## ENDING MASS Incarceration

The Multifaith Initiative to End Mass Incarceration

Resources & Action Toolkit

CONVENED BY







# **Criminal Justice Issues & Resources**

- Key Definitions
- Key Facts
- Criminal Justice 101
- Words Matter
- On Language: An Open Letter from Eddie Ellis
- Washington Post Op-Ed Justice Department Policy
- For Congregational Education Movies & Books
- Criminal Justice Reform Organizations

# **Key Definitions**

	Statistics on mass incarceration include people			
	held in both jail and prison. They are not the same.			
JAIL	Jails are short-term facilities that usually are administered by a local law-enforcement agency. People may be held in jail pending bail or pending a trial. It is important to note that these people are presumed innocent. Some of the people in jail are awaiting sentencing or transfer to other facilities after a conviction. They also may be in jail serving a sentence of less than one year.			
PRISON	Prisons are longer-term facilities run by a state or by the federal government. Prisons typically hold people convicted of a felony and persons with sentences of more than a year.			
	In addition to jail and prison, correctional supervision — also includes people on parole or probation.			
PAROLE	Parole is a conditional release from prison to serve the remaining portion of a sentence in the community. Failure to comply with the conditions of parole can result in a return to incarceration. Parole officers enforce the terms of parole, including checking that people on parole are conforming to curfew limits, drug testing and other mandated requirements.			
PROBATION	Probation is generally mandated in lieu of incarceration and refers to community supervision through a probation agency. However, some jurisdictions sentence probationers to a combined short-term incarceration sentence immediately followed by probation, which is referred to as a split sentence. Failure to comply with the conditions of probation can result in incarceration.			
	GOALS OF FOUR TYPES OF JUSTICE*			
RETRIBUTIVE	<ul> <li>Punish someone who has done something wrong.</li> <li>Make other people think twice about doing the same wrong.</li> <li>Prevent the person from doing other things wrong.</li> </ul>			
RESTORATIVE	<ul> <li>A person who has caused harm to others takes responsibility for it.</li> <li>Repair the harm done to someone.</li> <li>Rebuild relationships between someone who has done harm and the people harmed.</li> </ul>			
PROCEDURAL	<ul> <li>Ensure an equally fair process for everyone involved, no matter how rich or poor, powerful or unimportant they are.</li> <li>As long as the process is trustworthy, it matters less what the end result is.</li> </ul>			
DISTRIBUTIVE	Provide for the diverse needs of everyone in a society by distributing resources fairly.			

\* CREDIT: HANDBOOK FOR JEWISH COMMUNITIES FIGHTING MASS INCARCERATION PRODUCED BY T'RUAH

## **Key Facts**

## **2.2 MILLION**

people are in prison or jail in the United States.

## **6.7 MILLION**

people are under correctional supervision—including incarceration, probation & parole.



## The United States incarcerates more people than any other country in the world.



It has nearly **5%** of the world's population

but almost **25%** of the world's known prison population



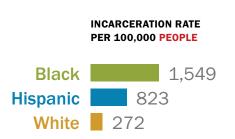


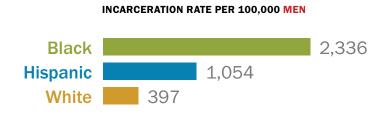
## America spends about **\$80 billion** a year on incarceration.

The average cost per prison inmate in the U.S.



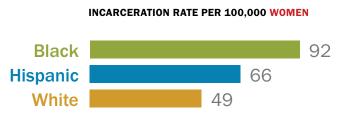
## The racial, ethnic and gender makeup of U.S. prisons continues to look substantially different from the demographics of the country as a whole.

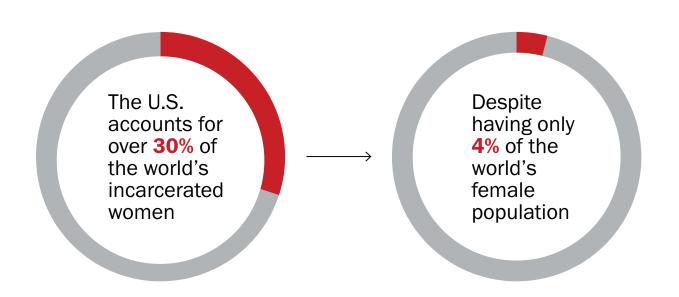




Black men are 6 times more likely to be incarcerated than white men. Latino men are 2.5 times more likely to be incarcerated than white men.

Black women are nearly 2 times as likely to be incarcerated than white women. Latino women are 1.35 times more likely to be incarcerated than white women.

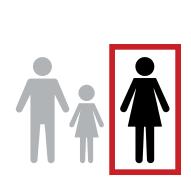




80% of women in jail are mothers. **2.9 MILLION** women are jailed in the U.S. each year.

Over 2.7 million children have a parent in jail or prison.

**10 MILLION** children have had a parent behind bars.



**^ ^ ^ ^** 

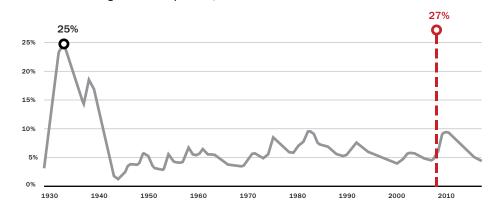


Over **70 million** Americans have some type of criminal record.

## That's nearly **1** in 3 adults in America.

**OVER 640,000** people are released from state and federal prisons each year.

A criminal record reduces the chance of getting a job offer or callback by nearly **50%**. Peak during the Great Depression, 1933

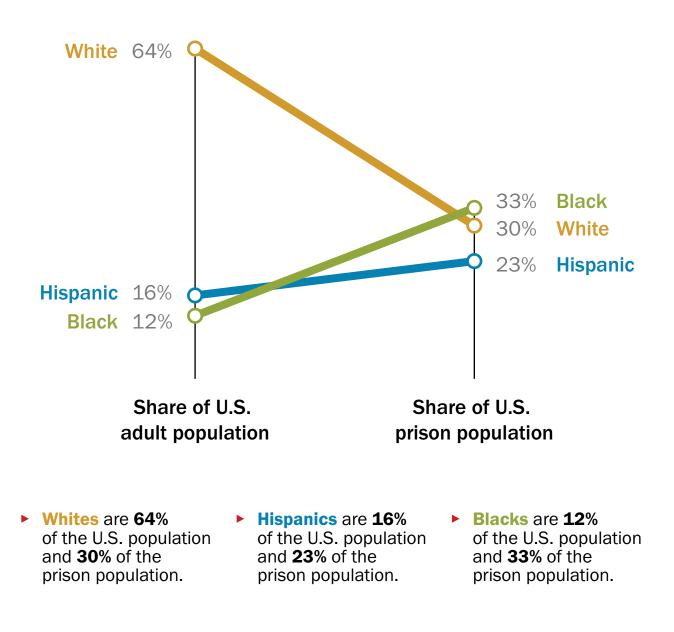


Unemployment for formerly incarcerated people is higher than unemployment rate for Americans during the Great Depression. U.S. unemployment rate

Unemployment among formerly

incarcerated people, 2008

# Share of U.S. Population vs. Prison Population by Race



Throughout the toolkit and in this section, we've drawn from information provided by others. If you'd like to do further research, here are some sources to check: Bureau of Justice Statistics, Prison Policy Initiative, ACLU, Census Bureau, Prison Studies, Pew Research, Sentencing Project, National Reentry Resource Center, and Vera Institute of Justice.

## **Criminal Justice 101**

Excerpted from In Your Backyard: A Toolkit for Addressing Criminal Justice at the Local Level produced by the Jewish Council for Public Affairs (JCPA).



## INTRODUCTION

The inequities people of color suffer at the hands of the justice system constitute one of the most pressing civil rights crises the United States faces today.

More than 30 years ago, the United States launched a "War on Drugs" that produced "tough on crime" policies and harsh mandatory minimum sentences that have lengthened prison terms across the board. As a result, our prison population has skyrocketed, disproportionately impacting people of color. Shootings of unarmed black and Latino men and women since the murder of Trayvon Martin in 2012 serve as a striking reminder that racism and discrimination still plague our society and that the dream of the civil rights era remains deferred.

JCPA's "Criminal Justice 101" is a user-friendly policy overview that aims to provide a background on the issues criminal justice reform seeks to address so that the Jewish community relations field can increase its involvement in working for transformative change.

