portrayed Black women who have been impacted by incarceration in some way and the real-world impact of those portrayals. Through our research and salon discussions, we will explore the discrepancies between the lived reality of Black women impacted by incarceration and their on-screen representation, and will also highlight examples of accurate portrayal and offer recommendations for industry improvement.

We surveyed American television shows and movies which included everything from *Orange is the New Black* to *If Beale Street Could Talk* to *Civil Brand* to *Set it Off*, and many more. In conjunction, we held a series of salons that brought together individuals from disparate backgrounds to have an organic conversation about topics associated with our premise. The first two salons had a variety of guests: organizers, film/tv producers, historians, prominent actors, artists, activists, showrunners, talent agents, and writers, just to name a few. For our third and final salon, we had the privilege of hosting a group of formerly incarcerated Black women to share their thoughts and experiences, which made for an extraordinary discussion. Every conversation had its own illuminating points of view and moved the collective conversation forward. Those ideas and our analysis are woven throughout this paper.

Following our brief history sections, the report is divided into several thematic categories. Those categories are then broken down into three subcategories. The first is “Perception,” which discusses how the given theme has been portrayed in our movies and tv shows. The second subcategory, “WTCYAT,” looks at Patrisse Cullors’s book *When They Call You a Terrorist* to explore the selected theme through her searing firsthand narrative. The final subsection, “Facts,” uses statistics and studies to describe how the theme has impacted communities on a larger scale.

A brief history of the prison industrial complex:

When examining Black women impacted by incarceration, we need to look at the origins of incarceration. The prison industrial complex directly descends from slavery, therefore it is not an extreme idea to consider that our current prison system and structure is modern-day slavery. Police and prisons did not exist until slavery—the role of the sheriff began as the role of the slave catcher. When slavery was abolished the badge of the slave catcher was essentially traded for what we know as police badges or sheriff badges. The parallels between slavery —free labor via abducted humans from Africa— and today’s for-profit prisons funded by the US government are uncanny! The United States has a system of mass incarceration; incarcerating its residents at a rate that is six to eight times greater than any other industrialized nation. This is a fairly recent development, even taking into consideration the country’s short history. “Currently, the United States has approximately 1.8 million people behind bars: about 100,000 in federal custody, 1.1 million in state custody, and 600,000 in local jails.”¹ Despite the fact that Black people make up only 13.4% of the national population, the raw data shows that they make up the greatest percentage of the prison population. A staggering one in three Black men will be involved with the criminal justice system at some point in their life: whether in jail, on probation, paroled, or in a “halfway” house. The mass incarceration of Black people has far-reaching consequences for Black families and communities. “For Black women, who traditionally have been the center of maintaining the family structure, the effects are especially devastating. Between 1980 and 2017, the number of incarcerated women increased by more than 750% and data has shown that incarceration rates for Black women are twice as high as White women in America.² In the year 2020, one in 18 Black women will experience incarceration at some point in their lives, compared to the one in every 111 white women. The increase for Black women can be attributed to the sentencing policy changes born from America’s War on Drugs under the Reagan administration.

Likelihood of US women to experience incarceration over a lifetime, by race



1 <https://www.theatlantic.com/magazine/archive/1998/12/the-prison-industrial-complex/304669>

2 <https://www.sentencingproject.org/publications/incarcerated-women-and-girls>



A brief history of police in film/tv:

In 1915, The Supreme Court ruled that films were not protected by the First Amendment. Instead, they were classified as public events and had no protection of freedom of speech. This ruling would take 37 years to reverse. Law enforcement agencies—long upset with their use as comedic relief in early films—quickly sought to use this ruling to push for censorship regulations that protected their image & promoted the glamification of police in the public eye. At the same time, Hollywood began to gain more traction and became increasingly powerful and the need for cooperation and support of the police grew deeper than censorship. Hollywood needed to preserve the reputations of their young starlets and rich executives of the time from a myriad of criminal offenses, such as rape, manslaughter, tax-evasion, etc. In order to keep these crimes under wraps or in other words “make them disappear”, they needed the cooperation of the Los Angeles Police Department. The movie industry, eager to escape police control, began to police itself. “Studios needed police cooperation to cover up their stars’ misdeeds. So the policeman as an incompetent bumbler began to fade away from the movies.”³ Deeper ties to censorship begin with the 1950’s television show *Dragnet* by Jack Webb, whose title is based on the policing tactic of using coordinated methods of interrogating a specific community or location to apprehend a “criminal.” The recent “stop and frisk” methodology comes from this same ideology. In 1951, Hollywood developed a more dependent relationship with the police as the industry formed into the entertainment powerhouse we know it as today, “relying on them to consult on projects, provide real cop cars and real cops as extras, approve filming locations, and even check scripts for authenticity.”⁴ The Los Angeles Police Department is reported to have received every script of *Dragnet* before it aired and if they disapproved of a single element, it was cut from the scripts. Predictably, *Dragnet* functioned very much as a form of “copaganda.”⁵ If we fast forward to 1989, we see that the scope of police censorship expanded once again: “Instead of telling Jack Webb what the LAPD wanted to see on screen, police departments could simply show camera operators only what they wanted audiences to witness.”⁶

3 <https://www.vox.com/culture/2020/6/3/21275700/police-show-procedurals-hollywood-history-dragnet-keystone-cops-brooklyn-nine-nine-wire-blue-bloods>

4 <https://www.washingtonpost.com/sf/opinions/2016/10/24/how-police-censorship-shaped-hollywood>

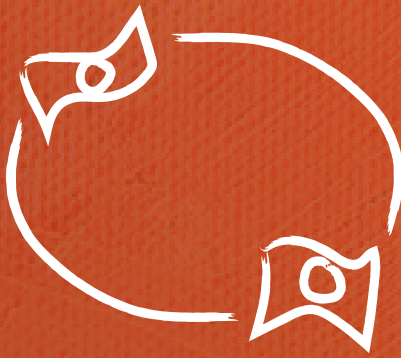
5 <https://www.vox.com/culture/2020/6/3/21275700/police-show-procedurals-hollywood-history-dragnet-keystone-cops-brooklyn-nine-nine-wire-bl><https://www.themarshallproject.org/2018/01/22/bad-boysue-bloods>

6 <https://www.washingtonpost.com/sf/opinions/2016/10/24/how-police-censorship-shaped-hollywood>



