



Carceral protectionism and the perpetually (in)vulnerable

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Abstract

The United States relies on carceralism—mass incarceration and institutionalization, surveillance and control—for its continued operation. The criminalization of difference, particularly in relation to race, disability and queerness, renders certain people as perpetually subject to state violence due to their perceived unruliness. This article relies on two case studies, in Toledo, Ohio and Brooklyn, New York to question the construction and co-optation of vulnerability by state agents and focus on interrelated instances of state violence done under the guise of protectionism of and from unruly subjects. We then discuss the response to these instances of violence— from the state in the form of carceral ableism and sanism, and from local activists trying to navigate the shifting contours of protectionist violence by enacting queer transformative justice.

Keywords

Abolition, carceral, disability, madness, queer, transformative justice

Introduction

Vulnerability is constructed relationally: the state imagines particular bodyminds¹ as requiring additional attention and protection vis a vis “threatening” places, populations and conditions. Aligned with the historical construction of vulnerability is that of the

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heterosexual, abled, white woman and child who are charged with the reproductive future of the nation. As the US state relies on carceralism—mass incarceration and institutionalization, surveillance and control—for its continued operation, “protection” of these particular bodies is secured at the exploitation of difference. These menacing bodies of difference are disabled, queer, and racialized.

However, the politics of protectionism appear as a double-edged sword. *Carceral protectionism* is a specific form of the broader framework of carceral feminism,² in which “good women” (read: white, non-immigrant, economically secure, cisgender, straight, abled) and their children are deemed worthy of paternalistic protection. Carceral protectionism (Kinney, 2017; Musto, 2010) relies on a particular understanding of both vulnerability and virtue, employing both law enforcement rescue and coercive “therapeutic” interventions in order to make particular bodyminds safe and incorruptible (Musto, 2010: 389). Within our view of carceral protectionism, “innocent” women and children are constructed as deserving protection from the invulnerable *other*. Those *othered* are disproportionately funneled into corrections (through psychiatrization, jails and prisons), incapacitation, or early death.

This article relies on two case studies to question the construction and role of vulnerability by state agents in police homicides in two dissimilar locales: Toledo, Ohio and Brooklyn, New York. While the explored cases occurred in the United States, the significant difference between the two subjects and their mobilizations allow us to present a more general theory of vulnerability, protectionism and state violence. Importantly, we believe that international audiences will find various resonances because of the global exportation of American policing methods, the logics of carceralism and prison expansion. Davis (2003) writes that “in the era of the prison industrial complex, activists must pose hard questions about the relationship between global capitalism and the spread of US style prisons throughout the world” (p. 100). As Oparah (2014) shows, this internationalization unequivocally applies to regimes of policing, detention and segregation, and thus our analysis as well as our strategies for resistance through queer transformative justice will be of interest to international audiences.

In this paper, we queer the problem of carceral protectionism and its reproduction through racialized, heteronormative and ableist logics. Through a crip/mad queer of color critique, we complicate notions of danger and vulnerability. Finally, we argue that a transformative justice approach is needed to address the problem of carceral protectionism. The two cases demonstrate a convergence of carceral protectionism on behalf of “the vulnerable” (as defined by the state), and at the expense of the “disturbed” (pathologized) queer or black immigrant bodymind. The criminalization of difference renders such a queer, unruly bodymind as perpetually vulnerable to traumatization and death by state violence; however, the state simultaneously uses this difference to further entrench carceral protectionism and mass criminalization without acknowledging that it, itself is the originator of this violence. The lens of carceral protectionism informs us of the ways that urgent interventions of state-led “rescue” attempts have “expanded and legitimated punitive strategies of surveillance, arrest, and incarceration” that result in material and social harm (Kinney, 2017: 153).