Criminal justice is a broad term that covers an array of issues. For clarity, this overview divides these issues chronologically into before, during, and after incarceration, including:

- School-to Prison Pipeline and Juvenile Justice
- Law Enforcement and Police Encounters
- Judicial Proceedings
- Incarceration
- Reentry and Collateral Consequences

## SCHOOL-TO-PRISON PIPELINE

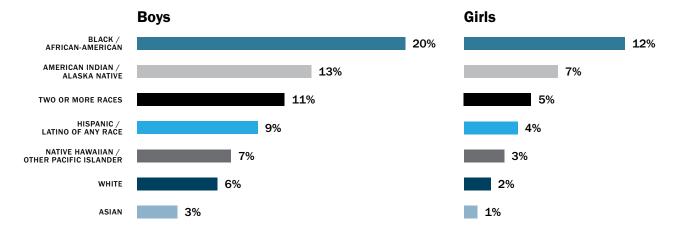
The **"school-to-prison pipeline"** refers to the widespread trend of schools adopting "zero tolerance" disciplinary practices—out-of-school suspensions, expulsions, and arrests—that drive students from the education system into the juvenile justice system. Almost **70**% of inmates never graduated high school.<sup>1</sup>

Over the past several decades, pre-schools through high schools across the nation embraced disciplinary models that mandate harsh punishments even for low-level misbehavior. Minor offenses, such as dress code or cell phone violations, profanity, and "talking back," which once merited a visit to the principal's office, are now cause for out-of-school suspension, expulsion, and in-school arrests.<sup>2</sup>

Further compounding the problem, overcrowded, underfunded schools are increasingly relying on campus cops, known as Student Resource Officers, to handle routine discipline. According to the Justice Policy Institute, schools with Student Resource Officers were **5X** more likely to arrest students for discretionary offenses like "disorderly conduct" or "insubordination" than those without police.<sup>3</sup> As one chief judge told Congress in 2012, instead of addressing serious crimes, the juvenile justice system must now expend its resources on "prosecuting kids that are not 'scary,' but made an adult mad."<sup>4</sup> Over **70**% of students subjected to discretionary arrest are black or Latino.<sup>5</sup>

"(R)elying on out-of-school suspensions, expulsions and arrests to handle routine matters of discipline is not only proven to harm students' academic outcomes, but it's not even proven to make our schools safer."

 MATT CREGOR, NAACP Legal Defense and Educational Fund



#### Students Receiving Out-of-School Suspensions by Race/Ethnicity and Gender

SOURCE: U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS, CIVIL RIGHTS DATA COLLECTION, 2011-12. DATA COMPILED BY THE JUSTICE POLICY INSTITUTE

Such punitive measures, most of which are "discretionary," disproportionately impact students of color, LGBTQ students, and students with disabilities—many of whom are already impoverished, abused, and/

or neglected at home. Federal data shows that black students are **3X** as likely to face suspension or expulsion as their white classmates, despite numerous studies that indicate no behavioral differences.<sup>6</sup> Research has largely dispelled the common notion that these disparities stem from issues of poverty and more misbehavior among students of color.<sup>7</sup>

A groundbreaking Texas study found that just **one** out-of-school suspension **doubled** a student's risk of dropping out and **23%** of students who were suspended ended up in contact with the juvenile justice system. Of most concern, the study also found that black students were **31%** more likely to receive a discretionary suspension, even after controlling for variables like the school's demographics and regional attributes, age, socioeconomic status, and English language proficiency.<sup>89</sup>

## LAW ENFORCEMENT

Animosity between law enforcement and communities of color has reached crisis levels. Police shootings have justifiably captured public attention and reignited a national conversation about how we police society. Excessive force used by officers in *routine interactions* with black and Latino citizens is one of the most ubiquitous, and damaging forms of discrimination.

Police officers face a difficult, demanding, and sometimes dangerous job, and deserve recognition and respect. Increasingly, officers have found themselves responsible for handling situations that call for mental health professionals, social workers, or educators. Experts widely agree, and mounting data strongly suggest, that the criminal justice system, including police work, suffers from institutionalized racism that traumatizes both police and citizens of color. **Institutional racism** "refers to the policies and practices within and across institutions that, intentionally or not, produce outcomes that chronically favor, or put a racial group at a disadvantage."<sup>10 11</sup> **Implicit bias**, which nearly everyone holds to some degree, also significantly contributes to racial and ethnic disparities in police stops, arrests, prosecutions, and punishment.

#### Take a few minutes to test your implicit basis at http://bit.ly/1m808ph

#### Over-policing

A new study by prominent Harvard economist Roland G. Fryer Jr. confirms that police are more likely to touch, handcuff, push to the ground, or pepper-spray black men and women, even after controlling for how, when, and where they encounter the officers.<sup>12</sup> Given that police are far more likely to stop people of color, a significant portion of this population have directly experienced or know someone who experienced police harassment.

In one small Florida town, "stop and frisk" quotas led police to stop 56,922 people, more than half the population, over five years. News broke after *Miami Herald* reporters discovered that police had stopped one black man 258 times, including 62 times for loitering or trespassing while at the convenience store where he worked.<sup>13 14</sup>

People of color also experience a subtler form of institutional racism through cities' use of municipal fines from traffic tickets and other minor infractions to raise revenue. Though ostensibly neutral, it is poor, mostly minority populations who bear the brunt of the financial burden.<sup>15</sup> Many cities even arrest people who are unable to pay their fines, detaining them in overcrowded jails, sometimes for weeks—perversely often at a cost to taxpayers that far exceeds the amount owed.<sup>16</sup> In a true catch-22, some residents have their driver's license suspended, costing them jobs they need to pay off their fines. Nearly all of those caught up in the system for failure to pay are black or Latino, disabled, and/or homeless.

When the Justice Department investigated Ferguson's police department after Michael Brown's death, it found that officers disproportionately ticketed and arrested black citizens, viewing them "less as constituents to be protected than as potential offenders and sources of revenue." In fact, promotions depended on officers' ability to generate revenue.<sup>17</sup> The *Washington Post* reports that some cities rely on fines for minor offenses like playing loud music, leaving grass uncut, and wearing 'saggy pants' to make up more than **40**% of their annual budgets.<sup>18 19</sup>

#### **Under-policing**

Conversely, black communities are also severely underpoliced when it comes to violent crime, forcing residents to carry out their own policing, often through violence.<sup>20</sup> For many, being black or Latino means living in a community, such as in New York City, where police solve **86**% of homicides involving white victims, while **55**% of homicides involving a black victim are left unsolved.<sup>21</sup> The incongruity is largely a result of mistrust between police and communities of color, as well as **"broken windows policing,"** which criminalized nuisance behaviors. Yet, according to researchers, it is also a matter of police priorities. One criminologist points out that police almost always solve homicides of fellow officers, even though these murders are often the most difficult to solve.<sup>22</sup> You can look up the percentage of crimes your local law enforcement solve using this database from National Public Radio at http://n.pr/1Nz1HfF

With high arrest rates for minor offenses disproportionate to that of white people for the same crimes, and low arrest rates for serious violent crime, trust in police among communities of color has deteriorated such that citizens in those communities do not feel safe encountering or turning to police.

#### **Police Militarization**

Police militarization made national headlines in 2015, during the protests in Ferguson following Michael Brown's fatal shooting, but the Department of Defense program that makes it possible today started in 1997.

The **1033 program** allows the Defense Department to share its surplus equipment with state and local police forces. This program has given rise to police outfitted with mine-resistant armored tanks, grenade launchers, and assault rifles they have little to no training in using.



Police in riot gear confront a man in Ferguson, Missouri, on August 11, 2014.

(JEFF ROBERSON/AP)

	INCIDENTS FOR EVERY 10,000 STOPS IN NEW YORK CITY		
TYPE OF FORCE USED	BLACKS	WHITES	% MORE LIKELY
USE HANDS	2,165	1,845	17%
PUSH INTO WALL	623	529	<b>18</b> %
USE HANDCUFFS	310	266	16%
DRAW WEAPONS	155	129	19%
PUSH TO GROUND	136	114	<b>18</b> %
POINT WEAPON	54	43	24%
USE PEPPER SPRAY OR BATON	5	4	25%
	USE HANDS PUSH INTO WALL USE HANDCUFFS DRAW WEAPONS PUSH TO GROUND POINT WEAPON	TYPE OF FORCE USEDBLACKSUSE HANDS2,165PUSH INTO WALL623USE HANDCUFFS310DRAW WEAPONS155PUSH TO GROUND136POINT WEAPON54	STOPS IN NEW YORK CITYTYPE OF FORCE USEDBLACKSWHITESUSE HANDS2,1651,845PUSH INTO WALL623529USE HANDCUFFS310266DRAW WEAPONS155129PUSH TO GROUND136114POINT WEAPON5443

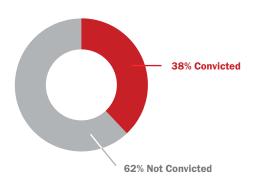
Equipping law enforcement with military gear has profound psychological impacts both on citizens and the officers themselves. It sends the message that law enforcement is "at war" with the communities they are charged with protecting. It terrifies citizens and automatically escalates already tense and hostile situations that in no way require military use of force. The number of SWAT teams, initially established to respond to active shooter and hostage situations, has proliferated across the country. Not surprisingly, the majority of SWAT deployments—**over 80**% in some regions—are now for "no-knock" drug raids, where police storm homes, often in the middle of the night, to search for drugs.<sup>23</sup>

## JUDICIAL PROCEEDINGS

Justice in America is too often delayed or denied. Court dockets are overloaded, the public defender system is underfunded, and racial disparities permeate the system. Access to competent counsel is both constitutionally-mandated and essential to prevent miscarriages of justice. The inadequacy of the current system results too often in justice delayed and denied, as when the outcomes of criminal proceedings hinge arbitrarily on a defendant's finances.

