

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

**<https://www.vera.org/blog/united-toward-justice-urban-and-rural-communities-share-concerns-about-incarceration-fairness-of-the-justice-system-and-public-spending-priorities>**

### Public Facing Advocacy Writing

Read the summary of the full [polling results](#).

[Research by the Vera Institute of Justice](#) (Vera) has demonstrated rising incarceration rates in small, rural counties and declining rates in large, urban counties so we wondered: is this the product of a country divided on issues of incarceration and justice?

In a moment shaped by narratives of bitter partisan and geographic divisions, one might expect to find stark ideological differences between the residents of America's biggest cities and its smallest counties over a politically charged issue like the criminal justice system. In recent years, justice reform has been a winning campaign message for mayors and prosecutors in big cities such as [New York](#), [Chicago](#), [Philadelphia](#), and [St. Louis](#). Yet there is an enduring sense that rural America may still be the province of a tough-on-crime sensibility.

However, when we asked 2,000 American adults about issues of crime, justice, and public spending, we found a nation more united than divided around rethinking our justice system.

[New polling](#) conducted for Vera by Greenberg Quinlan Rosner Research (GQR) shows that a 67 percent majority overall agree that building more jails and prisons to keep more people in jail does not reduce crime, including 61 percent of rural Americans. What's more, neither people in rural nor urban areas across America consider crime a major problem: only 27 percent of people living in rural areas cite it as a major problem in their communities, as compared to 26 percent overall. And people in communities of all sizes appear disinterested in spending limited taxpayer resources on prisons and jails. Building prisons and jails ranks a distant last (35 percent) as a strategy to improve quality of life trailing behind measures such as providing more jobs and job training (91 percent); investing more in schools and youth programs (88 percent); providing more community-based mental health treatment (86 percent) and drug and alcohol treatment (83 percent); and emphasizing community-based violence reduction programs (78 percent). (See GQR's [memo](#) for complete details.)

Vera's [In Our Backyards](#) [research](#) adds a human dimension to these results and anchors them in the lived experiences of communities. In Pueblo County in Southern Colorado, for example, voters have twice rejected jail expansion. There are competing narratives about the beliefs underlying the rejection of jail expansion. The criminal justice stakeholders who were proponents of expansion saw the no vote as a reflection of most voters' general apathy about conditions endured by the people incarcerated and working in the county jail. But many citizens who voted against expansion saw their votes as a choice about the conditions of the community writ large. As one person who voted against expansion put it: They need a new treatment center, not a jail. This is a poor place; there's a drug problem like all these poor places across the country. We don't need a new jail.

Ultimately, public spending choices are much more than technocratic decisions; they are political choices about how to spend limited taxpayer dollars to best serve a community.

Residents not only disapprove of investing in newer or bigger jails and prisons; they're also concerned about the rate at which their friends and neighbors are being locked up. A 40 percent plurality believes that the level of incarceration in their communities is too high, as opposed to just nine percent of people who believe that it is too low. Moreover, 66 percent of people confirmed that they would be concerned if they learned that their community had a higher rate of incarceration than similar communities in their state; 55 percent of whom would be very concerned. In rural counties, those numbers dip only slightly to a 60 percent majority of residents who would be concerned about outside rates of incarceration; 45 percent of whom would be very concerned.

Misgivings about the justice system's ability to deliver on the promise of equal justice also became clear: 55 percent of respondents agreed that the nation's justice system discriminates against poor people. This was affirmed by 76 percent of people who described themselves as lower class, and 84 percent of black Americans.

Furthermore, when asked specifically about their perceptions of judges among the most visible actors in the local justice system, a 47 percent plurality disagreed with the statement Local judges are fair to all people, regardless of background, including 63 percent of black Americans. These perceptions might be understood in tandem with the overrepresentation of black and poor Americans in the nation's jails: despite a narrowing racial gap, black people are still 3.6 times more likely to be jailed than white people. What's more, an estimated 80 percent of people in jail are indigent.

Montgomery County, in upstate New York, provides an example of how law-and-order policies might sow doubt about the fairness of local courts. For the majority of one particular judge's tenure, the county had the highest jail incarceration rate in the state. This judge was well-known in the area for his propensity to put people behind bars and particularly for enforcing nonpayment of fines and fees. If you went to his court, the county sheriff said, most of the time, you went to jail. Despite the disparate impact of the judge's policy's on

Montgomery County's poorest citizens, however, he was repeatedly elected to the court where he served for 19 years.

Opinions about incarceration rates and the fairness of the justice system can have profound political implications. Communities incarceration rates reflect the operation of the local justice system and choices made by elected officials, including legislators, sheriffs, prosecutors, and judges.

And, as the 2018 elections near, the prognosis is bright for reformers in both urban and rural places. GQRs poll found that a hypothetical candidate who proposes addressing disproportionately high incarceration rates by investing in treatment and creating educational and economic opportunities rather than burdening taxpayers with the cost of unnecessary incarceration is appealing to 71 percent of Americans overall, and 68 percent of rural residents.

As small communities grapple with rising incarceration rates, the beliefs of rural residents surrounding crime, justice, and public spending point to a clear path to reform. In many small cities and rural areas, activists and advocates have already begun to carve out this path by holding local justice actors accountable and shifting away from investments in bigger jails.

In upstate New York, advocates from Decarcerate Tompkins County, Justice and Unity for the Southern Tier, and United Voices of Cortland have successfully organized to curb jail expansion across the Southern Tier the counties west of the Catskill Mountains along the northern border of Pennsylvania. In the words of Binghamton County organizer Bobby Black, If we spend 10 million dollars a year on the jail, as opposed to 10 million dollars towards drug rehabilitation services, for example that's saying 10 million times I'd rather see someone who's an addict get locked up in jail, as opposed to someone on a good road to recovery. It's about priority and allocation of money.

In Southern Colorado, years of careful court observation culminated in a scathing ACLU report highlighting an illegal and abusive debtors prison scheme in Alamosa Municipal Court under the leadership of Judge Daniel Powell. While Powell is no longer in office, the key point of the report resonates beyond Alamosa County or even Southern Colorado, pointing to a statewide lack of oversight in Colorado's municipal courts that has allowed the justice system to prey on the poor and vulnerable.

As the movement to reverse mass incarceration and elect reform-minded candidates continues to gain momentum, it's clear that the same energy that has propelled America's biggest cities toward reform is infusing small-town America. And while the nation's smallest communities are often overlooked, they are poised to be a force for change.

For further information from Vera's groundbreaking poll, see [GQRs analysis](#), the [full polling results](#), and our [press release](#).

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