

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/target-2020/the-party-platforms-must-address-the-urgent-need-to-transform-american-criminal-justice>

Public Facing Advocacy Writing

The 2020 Democratic and Republican party platforms offer a unique opportunity to address some of the most pressing justice issues that face communities across the United States from major urban hubs to small- and medium-sized cities to struggling rural areas in the Industrial Midwest, Appalachia, the South, and expanses of the western states.

Americas justice system is rooted in the nations history of slavery and racial oppression and applying a human dignity lens is necessary to achieve transformational change. This perspective values the intrinsic worth of human life and a persons ability to grow and change.

In that spirit, the Vera Institute of Justice (Vera) urges important party platform updates in the following key areas most in need of change:

Vera has produced groundbreaking research and created new models to achieve fairer and more equitable systems, and all of our recommendations for how best to include these principles in the party platforms are rooted in this work. By adopting the following principles as part of their platforms, Americas political parties can redouble their commitments to true justice and help set the nation on a course to achieve that goal.

Recommendation: Ensure that the platform entry on COVID-19 includes key components on reform to the criminal justice system.

Suggested language: Prisons, jails, police, community supervision, and courts all will play pivotal roles in the nations ongoing response to COVID-19 and whether we are able to contain its spread effectively. It is crucial to reduce to the greatest extent possible the number of people who are held in prisons, jails, and immigration detention centers, as well as those who are brought to courts outside of bond hearings. When it is unavoidable for people to be in these settings, we should put into place full precautions to protect the health of justice-involved people and system staff.

Recommendation: Emphasize the need for transformational change in conditions of confinement.

Suggested language: We must drastically shrink the footprint of the nations prisons. For those who remain incarcerated, we should create prisons that offer safety to incarcerated people, corrections staff, and administrators. We also should create conditions that keep people from returning to jail and prison after they are released. This will entail radical change that values the dignity of everyone inside a prisons walls and affords incarcerated people the chance to realize their own self-efficacy and potential. Among changes that should be made immediately are ending solitary confinement, rolling back the Prison Litigation Reform Act, and achieving widespread adoption of rehabilitative jail and prison models to replace existing punitive models.

Recommendation: Reinstate Pell Grant eligibility for individuals pursuing postsecondary education while in prison.

Suggested language: We should immediately reinstate Pell Grant eligibility for all people in prisons. Higher education in prisons is the closest thing we have to a silver bullet for Americas notoriously high recidivism rates. In fact, on average the odds of recidivating are 48 percent less for those who take part in postsecondary education programs in prison than for those in prison who do not. Postsecondary educational opportunities in prisons decreased precipitously after the 1994 Crime Bill ended Pell eligibility for incarcerated students. Additional benefits of higher education in prisons include increased earning potential for people reentering society and considerable financial savings for states.

Recommendation: Confront the rural jail crisis by ensuring that plans to support and revitalize rural communities include strategies to reduce rural jail populations. As a critical first step, eliminate the use of U.S. Department of Agriculture Community Facilities funds to support jail construction, expansion, equipment purchasing, staffing, and operations.

Suggested language: We need to solve Americas rural jail crisis: this is the only way to shrink the overall footprint of the criminal justice system. Since 2013, the jail population has grown 27 percent in rural counties and 7 percent in smaller cities even as the number of people in jails in the nations biggest cities declined by 18 percent. This crisis of incarceration is both a cause and consequence of the challenges faced by small town America, including joblessness, poverty, and deaths by suicide or accidental overdose. As we work to

support and revitalize rural America, it is critical to vastly reduce jail incarceration rates in these parts of the country. As a critical first step, we should eliminate the use of U.S. Department of Agriculture Community Facilities funds to support jail construction, expansion, equipment purchasing, staffing, and operations.

Recommendation: End money injustice.

Suggested language: We should end the travesty of money injustice. There are more than 700,000 people in U.S. jails around the country, and about two-thirds have not been convicted of a crime: most have been locked up because they cannot pay bail. Money injustice through bail, fines, and fees is driving much of the increase in local jail populations across the country, disproportionately extracting hard-earned dollars from communities of color and keeping too many people in jail or otherwise involved with the justice system for far too long.

Recommendation: Address overpolicing and police violence through accountability to the federal government, required data collection and reporting, and reallocation of unnecessary funding for law enforcement agencies to community needs.

Suggested language: The overpolicing and criminalization of Black people and the use of excessive police force are legacies of slavery and white supremacy. In the United States, there are approximately 10.5 million arrests per year equivalent to one every three seconds and each encounter brings with it the risk of violence against community members, disproportionately impacting Black people. Real accountability in policing is long overdue. Critical steps the federal government must take toward necessary transformational change include requiring department accountability as a condition of law enforcement grants; requiring police to collect and report data about police misconduct and excessive force disaggregated by demographic categories; and reexamining unnecessary resources for law enforcement agencies and reinvesting them in community needs, such as housing, jobs, social services, mental and physical health care, and substance use programs.

Recommendation: Address the shocking lack of due process for immigrants facing deportation.

Suggested language: We should provide additional resources to ensure due process for immigrants facing deportation. Unlike in criminal court proceedings, immigrants facing deportation have no right to government-funded counsel. However, the process can be as or more daunting and complicated, and many immigrants also face language barriers. Expanding legal representation for immigrants facing detention and deportation is a crucial line of defense for our immigrant communities.

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