#### **Public Defenders**

According to the Brennan Center for Justice, anywhere from **60-90%** of criminal defendants need publicly-funded counsel.<sup>24</sup> Yet public defenders are so under-resourced and overworked, in some jurisdictions, they can only devote an average of **seven minutes** to each case—handling some **350-1,000** cases annually, which means they cannot possibly be an effective advocate.<sup>25</sup> And in fact, many urge their clients to accept plea deals, even when the client insists



Three out of five people in jail are legally presumed innocent, awaiting trial or resolution of their cases through plea negotiation, and simply too poor to post even low bail.

SOURCE: RAM SUBRAMANIAN ET. AL. INCARCERATION'S FRONT DOOR: THE MISUSE OF JAILS IN AMERICA. NEW YORK, NY: VERA INSTITUTE OF JUSTICE, 2015 on their innocence. In at least 43 states and the District of Columbia, courts can bill defendants for their public defender.  $^{\rm 26}$ 

Almost all criminal cases end in a plea deal, that is, before the case is tried. It is not uncommon for impoverished defendants—even those who are innocent—to agree to plead guilty, rather than sit in jail and await trial, because they cannot afford to wait in jail for the trial date, nor can they afford bail. Agreeing to a suspended sentence or probation may meet their immediate needs, but the long-term outcome is grim: they now have a criminal record, which renders them ineligible for many jobs and most public assistance.<sup>27</sup>

Being incarcerated, even for a short time, can be devastating, resulting in the loss of a job, child custody, and even housing. Over **62%** of people in jail have not yet faced trial or been found guilty. A **third** are detained simply due to their inability to make bail.

Find out what court fees your state charges using this helpful tool created by National Public Radio at https://n.pr/1o1RDSp

### **Indigent Defense and Bail**

That is why so many **indigent**<sup>28</sup>—impoverished—defendants turn to predatory bail bondsman, who agree to pay the court should the defendant fail to appear in court. In exchange, the defendant must pay 10-15% of the bail amount to the bondsmen up front, even if the defendant is found not guilty or the charges are dropped.<sup>29</sup> But even bondsmen typically refuse to front bails set lower than \$2,000, which is higher than most bails.<sup>30</sup> Our system punishes low-income people before they are even proven guilty.

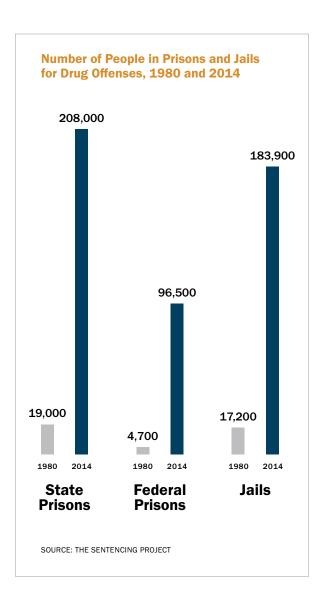
#### Mandatory Minimum Sentences

"If he had been an aircraft hijacker, he would have gotten 24 years in prison. If he'd been a terrorist, he would have gotten 20 years in prison. If he was a child rapist, he would have gotten 11 years in prison. And now I'm supposed to give him a 55-year sentence? I mean, that's just not right."

 RETIRED FEDERAL JUDGE PAUL CASSELL, on sentencing 24-year-old Weldon Angelos to 55 years for three marijuana sales

More than 30 years ago, the United States launched a "War on Drugs" that produced "tough on crime" policies and **mandatory minimum sentences** that have lengthened prison terms across the board. About half of all arrests are drug-related, and the majority of these are for personal use or simple possession. As a result, our prison population has skyrocketed. Long sentences and mandatory incarceration for minor drug offenses have not deterred drug use or reduced addiction rates.

Studies suggest that the disproportionate percentage of people of color enmeshed in the criminal justice process reflects disparities in police enforcement of criminal laws, rather than any difference in the rates at which whites and minorities commit crimes. For example, despite similar or higher usage rates among whites, drug arrests and prosecutions fall disproportionately on African-Americans and Latinos, who are also more likely to be convicted and sentenced to longer terms than white defendants. Mandatory minimums for drug offenses also drove harsher sentences for other crimes, as well. Once a drug offense merits a 10-year sentence, more serious crimes require longer terms to keep pace.





Several hundred inmates crowding the gymnasium at California's San Quentin prison in 2009. (ERIC RISBERG/AP)

## **INCARCERATION**

Incarceration has increased more than **500%** over the last 40 years.<sup>31</sup> As a nation, we spend more on prisons and jails each year than the entire budget of the Department of Education—**\$80 billion** annually to lock up over **2.2 million** people. According to the Bureau of Justice Statistics, state prisons house more than **86%** of the nation's inmates. Just under half are there for nonviolent offenses.<sup>32</sup>

#### Find out your state's imprisonment rate using The Sentencing Project's interactive map at http://bit.ly/2bdB3fo

The incarceration system has all but abandoned rehabilitation in favor of retribution. Prison conditions, including severe overcrowding and pervasive sexual violence, can impose hardships and dire consequences more egregious than those imposed by our laws. These conditions dehumanize both inmates and prison guards, making the environment even more dangerous and volatile.

Over the years, as incarceration rates exploded and pressure to cut prison costs mounted, many facilities significantly increased their inmate-to-staff ratio, meaning each guard is responsible for a growing number of inmates, which is correlated with higher levels of violence among inmates.<sup>33</sup>

### **Mental Health**

Prisons have become *de facto* mental health facilities. Research shows that many, if not most, perpetrators are also victims of crime. There are a variety of explanations for the overlap between victims and offenders that range from societal to psychological. Breaking the cycle of victimization and criminalization requires robust mental health services that few facilities offer.<sup>34</sup> Inmates are not the only ones who suffer within prison walls. Corrections officers report high rates of Post-Traumatic Stress Disorder (PTSD) and incidents of suicide. One study of U.S. corrections officers found that they suffer PTSD at more than double the rate of military veterans. The consequences may be far-reaching. A number

#### 64% WHITE 40% 39% BLACK 19% 16% I ATINO 13% 1% 0.9% NATIVE **Prison/Jail** U.S Population Population

**Racial and Ethnic Disparities in Prisons and Jails** 

SOURCE: PRISON POLICY INITIATIVE; COMPILED FROM 2010 CENSUS, SUMMARY FILE 1.

of current and former officers admitted to taking out the stress and anxiety of the job on inmates.<sup>35</sup> Yet mental health care and counseling services are virtually nonexistent.

#### **Solitary Confinement**

Adding to the psychological trauma that incarceration can impose is the controversial use of solitary confinement as a prison management tool. Also known as "restrictive housing," "the SHU,"<sup>36</sup> "segregation," "the box" or "the hole," solitary confinement involves isolating a person in a cell for 22-24 hours a day with virtually no human contact. This tactic is used for punitive, disciplinary, and "protective" reasons and can last anywhere from a few days to decades. Disciplinary segregation is typically used in response to violations of prison rules, while "involuntary protective custody" is common for at-risk prisoners, such as minors held in adult prisons, LGBTQ people, and mentally-ill individuals.<sup>37</sup>

Military, criminal, and psychiatric experts almost universally agree that isolation causes insanity. Even just a few

Solitary confinement cells are typically about eight by ten feet.

days in isolation can leave permanent damage. In 2011, the United Nations Special Rapporteur on Torture, Juan Méndez, called for an international ban on solitary confinement, arguing that the practice could amount to torture.<sup>38</sup> Though solitary confinement for juveniles was recently banned in federal facilities, many states still engage in this practice. Almost all allow it for adults.

Mass arrests and incarceration remove large numbers of people from engaging productively in their communities, significantly contributing to poverty, income inequality, and family instability. For every person incarcerated, there is also a network of family, friends, and community members who must endure the consequences of that person's absence.