This expansion of powers ultimately led to the show *Cops*, a reality-based television show that follows police officers as they patrol. *Cops* was created by John Langley, who had a history and interest in crime documentary style dramas. Prior to *Cops*, Langley created a film titled *Cocaine Blues*, about the drug scene in America. “It was also what led to the conception of “*Cops*.” Police officers had played an important role in the movie, and John wanted to do a TV show just about them—“a handheld series following cops in their footsteps to show you exactly what police work is like with no interference.”⁷ *Cops* ultimately gave the law enforcement agencies their very own platform to push the glamourization of law enforcement in America. “To Steve Dye, the police chief of the Grand Prairie Police Department in Texas, where the show was recently filmed, “*Cops*” is a powerful marketing and recruitment tool amid historically challenging times for law enforcement.”⁸ In the year 2020, *Cops* was canceled, as the increase of smartphones and social media has made it harder to hide the true reality of policing in this nation. However to this day, police officers consult on shows with law enforcement characters, and they are very aware of how their portrayal in the media shapes public perception. Copaganda has truly shaped how many of us view law enforcement, even as young as preschool age with shows like *Paw Patrol*. They go into the writer’s room with a vested interest in ensuring that their portrayal is positive no matter the script.

Photo: *Cops*



ECONOMIC CONDITIONS

PORTRAYAL

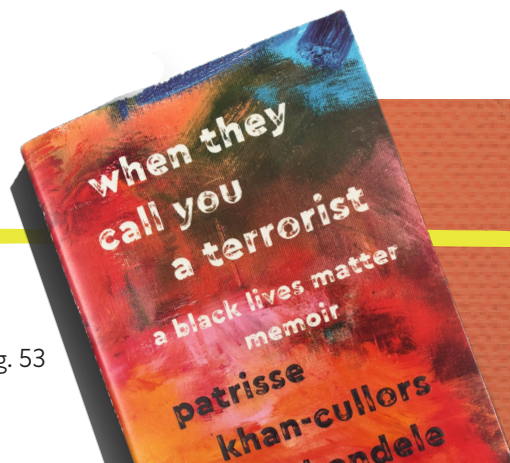
Understanding economic conditions helps put people, and thus characters, into context. In the following section, we'll explore how stories looking at conditions related to class are deepened when a filmmaker who is representative of a character is telling the narrative. To begin, our viewing of film and television shows revealed that storytellers fully understand who interacts with the criminal justice system the most. The poor and working-class were by far the most depicted group. For instance, *The Wire* focused on poor communities when analyzing the impact of mass incarceration. Portrayals of life are ones of stress, trauma, crime, and sorrow. When filmmakers have centered Black women in stories about incarceration and economic hardship, historically, the themes can be quite troublesome. Black women are expected to be the moral compass, housekeeper, matriarch, breadwinner, able to spin nothing into something, and a dedicated lover. Any Black woman who exists outside of those tropes becomes villainized. *When They See Us* showed Niecy Nash's character Delores Wise as a woman who had to wear many of those hats within difficult economic conditions. If not for the moments of watching her struggling to support herself and her children, this character would easily be villainized as a lazy, drug-dealing, bad mother. In the film *Middle of Nowhere*, we see how narratives about working-class women "doing it all" can be internalized by Black women to the point of putting their entire lives on hold. In this film, Ruby waits for her husband who has been incarcerated for years while she juggles being a dedicated wife, student, sister, daughter, hustler, moral compass, and more. Writer/director Ava DuVernay points to a way out of this overwhelming existence by showing how Ruby peels off those identities one by one until she discovers how to hold onto the ones she can manage and release the ones that no longer serve her. *Middle Of Nowhere* shows the type of endearing imperfection that has traditionally been reserved for flawed white male characters. When we extend this compassion towards working-class families as with *If Beale Street Could Talk*, we comprehend the many ways working-class communities are forced to come in contact with the police while also making room for the love, joy, art, fashion, and celebration of life that these same families somehow manage to express on every occasion. These expanded explorations are made possible by Black filmmakers being behind the camera.

WTCYAT

When discussing class, an opportunity presents itself. One that allows for an examination of class struggle from an intimate perspective when the story is told by a voice that represents the most impacted group of people. In Patrisse Cullors' *When They Call You a Terrorist: A Black Lives Matter Memoir* (WTCYAT), readers learn of a story that exemplifies how intimately differing classes come into close proximity without having to acknowledge the impact the privileged class has over the disenfranchised. In the following, a moment gets told with honesty and nuance because it was an actual experience. Patrisse begins by talking about going to a wealthier grade school. She recognizes the difference between the wealthy school and the under-resourced, neglected Black school that she transferred from. It is here where she also becomes close friends with a white wealthy classmate. As she recounts with sobering clarity...

I am having dinner at my friend's home, at her table, with her parents and I will tell you now that the sweet, round man, the father who asked his daughter—and me!—about our day and our dreams, I will tell you that over a few visits and discussions about life and where I lived we, he and I, come to realize that we know each other, the father and I. Or, at least he knows my mother. He is, this father, this gentle inquisitor of my days and my dreams, to put it frankly, our family's slumlord. He owns many buildings there in our Van Nuys hood, our poor hood. Our colored hood. Our building is one of the ones he owns. He is the very same man who allowed my family to subsist without a working refrigerator for the better part of a year. The coincidence is so shocking to me. I don't know what to say, so I say nothing. I think if I say something, someone would think I was making it up, eating a big meal with a friend whose sweet father doesn't care that my family has no way to do the same.⁹

Readers discover with Patrisse that her family, and the people who look like her, were essentially invisible. It was not until Patrisse was in his home that he took the time to ask about her wants, hopes, and dreams. Black women's wants, hopes, and dreams were never considered when the United States constructed and enforced the prison industrial system. However, when producers of content choose to tell stories of incarceration and position Black women front and center of the creative process, they may understand what our society has been doing to our own citizens. Consumers of content may find more answers than thought possible. With Black women as the storytellers, the long history of class struggle comes to light with a type of clarity, consideration, and complexity that leaves no one behind.





FACTS

The call for giving more room in our film and television shows to women impacted by incarceration is about hearing stories from people who know what the criminal justice system does to a community innately and intuitively.