To counter the carceralist impulses of criminal justice advocates and practitioners, we present the transformative justice-based alternatives enacted and suggested in local,

organized queer responses. While we refer throughout to relevant scholarship on carceral protectionism, transformative justice, queer theory and disability studies, our analysis centers this queer organizing, emphasizing that the most useful theories have come from activist practices. These alternative mobilizations allow us to trace how ideas of vulnerability shift when marginalized people move to the forefront of creating the narratives and terms of resistance. Altogether, this article presents the possibilities that emerge in the queer embrace of transformative justice. We suggest that such praxis also challenges the assignments of *in/vulnerability* and *protection* to bodies persistently taxonomized as criminal or victim. We use *in/vulnerability* to indicate the inseparability of the dualist constructions of *vulnerable* and *invulnerable*. The dichotomous imagining of harmed and harm-doer prevails even in cases when the imagined threat was ultimately shown to be the harmed party.

Case I: Toledo, Ohio 2017

In November 2017, Lisa McCray and her partner Danielle (Danie) Belfield visited Lisa's family in Toledo, Ohio for the (United States) Thanksgiving holiday. Lisa and Danie met in 2011 and lived in San Francisco until their recent move back to Ohio to live closer to Lisa's family. For Thanksgiving, Lisa, her mom and Danie went to the posh local Casino. Somebody had called and reported the couple as drunk, Lisa as having supposedly "slurred speech" and being loud and disorderly. In the parking lot after deciding to leave, Lisa and Danie were arrested for disorderly conduct and intoxication and taken into custody at the Lucas County Jail. A perplexed Danie later said that the whole scenario, which included homophobic remarks and antagonism by the police, was like a bad dream.³ Once booked and screened, things got worse as the couple was separated and Lisa got put in a holding cell, supposedly for "being disruptive" as Captain Richard Grove with Internal Affairs would later explain was "common practice." They would never see each other again after the separation, even when Lisa was carried out of the jail into an ambulance in the early hours of the morning.

Lisa was pronounced dead at the hospital. Police claimed she had committed suicide, saying she strangled herself with a phone cord of a working phone that was in her cell. The family questions why such a thing would be in a cell with someone who had been "disruptive" as the police claimed. Danie and Lisa's family deny the suicide narrative entirely, calling it ludicrous. Moreover, the Toledo police and officials at the jail state that Lisa and Danie went through medical and psychiatric screening when they were booked and neither one showed signs of being suicidal. Furthermore, Danie heard Lisa scream from her cell, and no officer initially responded. To date, the Sheriff's office has not released any of the videos from the jail or the arrest.

As if Lisa's death at the Lucas County jail was not enough state violence, it was used to justify erecting additional structures of violence, through the proposal of a new, larger jail. After Lisa's death, Lucas County sheriff John Tharp said that

in our existing jail there are so many blind spots. In [a facility with] direct supervision, you don't have that . . . You have a large facility where one corrections officer can observe as many as 50 inmates at the same time. They're all in direct view, and the officer interacts with and can see the inmates 24/7.⁴

The Sheriff directly used Lisa's death to further his campaign to construct a new jail in Toledo. He attested that due to overcrowding, Lisa McCray had to be put in a room down the hall which is designated primarily for court detainees and one which is out of line of direct sight. A larger and more modern jail would have prevented her death, Tharp indicated.

Case 2: Crown heights, Brooklyn, 2018

On April 4, 2018 four police officers responded to calls citing an emergency on Utica Avenue in Crown Heights, Brooklyn. A Jamaican immigrant man, Saheed Vassell, had been walking down the street, pointing a small pipe with a shower head at several people, who then dodged his motion and scurried away. An onlooker in a car across the street reported "there is a guy walking around. *He looks like he is crazy,*" later stating "he's crossing the street and putting it in people's face like it's a gun and . . . people is like ducking and like trying to avoid because they're thinking it's a gun" (911 Transcript 2, Culliton, 2018). The police responded with 10 bullets in an 8-second encounter during which no questions were asked, no requests nor demands to lower the potential weapon were uttered, and no de-escalatory assessment was made. In that 8 seconds, two plain-clothed officers and two uniformed arrived in a van, hopped out and discharged 9 of those 10 bullets into Saheed's body, killing him and ending his "manic episode" immediately. The official responses approved of this homicide, with NYC Mayor Bill de Blasio offering that Saheed "is someone who had a profound mental health problem, was not on medication, hadn't been on medication," and, through an imagined, counterfactual scenario in which Saheed actually did have a gun, stated that police assessment of the situation would have been a "tall order" (Judge, 2018).