In addition to losing the incarcerated person's income, exorbitant phone call rates, travel costs for visits, and legal fees also place additional financial strain on families. Through it all, children suffer the most.<sup>39</sup>

"Incarceration is a curse on my family. It sucked up and spat out my brother and father and friends. It permeates my earliest memories. It shaped my worldview, informed my awareness of the system, and plagued my youth with knowing."

DOMINIQUE MATTI, freelance writer and editor, Vox

#### Women

Although mostly overlooked, women are the fastest growing prison population in the United States, which already accounts for 30% of the world's incarcerated women.<sup>40</sup> Since the majority of crimes that women commit are nonviolent property, drug, or public order offenses, the emphasis on "broken windows policing" contributed significantly to this increase.<sup>41</sup>

Nearly a third of incarcerated women suffer from a serious mental illness and 82% have a history of drug or alcohol abuse.<sup>42</sup> Yet most facilities lack adequate mental health, substance abuse, and gynecological services. Common practices inside prison walls, such as solitary confinement and shackling during pregnancy and childbirth, are inhumane and result in long-term trauma that undermine reintegration into society.

Nearly 80% of women in jail have young children, fueling an intergenerational cycle of trauma. When parents are arrested, they disappear from their children's lives with little to no warning, leaving them traumatized by the sense of abandonment and uncertainty about their futures.<sup>43</sup> Many end up in foster care, which carries an added risk of contact with the juvenile justice system.<sup>44</sup> Most women are incarcerated at least 100 miles from their families, often rendering visitation impossible for family members, particularly children. In many ways, incarceration isolates both parents and children.

#### **Racial and Ethnic Disparities**

Two-thirds of women in jail are women of color—44% are black, 15% are Hispanic and 5% are of other racial/ethnic backgrounds—compared to 36% of women who identified as white.



Women of color

White women

SOURCE: SWAVOLA, RILEY, AND SUBRAMANIAN, "OVERLOOKED: WOMEN AND JAILS IN AN ERA OF REFORM."

## **REENTRY AND COLLATERAL CONSEQUENCES**

**Returning citizens**, the preferred term for inmates released from prison, must navigate a complex set of barriers that make resuming any semblance of a "normal" life nearly impossible. Nearly half end up back in prison. This trend is known as **recidivism**, which refers to the rate at which returning citizens relapse into criminal behavior. In most states, less than 10% return for new crimes—most are for technical parole violations.

**Two-thirds** of incarcerated people reported to the Justice Department that they owed court-imposed fees and fines. Between **80-85**% leave prison already owing large sums of money. The lack of adequate rehabilitation programming, medical and behavioral health services, substance abuse treatment, educational opportunities, and family contact make reentering society a real challenge. Few facilities prepare inmates to be productive members of society; adjusting psychologically to life outside of prison can be extremely difficult.<sup>45</sup> It is common for inmates to be released directly from solitary confinement to society—in some extreme cases, after years.

"A tough veneer that precludes seeking help for personal problems, the generalized mistrust that comes from the fear of exploitation, and a tendency to strike out in response to minimal provocations are highly functional in many prison contexts but problematic virtually everywhere else."

 CRAIG HANEY, UC Santa Cruz professor of psychology Criminalization also degrades the conditions that can aid in recovery—such as access to addiction and mental health treatment, support networks, gainful employment, and education. Returning citizens are barred from accessing most government benefits, including the Supplemental Nutrition Assistance Program (SNAP) and public housing. In fact, they are prohibited from even entering public housing, which often prevents them from returning home, visiting family, or staying with relatives while getting back on their feet.

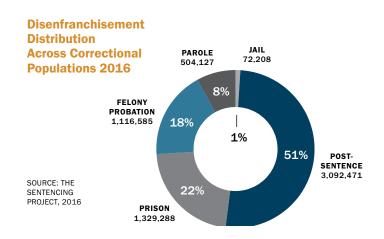
In addition to hardships associated with basic necessities like food and shelter, finding paid employment can be nearly impossible due to the stigma of incarceration. In many states, occupational licensure boards are allowed to reject applicants with criminal histories, even when that history has no relevance to the job.<sup>46</sup>

Even when returning citizens manage to find stable housing and obtain employment, strict parole rules often make failure inevitable. Parole violations are *the* prevailing cause of re-incarceration. According to the Bureau of Prison Statistics, **60**% of parolees who returned to incarceration in 2014 did so for a parole violation.<sup>47</sup> In some states, not only do many returning citizens struggle to adhere to parole rules, they also struggle to pay for parole, which many states require.<sup>48</sup>

#### "I had to deal drugs again to pay for my parole officer."

 RANDELL M., an inmate featured in VICE Special Report: Fixing the System

As many as **100 million** Americans, roughly one-third of the U.S. population, have a criminal record. Most states restrict voting rights for people convicted of felonies, while some prohibit felons from voting outright. The disenfranchisement of millions of former prisoners results in significant racial disparities among qualified voters. The Sentencing Project estimates that 6.1 million Americans are disenfranchised due to a felony conviction, over half of whom have finished their sentences.<sup>49</sup>



#### ENDNOTES

1 Carla Amurao, "Fact Sheet: How Bad Is the School-to-Prison Pipeline?" Public Broadcasting Service March. 2013. www.pbs.org/wnet/tavissmiley/ tsr/education-under-arrest/schoolto-prison-pipeline-fact-sheet

2 Libby Nelson & Dara Lind, "The School to Prison Pipeline, Explained," *Justice Policy Institute* 24 February. 2015. www.justicepolicy.org/news/8775

- 3 Ibid.
- 4 Ibid.
- 5 Ibid.

6 U.S. Department of Education, Office for Civil Rights, *Data Snapshot:* School Discipline, March. 2014. www2.ed.gov/about/offices/list/ocr/ docs/crdc-discipline-snapshot.pdf

7 Russell J Skiba and Natasha T. Williams, "Are Black Kids Worse? Myths and Facts About Racial Differences in Behavior," *The Equity Project at Indiana University*. 2014. indiana.edu/~atlantic/ wp-content/uploads/2014/03/African-American-Differential-Behavior\_031214.pdf

8 Tony Fabelo, et al, "Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement," *New York: Council of State Governments Justice Center.* 2011. https://csgjusticecenter. org/wp-content/uploads/2012/08/ Breaking\_Schools\_Rules\_Report\_Final.pdf

9 Donna St. George, "Study Shows Wide Varieties in Discipline Methods Among Very Similar Schools," *The Washington Post* 19 July. 2011. www.washingtonpost.com/local/education/ study-exposes-some-some-mythsabout-school-discipline/2011/07/18/ glQAVOsZMI\_story.html

10 "Structural Racism and Community Building," *The Aspen Institute Roundtable on Community Change.* 2014. www.racialequitytools. org/resourcefiles/aspeninst3.pdf 11 Ian F. Haney-López, "Institutional Racism: Judicial Conduct and a New Theory of Racial Discrimination," *Yale Law Journal* 109 (1999): 171. http://scholarship.law.berkeley. edu/facpubs/1819

12 Quoctrung Bui and Amanda Cox, "Surprising New Evidence Shows Bias in Police Use of Force but Not in Shootings," *New York Times* 11 July. 2016. http://nyti.ms/29BglbL

13 Julie K. Brown, "In Miami Gardens, store video catches cops in the act," *Miami Herald* 21 November. 2013. www.miamiherald.com/news/ local/community/miami-dade/ article1957716.html

14 Melanie Eversley, "Miami-area police agency charged with racial profiling," USA Today 22 November.
2013. www.usatoday.com/story/news/ nation/2013/11/22/miami-gardenspolice-racial-profiling/3672119/

15 Henry Sullivan Atkins, "More Than Police Brutality: The Subtle Ways the Criminal Justice System Perpetuates Racism," *Harvard Political Review* 14 July. 2016. http://harvardpolitics. com/united-states/48568/

16 Joseph Shapiro, "As Court Fees Rise, The Poor Are Paying The Price," *National Public Radio* 19 May. 2014. www.npr.org/2014/05/19/312158516/ increasing-court-fees-punish-the-poor

17 U.S. Department of Justice,
Civil Rights Division, *Investigation of* the Ferguson Police Department, March.
2015. www.justice.gov/sites/ default/files/opa/press-releases/ attachments/2015/03/04/ferguson\_ police\_department\_report.pdf

18 Ta-Nehisi Coats, "The Black Family in the Age of Mass Incarceration," *The Atlantic Magazine* October. 2015. www.theatlantic.com/magazine/ archive/2015/10/the-black-family-in-theage-of-mass-incarceration/403246/ 19 Radley Balko, "How Municipalities in St. Louis County, MO, Profit from Poverty," *The Washington Post* 3 September. 2014. www.washingtonpost. com/news/the-watch/wp/2014/09/03/ how-st-louis-county-missouri-profits-frompoverty/?utm\_term=.9498100e8f16

