

II.

Protect Human Dignity & Ensure Equal Justice

PLANK 7:

End inhumane conditions in jails and prisons in the United States.

Jails, prisons, and detention centers [across the United States](#) are inhumane. As the COVID-19 pandemic laid undeniably bare, these facilities are inherently dehumanizing institutions that negatively impact nearly every aspect of an incarcerated person's life — from mental and physical health and basic physical security to future opportunities. [These institutions are conducive to high rates of sexual assault.](#) Medical needs are [often unmet](#). Food is [contaminated](#). Vermin [infestations are common](#). Floors and walls are [covered in blood, feces, and mucus](#). Many people are not permitted to visit with their loved ones, and many people are deprived of exercise, fresh air, and sunlight. Between 2008 and 2019, [more than 7,500 people died](#) in local jails.

These institutions make communities less safe while magnifying disparities based on race, [sexual orientation](#), gender identity, disability, and religion. [Serious racial disparities](#) are baked into nearly every aspect of the criminal-legal system, including who is jailed and imprisoned: Black people are jailed at rates more than three times that of White people, and Black men are imprisoned at a rate of more than five times that of White men. Latino people make up 19 percent of the United States' incarcerated population; Latino men born in 2001 have a 1 in 6 chance of being incarcerated in their lifetime, compared to a [1 in 17 chance for White men](#). [One-third of incarcerated women](#) are lesbian or bisexual, though this group comprises only 3.5 percent of women nationwide. And, while there is little to no information on trans people within the criminal-legal system, research has shown [extreme bias by police](#)

[toward transgender individuals](#), particularly Black trans people, which disproportionately funnels them into the criminal-legal system. Meanwhile, Muslims are [20 percent of the prison population](#) in certain states, even though they represent less than 2 percent of the U.S. population. And American Indian/Alaska Natives are incarcerated in adult correctional facilities at [more than twice the rate](#) of White people.

The time has come to radically reduce prison and jail populations while creating a new system premised on healing, accountability, rehabilitation, and a respect for basic human rights. We must advocate for a world in which people are given the community-based supports they need to survive and thrive.



State Policy Priorities

Minimize the use of jails and prisons

- Dramatically expand alternatives to incarceration at every intercept of the criminal-legal system, including a requirement that, before imposing a custodial sentence, judges find by clear and convincing evidence that no noncustodial sentencing options would be sufficient.
- Require state sentencing commissions to reengineer sentencing guidelines in order to dramatically reduce prison and jail populations, as described in **Plank 10: Support fair sentencing policy and the end of the criminalization of immigrants**.
- Dramatically expand governor commutations for sentences longer than five years.

End human rights abuses in jails and prisons

- Require that all prison wardens and leadership staff have a background in community-based nonprofit work, social work, and/or holistic healing or have a co-warden who does.
- Create or designate a standing body to conduct reviews, either annually or more frequently, that use a rubric to give every prison a grade that reflects various metrics and imposes sanctions accordingly. Such metrics should reflect the facility's implementation of rehabilitative programs as well as feedback from stakeholders, including incarcerated people and their loved ones. Metrics should also include basic conditions related to cleanliness, access to sunlight and exercise, use of restraints and chemical agents, fire safety, suicide prevention, violent incidents, and meaningful access to health care. Prisons with bad grades should face closure or restructuring; no changes described in this bullet should increase the budget of carceral facilities.
- Require that all facilities follow structural guidelines using treatment-focused models found in other nations. Such guidelines should be created pursuant to a task force that includes not only researchers and system actors, but also individuals who have been incarcerated, their families and loved ones, public defenders, and community advocates. In this process, ensure a focus on educational, transitional employment and training opportunities that support individuals whose jobs are impacted by these policy changes.
- Require that every individual employed in a jail, prison, or probation office be trained in trauma-informed care as well as anti-racism and anti-bias. Such training may occur through states' health and human services departments and be available to all individuals who directly interact with constituents; no training requirements should expand the resources allocated to jails, prisons, or probation offices.
- End solitary confinement in all forms and by all names; ensure that all people have full days in out-of-cell congregate programming and activities. Provide alternative therapeutic and rehabilitative mechanisms to effectively ensure the safety of individuals in prisons and of prison staff.

