

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/two-societies/improving-quality-of-justice-by-reducing-jail-populations>

Public Facing Advocacy Writing

More than 50 years after the findings of the Kerner Commission were released, its recommendations for justice reform are even more relevant today than they were in 1968.

The impact of President Lyndon B. Johnson and other politicians repudiation of the commissions progressive and drastic reforms has undoubtedly led to the United States drastically increasing its incarceration rate, becoming the country with the highest incarceration rate in the world. The implications of the commissions fallout underlie the challenge before Vera to end and reverse the damage caused from inadequate systems of justice.

While the commission primarily focused on emergency situations like the one its report was responding to, commission members were aware of comprehensive problems that plagued the justice system at the time, as well as the need to address disparities that created a racially divided country. For instance, the [report called for reform in the lower courts](#) to improve quality of justice during non-emergencies. It advocated for volunteer attorneys to represent defendants at each part of the justice process and for better policies to ensure appropriate bail, arraignment, pretrial, trial, and sentencing proceedings. The authors of the Kerner Report understood the nuances of administering justice and ensuring public safety by adopting an approach that went beyond being punitive. This is the same approach employed by Vera today.

The implications of a 400 percent-increase in the number of people incarcerated in jails nationwide between 1970 and 2014 show that the recommendations made by the Kerner Report were not taken seriously. There are nearly 11 million jail admissions per year and about [70 percent of people in jail are incarcerated for nonviolent offenses like traffic, property, drug, or public order violations](#).

The Kerner Commission Report and the Vera Institute of Justice both advocate for policies that reduce ineffectiveness in the administration of justice. The commission focused on having an adequate procedure for processing people who were arrested, as well as separating people who caused minor harm from those involved in more serious offenses. Recently, Vera instituted recommendations similar to those made by the Kerner Commission in a project with Oklahoma County. Vera regularly works with county government and local law enforcement to implement tailored evidence-based reforms for safely reducing jail populations and implementing more effective justice policies.

Originally devised to house 1,200 people, the [Oklahoma County jail has been consistently overcrowded](#) and, in 2016, was holding as many as 2,581 people. The Oklahoma City Chamber of Commerce Criminal Justice Task Force was created in response to this local justice and fiscal crisis. Data from the previous year showed that about 80 percent of people [detained were being detained pretrial for nonviolent, many minor, offenses](#). With Veras expert assistance, the jail population has already fallen 30 percent from January 2015 to January 2018, said Alex Roth, Veras program associate working in Oklahoma. A notable step beyond the Kerner Commission, Vera recommended that people charged with lower-level offenses be kept out of jail entirely because incarceration was not necessary and harmful. While individuals in jail for municipal and traffic violations do not stay long, incarcerating them not only has a financial cost, it keeps them in a cycle of criminalization that is harmful to them, their families, and the community at large.

Veras successes in Oklahoma are possible elsewhere. [Recent polls show that the majority of Americans favor criminal justice reform](#). Veras work as well as national public opinion show there is a future for adequately being able to implement the recommendations the Kerner Commission presented more than 50 years ago. Public and political sentiment has changed since 1968. Alex Roth added One of the most interesting things about working in Oklahoma City is that it showed there was a lot of interest in criminal justice reform and a huge potential to make real changes at the local level even in a deep red state.

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