

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/driving-change>

## Policy Issue Resources

With dignity and justice for all

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For more than 50 years, the Vera Institute of Justice has been at the forefront of transforming the American justice system and grounding it in principles of human dignity. Today, driven by an era of activism and hunger for change, we see new opportunities to drive concrete, measureable reform on the most important justice issues of our day.

Our approach to this work is informed by the knowledge that our criminal justice system is tied to our nations deep legacy of slavery and racial oppression. Indeed, we believe that progress is impossible without acknowledging this, and we aim to center race at the core of our three strategic priorities: (1) closing mass incarcerations front door to dramatically shrink the number of people in jail; (2) radically transforming conditions of confinement to promote restoration, healing, and accountability for people behind bars; and (3) securing equal justice, fairness, and safety for diverse, harmed communities.

This ambitious vision for change is backed by action on real-world reforms that work, as you will find in the stories on these pages. While we know the scope of Veras work is wide, we hope that these stories illustrate the impact of our work to change both systems and the lives of everyday people. Each of the projects highlighted is the product of Veras methodology, in which we pilot scalable solutions for reform; implement models through engagement with diverse communities; share stories of success; and harness the power of evidence to create a new normal of effective policies and practices nationwide.

We are at the forefront of critical change today. And over the next decade, Vera will produce ideas and solutions that would have seemed unimaginable a decade ago. We are grateful for the generosity of the supporters who are helping to make this vision a reality

Mass incarceration is a defining civil rights issue and it starts in our local jails. Today, our nations more than 3,000 jails originally meant to house individuals deemed to be a danger to society or a flight risk now serve primarily as warehouses for the poor and those who suffer from mental health or substance use disorders. This practice places a particularly heavy burden on people of color, and it harms public safety. In fact, even a couple days in jail can have an immensely negative impact on individuals, families, and communities. Vera is committed to aggressively shrinking the number of people in jail in the United States over the next five years by reducing the use of money bail, increasing diversion from incarceration, and reducing police over-reliance on arrest.

*Vera partnered with the city of New Orleans to reduce its jail population by 70 percent over the last decade. The citys incarceration rate is now at its lowest point since 1979.*

As the wrath of Hurricane Katrina bore down upon the residents of New Orleans, the grave injustices of the citys justice system became visible to the nation. The storm was a tipping point and New Orleans knew it needed change.

To make change happen, local leaders turned to Vera, and our New Orleans office has become a nexus for advancing evidence-based criminal justice reform.

The notorious Orleans Parish Prison complex was destroyed by the 2005 hurricane, and Vera saw an opportunity to reimagine the role of incarceration in creating a safe and just community. We started by exploring how the city became the nations leading jailer, with 6,000 people behind bars at the time of the storm.

Our investigation revealed that an astounding 90 percent of people incarcerated in the jail were not serving a sentence, but instead, awaiting a hearing on their guilt or innocence. Nearly half of these individuals were low-risk and locked up simply because they couldnt afford bail. A disproportionate number of them were people of color. To fight these injustices, Vera partnered with government, community members, and local organizations to implement a series of initiatives that expanded alternatives to arrest and improved case processing. We also launched the citys first pretrial services program to change how courts make bail decisions. The success of this program led the city to absorb it as an official agency in 2017.

Today, more than a decade after the floods, the city has reduced its jail population by 70 percent, to fewer than 1,200, its lowest point since 1979. Thats still double the national average rate, but its a marked difference that has positioned the city as a national exemplar in reducing over-incarceration.

More recently, our investigation into the use of fines, fees and money bail to fund the New Orleans justice system found that bankrolling a criminal justice system on the backs of the poor was a losing proposition not only morally, but also fiscally. Our report, *Past Due*, revealed that when the city collected \$4.5 million in bail, fines and fees, predominantly from the pockets of poor Black people, it spent \$6.4 million detaining those who were jailed simply because they couldnt afford to pay. In other words, the city spent \$1.9 million. With Veras help, New Orleans has reduced its jail population by an astonishing 70 percent. 6 more than criminal justice agencies collected, and in the process, trapped residents the majority of them black and poor in a vicious cycle of debt and jail.