Close jails and prisons

- Prohibit youth confinement in adult correctional facilities and close youth facilities entirely.
- Pass legislation that will support and fund the repurposing of closed correctional facilities for community use. In this process, ensure a focus on educational, transitional employment, and training opportunities that support individuals whose jobs are impacted by these policy changes.
- Support the allocation of resources toward educational, employment, and housing opportunities for incarcerated people and returning citizens, including a reentry housing voucher program to provide housing vouchers to individuals being released from local, state, or federal criminal-legal facilities to ensure that people exit incarceration into safe, stable, accessible, and affordable housing.
- Use the general fund to provide matching funds that incentivize jurisdictions to close jails. Under these programs, jurisdictions should receive double the amount that they save. Require these funds to go exclusively into non-carceral social supports and infrastructure investments identified by the community.

Protect children and youth

- Prohibit foster youth from being detained while awaiting placement; youth who are not charged with a crime that threatens public safety should not be incarcerated under any circumstances.
- Decriminalize running away, curfew violations, and truancy, while eliminating negative descriptions of youth experiencing homelessness now found in some statutes, such as “unruly,” “incorrigible,” and “vagrant.” Alongside these changes, limit the circumstances under which youth who have run away can be taken into custody or punished for running away; set very brief time limits for such custody when it is permitted; and prohibit holding of such youth with youth who have been adjudicated delinquent or adults in detention facilities.
- Ensure that high-quality, age-appropriate educational opportunities and special education services are provided to all people who are detained, especially youth.
- Improve and increase rehabilitative programming in prisons *without* the use of risk assessment instruments; ensure, however, that programming increases do not expand the resources allocated to jails, prisons, or probation offices, but are instead obtained from shifting existing resources within the criminal-legal system.

End the financial exploitation of incarcerated individuals

- Ensure that all basic necessities, including hygiene products, are provided free of charge. (See **Plank 4: Stop the privatization of justice** for more details about fee abolition.)
- Ensure that the employment rights, including wages, of incarcerated or detained workers in federal, state, and local prisons, jails, and detention centers are regulated by the respective labor authority in the jurisdiction. All workers should be paid the prevailing wage in their jurisdictions.

Ensure democratic access for all incarcerated people

- End all barriers to voting while incarcerated, including both statutory restrictions and any access-related barriers such as ID requirements, address requirements, or other mechanisms that make voting practically impossible for incarcerated individuals.
- Create a streamlined, consistent process for ensuring that all incarcerated individuals receive high-quality information about the voting process, including information related to timelines and deadlines, ballot requests and voting logistics, candidate biographies and positions, and easy access to people, organizations, sample ballots, and other resources that can provide this information.
- Support legislation that counts incarcerated individuals as residents of their home districts rather than as residents of the district in which the prison is located (*i.e.*, prohibits prison gerrymandering).
- Ensure that all jails (and prisons in states that allow people serving criminal sentences to vote) can serve as polling locations. People detained before trial — that is, the [six in 10](#) people in local jails who are simply awaiting their day in court — [must have access](#) to a polling location, be able to receive election mail and absentee ballots, and not be charged for postage required to send and receive ballots.

Protect the health, including the mental health, of incarcerated individuals

- Advocate for immediate COVID-19 funding to both incentivize decarceration in all carceral settings (pretrial and post-conviction) and support safe reentry through the provision of housing, medical care (including behavioral health and harm reduction), food support, cash assistance, SBA loan relief, and workforce development services.
- Direct the Centers for Disease Control and Prevention to update its COVID-19 guidance to explicitly recognize and include decarceration and expanded access to health care for incarcerated and recently released individuals as necessary guidance for federal, state, and local elected officials to reduce the spread of COVID-19 and protect the most vulnerable within the nation's jails, prisons, youth detention facilities, and immigrant detention centers.
- Ensure that all incarcerated individuals have access — free of charge — to adequate health care services and supports to address their physical and mental health needs.
- Adopt ongoing wellness programs for staff and incarcerated individuals, including an emphasis on mental health, trauma, stress relief, and healing, and ensure that these requirements are mandatory for all staff as part of annual training.

Increase transparency

- Open up facilities to the media and mandate Freedom of Information Act access to facility video surveillance footage, including unannounced site visits.