20 Jill Leovy, Ghettoside: A True Story of Murder in America (New York: Random House, 2015).

21 Sarah Ryley, Barry Paddock, Rocco Parascandola, and Rich Schapiro, "FORGOTTEN ONES: Despite Low Murder Rate, Cases Remain Unsolved," *New York Daily News* 5 January. 2014. www.nydailynews.com/new-york/nyccrime/forgotten-record-murder-ratecases-unsolved-article-1.1566572

22 Martin Kaste, "Open Cases: Why One-Third Of Murders In America Go Unresolved," *National Public Radio* 30 March. 2015. www.npr.org/2015/03/30/395069137/ open-cases-why-one-third-of-murdersin-america-go-unresolved

23 Radley Balko, "Data Show that in Utah, SWAT-Style Tactics are Overwhelmingly Used to Serve Drug Warrants," Washington Post 17 August. 2015. www. washingtonpost.com/news/the-watch/ wp/2015/08/17/data-show-that-in-utahswat-style-tactics-are-overwhelminglyused-to-serve-drug-warrants/

24 Thomas Giovanni and Patel Roopal, "Gideon at 50: Three Reforms to Revive the Right to Counsel." *The Brennan Center for Justice* 9 April. 2013. www. brennancenter.org/sites/default/files/ publications/Gideon\_Report\_040913.pdf

25 Dylan Walsh, "On the Defensive," The Atlantic Magazine 2 June. 2016. www.theatlantic.com/politics/ archive/2016/06/on-thedefensive/485165/

26 Joseph Shapiro, "As Court Fees Rise, The Poor Are Paying The Price," *National Public Radio* 19 May. 2014. www.npr.org/2014/05/19/312158516/ increasing-court-fees-punish-the-poor

27 Nick Pinto, "The Bail Trap," New York Times 13 August. 2015. www.nytimes.com/2015/08/16/ magazine/the-bail-trap.html 28 Indigent Defense, American Civil Liberties Union. www.aclu. org/issues/criminal-law-reform/ effective-counsel/indigent-defense

29 John Eligon, "For Poor, Bail System Can Be an Obstacle to Freedom," *New York Times* 9 January. 2011. www.nytimes.com/2011/01/10/ nyregion/10bailbonds.html

30 Nick Pinto, "The Bail Trap," New York Times 13 August. 2015. www.nytimes.com/2015/08/16/ magazine/the-bail-trap.html

31 "Trends in U.S. Corrections," The Sentencing Project December 2015. http://sentencingproject. org/wp-content/uploads/2016/01/ Trends-in-US-Corrections.pdf

32 Peter Wagner and Bernadette Rabuy, "Mass Incarceration: The Whole Pie 2016," *Prison Policy Initiative* 14 March. 2016. www.prisonpolicy.org/reports/pie2016.html

33 U.S. Government Accountability Office, Growing Inmate Crowding Negatively Affects Inmates, Staff, and Infrastructure September. 2012. www.gao.gov/assets/650/648123.pdf

34 Scott Menard, "Age, Criminal Victimization and Offending: Changing Relationships from Adolescence to Middle Adulthood," *Victims & Offenders*, 7(3), 227–254. PMC. 1 July. 2012. http://doi. org/10.1080/15564886.2012.685353

35 Dasha Lisitsina, "Prison Guards Can Never Be Weak': the Hidden PTSD Crisis in America's Jails," *The Guardian* 20 May. 2015. www.theguardian.com/ us-news/2015/may/20/correctionsofficers-ptsd-american-prisons

36 Security Housing Units

37 "Briefing Paper: The Dangerous Overuse of Solitary Confinement in the United States," *American Civil Liberties Union* August. 2014. www.aclu.org/sites/ default/files/assets/stop\_solitary\_briefing\_ paper\_updated\_august\_2014.pdf 38 Juan Mendez, United Nations
Special Rapporteur on Torture and
Other Cruel, Inhuman or Degrading
Treatment or Punishment, Interim Rep.
of the Special Rapporteur on Torture
and Other Cruel, Inhuman or Degrading
Treatment or Punishment 5 August.
2011. http://solitaryconfinement.org/
uploads/SpecRapTortureAug2011.pdf

39 Dominique Matti, "My Dad Spent Years of My Childhood in Prison. His Incarceration Punished Me Too.," Vox 28 September. 2016. www.vox. com/2016/3/9/11179602/prison-family

40 Aleks Kajstura and Russ Immarigeon, "States of Women's Incarceration: The Global Context" (Northampton, MA: Prison Policy Initiative, 2015), https:// www.prisonpolicy.org/global/women/; Elizabeth Swavola, Kristine Riley, and

Ram Subramanian, "Overlooked: Women and Jails in an Era of Reform" (New Orleans: Vera Institute of Justice, 2016).

41 Swavola, Riley, and Subramanian, "Overlooked: Women and Jails in an Era of Reform," 23.

42 Swavola, Riley, and Subramanian, "Overlooked: Women and Jails in an Era of Reform," 9.

43 Cynthia W. Roseberry, "Women Unshackled Conference" (Justice Action Network, Washington, D.C., July 18, 2017).

44 Harris, "Women Unshackled Conference."

45 Ta-Nehisi Coates, "The Black Family in the Age of Mass Incarceration," *The Atlantic Magazine* October. 2015. www.theatlantic.com/magazine/ archive/2015/10/the-black-family-in-theage-of-mass-incarceration/403246/

46 Michelle Natividad and Beth Avery, "Unlicensed and Untapped: Removing Barriers to State Occupational Licenses for People with Records," *National Employment Law Project* April. 2016.

47 U.S. Department of Justice, Office of Justice Programs, Bureau of Prison Statistics, *Probation and Parole in the United States*, 2014 November. 2015. www.bjs.gov/content/pub/pdf/ppus14.pdf 48 Alicia Bannon, Mitali Nagrecha, and Rebekah Diller, "Criminal Justice Debt: A Barrier to Reentry," Brennan Center for Justice October. 2010. www.brennancenter. org/sites/default/files/legacy/Fees%20 and%20Fines%20FINAL.pdf

49 Christopher Uggen, Ryan Larson, and Sarah Shannon, "6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016," *The Sentencing Project* 6 October. 2016. www.sentencingproject.org/publications/6million-lost-voters-state-level-estimatesfelony-disenfranchisement-2016/

## **Words Matter**

Eddie Ellis was the founder and president of the Center for NuLeadership on Urban Solutions in New York City until his death in 2014.

He started the Center to continue the leadership he brought to prison reform even while he was behind bars. Throughout his life, he fought for the underserved and those formerly incarcerated. He is known around the world for his relentless dedication to criminal and social justice.

Ellis was among the first to call attention to the dehumanizing language that is often used to describe people who have been arrested and incarcerated. Words like "felon" and "ex-con" strip the humanity from people who have had criminal justice involvement.

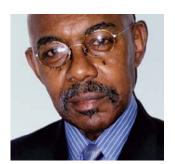
A dozen years ago, he framed the issue in "An Open Letter to Our Friends on the Question of Language," which has become a touchstone for respect and civility. In this letter he writes:

> We habitually underestimate the power of language. The Bible says, "Death and life are in the power of the tongue." In fact, all of the faith traditions recognize the power of words and, in particular, names that we are given or give ourselves. Ancient traditions considered the "naming ceremony" one of the most important rites of passage. Your name indicated not only who you were and where you belonged, but also who you could be. The worst part of repeatedly hearing your negative definition of me is that I begin to believe it myself, "for as a man thinketh in his heart, so is he." It follows then, that calling me inmate, convict, prisoner, felon or offender indicates a lack of understanding of who I am, but more importantly what I can be. I can be and am much more than an "ex-con," or an "ex-offender," or an "ex-felon."

What did Ellis suggest instead? "Simply refer to us as PEOPLE."

Today the Center for NuLeadership on Urban Solutions carries on the work Ellis began. It is an independent public policy, research, training and advocacy organization designed and developed by formerly incarcerated professionals and staffed by people directly impacted by the criminal punishment system. "We use 'human'—not 'criminal'—as a starting point to elevate the full humanity and potential of all people, which is the foundation of a working democracy and thriving society," the organization declares.

Ellis's call to action also became federal policy in 2016, when the Justice Department's Office of Justice Programs, which supports law enforcement and criminal justice efforts across the country, announced it would no longer use the words "felon" or "convict" on its website, in grant solicitations or in speeches, but would instead use "person who committed a crime" or "individual who was incarcerated."



Eddie Ellis

PHOTO COURTESY OF CENTER FOR NULEADERSHIP ON URBAN SOLUTIONS

- Read "An Open Letter to Our Friends on the Question of Language."
- Read the Justice Department's announcement.
- Both documents are also reproduced on the following pages.