It is almost beyond comprehension that a person, rightfully convicted or not, who is poor or indigent can leave prison after serving his or her time owing thousands of dollars to finance the costs of prosecution, incarceration, and so forth. Unable to find a job to pay these fees and fines, he or she will sink deeper into debt. As much as any other single factor that is discussed here, this one shows clearly that the government has no interest whatever [sic] in rehabilitating those convicted of crimes. It simply wants them gone, and unable to vote. Whether that means that they are permanently incarcerated, or dead, is a matter of little consequence.¹⁰

This excerpt from Tre A. Carver's thesis paper titled *Structural Racism in the Prison Industrial Complex* lays out the economic incentive to keep those at the bottom of the economic ladder locked in that state. The impact this has on Black women can be devastating to the family unit. Black women are responsible for dealing with many demanding issues. For example, high incarceration rates for Black men, the social expectation to be the primary caregiver for children, financially supporting a household, and also being the victim of increased incarceration. The stories that can come from those experiences are many. The reality of lives lived at the margins are as urgent as they are misrepresented. When artists center characters who have managed to survive and thrive in harsh socioeconomic conditions, they are giving a voice for all those who were swallowed by this country's indifference to poverty and creating an opportunity to make those voices heard.

¹⁰ https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/40822/Carver_washington_02500_18083.pdf?sequence=1&isAllowed=y pg. 54-55 <http://hdl.handle.net/1773/40822>



MENTAL HEALTH

PORTRAYAL

While sifting through our findings, we noticed that a vital variable was missing from the storylines around black women and incarceration: mental health. Throughout our salon discussions with formerly incarcerated women, examinations of existing data around the intersections of mental health and incarceration, and via our personal experiences, it is clear that incarceration exacerbates mental illness conditions. When asked “*What film/ TV shows come to mind when thinking about black women impacted by incarceration?*” salon three attendee Dana M had this answer: “Incarceration means physical and mental. I look back on my great grandmother as a slave. When I thinks about incarceration I thinks about Harriet Tubman and slavery as a whole. She had to fight for freedom for herself and other people. I can’t think of any film/TV representation that fully encapsulates my lived experience (as a formerly incarcerated person).”

When *Orange Is the New Black* first introduced us to Suzanne “Crazy Eyes” Warren, played by Uzo Aduba, audiences were given the privilege of watching a Black woman with a mental health condition living within the walls of incarceration—an all too common existence that is rarely represented in the mainstream media. Suzanne loved, laughed, was taken advantage of, and was abused. Out of her many needs, one thing was clear for Suzanne, she didn’t want to go to the psych ward because those who went in did not come back intact. What gets short-changed about this subject is how often this is the case. Additionally, the violent response and overmedication to those with special needs do little to bring the person back to any sense of wellness. If the person is released from incarceration, they are often released into a community that has been given no resources or information about how to care for their loved ones. Stories which layout prolonged, nuanced conversations about what mental illness is, how it can be effectively diagnosed, and ways of resilience within it, have not been told about Black women impacted by incarceration. These discussions are especially critical for Black women because inside and outside of prisons they are expected to hold up the wants and needs of their community in place of their own mental health and wellness. Simply put, our culture needs more conversations about this crisis.

WTCYAT

WTCYAT gives a personal account of what the journey can look like for Black women supporting a family member with a mental illness and how the police and incarceration remove the opportunity to create a path towards wellness. Patrisse's brother Monte had his illness inflamed through violent interactions with law enforcement and further violence while incarcerated. Before she and her family were aware of his condition, they were at a loss. As Patrisse describes in her book,

Years will pass before I learn that Monte was in a full-blown episode when he was taken to jail. He was hearing voices. His mind had been folded in on itself... The jail psychiatrist was the first to provide a diagnosis... he has schizoaffective disorder. But they do not tell us this. We learn it later, much later. After he is in prison. Way after.¹¹

How can one begin to strategize a plan of support when they are in a whirlpool of state-sanctioned violence? Best efforts resulted in the family essentially becoming mental health practitioners with absolutely no formal training. For severe instances where outside support was necessary, the only option was the police. Which is to say, there were no options. Black people are set up for failure and Black women's capacity to support is often the deciding factor between a family's ability to survive or be destroyed.

FACTS

The institution that our government has charged with caring for mentally ill individuals is the prison system. Essentially, this is a result of Reagan's 1981 repeal of Jimmy Carter's Mental Health Services Act of 1980 which slashed federal support for mental health services and placed the care of the mentally ill in the hands of hospitals, police, and the penal system. Black people make up a mere 9.6% of the population in Los Angeles, yet they constitute 31% of LA County jail prisoners, and 43.7% of those diagnosed with "serious mental illness" requiring special jail housing. Black women, who face additional gendered concerns, make up 35% of the total female jail population in Los Angeles.¹² This was not achieved through happenstance. As a country, we have systematically shut down our mental health facilities while increasing our incarceration of the same people who would've typically been treated by medical professionals. In 44 states, a jail or prison holds more mentally ill individuals than the largest remaining state psychiatric hospital; in every county in the United States with both a county jail and a county psychiatric facility, more seriously mentally ill individuals are incarcerated than hospitalized.¹³ Putting law enforcement at the front lines of helping someone going through an episode is a recipe for disaster. Being forced to wait until someone is incapacitated by a severe mental illness and presents an imminent danger often leaves families and treatment providers waiting for an extreme crisis before they can act. As too many family members know, that is a situation full of worry and pressure.¹⁴ If our stories have shown us anything about mental illness, it is that law enforcement is wholly under-qualified to handle these situations.