Federal Policy Priorities

End human rights abuses in prisons

- Introduce requirements for the federal system that mirror the State Policy Priorities, including an end to solitary confinement in all forms and by all names, including quarantine for those exposed to infectious disease, in all carceral settings, including prisons, immigration detention, and youth facilities. Enact through legislation and administrative action the federal Blueprint for Ending Solitary Confinement.
- Appoint a director of the Bureau of Prisons with experience in systems reform and culture change and the courage and commitment to lower recidivism rates; improve conditions in bureau facilities; focus on rehabilitation and reentry; improve public safety through reforms in correctional practice and strategy; and be transparent, responsive, and accountable to incarcerated individuals and the public.
- Establish standards of care for people who are incarcerated, including the provision of trauma-informed care, access to gender-related services including the full range of transition-related care, and the free provision of health products.
- Require that all federal agencies confining people, either directly or through a contract or intergovernmental agreement, adopt, abide by, and go beyond the [Nelson Mandela Rules](#), which lay out a minimum standard of how incarcerated individuals should be treated. Ensure that all facilities confining people operate in a safe and humane manner that promotes rehabilitation.
- Provide financial incentives to states and localities to end solitary confinement in all forms and by all names in all carceral settings.
- Pass legislation to end solitary confinement; increase good conduct credit; create presumption of eligibility for compassionate and elderly release programs for those who are ill, over 60, or have served more than 15 years; and improve/increase rehabilitative programming in prisons without the use of risk assessment instruments.

Enhance accountability

- Pass legislation to repeal the Prison Litigation Reform Act in its entirety, including repeal of the physical injury requirement or repeal of the exhaustion requirement, in addition to repeal of the provisions extending the law to children.
- Conduct oversight of federal Bureau of Prisons, Immigration and Customs Enforcement, and United States Marshals Services detention facilities and ICE collaboration with local law enforcement.

- Ensure accountability for United States Marshals Services detention facilities, including by:
 - Creating an independent ombudsman to perform oversight of conditions of confinement in USMS contracted detention facilities to ensure safe, secure, and humane conditions of confinement;
 - Adopting transparency in USMS contracting by publishing all intergovernmental agreements between the USMS and local facilities; and
 - Publishing the results of audits of detention centers where individuals in the custody of the USMS are detained.

Ensure democratic access for incarcerated individuals

- End felony-related voting restrictions, including bans on voting while incarcerated. As this measure is passed, ensure appropriate protections and administrative procedures to ensure that voting is practically accessible for all people in federal prison.
- Create a streamlined, consistent process for ensuring that all incarcerated people receive high-quality information about the voting process, including information related to timelines and deadlines, ballot requests and voting logistics, candidate biographies and positions, and easy access to people, organizations, sample ballots, and other resources that can provide this information.

Protect the health, including the mental health, of incarcerated individuals

- Issue guidelines for comprehensive HIV prevention in Bureau of Prisons facilities, which should include education about HIV transmission and information about and access to PrEP and other proven HIV and STI prevention tools.
- Establish an Office of Civil Rights and Civil Liberties at the Bureau of Prisons to:
 - Receive and investigate civil rights complaints from incarcerated individuals;
 - Ensure freedom of expression, including timely and direct mail service and access to media;
 - Enforce transparency, reporting, and accountability requirements to monitor prison conditions, safety, spending, and other data points;
 - Recommend policies enhancing the dignity, health, well-being, and safety of incarcerated individuals; and
 - Report directly to and advise the bureau director on the civil rights and civil liberties of incarcerated individuals, including their right to disability-based accommodations.

- Enact legislation to ensure that all people incarcerated in federal facilities have a private cause of action to sue over violations of their constitutional rights.
- Enact legislation to give the Justice Department's Civil Rights Division oversight authority over U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, including over immigrant detention facilities.
- Ensure enforcement of the Prison Rape Elimination Act and enact policies that further protect people in prison from sexual abuse and harassment, including mandatory termination of all prison staff who engage in misconduct and a private right of action to fully enforce the law.
- Continue to monitor and update as necessary the Transgender Offender Manual (2022) with input from community members and those directly impacted to ensure appropriate medical and mental health care and to ensure that housing determinations for transgender and non-binary people are based on their gender identity and their views about where they would be safest.
- Support legislation, like the Dignity for Incarcerated Women Act, that establishes requirements for the treatment of people in prison, including by directing the Bureau of Prisons to place people in prison as close to their children as possible, providing trauma-informed care to people in prison who are diagnosed with trauma, and making specified health products available free of charge. Legislation should also include provisions about communication and visitation with children and family members, parenting classes, and access to substance abuse treatment programs.
- Adopt ongoing wellness programs for staff and incarcerated individuals, including an emphasis on mental health, trauma, stress relief, and healing, and ensure that these requirements are mandatory for all staff as part of annual training.