According to his mother, Lorna Vassell, Saheed chose to stop taking medication years ago for what had been a bipolar diagnosis. Despite his being well-known and well-loved in the community, the media speculated that he was "homeless" and "violent." In his statement to protect the officers from scrutiny, Mayor de Blasio implied that Saheed needed to be forced into medical "care" in order to avoid being murdered. While forced medication has long been considered by many as unethical, violent, and punitive (Whitaker, 2001), the absence of the coercive practice continues to exist as a common justification of abuse and violence against those considered dangerous. Forced medication is but one manifestation of sanism—oppression against those with psych disabilities, "mental illness" diagnosis or perceived impairments (Perlin, 1993). This sanist framework therefore renders Saheed, even after death, as the danger rather than those who executed him without deliberation.

We argue, then, that carceral protectionism is not only the state-based effort to eliminate Saheed from the streets in the name of protection and order, but also the "if only" lament of the mayor. "If only" Saheed stayed on his medication, despite the fact that it made him feel encaged within his bodymind, unable to resume his routine; despite that it had been over 2 years since he was last hospitalized (Stewart and Ferré-Sadurní, 2018). Mayor de Blasio's "if only" ended with "he had gotten the help he needed, hopefully would never have been in a situation where such a horrible, painful tragedy would have occurred." As though Black people who don't "need" drugs haven't been senselessly murdered by the same force that de Blasio currently protects.

The institutions of “care” suggested by the mayor are no less carceral than the detention centers, jails and prisons that dominate our image of incarceration. The idea of *need* here is entirely determined by the state, not by Saheed Vassell, nor his community, who continued to attest that he was “harmless” (Doubek, 2018). Saheed’s parents report that his mental health deterioration sparked when the police shot and killed his best friend, in what was later ruled an intentional homicide⁵ (Stewart and Ferré-Sadurní, 2018). The episode led to Saheed’s first hospitalization and later confrontations with the police.

One could consider Saheed a pillar of his community, who, in a vulnerable moment could have been left alone (and therefore, alive). In fact, many did consider that and act accordingly. However, even after acknowledging the mistaken identification of the showerhead as a gun, the police, the mayor and the media continued to paint Saheed as perpetually invulnerable and violent: a psychotic criminal off his meds. The continuation reveals that anything and everything may be perceived as a weapon when held by the perpetually invulnerable, as also evidenced by the official defense of the police homicide of Ferguson teenager Mike Brown, whose large, Black body was imagined as a weapon. In the aftermath of the killing, reporters speculated that he was “crazed”; his mind altered due to phenylcyclohexyl piperidine (PCP). Although it had been proven that Mike was not on this drug, the case relied on framing Mike Brown as a threat due to the combination of his altered mind and terrifying body (see also Ritchie’s (2017) discussion of the killing of Aurora Rain Rosser). However, what connects these cases is not just the *criminalblackman* stereotype at work (Russell-Brown, 1998), but how the imagined altered mind state morphs a body into an immediate danger. The (presumed) presence of drugs, or lack thereof, serves as an ever-ready rationalization for ending a Black life. In Saheed’s case, it is the lack of drugs that required and then later vindicated homicide, leading to lamentations for why his nonnormative mind had not been forcefully altered into *the normate*, as termed by Garland Thomson (2017). While coerced medicalization is unquestionably violent upon the recipient of such treatment, it is rendered necessary even when the recipient has caused no physical harm. This is due to a cultural imagination that casts Saheed’s bodymind—immigrant, Black, male and disabled—from the purview of vulnerability and permanently into the framework of the violent, criminally insane.

Racial criminal pathologization indicates the inseparability of racial criminalization from pathologization, especially sanism.⁶ Criminalization entails the construction of both race (especially blackness) and disability (especially mental difference) as dangerous. Following Cohen’s understanding of queer and its emphasis on pathologization, Ferguson’s (2004) queer of color analytic and Spade’s (2011) emphasis of state violence as gender identity violence, we fuse a crip/mad and queer of color critique to challenge the carceral logics within both cases. It is not just about those who identify as disabled people of color who are caught up in these systems (although it’s important to recognize the high numbers of disabled people, especially those of color, in carceral systems, including policing). Rather, it’s about understanding anti-black racism as composed of pathologization and dangerousness, which leads to processes of criminalization, disablement and vulnerabilities to premature death (which is Ruth Wilson Gilmore’s (2007) definition of racism) (Ben-Moshe, 2020).