11 WTCYAT pg. 59-60

12 https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/INT_CERD_NGO_USA_17740_E.pdf

13 <https://www.treatmentadvocacycenter.org/evidence-and-research/learn-more-about/3695>

14 <https://www.treatmentadvocacycenter.org/component/content/article/1312>



QUEERNESS

PORTRAYAL

Queerness provides a guide to discussing intersectionality in ways that reflect the shifting perspectives of Blackness by the society at large. Queerness, as it pertains to Black women and incarceration, had a brief moment of unfortunate representation in the '70s, largely went missing in the '80s, and reemerged in a masculine form in the '90s. Beginning with the exploitation-heavy 1970s, queer women inside of prisons were imagined as objects of untamable promiscuity for men to enjoy and exploit. To illustrate how extreme this genre was at the time, the film *Caged Heat* expressed its staunch feminist voice by avoiding scenes of rape and avoidance of lesbian sex scenes that catered to men. The 1980's lost interest in queer women as sexual opportunities. This was influenced by queer advocacy which demanded their lives be taken seriously as the AIDS epidemic ravished a community all ready maligned by society. For Black women as a whole, a new identity was being formed. The "welfare queen" and "crack hoe" became the dominant narrative in the news as the drug epidemic soared to new heights. For queer Black women, the battles around Blackness and queerness where overlapping. The 90's began to give black women more agency over their narratives. Masculine queer women were increasingly visible and now mirrored Black male narratives, giving birth to the queer stud stereotype. Black filmmakers tried to subvert those tropes. The film *Set it Off* had a masculine queer woman, Cleo, played by Queen Latifah. Also, *Stranger Inside's* character, Treasure, played by Yolanda Ross. These two portrayals showed much more complexity and fullness to the lives of these women. We also get to witness what their lived experiences were like in a way that lines up closer to what research shows. "Masculine individuals and black youth who identify as trans-masculine are often "treated really aggressively by police," says Aisha Canfield, policy researcher and analyst at Impact Justice.¹⁵ When Black filmmakers were able to tell these stories viewers gained a fuller depiction of the lives of these women.

When Black queer women from these experiences are left out of the story creation process, the audience get characters that are quite frightening. Stephen King called *The Wire's* murderous gang enforcer, played by Felicia "Snoop" Pearson, an openly gay black woman whose life story inspired the role, "perhaps the most terrifying female villain to ever appear in a television series." Queerness depicted by Black storytellers can mean understanding the intersectionalities of Black women, queerness, and incarceration.

WTCYAT

We will now shift our focus over to homelessness to highlight a queer narrative that deserves more representation, *WTCYAT* reminds readers that for a number of queer youth, being kicked out of the home or deciding to remove themselves for their wellbeing is an unfortunate reality.

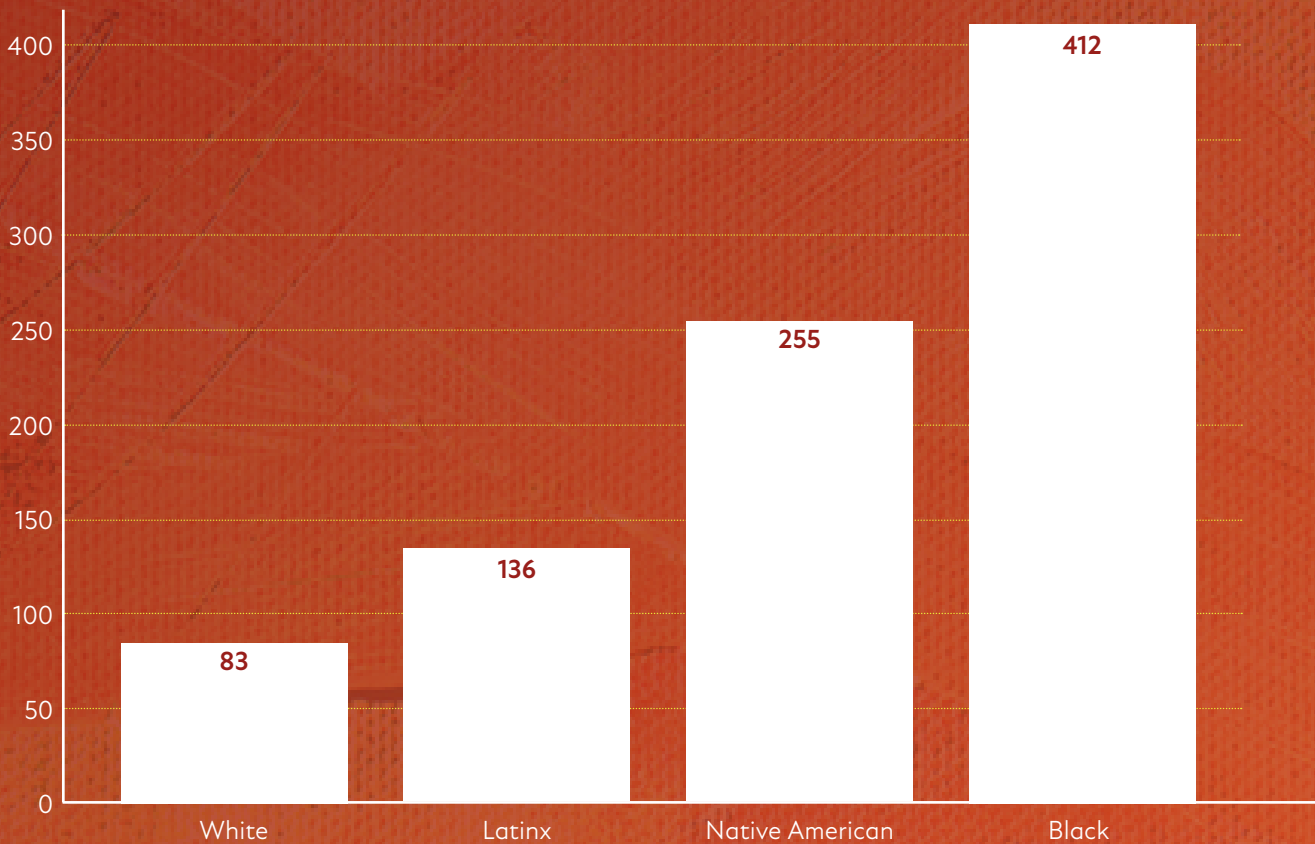
...feeling the judgment and silence that comes with being Queer in a Jehovah's Witness home where even masturbation is considered deviant and where I have no space to say, Excuse me...Carla [my close friend] and I begin to stay at the homes of different friends as often as possible... we take to sleeping in her car. By senior year, both of us are completely on our own, couch surfing, going from friend's home to friend's home to car to friend's home.¹⁶

Unfortunately, most youths have limited resources or access to alternative housing, which often leaves them homeless. Since being homeless is criminalized, queer youth are susceptible to a myriad of encounters with law enforcement such as harassment, violent altercations, and verbal abuse. For Black women, these encounters come with an increased risk to their safety, dignity, and well-being.