Significantly, the findings from Vera's report laid the groundwork for two separate federal judges to declare the states bail, fines and fees system unconstitutional, and to recognize the inherent financial conflict of interest for criminal district court judges in applying these cash levies. In the wake of these rulings, our New Orleans office created a blueprint for a reimagined criminal justice system and issued a report and recommendations for implementing reforms.

Vera is also working with allies in six states to replicate this research and fuel the movement to reform bail, fines and fees policy and practice nationwide.

*In Oklahoma, NBA team owner Clayton Bennett and allied business leaders worked with Vera to reduce the jail population by 35 percent.*

When Oklahoma City officials were faced with a Justice Department takeover of its dangerously overcrowded jail system, they knew that something had to change and the solution was not building a bigger jail.

At the urging of local civic leader Clay Bennett, the Greater Oklahoma City Chamber of Commerce formed a task force made up of business leaders, criminal justice stakeholders, the judiciary, county and city officials, state agencies, and others, to look into why the county was incarcerating so many people.

Bennett, owner of the Oklahoma City Thunder basketball team and head of a financial management firm, is perhaps an unlikely champion of criminal justice reform. But he was troubled by the fact that an astonishing 77 percent of residents statewide personally know someone who has been behind bars, and that the state had the highest per capita female incarceration rate in the country.

In February 2016, the task force asked Vera to analyze why the jail was overcrowded, how it was used, and whether that use served the county's public safety needs. By looking at the nearly 40,000 jail admissions the previous year, Vera researchers found that roughly 80 percent of the county's admissions involved The average daily population of the Oklahoma City Jail dropped from 2,581 to 1,685. 7 people being detained pretrial, usually for nonviolent offenses, many of them minor. The most common charges at all levels of severity were drug and alcohol-related.

Vera mapped out key points for reform and worked together with Oklahoma County stakeholders to implement several jail reduction strategies, which included expanding the use of citations for low-level offenses like public drunkenness and traffic violations; eliminating the many fines and fees that force people into an endless cycle of debt and re-incarceration; and broadening access to existing drug and mental health specialty courts. The county has since reduced its jail population by 35 percent.

*Our work in New York has played a major role in shaping the most significant criminal justice reforms in five decades reforms that will help shape a national policy agenda and drive local conversations about decarceration and public safety across the country.*

Vera's research and expertise supports the growing movement to eliminate money bail altogether. In New York City, this five-year initiative began in 2017 with an experiment in the city's arraignment courts to examine what would happen if alternative forms of bail were used more often. The experiment, which we chronicled in our report *Against the Odds: Experimenting with Alternative Forms of Bail in New York City's Courts*, demonstrated that those released with alternate forms of bail, including no money bail, had a combined court appearance rate of 88 percent and a rate of pretrial re-arrest for new felony offenses of 8 percent, comparable to those released on regular money bail.

As more courts across the country rule that bail cannot be set without regard to a person's ability to pay, Vera is demonstrating how a relatively small change in practice can have a significant impact on reducing the use of pretrial detention without compromising public safety or rates of court appearance.

Similarly, *Empire State of Incarceration*, Vera's comprehensive report released in 2017, shines a light on the growth of jail incarceration across New York State and offers concrete solutions for change. Using quantitative data and narratives, we explored six major drivers of jail incarceration, reflecting the wide disparity in practices and decision-making throughout New York's vast and complicated criminal justice system. For Vera's work on alternatives to money bail helped shape the most significant criminal justice reforms in New York in five decades. 8 instance, our finding that many people arrested in rural and suburban counties do not have an attorney at arraignment led to our recommendation that pretrial services programs be set up in all courts in the state, including town and village courts, so that more people have the benefit of being released under supervision instead of having to pay bail.

