

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/target-2020/getting-rid-of-private-prisons-isnt-enough>

### Public Facing Advocacy Writing

As the field of presidential nominees narrows, the candidates have been honing their policy recommendations. Across most issues, we're seeing the shift from high-level talking points to more detailed, tangible ideas.

While the candidates have repeatedly been asked about how they'll pay for their health care plans and have argued about the minor distinctions among them, we have yet to see the same debates over criminal justice policies. As Nick Turner, Vera's president, [wrote](#), a recent debate had zero concrete or illuminating discussion of reforming or transforming the American criminal legal system. And in the instances when candidates have discussed mass incarceration, they resort to the same easy quip: Private prisons must be abolished.

Of course, we agree. But [not even 8 percent](#) of all people incarcerated in the United States are held in private prisons so while it is crucial to end the practice of private detention, we must move beyond that conversation and focus on reforming the conditions and experiences for the other 92 percent. The percentage of incarcerated people who are in private prisons [8 percent](#) refers to the total population of people sentenced to adult facilities, a number that does not include those held in immigration detention. Mass incarceration in this country involves a deeply interconnected web: to reduce the size of the pie, other important pieces need to shrink. Here are a few issues deserving of wider attention:

#### Policing

Police control the front door to the U.S. carceral system. Every year, police arrest millions of people. In 2016 they made an [estimated](#) 10,662,252 arrests nationwide, amounting to *one every three seconds*. That is a 1.95 percent increase since 1980 and a 30.27 percent decrease since the peak number of arrests in 1997.

Despite this massive drop in arrests, certain factors drive the current numbers, which remain high. If we break down the data by offense level, we see that violent offenses account for less than 5 percent of all arrests.

Meanwhile, low-level nonviolent drug arrests have increased a staggering 171 percent from 1980 to 2016 from roughly 580,000 arrests to nearly 1,573,000.

And unfortunately, as a recent [Vera report](#) indicates, it is increasingly likely that an arrest will lead to jail admission: For every 100 arrests police officers made nationwide in 2016 the most recent year for which data is available there were 99 jail admissions. Twenty-five years ago, when crime rates and arrest volume overall were higher, the ratio of arrests to jail admissions was much lower there were 70 jail admissions for every 100 arrests. While the case could be made that police are more effectively arresting people than they were 25 years ago, jails often house people who have been charged but not convicted of a crime.

Even worse, these troublingly high rates of arrest disproportionately affect people of color: in 2016, police arrested Black people at more than twice the rate of white people. The over-policing of communities of color has in turn led to great levels of police distrust. In communities with a 10 to 20 percent Black population, 44 percent of survey respondents in 2018 [indicated](#) that their communities distrust the police.

Vera has [previously proposed](#) a set of national actions that should be carried out together to help keep people from entering the system in the first place.

#### Girls' Incarceration

Our systems fail to respond to the needs of almost everyone they incarcerate and this is particularly true for justice-involved youth, namely girls, young people of color, and lesbian, gay, bisexual, transgender, and gender nonconforming (LGB/TGNC) youth. Over the past few decades, the number of girls confined in juvenile justice facilities has [dropped significantly](#). This number has decreased from nearly 100,000 in the early 2000s to [fewer than 46,000](#) nationwide. In most states, long-term placement has dropped to fewer than 150 girls and fewer than 50 in some.

But despite the recent decline in the number of girls entering the juvenile justice system, girls continue to be arrested and referred to the court system for noncriminal behaviors. In 2014, girls accounted for [more than 25 percent](#) of all delinquency petitions, more than 40 percent of all [status offense](#) petitions, and 55 percent of all petitions to court for running away. These rates are higher for girls of color and [LGB/TGNC youth](#): one nationwide [survey](#) of 1,400 children found that 40 percent of justice-involved girls identify as LGB/TGNC, as compared to 13 percent of boys.

Vera has [committed](#) to a 10-year strategy to end the incarceration of girls. To accomplish this by 2029, we have created a three-pronged approach:

#### Reentry/Post-incarceration

For many, returning home from jail or prison and preparing to do so is fraught with barriers. Lack of job training and the absence of a stable community, as well as collateral consequences and myriad other issues, too often prevent people from successfully reentering society. In fact, an [estimated 68 percent](#) of people released from prisons in 2005 were arrested within three years. Fortunately, solutions exist both inside and beyond prison walls that are proven to reduce these high levels of recidivism and re-incarceration.

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SPECIAL REPORT (CHAPTERED)

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