Relatedly, Cathy Cohen (1997) locates the queering of Blackness in its *pathologization*, with the central example of the pathologization of Black women on welfare and the stereotype that renders their sexuality “deviant,” lacking long-term married monogamy and heteronormative nuclear familial structures. We emphasize this history here in order to insist that our use of queer theory understands queerness as a politicized relationship to power, while it is also sometimes more directly related to how people identify. Similarly, “Crip” refers to a certain politicized disability identity and disability as an analytic. Crip theorists queer the disabled positionality, reclaiming it as critical to the resistance of pathologization and carcerality (McRuer, 2006; Sandahl, 2003).

These stories of criminal pathologization that resulted in police killing and death in custody are similar but the differences between the cases are also important to recount. In Lisa McCray’s case, to our knowledge all the people involved (Lisa, her partner, her family and the officers) were white and cisgender. This is significant because of the kind of invulnerability, disposability and pathologization that led to her death. It has significant overlaps with Sandra Bland’s case,⁷ Saheed Vassell’s, and countless others but was also different as overt homophobia determined white queerness as grounds for disposability in Lisa’s case. The criminal “disorder” viewed as inherent in Lisa’s actions reflect her pathologized queerness, despite white privilege. Such cases show that whiteness is not enough as protection from state violence, especially when the state induces protection by carceral means for “their own good.” The overt homophobic violence enacted by police on Danie and Lisa persisted in accounts of her death. In early media accounts, Danie is either not mentioned by name or is discussed as Lisa’s “friend.” Lisa’s family, when asked why this happened, stated that “they (police) were looking for a reaction so they could haul the lesbians off to jail.”

Aftermath 1: Carceral ableism through queer erasure

In the 2018 local election, Lucas County commissioner and the sheriff office were seeking a \$1.37 million levy over 37 years for the construction of a new \$185 million-dollar jail in Toledo. They used many familiar arguments to advance their campaign—it will enhance employee safety (the guards union was one of the biggest advocates of the new jail); it would ensure the safety of those incarcerated and their living conditions would improve, since the old jail is dilapidated (even though it was only built a few decades prior), and it will increase capacity to provide treatment. In addition, in the weeks and months after Lisa’s death, in town hall meetings and press conferences touting the need for the new jail, the sheriff’s department used the case to proclaim that one of the functions of the new facility would be to have people who have consumed illicit substances “sleep it off” or detox.

When a few of us (abolition-minded, mostly queer activists) met with Lisa’s family and partner after her death, the family was very clear that the last thing they want is a new jail constructed in Lisa’s name and the name of safety. They were clear that what killed Lisa was state violence, entangled with anti-gay violence. None of that violence, homophobia or context was addressed or mentioned in the campaign from the sheriff’s office or the media. Lisa’s family was angry that her state-induced death would be used to

manufacture and justify more death (civil, material, social) mostly on those already othered and marginalized.

Ultimately, the public rejected the measure and voted against the new jail. I wish we could say that Lisa's family's analysis and desires, and subsequent queer organizing for abolition, was the wave that changed the tide. But the measure was defeated mostly because people in the county did not want a new 'jail tax' and could not afford it. The original site that was proposed for the new jail was also defeated, again not for abolition or justice reasons but mostly because of N.I.M.B.Y." ("not in my backyard") attitudes, claiming the proposed site was too close to schools and businesses. Carceral protectionism remained business as usual, just "not here" or "not on my dime."

Lucas County in Ohio is not alone; it joins many counties and cities across the U.S. that are proposing the construction of new jail facilities as modes of protecting not just the larger society (through incapacitation, segregation), but those who are and will be incarcerated therein. This is what James Kilgore refers to as carceral humanism (Kilgore, 2014). Today, carceral humanism is compounded with carceral feminism and carceral ableism/sanism to expand the net of the carceral state (Ben-Moshe, 2020). But as anti-carceral feminists advise, appeals to gender/sexuality equality in corrections (from "gender responsive prisons" to violence against women or hate crime legislation against LGBTQ folks) often leads to the expanding and retrenchment of the carceral state, not the protection of vulnerable populations, especially women of color, queer, disabled and gender variant people (Kim, 2015; Lamble, 2013).