Both of these efforts feed into Vera's larger strategy of increasing momentum and advancing real change at the state and local levels work that paid off with a monumental New York State legislative achievement in April 2019. Critical to the passage of the New York law which will dramatically overhaul the state's bail system and has the potential to end mass incarceration at the local level was Vera's work to build new partnerships and alliances beyond those with government leaders. Working on the inside lane approach that Vera has honed for nearly 60 years, and is the foundation of our theory for change we provided technical assistance, demonstrations, and judicial trainings, and met directly with government leaders to advocate for bail reform at the state level. At the same time, we also embraced a new, outside lane approach, through which we worked closely, behind the scenes, with advocates to provide data, talking points, and strategy in order to increase public pressure and momentum. Thanks in part to this approach, the New York law has been heralded as delivering some of the most significant reforms in the state in five decades. Moving forward, we will build on this success by working in small counties across the state to push back against new jail construction and increase investment in community-based solutions to end mass incarceration.

Working with Vera, New York City lowered its rate of detention for girls in the juvenile justice system by 45 percent since 2015. Five more jurisdictions have joined the movement to end girls incarceration, and at least one is expected to reach zero girls in detention by 2020.

Eliminating the incarceration of girls many of whom are locked up for minor offenses like truancy or running away is a part of Vera's work to end racial and ethnic inequities in the justice system. Across the country, momentum is building to break the cycle of arresting, detaining, and placing girls in juvenile justice facilities and to secure equal justice for girls with a particular focus on girls of color;

lesbian, gay, bisexual, and transgender (LGBT) youth; and youth who are gender nonconforming (GNC) all of whom are overrepresented in the justice system.

For far too long, girls have been overlooked in the justice reform field, despite the many troubling ways in which the system has discriminated against and failed them. Notably, over 80 percent of incarcerated girls are survivors of sexual violence and are often arrested for circumstances directly related to their abuse. Rather than getting the help they need to recover and heal, girls are locked up in a system built for and tailored to boys.

Vera is building a national movement to end girls incarceration nationwide in ten years. This effort began in 2017 with the launch of Vera's Task Force on Ending Girls Incarceration in New York City, the first jurisdiction in the country to commit to zeroing out girls incarceration.

Drawing on leadership across the city's justice and child-serving agencies, as well as an advisory group of justice-involved girls, the Task Force has developed effective gender-specific strategies to divert girls from the justice system, reform unnecessarily punitive law enforcement practices, and provide alternatives to incarceration that ensure long-term well-being and safety for girls in their communities.

Since we began this work, significant progress has been made: the number of girls in New York City's juvenile justice system has dropped by 45 percent in detention and 63 percent in placement (i.e., secure group homes).

Eager to replicate this success, we have partnered with five additional jurisdictions: Hawaii, Maine, North Dakota, Santa Clara County (CA), and Philadelphia to help them follow in New York's footsteps and end girls incarceration in their localities. It's expected that at least one of these sites will get to zero by 2020.

At Vera, we believe that ending mass incarceration means more than reducing the number of people locked up. It also means a transformation of incarceration to center human dignity and promote healing, restoration, and accountability rather than punishment—a radical break from the dehumanizing conditions under which most incarcerated Americans live today. In our work, this includes reimagining prison for incarcerated young adults, ending the widespread use of solitary confinement, exploring ways to better connect people who are incarcerated with their families, and expanding access to higher education in prison. Vera's approach draws on lessons from countries like Germany and Norway, which take a much less punitive approach to confinement, with far better results.

*Inspired by Germany's approach to incarceration, Vera partnered with the Connecticut Department of Corrections to radically transform conditions of confinement for incarcerated young adults aged 18-25. The program called Restoring Promise has since expanded to four correctional facilities in three states.*

In the summer of 2015, Vera invited Connecticut Governor Dannel Malloy and his Corrections Commissioner, Scott Semple, on a tour of German prisons. One of the facilities they visited was a youth prison in northern Germany, where occupants live on a farm and participate in intensive therapy while working with animals and developing job skills. They learned that this special environment was informed by neuroscientific findings that the brains of young adults are still developing, which is one of the reasons 18 to 25 year olds are prone to impulsive behaviors that can land them in prison.