Racial disparities in youth confinement

Number of youth in juvenile facilities in 2015, per 100,000 youth

Source: The W. Haywood Burns Institute, based on data from the Census of Juveniles in Residential Placement 2015



FACTS

Continuing our focus on homelessness, a statistical analysis shows how Black queer youth are treated by our society which includes exploitation and interactions with law enforcement. The exploitation of young black queer women lies in the hyper-sexualization of young black girls, sexual abuse, fetishization of their queerness, violence, and harassment within the gradient of masculine to feminine presentation, the loss of their home, family, agency over their bodies and identity, or mental and or physical abuse thrown upon them due to their sexual orientation, being queer and black are inherently unsafe. “Homelessness is the greatest predictor of involvement with the juvenile justice system, and 40% of homeless youth identify as LGBT.” LGBTQ youth usually face homelessness after fleeing abuse and lack of acceptance at home because of their sexual orientation or gender identity. Once homeless, and with few resources at hand, LGBTQ youth are pushed towards criminalized behaviors such as drug sales, theft, or survival sex, which increase their risk of arrest and detainment. In addition, LGBTQ youth of color — particularly Black youth — are at an increased risk of criminalization. This, in part, reflects the fact that LGBTQ youth of color have disproportionately high rates of homelessness. A 2014 survey of human service providers serving homeless youth, for instance, reported that 31% of the LGBTQ youth they served identified as African-American or Black, despite Black youth making up only 14% of the general youth population in 2014.”¹⁷ Statistics are not narrative, but narratives can ground those statistics into relatable human experiences.

17 https://static1.squarespace.com/static/566c7f0c2399a3bdabb57553/t/566cc0fb2399a3bdabb7de23/1449967867985/2007-NGLTF-NCH-LGBT-Youth_An-Epidemic-of-Homelessness-FULL-REPORT1.pdf



MOTHERHOOD

PORTRAYAL

If Black mothers are expected to be the backbone of their communities, what has our media told us about the lives of mother's impacted by incarceration? Unsurprisingly, the films and television shows we surveyed did not go far enough into the vast stories encompassing mothering and motherhood under the impacts of incarceration. Whether mothering is depicted within a prison as seen with the character Vee from *Orange is the New Black*, who takes younger incarcerated people under her wing as a mother figure in order to manipulate them; or a mother trying to reclaim her child after losing him due to drug addiction as with the character Khaila from the film *Losing Isaiah*; what is still not portrayed is the environment that produced their circumstances. These communities are under-resourced, over-policed, and traumatized. Salon participant, mother, and formerly incarcerated activist, Ingrid A. shared, "A lot of people perpetrate harm and don't understand certain things, they have trauma and they need help." Then they are asked to raise happy, healthy, children. Another salon participant, film and tv writer Reishida B. said, "It is important to have three-dimensional (whole) characters. It is problematic to portray characters as fully good or bad. If the character is three-dimensional, then audiences can understand and empathize with them. It is the responsibility of a whole community to support them and make sure no one is causing harm." Providing partial views of these lives prevents the audience from fully empathizing with these characters, as they are being asked to empathize without understanding their purposeful position within an unjust system. Thankfully, lovely depictions of mothering do exist, unfortunately, they are the exception to the rule. *If Beale Street Could Talk* shows Sharon Rivers, played by Regina King, as a mother who will use every resource available to fight for her daughter's partner's release from prison, shedding light on the racial and economic restrictions that she must strategize within. The same can be said for one of the central characters, Tish played by Kiki Layne. Within the same conditions, generational motherhood is exhibited as Tish learns from her mother about how to prepare her body and spirit for what it will take to bring a baby into this world, with love. When Black filmmakers have been given agency to tell these stories, they create so much room within the films to explore motherhood and incarceration—in addition to a wider awareness of what that story has to say. More narratives that show new ways to care for Black mothers are needed and are crucial if our population is to move towards a just society.

WTCYAT

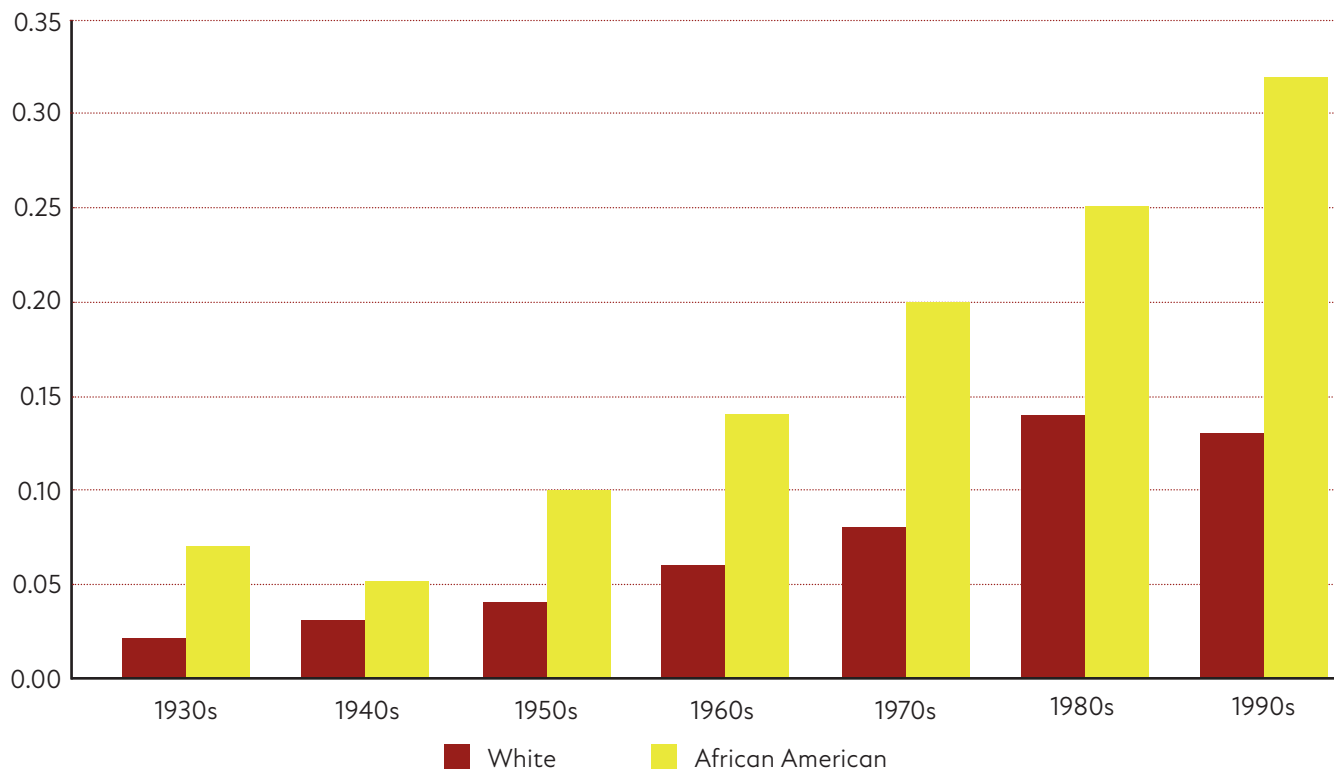
In Patrisse’s autobiography, readers understand the scope of the expectations that are put upon her mother. With this rendering, readers get far closer to what is representative of the actual lived experience for most Black mothers. Love, care, and consideration are woven within the frank descriptions of high-risk pregnancies, police raids, overworking, and judgment from outsiders as a neglectful parent. In our salon, we learned that often the responses Patrisse’s mother received were steeped in shame. Patrisse stated, “After reporting spanking to my teacher at school, there was a threat that me and my siblings could be taken. There could’ve been a healing and educational moment of intervention for my mom, but instead it was punitive and filled with shame.” Considering the many ways Patrisse was given examples about how to respond to similar situations with love, through watching her family respond to harm with grace, readers see how she learned to extend that same response to others, including her own child.