## "Death and life are in the power of the tongue."

Proverbs 18:21

## CENTER FOR LEADERSHIP ON URBAN SOLUTIONS

## An Open Letter to Our Friends on the Question of Language

"When there is emotional pain, psychiatrists like me believe that we can help. But before we act we need to find some handle for the problem, some name to guide action. Once in awhile, we realize that these names are inadequate for the problems we are seeing. Then we search for new names, or new ways to group old names."

-- Mindy Thompson Fullilove, M.D., "Root Shock," 2005

#### Dear Friends:

The Center for NuLeadership on Urban Solutions is a human justice policy, advocacy and training center founded, directed and staffed by academics and advocates who were formerly incarcerated. It is the first and only one of its kind in the United States.

One of our first initiatives is to respond to the negative public perception about our population as expressed in the language and concepts used to describe us. When we are not called mad dogs, animals, predators, offenders and other derogatory terms, we are referred to as inmates, convicts, prisoners and felons—all terms devoid of humanness which identify us as "things" rather than as people. These terms are accepted as the "official" language of the media, law enforcement, prison industrial complex and public policy agencies. *However, they are no longer acceptable for us and we are asking people to stop using them.* 

In an effort to assist our transition from prison to our communities as responsible citizens and to create a more positive human image of ourselves, we are asking everyone to stop using these negative terms and to simply refer to us as **PEOPLE**. People currently or formerly incarcerated, **PEOPLE** on parole, **PEOPLE** recently released from prison, **PEOPLE** in prison, **PEOPLE** with criminal convictions, but **PEOPLE**.

We habitually underestimate the power of language. The bible says, "Death and life are in the power of the tongue." In fact, all of the faith traditions recognize the power of words and, in particular, names that we are given or give ourselves. Ancient traditions considered the "naming ceremony" one of the most important rites of passage. Your name indicated not only who you were and where you belonged, but also who you could be. The worst part of repeatedly hearing your negative definition of me, is that I begin to believe it myself "for as a man thinketh in his heart, so is he." It follows then, that calling me inmate, convict, prisoner, felon, or offender indicates a lack of understanding of who I am, but more importantly <u>what I can be</u>. I can be and am much more than an "ex-con," or an "ex-offender," or an "ex-felon."

The Center for NuLeadership on Urban Solutions believes that if we can get progressive

publications, organizations and individuals like you to stop using the old offensive language and simply refer to us as **"people,"** we will have achieved a significant step forward in our life giving struggle to be recognized as the human beings we are. We have made our mistakes, yes, but we have also paid or are paying our debts to society.

We believe we have the right to be called by a name we choose, rather than one someone else decides to use. We think that by insisting on being called **"people"** we reaffirm our right to be recognized as human beings, not animals, inmates, prisoners or offenders.

#### We also firmly believe that if we cannot persuade you to refer to us, and think of us, as people, then all our other efforts at reform and change are seriously compromised.

Accordingly, please talk with your friends and colleagues about this initiative. If you agree with our approach encourage others to join us. Use positive language in your writing, speeches, publications, web sites and literature.

When you hear people using the negative language, gently and respectfully correct them and explain why such language is hurting us. Kindly circulate this letter on your various list serves.

If you disagree with this initiative, please write and tell us why at the above address or e-mail us at info@centerfornuleadership.org. Perhaps, we have overlooked something. *Please join us in making this campaign successful. With your help we can change public opinion, one person at a time.* 

Thank you so much.

In Solidarity and Love,

Eddie Ellis Founder

#### 4 Easy Steps To Follow

- 1. Be conscious of the language you use. Remember that each time you speak, you convey powerful word picture images.
- 2. Stop using the terms offender, felon, prisoner, inmate and convict.
- 3. Substitute the word PEOPLE for these other negative terms.
- 4. Encourage your friends, family and colleagues to use positive language in their speech, writing, publications and electronic communications.

The Center for Nuleadership on Urban Solutions

510 Gates Avenue, 1<sup>st</sup> Floor, Brooklyn, New York 11216

T: (718) 484-5879 | F: (866) 258-6417 | E: info@centerfornuleadership.org | www.centerfornuleadership.org

### Washington Post Op-Ed:

## Justice Dept. Agency to Alter Its Terminology for Released Convicts, to Ease Reentry

May 4, 2016 | By Tom Jackman

The Justice Department is taking a number of steps to reintegrate those released from prisons and jails into society, most notably during the recent National Reentry Week, such as asking states to provide identification to convicts who have served their sentences and creating a council to remove barriers to their assimilation into every day life. Here, Assistant Attorney General Karol Mason, who has headed the Office of Justice Programs since 2013, announces in a guest post that her agency will no longer use words such as "felon" or "convict" to refer to released prisoners.

### **By Karol Mason**

During National Reentry Week last week, federal prisons and prosecutors' offices and local organizations held job fairs, community town hall meetings, special mentoring sessions, and outreach events aimed at raising public awareness of the obstacles facing those who leave our prisons, jails, and juvenile justice facilities each year. The American Bar Association has documented more than 46,000 collateral consequences of criminal convictions, penalties such as disenfranchisement and employment prohibitions that follow individuals long after their release. These legal and regulatory barriers are formidable, but many of the formerly incarcerated men, women, and young people I talk with say that no punishment is harsher than being permanently branded a "felon" or "offender."

In my role as head of the division of the Justice Department that funds and supports hundreds of reentry programs throughout the country, I have come to believe that we have a responsibility to reduce not only the physical but also the psychological barriers to reintegration. The labels we affix to those who have served time can drain their sense of self-worth and perpetuate a cycle of crime, the very thing reentry programs are designed to prevent. In an effort to solidify the principles of individual redemption and second chances that our society stands for, I recently issued an agency-wide policy directing our employees to consider how the language we use affects reentry success.

This new policy statement replaces unnecessarily disparaging labels with terms like "person who committed a crime" and "individual who was incarcerated," decoupling past actions from the person being described and anticipating the contributions we expect them to make The Washington Post Democracy Dia to Derbusi

Guest Post: Justice Dept. agency to alter its terminology for released convicts, to ease reentry



Maray who are measase training or of prices may they are trained in society who are new Y- nor mark. The Satisto Department's Other or Justice Programs in strying to easily their newtry into society, in part by not using words such as "felori" or "convict" in their literature from now on, (David ScienzbulkyOffice of Justice Programs)

lay 4, 2016

Q Sections =

The Justice Department is taking a number of steps to reintegrate those released from pricess and jails into society, most notably during the recent National Reentry Week, such as asking states to provide identification to consist who have served their sentences and creating a council to remove barriers to their assimilation into every day life. Here, Assistant Attorney General Karol Mason, who has headed the Office of Justice Programs line 2013, monoces in a guest post that her agency will no longer we words such as 'foldor' or 'convict' to refer to released prisoners.

This article is as it appears on the Washington Post website.

when they return. We will be using the new terminology in speeches, solicitations, website content, and social media posts, and I am hopeful that other agencies and organizations will consider doing the same.

Adjusting language in no way means condoning criminal or delinquent behavior. Those who commit crimes must be held accountable. But accountability requires making amends, an objective that is much harder to achieve when a person is denied the chance to move forward. The people who leave our correctional facilities every year have paid their debts. They deserve a chance to rebuild their lives. We, all of us, can help them by dispensing with useless and demeaning labels that freeze people in a single moment of time.

Our words have power. They shape and color our estimations and judgments. They can build up or tear down. The hundreds of thousands of people who come out of our prisons on an annual basis and the millions more who cycle through local jails need to hear that they are capable of making a change for the better. And with that message of inclusion, that we are holding them to the expectation that they become productive contributors to our communities' safety and success.

Note: This post was updated to clarify that Mason's directive applies only to the Office of Justice Programs, not the entire Justice Department.

## For Congregational Education — Movies & Books

Films and books can be a powerful starting point to help congregations learn about mass incarceration, and to nurture a commitment to supporting both people impacted by the criminal justice system and those working for systemic policy change to reduce incarceration, provide services for people who have been imprisoned and promote public investment in heavily impacted communities.

Below are some suggestions to get started. These films and books have been driving the public conversation about mass incarceration and providing a framework for understanding dimensions of the issues. You might consider showing one or two of the films or starting a monthly movie night to show more. The films and books also can be a powerful addition to your curriculum for Bible or Torah study groups, youth groups or men's and women's groups.

Another idea is to host a weekend film festival, allowing you to more deeply and intensively engage with this complex issue. You might partner with other individuals or groups working on criminal justice reform in your community to broaden the discussion and be a resource for information.