The officials were inspired by what they saw in Germany and after returning to the United States, asked Vera to help them create a version of the youth program in Connecticut. The result is the T.R.U.E. unit, established at the Cheshire Correctional Institution in early 2017. T.R.U.E. is a therapeutic unit for young men that focuses on developing their sense of self, autonomy, and responsibility, and keeps a clear focus on preparing them for life after prison. The program's name, developed by unit residents, is an acronym for Truthfulness (to oneself and others), Respectfulness (toward the community), Understanding (ourselves and what brought us here), and Elevating (into success).

The impact on both the young men who reside there and the prison staff who work on the unit is significant—so much so that it was the subject of a recent 60 Minutes segment. Restoring Promise units, like T.R.U.E., are notable for their almost complete lack of violence—an unusual outcome, given that a disproportionate number of prison fights in the U.S. involve young adults. Solitary confinement is no longer used. Young adults report feeling safer, more prepared to succeed, more connected to family, and more fairly treated. Staff report greater calm and satisfaction. While still too early to be measured definitively, recidivism is lower.

Building on the success of its T.R.U.E. program, Connecticut opened a similar unit in May 2018 at York Correctional Institution, the state's only prison for women, and a second unit at Cheshire.

The success of T.R.U.E. has other states paying attention. In fall 2017, Vera began a partnership with the Middlesex County Sheriff's Office in Massachusetts, which opened a similar young adult unit in its jail. There has been an almost complete absence of violence in any of the Restoring Promise units. 12 February 2018. Shortly after that, through a competitive application process, South Carolina was selected from a group of seven applicants to join these partners in transforming custody for young adults. Other states continue to express strong interest in participating.

Restoring Promise begins with a focus on young adults. But we're not stopping there—this project is an entry point into broader justice reform. By placing human dignity as the philosophical and operational core of how American jails and prisons are designed, staffed, and managed, Vera's Restoring Promise initiative is shifting the goal and culture of incarceration from retribution to rehabilitation.

*A quarter century after the 1994 Crime Bill banned the use of need-based Pell Grants for students in prison, Vera is increasing access to postsecondary education for incarcerated people and leading a nationwide campaign to repeal the ban.*

Access to college in prison is proven to significantly reduce recidivism and increase the chances of success for individuals returning to their community from incarceration. Americans across the political spectrum strongly believe it is a smart investment, and in recent years, efforts to build robust postsecondary education programs in prison have accelerated with the support of a broad range of stakeholders, from correctional officers to college administrators.

In January 2019, we published evidence to bolster the growing consensus on education in prison. Our research decisively concluded that repealing the federal ban on Pell Grants would help people who are incarcerated break the link between lack of opportunity and recidivism, a link that has disproportionately trapped people of color in generational cycles of poverty and incarceration.

Issued jointly with the Georgetown Center on Poverty and Inequality, our research found that repealing the ban would:

Armed with this evidence, we are pursuing action. Through the Department of Education's Second Chance Pell Experimental Sites Initiative, Vera is working with state and federal prisons in partnership with 65 colleges in 27 states to establish and support college-in-prison programs that provide quality higher education both in prison and post-release. Since the initiative's launch in 2016, more than 1,000 participants have earned degrees and credentials.

Vera is building on this momentum to catalyze nationwide support. We're taking senators to prison graduation ceremonies, so they can see the promise of a future where all students have access to education and opportunities to unlock their potential. We're bringing college presidents, corrections leaders, and formerly incarcerated students who have benefited from college in prison to share their successes with Capitol Hill policymakers. And, we're connecting businesspeople with formerly incarcerated students to learn how postsecondary education in prison has changed their lives and the communities in which they live.