Similarly, the usage of pathologization (disability, mental health, substance use) and protection from unruliness as justification for prison and jail expansion needs underscoring. Carceral ableism is the praxis and belief that people with disabilities need special or extra protections, in ways that often expand and legitimate their further marginalization and incarceration. This manifestation of carceral sanism is an excellent opportunity for mad/disability activists, anti-carceral feminists and queers (especially those of color) to declare "not in our name" to the construction of new jails and the further buildup of the U.S. prison nation.⁸

Aftermath 2: Queer and transformative mobilization

In the aftermath of Saheed Vassell's killing, several community organizations mobilized quickly in response to the homicide, directed by a local, queer, Black-led collective called Safe OUTside the System (SOS). Following the leadership of SOS coordinator Kerbie Joseph and other community leaders, there was a "Justice for Saheed Vassell Rally" on the corner of Utica Avenue and Montgomery Street. SOS coordinated security for the event, including police negotiators should the role become necessary, and marshals for traffic as the rally was followed by an impromptu and un-permitted march around the neighborhood.

The rally called for support for the Vassell family's four demands around transparency. The first demand was to receive the names of all officers involved in the shooting; the second, to release the disciplinary records of all officers. The third called for the unedited surveillance videos of the shooting, as the office had only previously released footage that had been manipulated to piece together fragments of the incident. The final, crucially, was

for an explanation for why strategic response group (SRG)⁹ officers were on the scene, as three of the officers were initially said to belong to the counter-terrorism unit.

While many post-shooting efforts push for the arrest, indictment and sentencing of officers involved, the initial calls in this case sought to provide transparency around why and how the tragedy occurred. Transparency, while it can lead to retributive desires, can also symbolize a desire for cultural change and/or lead to reconciliation between the affected parties. The state left no room for that potential, as neither the department nor the mayor's office actually acknowledged or yielded to the family's demands. Instead, the names of the four officers leaked unofficially to the family and the state agencies doubled down on the opacity. The responses offered, up to a year after, were "impersonal" and "dismissive" (Offenhartz, 2019). This inaction further convinced the community that the racism, patriarchy, and ableism invested in by the state will continue to claim our lives and dispose of the memories impassively.

SOS not only embraced the reconciliatory desires, but also reached to offer forms of community support that projected beyond the immediate demands. In the 2018 Community Freestyle held by SOS, themed "Alternatives to 911" we offered skill-building activities and shared strategies around three important issues that lead to 911 calls in Brooklyn: emotional distress, interpersonal violence and intimate partner violence. Believing that no one is disposable, we provided de-escalation tactics that empower community members to intervene in distressing situations that may lead to violent altercation. The Freestyle not only brought in the Vassell family, but also attracted the aunt of Akai Gurley, who had been shot and killed by police only a few miles away in 2014. During the community freestyle, skills were exchanged and practiced through role-playing, with an overall emphasis on curbing calls to the New York City Police Department (NYPD), a force that has proven to lack skills and desire to de-escalate, as well as institutional remorse when failure to de-escalate ends in loss of life.

The radical potential of queer organizing against police brutality is highlighted in a heartfelt, adlibbed speech made by Saheed's father, Mr. Vassell, as he remarked to us at the Community Freestyle that he now understands how our struggles are connected and that the love and commitment that we showed his family would be repaid in care. He practiced de-escalation in a role-play of a bus altercation hypothetically started over accessible seating. We reveled in the intergenerational event, centering elders as the most historically skillful and practiced at de-escalation in our community. The speech impressed upon us all the importance of collective struggle across genders and sexualities; that *what is queer about our organizing* is not the sameness of our particular (LGBT) identities, but rather the sacredness of difference and how such difference informs movement goals, strategies, and tactics.

Queer, transformative organizing as the change we need

Transformative justice is a framework and a praxis that we distinguish from retributive and restorative justice models, specifically the "for their own good" logics within carceral protectionism. Transformative justice insists that no one in our communities is disposable, that hurt people hurt people, and that cycles of violence are systemic and social rather than entirely individuated (Bierria et al., 2011; Kim, 2018; Palacios, 2016).