Photo: Sharon Rivers (Regina King) with her daughter Tish (Kiki Layne) in *If Beale Street Could Talk*

Likelihood of having an incarcerated household member during childhood, by race and birth year

Source: The Author's calculations based on data from the Centers for Disease Control and Prevention, "Behavioral Risk Factor Surveillance System," available at https://www.cdc.gov/brfss/annual_data.htm



FACTS

Incarceration impacts Black women in a myriad of ways... As women are the primary caregivers for children, the rise in incarceration rates among Black women contributes to the statistic that 2.7 million children in the United States have at least one incarcerated parent. The same study finds that if the rates of incarceration continue one out of every 18 Black women will be imprisoned in her lifetime.”¹⁸ Once a mother and her child have been separated due to incarceration, a line of pitfalls await the child. This includes the psychological impact, increased risk of sexual abuse, and the various court, therapy, and social worker appearances. What the mother goes through within that same system would require herculean strength to sustain oneself and come out on the other side of it whole. Black women, in particular, do not have their maternal rights correctly met while inside, while contact with state assistance can be a demeaning process. They are often painted as villains who cannot accurately care for their children due to a lack of interest and determination. These one-dimensional portraits fail to include the extremely high infant mortality rates amongst black women caged and being stripped of dignity and humanity while pregnant. It also obfuscates the history of child separation from slavery until now and how incarceration has structured that. As an organizer for formerly incarcerated women stated in our third salon, “Baby-snatching was the accepted practice of black babies stolen from their mothers and sold to white mothers during slavery. Then the 1997 Crime Bill continued that tradition by taking from mothers in poor communities and fast-tracking adoptions to other families.” These stories, not represented in the media, are happening to black women every second of the day with far too little outrage or simple understanding of this crisis.



TRANSNESS

PORTRAYAL

Black trans women may just be the most marginalized community in this nation. Throughout the journey of our salon conversations, media analysis, and through learning that 41.6% of transgender women of color have a history of incarceration, an easy series of questions arose: *Where are the trans* folks? When will their stories be told? Not only sharing their experiences with incarceration, but also stories of their love, their joy, their every day dreams. Where are they?* According to Vice News, in the United States, “80% of trans women killed in the past five years were black, and only 42% of the cases resulted in an arrest.” As at risk as they are to police brutality, social adversities, and court justified murders— trans* folks are also the least protected. The lack of trans* representation in film and television mirrors how America invisibilizes transwomen. During our first salon, a producer and formerly incarcerated man encapsulates the long road ahead of us to properly tell stories from the Black trans woman’s experience: “A story that’s been told but not correctly - black trans women. They usually are presented as a joke or as comic relief - example: Tracy Morgan in *The Longest Yard* is almost a minstrel character instead of a real story.”

Their invisibility is not without consequences, most often the consequence being abuse and or murder. The lack of trans representation in film and television directly serves as a way to dehumanize, which often results in discriminatory laws and unawareness around the inhuman treatment they face within the criminal justice system. In 40 states, “trans panic” is a legal defense to killing trans women. It becomes less confusing about why we have erased these experiences. Our culture is still catching up to the validity of their humanity. Where we are comfortable giving them space is in depictions of sex work. The film *Tangerine* and the television show *Pose* are examples of this historical trend. What gets left out of those stories is the system that makes sex work one of the only viable options for supporting themselves. An option that will most likely lead to incarceration. There is, however, an opportunity here. Making Black trans women integral to the storytelling process from the script-level is a start. Cisgender people do not spend their lives searching for themselves in history; their lineage, their stories, their experiences are the status quo. Cisgender people grow up seeing themselves in ads, film, television, art and every history book. If creators could show how the different pieces fit around trans lives as it relates to incarceration, viewers could have a fuller picture of the many vigilant forces that are invested in their destruction and show how it has been a community that has found ways to push back and continue to live.

FACTS

Prisons and jails routinely subject transgender people in their care to abusive conditions: including denial of medical care, lack of access to hormone treatments, extended periods of solitary confinement, harassment, sexual assault, and violence at the hands of guards and other people with whom they are incarcerated. Recent studies show that transgender women are 13 times more likely to be sexually assaulted in prison than others.¹⁹ A woman anonymously relays her own experiences with the jail system as she states, “I was in [jail] for 12 days housed with male detainees. Upon being booked, I was escorted to the shower area where I was forced to strip down and shower with male inmates who made sexual advances towards me while mocking me for being different. I feared for my life and the guards were of no help because they mocked me for being transgender.”²⁰ (The previous quote used the term “inmate”, we did not want to alter their statement but we use the term “incarcerated people” when referring to incarcerated folks.) Unfortunately, our legal system sees little reason to protect them. Instead, opting for specific laws that target and criminalize them more. “The gay/trans panic legal defense legitimizes and excuses violent and lethal behavior against members of the LGBTQ+ community.” The defense is defined by the LGBT Bar as “a legal strategy which asks a jury to find that a victim’s sexual orientation or gender identity is to blame for the defendant’s violent reaction, including murder.” This legally sanctioned discrimination against one’s sexual orientation and gender identity must cease.