End the exploitation of incarcerated individuals

- Require incarcerated individuals who hold jobs to be paid the same hourly/salary rates as individuals on the “outside.”

End high-tech harm

- Immediately rescind guidance to the Bureau of Prisons to rely upon PATTERN risk assessment scores to determine which individuals who are currently incarcerated receive “priority.”
- Immediately instruct the Bureau of Prisons to refrain from lockdowns and solitary confinement as a response to COVID-19 and any future health crises, and instead provide humane medical isolation strategies that more effectively protect the health of incarcerated individuals and corrections staff.
- Use the Justice Department’s Office of Juvenile Justice and Delinquency Prevention to ensure states’ compliance with the Juvenile Justice and Delinquency Prevention Act, which bars states from holding youth in adult jails, even when they’re charged as adults.

Enhance transparency

- Enact legislation to clarify the Bureau of Prison’s obligation to disclose documents and other information, pursuant to Freedom of Information Act requests, from companies that contract with the bureau and other parts of the U.S. government. The Bureau of Prisons should disclose contracts, operating procedures, operating records, monitoring documents, and any other similar documents related to private facilities pursuant to FOIA Exemption 4, which is intended to protect trade secrets. Create a time-bound plan to end those contracts altogether.

Reinvest in communities

- Establish a Community Reinvestment Fund that collects money from several sources — such as general appropriations and reduced spending in the federal criminal-legal system — and launch a Community Reinvestment Program competition. Through this competition, provide grants to states that make specified reforms to their criminal-legal systems and build a framework for reinvesting 100 percent of realized savings into non-carceral social services, supports, and infrastructure investments.
- Introduce a federal Incarcerated Person’s Bill of Rights, which guarantees all people in federal prison:
 - Access to free education and workforce development, including GED programs, college programs, and vocational programs that have a pathway to permanent jobs;
 - Access to work-release programs that pay sustainable, living wages that individuals can save for personal use upon release;
 - Access to visiting spaces that are developmentally appropriate for children, including playing grounds for sports;

- Access to therapeutic programming, counseling, and any treatment necessary for successful rehabilitation;
- Timely access to counsel, including a system that will ensure confidential electronic communications between individuals and their counsel;
- Access to unlimited free visits, phone calls, and/or video calls;
- Access to parent-child visits;
- Due process protections before visiting privileges can be removed; and
- The right to be served by prison and/or jail staff who are trained in trauma-informed care.
- Remove federal funding from any carceral facilities that ban in-person visits to replace these visits with video calls.

Help close jails and prisons

- Introduce legislation that financially incentivizes states and localities to close jails and prisons. Such legislation should include a requirement that closed facilities become hubs for employment, art, social service, health, recreation, and/or education programs for local communities, and that savings from closed facilities — or an equivalent amount — be used to fund non-carceral social services and infrastructure priorities identified by the local community.
- Support state efforts to abolish youth prisons and replace them with community-based, developmentally appropriate programs as well as upfront investments in young people. Such investments may include home visits, adoption assistance, summer jobs programs, and after-school programs.
- Provide fiscal incentives for states to accelerate decarceration efforts, close youth prisons, and earmark funds for upfront social support.
- Ensure that all basic necessities, including medical services and hygiene products, are provided free of charge. (See **Plank 4: Stop the privatization of justice** for more details about fee abolition.)
- Pass legislation that would allow incarcerated individuals to access Medicaid while they are confined; repeal the [current exclusion in the Social Security Act](#); and otherwise ensure seamless integration with post-release health care so that no individual is ever without health coverage.
- Support legislation to remove any prohibitions on public benefits to individuals in prison or returning from prisons (*i.e.*, access to Medicaid, SNAP, TANF, SSI, or UI).
- Include in the next Farm Bill reauthorization a prohibition on the use of USDA Community Facilities funds for jail construction, expansion, operation, or equipment.