When a person harms another person, transformative justice seeks out what will give actual accountability from the harm-doer to the harmed, and what will transform the harm into an ongoing commitment to justice (Generation and Five, 2007; Bierria et al., 2011). Rather than imagine that increased surveillance and punishment would in any way serve to protect vulnerable people, transformative justice leads us to re-center the material, social, and political realities that underpin vulnerability. That is, in its essence, a fundamental rejection of the imagined Madonna figure on which the nation-state's moral and reproductive future rely and a proposition that everyone would offer a vital and necessary contribution to an interdependent social system.

Through community efforts (discussed in relation to SOS's mobilization), organizational strategies that lead to transformation require the following: (1) full transparency surrounding the incident, (2) a de-pathologized and decriminalized cultural imagination of Black bodies and queer deviance, and (3) reparative change enacted as a response to harm. The transformative potential of transparency rests in the possibility of ushering in understanding and accountability. In Lisa McCray's state induced death, it required mobilizations that unequivocally state "not in our name" in terms of furthering state capacity for harm and violence by trying to build a new jail and for interrupting the state's narrative of supposedly doing so for the betterment of people like Lisa, so that it does not happen again. In Saheed Vassell's murder, all of the family's demands surrounded transparency so as to understand what occurred. Notably, transparency would expose the systemic failures of the police to manage community interactions and—at minimum—make space for the state to support alternative de-escalatory measures.

Transparency is not an end in-itself, but an opportunity to initiate larger transformations, such as the de-pathologization and decriminalization of Black bodyminds. This process has become a centralized tactic of organizations such as #BlackLivesMatter and Black Youth Project (BYP100), which amplify unaltered media in the forms of civilian cellphone footage of police encounters and push for stringent rules around police bodycameras (BYP100, 2014). The efforts are meant to combat the media rituals of vilifying the Black victims of police shootings and the regularized obfuscation of the facts when police kill civilians. A transparent recount of shooting incidents would in itself signal a remarkable change in normal police operation, as the current order of operation includes purposefully confusing any occurrence that ends with civilian death, whether in custody like Lisa McCray or on the street like Saheed Vassell.

Finally, reparative change, restitution and the allocation of resources to the community can transform an overpoliced community. Over-policing is directly related to the government's intentional racio-economic segregation of certain areas (Rothstein, 2017). This state-theft-by-upward-distribution foments desperate conditions, exacerbated by the cyclical nature of carceralism, where continual surveillance and police mistreatment of community members (beginning in elementary schools) leads to disablement, mass incarceration and continued surveillance once paroled. Reallocating state-based funds away from police and into non-coercive social services, wellness, recreation, and anti-carceral educational institutions would result in a vastly different environment, which has been the historical mission of transformative justice organizations. By centering this history, transformative perspectives are able to demonstrate how the criminal legal system has been implicated in the theft of resources and labor of those currently targeted for

isolation, corrections and punishment. It is within these formerly redlined communities that we witness over-policing today.

In contrast to corrections and carceral protectionism, transformative justice interrogates the state's authorizations of the harm it causes through criminalization, settler colonialism, exploitative labor systems, pathologization and psychiatrization. Through its anti-racist, anti-carceral feminist and queer theorist formation, transformative justice also recognizes that all of these modes of harm by the state are compounded in ways that cannot be quantified when a person identifies or is identified with or as multiple, intersecting identities that are oppressed or marginalized (INCITE! Women of color against violence, 2006; Third Eye Collective and Lena Palacios, 2015). The queerness embedded within transformative justice mobilizations emphasizes the already creative, resistant, and transformative kinship structures that queer communities make in the absence of state, institutional, and unchosen family support.¹⁰

Conclusion

Within a carceral protectionist framework, perpetual in/vulnerability is relationally applied. It is racially constructed, related to pathologization (queerness/disability/madness) and deployed through criminalization. Carceral protectionism is about discourses of protecting "the innocent" from "dangerous" bodyminds and also protecting people from their own danger and for their own good (including medication, psychiatrization and placing in custody), which then manifests in what Ben-Moshe (2020) calls carceral sanism/ableism. However, when queer organizing centers racial and disability justice, the priorities and potential of organizing clearly shifts away from carceral responses and corrections (seen here through continuing non-consensual medicalization) and toward strategies that foster long-term change and an embrace of difference in our communities. In regard to post-state killing organizational efforts, one must primarily consider what is needed to transform the setting so that this form of harm does not continue.