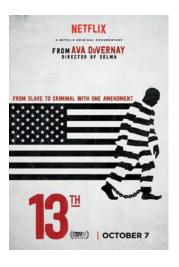
It can be particularly meaningful to include people at your event who have direct experience with incarceration, either through their own criminal justice involvement or that of a family member or neighbor. Those closest to the problem often have invaluable insights about what is needed to improve the system and conditions. Incarceration can carry a stigma, and creating an opportunity for people to share their experiences in a welcoming space can be a helpful step in reducing that sense of stigma.





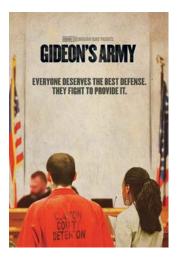
## TIPS

- It is helpful if your venue has AV resources in place, as well as space for discussion afterward.
- Have a group leader watch the film in advance and prepare discussion questions. Many films and books have resources to help.
- Do a tech run-through of the film so there are no glitches when your event gets underway.
- Allow an hour following the film for discussion.
- Invite some people who are knowledgeable about criminal justice systems in your community. A county reentry program might be able to help you identify a speaker with lived experience.



13th (2016, 100 MINS)

The Oscar-nominated film 13th examines America's prison system and its long history of racial inequality. It hinges on the 13th Amendment to the Constitution, which abolished slavery but allowed for prisoner servitude. Filmmaker Ava DuVernay examines how the U.S. became the country with the highest prison population in the world and why a hugely disproportional number of those prisoners are African American. *Learn more and see digital media tools. Available on Netflix.* 



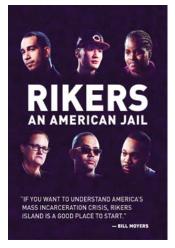
## Gideon's Army (2013, 96 MINS)

The landmark Supreme Court ruling *Gideon v. Wainwright* established the right to counsel, but 50 years later that right remains limited. *Gideon's Army* follows the lives of three idealistic public defenders in the Deep South. Like most of the country's 15,000 public defenders—who represent clients too poor to pay for their own legal defense—they struggle against long hours, low pay and an overwhelming workload, often dealing with hundreds of cases at a time. *Gideon's Army* was presented on HBO and won a Sundance Film Festival award. *Learn more and see the screening toolkit. Available on YouTube*.



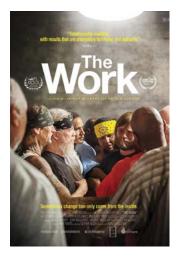
### Crime + Punishment (2018, 112 MINS)

*Crime* + *Punishment* focuses on the struggles of a group of New York police officers who say they were pressured by their superiors to meet illegal quotas for arrests and summonses. The film reveals how a combination of abusive policing, the cash bail system and political paralysis can lead innocent people into the criminal justice system. *Crime* + *Punishment* won a special jury award for "social impact" at the 2018 Sundance Film Festival. *Learn more or request a local screening. Available on Hulu*.



## RIKERS: An American Jail (2016, 57 MINS)

*RIKERS: AN AMERICAN JAIL*, an award-winning film by Bill Moyers, brings you face-to-face with men and women who endured incarceration at Rikers Island in New York City. Of the more than 7,500 people detained at Rikers Island on any given day, almost 80 percent have not yet been found guilty or innocent of the charges they face. As we learn in *RIKERS*, all are at risk in the pervasive culture of violence that forces people to come to terms with what they must do for their own survival. *Learn more, sign up to screen and see the screening toolkit. Watch now at Rikersfilm.org.* 



### **The Work** (2017, 89 MINS)

Set inside a single room in Folsom Prison in California, *The Work* follows three variously troubled men who are not inmates as they participate in a multiday group therapy retreat with maximum-security convicts. Over the days, they talk openly about their emotional experiences while delving deep into the past. *The Work* won the Grand Jury Prize in 2017 for Best Documentary Feature at South by Southwest. *Learn more. Available on iTunes and DVD*.



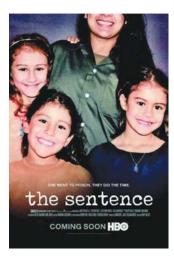
## College Behind Bars (2019, 4 EPISODES)

*College Behind Bars* is a forthcoming four-part documentary film series about a small group of incarcerated men and women struggling to earn college degrees in one of the most rigorous prison education programs in the United States—the Bard Prison Initiative. Shot over four years in New York state prisons, the series reveals the personal stories of students and their families, and the transformative power of higher education. The series airs on PBS in the fall of 2019. *Learn more*.



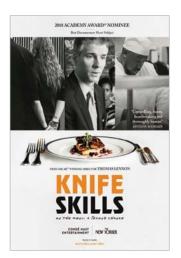
### We Are Witnesses (2017, 19 EPISODES)

We are Witnesses, a series of 19 short videos produced by The Marshall Project, looks at the human cost of mass incarceration through the eyes of those who have experienced it firsthand. Police officers, judges, ex-prisoners, parents of a murder victim and a prison guard tell their stories straight to camera, offering a portrait of the state of crime and punishment in the U.S. *Learn more or watch now at The Marshall Project*.



## The Sentence (2018, 87 MINS)

*The Sentence* explores the consequences of mandatory minimum drug sentencing through the story of Cindy Shank, a mother of three young children who is serving a 15-year sentence for conspiracy charges related to crimes committed by her deceased ex-boyfriend. Over 10 years, Rudy Valdez, Cindy's older brother, documents her struggles to be present in her children's lives from behind bars and her daughters' experiences growing up without their mother. This HBO film won the 2018 Audience Award at the Sundance Film Festival. *Learn more, inquire about screening and* see the screening guide. Available for streaming on HBO.



### Knife Skills (2018, 40 MINS)

The Oscar-nominated documentary *Knife Skills* follows the hectic launch of Edwins, a Cleveland, Ohio fine-dining restaurant run almost entirely by men and women newly released from prison. Employees face the pressure of preparing lavish French dishes while simultaneously working to reintegrate back into their communities. The owner, Brandon Chrostowski, has created a kind of hybrid restaurant and social services concept to provide education, housing and steady employment for ex-detainees, who face few prospects and daunting recidivism rates. *Learn more and inquire about hosting a screening. Watch now on YouTube*.



### Tre Maison Dasan (2019, 87 MINS)

Tre Maison Dasan: A Story of Boyhood Marked by the Criminal Justice System follows the journey of three young boys in Rhode Island who each have a parent in prison. Told directly through their perspectives, filmmaker Denali Tiller takes viewers through the struggle of the boys' daily lives. Tre Maison Dasan explores relationships and separation, masculinity and growing up in a society that often demonizes their parents and provides little support for their families. Learn more about screening and see the screening toolkit.



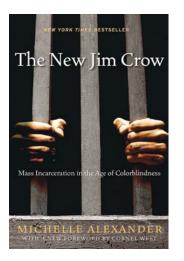
## Faith in Action (2019, 13 MINS)

This film reveals the devastating long-term impact on communities, families and individuals of living with a criminal arrest record. More than 70 million Americans have some kind of record that impedes their access to employment, housing, occupational licensing and educational opportunities. *Faith in Action* tells the story of a unique partnership of justice professionals in Atlanta, Georgia with clergy at Ebenezer Baptist Church and The Temple in Atlanta, to hold one-day, one-stop public events that enable eligible people with prior criminal justice involvement to get their records cleared. *Watch now on Vimeo*.



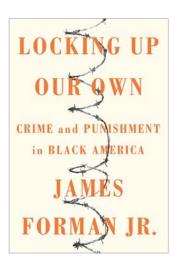
### Milwaukee 53206 (2016, 54 MINS)

Within Milwaukee's mostly African-American 53206 ZIP code, 62% of adult men have spent time in prison, making it the zip code in America that incarcerates the highest rate of African American men. Through the stories of three residents, the film reveals the high toll mass incarceration takes on individuals and families that make up the community, reflecting the realities of millions of households across America. *Learn more about screening the film and access the screening toolkit*. The film is produced by Transform Films, a production partner of Odyssey Impact, which builds and executes social impact campaigns.



The New Jim Crow: Mass Incarceration in the Age of Colorblindness (2010) BY MICHELLE ALEXANDER

In this *New York Times* best-seller, civil rights lawyer, advocate and legal scholar Michelle Alexander argues that America's criminal justice system functions as a new type of racial control, targeting black men through the "war on drugs." Millions of black people arrested for minor crimes are marginalized and disenfranchised, trapped by a criminal justice system that labels them felons for life and denies them basic rights. Alexander argues that a major social movement is needed to end the mass incarceration of black Americans. *Read an excerpt or buy online*.