19 <https://transgenderlawcenter.org/resources/prisons>

20 <https://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf> p. 191



SOCIAL JUSTICE & COMMUNITY ORGANIZING

PORTRAYAL

In the films that were surveyed, a good number of examples showed how to fight against oppressive systems. However, our salon conversations not only reminded us that social justice can be visualized in the media in more imaginative ways but also asked us to reconsider our very definition of justice.

Our current model is about isolation (someone perpetrates harm, they are immediately isolated) but what does a community-focused response look like? If the goal of abolition is healing then how do we keep dignity intact? Every other aspect of our society (aside from crime and punishment) has progressed so why are we stuck in the Middle Ages?

As that quote, from a prominent Black actress, posed in our salon, why has there been so little movement in our systemic responses to injustice? Stories such as *The Hate U Give*, *Selma*, *Civil Brand*, and *When They See Us*, show us that the demand for change has been long and unyielding. Black women have not only been demanding change but have also been the example of living within a restorative framework. Susan Burton, the founder of A New Way of Life, has taken the driver's seat on what restorative justice can look like. She saw that women coming home from prison faced tremendous institutional obstacles: laws, policies, and attitudes that precluded access to employment, student loans, permanent housing, public assistance, and many other services. She began meeting women at the Los Angeles bus station as they returned from prison and welcomed them into her home, urging them to stay as long as necessary to put their lives back together. A New Way of Life Reentry Project was born. By including people who are shifting what rehabilitation and justice can look like in our storytelling, content creators can help create a culture that pushes the conversation around incarceration forward.

WTCYAT

WTCYAT gives a first-hand account of a type of social justice that is as much grounded in pragmatism as it is a creative idea. These types of stories are important because they expand what people can conceive as possible. Also, they show an alternate response to injustice that isn't about punitive retribution but community-centered accountability, an alternative that deeply lacks portrayal in our film and television shows. Throughout Patrisse's book she highlights and grounds her response to police violence through community organizing work. The first organization that we learn about is the Labor Community Strategy Center, a grassroots organization based in Los Angeles that Patrisse was brought into as a youth and would become her political home for 11 years. It was here that Patrisse launched her first campaign, the *Community Rights Campaign*, which focused on ending the school to prison pipeline that was targeting Black and Brown students in the Los Angeles Unified School District.

We had stopped the fines associated with truancy in Los Angeles despite having to do it with parents and students who were both poor and criminalized and publicly shamed. If we could do that, then we could stop the sheriff's office with moms and dads and sisters, brothers, cousins and friends whose loved ones had been disappeared. Whose loved ones had been beaten. Whose loved ones had been tortured.²¹

In WTCYAT, Patrisse was shown restorative ways to respond to harm and to rebuild her family. This was done through mentors and folks in her community. This helped her see how often loved ones were responded to in horrible ways by law enforcement, the government, and white people. She knew more was possible and demanded it. Thus the birth of her first organization Dignity and Power Now (DPN), a grassroots organization that Patrisse founded in 2012. As their name proclaims, DPN recognizes and uplifts the leadership of all incarcerated people, their families, and communities to fight for the dignity and respect they deserve. Throughout the book, we are able to live in the moments that helped define her as an organizer and leader. We witness how often she was able to respond to harm with love and how that very love demanded justice. The knowledge of greater possibility gave room for her to envision what a new world could look like. The civil rights movement of the 21st century first started as a love letter to Black people by Alicia Garza in 2013. Patrisse read these words and put a hashtag and with Opal Tometi the #BlackLivesMatter movement was born. One of the many lessons to take away is how powerful and pragmatic social justice and community organizing can be. For those who are never shown different ways of being in relationship with one another, these stories are critical.

FACTS

When storytellers question the factual basis on which our social justice is built on, they may discover that they've accepted assumptions about the limits of social justice due to limited portrayals in the media. During the third salon which centered formerly incarcerated Black women, a question was asked about how we as a society should respond to harm within a restorative framework. This prompted an incisive challenge about how the salon would be defining the word "harm." "What are we defining as "harm?" Society says some things are "harm" but in reality, people are needing help and acting out of survival when they don't receive any and that is harmful." Understanding that when our society presents people with impossible options and then criminalizes their actions, we are funneling these folks into the prison industrial system while signaling to the rest of the society that they are "bad people." Then the same prison system that has been idealized as a place of rehabilitation more often than not produces behavior that puts the community at greater risk than before. Prison, jails, and the criminal justice system has not made for a safer society. One could argue, and have, that on the whole, it has made us worse off. As Danielle Sered from the organization Common Justice notes, if our results are making us less safe, what has been the incentive to continue down this road?

...trauma hurts people. Isolation hurts people. And so, I'm in the business of ending violence. And we know the four core drivers of violence are shame, isolation, exposure to violence, and an inability to meet one's economic needs. The four core features of prison are shame, isolation, exposure to violence, and an inability to meet one's economic needs. And so we have baked into our central response to violence in this country precisely the things that we know generate it. It's reliable in doing so. It's why study after study will find prison has what's called a criminogenic effect, which means it not only fails to reduce recidivism, it increases the likelihood that someone will cause both more and greater harm, going forward.

Through questioning our accepted reality and ideas of social justice, media creators may discover new types of questions to ask about Black women and incarcerations, thus finding the blind spots in our popular narratives.