Today, many queer organizations take up these anti-carceral perspectives, methods and causes. A queer logic holds the capacity to undermine the standardization of what is and is not pathologized or criminalized, as well as challenge the correctional emphasis that we witness in the state's orientation. To be queer, historically, has been criminalized: the essence of queerness is difference, fluidity, and resistance. Therefore, *transformative justice is inherently a queer project*. This is not (only) because the organizers of the transformative justice mobilizations in these cases identify with particular LGBTSTGNC¹¹ labels, but because transformative justice relies on the same anti-corrective, anti-punitive, anti-ideal embrace that queerness upholds.

The relational in/vulnerability that we are tracing shows the uneven distribution of innocence and criminality or pathology that precedes anyone encountering the criminal legal system. At the same time, these labels apply to the working poor and impoverished, those racialized as Black or brown, gender non-conforming and trans people, and psychiatrized people (and their intersections) much earlier in their lives and much more frequently. Queerness contributes a radical departure in some of the most taken-for-granted stances in our social relations, movements and theories, especially considering how spaces and bodies relate to the perceptions of "innocent" or "guilty," "dangerous" or

“vulnerable.” Ultimately, it leads us to contest pathologization and criminalization itself, and account for institutionalized power relations, state violence and the corruption of the societal imagination. Instead, we hold regard for those who come to embody *danger*, regardless of moment, incident, or fact. In doing so, we acknowledge that the perpetuity of this imagination results in unjustifiable and horrific harm.

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Notes

1. We use “Bodyminds” to break the duality of mind/body and denote that they are intricately linked. We draw on Price (2011) and Schalk (2018) who utilize it as a feminist disability studies term to underscore the need to discuss not only physical disabilities; and as a political term in relation to disablement, especially by state violence.
2. For more on carceral feminism refer to Bernstein (2012). Victoria Law discusses the term in her 2014 article in Jacobin: <https://www.jacobinmag.com/2014/10/against-carceral-feminism/>. More recently Whalley and Hackett (2017).
3. These accounts come from Lisa’s mom, dad, stepmom and Danie, who met with a few local activists, myself (Ben-Moshe) included, in March 2018 to see what action can be taken to make the police accountable and to make sure that Lisa’s story is heard.
4. <https://www.toledoblade.com/Police-Fire/2017/11/26/Investigation-launched-after-Lucas-Co-jail-inmate-dies.html>
5. Despite the staggering number of civilians killed by police in the United States—typically around 1,000 each year—the arrest or conviction of a police officer in these homicides are exceptionally rare. Between January 2005 and March 2019, only 35 police officers were convicted for one of these homicides (Sweda, 2019). More strikingly, not all convictions actually met the standard of evidence required for intentional murder, and therefore were ruled negligent homicide or manslaughter.
6. Sanism refers to the oppression of psychiatrization and the imperative to be sane/rational/mentally normal.
7. Sandra Bland died 3 days after her arrest in Waller County, Texas, when State Trooper Brian Encinia pulled her over in her car, shouted at her and violently arrested her. He was charged with perjury in January 2016, but later the charges were dropped.
8. To borrow from Richie (2012)
9. The Strategic Response Group is a rapid-response unit of the NYPD that formed in 2015. The SRG is militaristically trained for larger scale terrorist events and mass civil unrest, but has expanded to an 800-person-unit now regularly deployed into low-income neighborhoods (Hein 2015).

10. See Stanley and Smith's (2011) *Captive Genders*, especially the chapter from Bassichis, Lee, and Spade, "Building an Abolitionist Trans and Queer Movement with Everything We've Got."
11. The Audre Lorde Project uses LGBTSTGNC to refer to lesbian, gay, bisexual, two-spirit, transgender and gender non-conforming members.

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