We're pairing these efforts with a national communications campaign to cultivate broad public support for postsecondary education in prison at the state and national levels with the eventual aim of repealing the federal ban on Pell Grants for students in prison.

The images are all too familiar: children being wrenched from their parents' arms and reunited after months of forced separation; individuals who suffer from mental illness or drug dependence languishing in jail and not receiving the care or treatment they need; and lives forever altered due to the consequences of a low-level and unnecessary arrest. This is a reality impacting thousands of individuals, families, and communities across our nation, the majority of whom are poor and people of color. At Vera, we recognize these injustices as some of the most important civil rights challenges of our time, and we are working actively to ensure that our justice system is one that delivers access, safety, and fairness to the diverse communities that make up America.

This includes our work to keep families together, healthy, and safe by building a national movement to provide publicly funded universal representation to immigrants facing deportation; and our work to repair the harms of over-policing by helping police agencies across the country hold themselves accountable for repairing racial breaches and building community trust and confidence.

*In an era of unprecedented and aggressive immigration enforcement, millions of people across the United States are at risk of long-term detention and deportation, many facing potentially permanent separation from their families and communities. Confronting these threats to justice and due process head-on, Vera mobilized in early 2017 to launch the SAFE (Safety & Fairness for Everyone) Network, a network of cities and counties across the nation that have committed to funding legal representation for immigrants detained and facing deportation. In the project's first year, we built a network of 12 cities and counties in eight states spanning both the geographic and political spectrum. These jurisdictions are dedicated to keeping immigrant families together and defending the principles of liberty, due process, and fairness. In 2019, at least five more jurisdictions are joining the SAFE Network.*

Because immigration court is a civil procedure, individuals facing deportation are not entitled to a lawyer if they cannot afford one, and many must navigate our byzantine immigration system alone. Studies show that immigrants who are represented are more than ten times more likely to establish a right to remain in the United States than those who are unrepresented. Vera has worked for years to ensure that immigrants who cannot afford a lawyer receive the due process they deserve, and our legal access and education programs operate nationwide.

In 2017, as the threats to justice, human dignity, and the rule of law for our immigrant communities grew, Vera took action. We had already co-founded the nation's first public defender system for immigrants detained and facing deportation, in 2014, in New York City. Using this model, we built a network of partnerships with other local jurisdictions, the SAFE Network, that have each committed public taxpayer dollars to legal representation for immigrants in their communities who are facing deportation.

For each participating jurisdiction, Vera provides comprehensive support, including technical assistance, legal training, and communications strategy. Much like a public defense model in criminal cases, the universal representation model for immigrants advanced by the SAFE Network means that everyone at risk of deportation should have access to due process and a fair day in court, even if they cannot afford an attorney.

Like other Vera initiatives, the project includes politically and geographically diverse jurisdictions selected through a competitive race to the top request for proposals to attract the most committed, ambitious reform partners. Current SAFE jurisdictions include: Atlanta, GA; Austin, TX; Baltimore, MD; Chicago, IL; Columbus, OH; Dane County, WI; Denver, CO; Long Beach, CA; Oakland/Alameda County, CA; Prince Georges County, MD; Sacramento, CA; San Antonio, TX; and Santa Ana, CA. Due to high demand, in 2019 we opened additional slots, and we are evaluating proposals from other jurisdictions eager to join the program.

By the end of its first year of operation, 38 percent of SAFE cases completed in immigration court resulted in successful outcomes permitting clients to remain in the United States. By comparison, approximately 3 percent of unrepresented cases nationwide are successful. Half of the successful SAFE outcomes were for people pursuing asylum, fleeing persecution or seeking protection under the Convention Against Torture. As further data emerges from studies of SAFE representation, Vera is making the broad, national case for universal, government-funded legal representation for all immigrants facing deportation.

In the words of Mayor Michael B. Hancock of Denver, a SAFE Network partner, "We all believe we were on the right side of this issue. Twenty to 30 years from now, we'll all look back and say we were on the right side of history as well."