LOVE CARE HUMANITY

PORTRAYAL

Throughout our viewings of film and television shows, we noticed a correlation between Black storytellers and the observant display of love and care for their Black women characters. Compassionate portrayals of Black women impacted by incarceration have become a key theme for Black storytellers. One of the most vital aspects to our resilience is our access to care, love, and humanity. We found that, in general, these things were displayed towards Black women. The film *Queen & Slim* has two Black characters constantly cared for and loved by their community through acts of kindness, sharing of resources, and risk of personal harm. Where this has the potential to breakdown is how these examples serve the larger story. For instance, when love and care play into its overall theme, then a connection can be made between incarceration and the right to love and care. When they are incidental, thereby in opposition to the large theme, then love and care become trivialized or easily excused. For example, the mother characters portrayed in the television show *The Wire*, were problematic at best. For instance, a young character named Namond has a mother named De'Londa who nurtures her child through material wealth alone. It would take a much deeper analysis to understand how she could view this type of childrearing as a priority because those explorations are not part of the show's driving narrative. This is due to the storyteller's primary thematic interests lying in exploring the interdependency of established institutions. Were love to be a central theme, it would be necessary to provide greater context to De'Londa's characterization.

When these stories were told in the '90s and early '00s, even in the most problematic narratives, characters were given an opportunity to be human. This isn't a coincidence. This time period also saw the rise of Black storytellers in film and television. Stories like *Stranger Inside*, *Set It Off*, and *How to Get Away with Murder*, gave Black women characters the room to be fully human and still loved by showing three-dimensional characters in complex ways. The groundwork was being laid regarding how Black characters would be portrayed and any filmmaker centering Black women had to meet a basic criteria of showing how these women love and care.

WTCYAT

In *WTCYAT*, readers witness how integral love can be in stories that are getting at larger political examinations. Patrisse watched as her mother worked multiple jobs, clothed and fed her children, and held intimate relationships. This was love through accountability, responsibility, and relationship building. When she learned about her birth father and started building their parent/child relationship, she was introduced to her extended family and saw how love works within a community dynamic. As she grew into a young woman and realized it would be up to her and her family to fight for her brother's well being, she had the tools to do that work through love. This has extended out through her organizing practice and the political demands around the liberation of Black people. When people consider how love, care, and humanity must sit at the center of any political movement, they may be reminded to acknowledge the number of individuals who demonstrate for each of us what is possible.

FACTS

There are communities that have been in existence that operate around a principle of love and care. Some of them are in the very institutions that have been set up to strip people of their humanity.

Love is one of the first victims of dehumanization. Its withdrawal leaves a person vulnerable and numb. Our society is often told that marginalized communities operate out of a deficiency of love either through systemic oppression or interpersonal turmoil. As one Black woman advocate reflected, *"I grew up in gang territory and even though the media always shows that as negative-strong bonds, safety, and love come from that. Love can be from a stranger who embraces you at your lowest point and gives you encouragement. Love doesn't have to do with wealth."* Our salons found that love and care have been the throughline to the survival of communities besieged by targeted, legalized, and dismissed trauma. As a formerly incarcerated Black woman recently released from a forty-year sentence illustrated, *"I found a lot of love in prison. People took care of each other. I was scared of going in, thinking it would be a place where there was no love, but I saw the exact opposite. There was a lot of support."* Knowing how regenerative love and care is to the human spirit, people who have been impacted by incarceration know that it cannot effectively support those ideas. Thankfully, the road to a future removed from those types of institutions was paved long ago. As Danielle Sered reminds us,

Restorative justice practices are thousands of years old. They're actually far older than the court systems, that we think that they're the innovative intervention to transform. Restorative practices have their roots in Native communities in this country and in other indigenous communities across the world... when communities have dealt with people who belong to them, who are members of their community, who commit acts that they know to be wrong, they look for courses of actions that will not only change that behavior, but will keep that community whole.

The benefits, the joy, the opportunity, are boundless when creators choose to use love, care, and humanity, as a grounding principle for each of us. With so many examples, it will simply take the courage to choose a new way forward.

In light of the themes, tools, and possibilities of narratives explored in this report, we offer the following ten recommendations for the film & TV industry:

- 1. Hire executives, producers, decision-makers, and showrunners from Black, trans, and poor communities.**
- 2. Hire writers from Black, trans, and poor communities.**
- 3. Make love, care, and humanity a central theme.**
- 4. Children & Queer youth face specific challenges that leave them vulnerable. Tell more of those stories with their voices at the center.**
- 5. Make clear the large role incarceration plays in mental health issues.**
- 6. Hire formerly incarcerated women to speak to their experience.**
- 7. Hire Black mothers impacted by incarceration to speak to their experience.**
- 8. The impact of social justice is huge so tell those stories more and with complexity and nuance.**
- 9. Resist law enforcement's involvement in shaping these narratives.**
- 10. Push the genre boundaries for telling all of these types of stories.**

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AUTHOR'S PAGE



With a love of cinema's more idiosyncratic directing auteurs, Maxwell has strived to express himself as purely as possible. Most notable merging the vulnerably personal with genre flourishes. Following a small stint touring as a performance artist, which changed how he envisioned movement within film, he is now eager to utilize all of the new tools he's acquired over the years. His *American Film Institute* thesis short and most personal work to date is called *Outdooring* which has screened at over 20 international festivals. Most notably the 2019 *South by Southwest*, *Blackstar*, *Outfest*, shortlisted for the *Iris Prize*, *Revolt TV*, and screened in the 2020 *Clermont-Ferrand International Film Festival*.



Shakara Wyatt is a freelance producer in Los Angeles, CA. Her introduction to the entertainment industry began at Royal Central School of Speech and Drama, in London, where she studied classical text and acting. She is proud to be associated in other works such as: Production Coordinating at Grainy Films Entertainment, Consulting Digital Media Producer at Color of Change, and co-producer of the Damon + Damon podcast. Shakara's work aims to heal while pushing the narratives of marginalized communities. She believes that each time we share our stories and diversify the media, we all become a little more free. Art is like opening a window on the human condition, and Shakara plans to open that window as often as possible within her own work.



Patrisse Cullors is an artist, organizer, and freedom fighter from Los Angeles, CA. The co-founder of Black Lives Matter, founder of Dignity and Power Now, and founder/chair of Reform L.A. Jails, Cullors grew up in the San Fernando Valley witnessing firsthand the brutality of incarceration and over-policing in her community. While several of her loved ones were taken by the state, Cullors began to push for law enforcement accountability and build spaces for healing and resilience through her artistic practice. Her contribution to shifting the culture narrative can be seen in her work as an executive producer of two podcasts with Rewire, the Damon + Damon podcast, and Blackpills' "RESIST" docu-series. Patrisse Cullors is a former staff writer at Freeform's *Good Trouble* series as well as an actress on the show.

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