Often, the hope and positive outcomes that come with representation can have stabilizing effects on clients' financial situations, physical and mental health, and the physical and mental health of their family members. Juan and Paula's story illustrates this point.

Juan's detention took his family by surprise, leading to what his wife Paula described as a complete 360 overnight. Juan and Paula

described a tight-knit, stable family that didn't have financial worries and was always together doing activities. Paula explained they were dumbfounded when one night, soon after speaking to his wife on his phone, Juan was pursued and apprehended by Immigration and Customs Enforcement (ICE) officers while driving home from work. He had recently decided he wanted to expand his job possibilities and applied for Deferred Action for Childhood Arrivals (DACA) after consulting with a private attorney who told him an arrest from his youth would not be an issue. Instead, it triggered a warrant for his apprehension by ICE.

After Juan was suddenly taken into detention, things became very stressful for the family. Just seven years old, one of the children was concerned the family would not be able to afford food, so he started offering to do extra chores around the house and saved up the money he earned to give back to his mother. The stress of losing the family's income also affected Paula, who described how she started blanking out, losing focus, getting rashes.

Juan's ties to the community helped the family turn things around. His longtime employer helped connect them to a SAFE Network lawyer. After hearing about Juan's detention, a frequent patron of his workplace set up a fundraiser to help pay the bond Juan had been granted and support the family in rebuilding financially. Juan's case is still pending. However, he and his family now have hope that they will not lose everything as a result of Juan's attempt to legalize his status. His SAFE Network lawyer, Juan says, is like a big dad. It's like having your dad next to you, reassuring him as the family attempts to restore its stability.

*Compiling decades of policing data from our nation's 18,000 police departments into an easily accessible and searchable database, our Arrest Trends interactive data tool is shining a light on police overuse of enforcement and how that drives up our nation's jail and prison populations.*

One every three seconds: that's what Vera's groundbreaking Arrest Trends tool found in analyzing the volume of police arrests nationwide. To understand the role of police enforcement in driving our nation's jail and prison populations, Vera produced this interactive data visualization compiling decades of policing data including arrest, clearance, and victimization rates for nearly all of our nation's 18,000 police departments into an easily accessible and searchable database. This necessary work not only sheds greater light on policing practices and the need to reduce unnecessary arrest, but it also brings greater transparency and clarity to criminal justice practices.

Among our findings: More than 10 million arrests are made each year in the United States. Although that number is down by more than 25 percent since 2006, the fact remains that an arrest is made every three seconds in America and fewer than five percent of those arrests are for serious violent crimes. Collectively, the data presented by Arrest Trends challenges the notion that America's reliance on enforcement is a necessary component to achieving oft-stated public safety goals.

Notably, the last two decades of policing have been significantly shaped by CompStat, a data-driven tool that police departments use to respond to crime patterns. While CompStat has been credited with lowering crime rates, its lack of community-focused measures has contributed to overreliance on punitive enforcement, especially for minor transgressions such as the NYPD's now-discredited stop-and-frisk practice, which focused overwhelmingly on people of color.

To address this problem, in 2016 Vera and the National Police Foundation created CompStat360, a national model for law enforcement agencies that sets up a different framework for success by measuring and evaluating the impact of community policing practices in the same way that current CompStat systems focus on locating and driving down crime.

We are now working directly with law enforcement and community representatives in five pilot jurisdictions in Arizona, New Jersey, and Texas, testing a CompStat360 prototype that measures citizen satisfaction, use of force, problem-solving, and other aspects of policing that are of great concern to the public, especially communities of color, which overwhelmingly don't trust police.

Following this two-year pilot process, Vera and the National Police Foundation will encourage adoption of its model in police departments currently using the CompStat program (including 59 percent of the nation's largest police agencies), as well as in the many jurisdictions that have committed to the goal of being more accountable to the communities they serve.

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