**Locking Up Our Own: Crime and Punishment in Black America** (2017) BY JAMES FORMAN JR.

In the 2018 Pulitzer Prize-winning book *Locking Up Our Own*, James Forman Jr. examines why the war on crime that began in the 1970s was supported by so many African American leaders in the country's urban centers. Forman, a former public defender in Washington, D.C., explains that the first substantial cohort of black mayors, judges and police chiefs took office amid a surge in crime and drug addiction. In response, these officials embraced tough-on-crime measures that would have unforeseen but devastating consequences for residents of poor black neighborhoods. *Read an excerpt or buy online*.

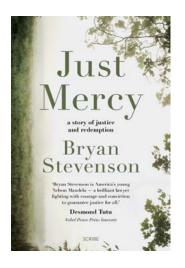
## CHARGED



THE NEW MOVEMENT TO TRANSFORM AMERICAN PROSECUTION AND END MASS INCARCERATION EMILY BAZELON

### Charged: The New Movement to Transform American Prosecution and End Mass Incarceration (2019) BY EMILY BAZELON

In *Charged*, journalist and legal commentator Emily Bazelon argues that the lawyers who work in the more than 2,000 prosecutors' offices around the country bear much of the responsibility for overincarceration, conviction of the innocent and other serious criminal justice problems. To show the power of prosecutors, Bazelon tells the stories of two young criminal defendants to demonstrate how having the right—or wrong—prosecutor can make a huge difference in the outcome of a case. *Read an excerpt or buy online*.



#### The problem is not police training, police diversity, or police methods. The problem is the dramatic and unprecedented expansion and intensity of policing in the last forty years, a fundamental shift in the role of police in society. The problem is policing itself. Alex 5. Vitale

## The End of Policing

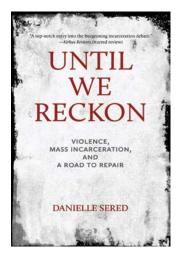
## Just Mercy: A Story of Justice and Redemption

(2015) BY BRYAN STEVENSON

In this *New York Times* best-selling memoir, Bryan Stevenson, founder of the Equal Justice Initiative, recounts his struggle against injustice as an activist lawyer. Stevenson and his staff have won reversals, relief or release for over 125 wrongly condemned prisoners on death row. This book focuses on one of his first cases, that of Walter McMillian, a young man who was sentenced to die for a notorious murder that he insisted he didn't commit. The case transformed Stevenson's understanding of mercy and justice forever. *Read an excerpt or buy online*.

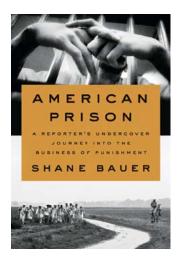
The End of Policing (2017) BY ALEX S. VITALE

Alex S. Vitale explores the tainted origins of modern policing as a tool of social control that reinforces race and class inequalities in *The End of Policing*. He argues that the expansion of police authority in America is inconsistent with community empowerment, social justice and even public safety. Vitale, a professor of sociology, calls for an ideological reframing of policing, where people are given the programs and resources they need to solve problems within communities in ways that do not involve police, courts or prisons. *Buy online*.



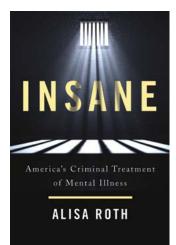
## Until We Reckon: Violence, Mass Incarceration, and a Road to Repair (2019) BY DANIELLE SERED

Widely recognized as one of the leading proponents of a restorative approach to violent crime, Danielle Sered, head of Common Justice, wants America to reconsider the purposes of incarceration. She argues that the needs of survivors of violent crime are better met by asking people who commit violence to accept responsibility for their actions and make amends in ways that are meaningful to those they have hurt. This approach will help end mass incarceration, which has come at a great cost to communities, survivors, racial equity and democracy. *Buy online*.



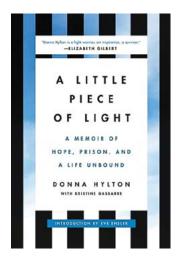
### American Prison: A Reporter's Undercover Journey Into the Business of Punishment (2018) BY SHANE BAUER

Investigative reporter Shane Bauer spent four months undercover as a guard at Winn Correctional Center, a private prison in rural Louisiana. What he witnessed is horrifying—multiple stabbings, scores of "use of force" incidents and atrocious medical care. In *American Prison*, one of *The New York Times* best 10 books of 2018, Bauer comes to learn that every management decision at Winn is dictated by one imperative: maintaining profitability by squeezing expenses. *Buy online*.



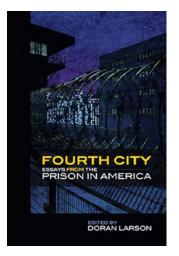
**Insane: America's Criminal Treatment of Mental Illness** (2018) BY ALISA ROTH

In jails and prisons across the United States, mental illness is prevalent and detainees don't get the treatment they need, writes journalist Alisa Roth. Correctional officers are faced with impossible burdens and are forced to act as mental health providers even though they are not adequately trained. Roth argues that most mentally ill prisoners would be better served outside the prison system, and that most prisons would be more effective without such a population incarcerated. *Buy online*.



## A Little Piece of Light (2018) BY DONNA HYLTON

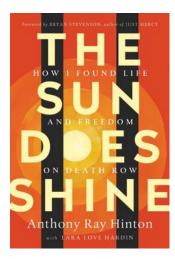
Donna Hylton's memoir recounts a nightmare of abuse in her early life that left her feeling worthless and the horrific crime she participated in as a 19-year-old that led to a nearly three-decadelong prison sentence. Hylton shares how she took back her life behind bars with the help of her fellow detainees and came to thrive while incarcerated. Since her release in 2012, she has emerged as a leading advocate for criminal justice reform and women's rights who speaks to politicians, violent abusers, prison officials, victims and students to tell her story. *Buy online*.



## Fourth City: Essays from the Prison in America

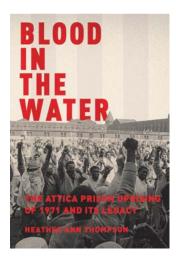
(2014) EDITED BY DORAN LARSON

Scores of incarcerated Americans from states across the country share their first-person accounts of coping, surviving and evolving in *Fourth City*, a title referencing the size of the country's prison population. The essays document the detainees' efforts at self-help, the institutional resistance such efforts nearly almost always meet, and the impact, in money and lives, that this resistance has on the public. *Buy online*.



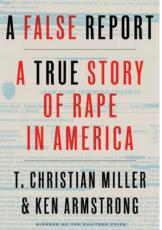
## The Sun Does Shine: How I Found Life and Freedom on Death Row (2018) BY ANTHONY RAY HINTON

Anthony Ray Hinton was poor and black when he was convicted of two murders he did not commit. For the next three decades he was trapped in solitary confinement on death row, but remarkably was able to replace anger and despair with hope and self-respect. Eventually his case was taken up by lawyer Bryan Stevenson, who managed to get him exonerated, though it took 15 years. *Buy online*.



## Blood in the Water: The Attica Prison Uprising of 1971 and its Legacy (2016) BY HEATHER ANN THOMPSON

Heather Ann Thompson, a history professor at the University of Michigan, spent over a decade researching America's most deadly prison riot at Attica Correctional Facility in New York. In this Pulitzer Prize-winning book, she reveals the crimes committed, who committed them and how they were covered up. Thompson discovers that the rebellion's roots lay in the many daily indignities of prison life: lack of showers, insufficient toilet paper, inadequate medical care and the near-constant disrespect expressed by many of the inmates' keepers. *Buy online*.



## NEW YORK TIMES BESTSELLER WRITING MV WRONGS LIFE, DEATH,

AND REDEMPTION

AMERICAN PRISON

SHAKA SENGHOR

IN AN

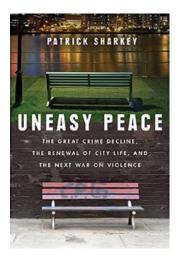
## A False Report: A True Story of Rape in America

(2018) BY T. CHRISTIAN MILLER AND KEN ARMSTRONG

Two Pulitzer Prize-winning journalists tell the riveting true story of Marie, a teenager who was charged with lying about having been raped, and the detectives who followed a winding path to arrive at the truth. Following up on their early reporting about Marie for *The Marshall Project*, the authors present a story about a victim who wasn't believed, a rapist who almost averted capture and a system of justice that failed the very people it is supposed to protect. *Buy online or read the original article at The Marshall Project*.

## Writing my Wrongs (2016) BY SHAKA SENGHOR

During his 19-year incarceration, seven years of which were spent in solitary confinement, Shaka Senghor discovered literature, meditation, self-examination and the kindness of others. *In Writing My Wrongs*, Senghor explains how he used these newly discovered tools to confront the demons of his past, forgive the people who hurt him and begin atoning for the wrongs he had committed. Upon his release at age 38, Senghor became an activist and mentor to young men and women facing circumstances like his. *Read an excerpt or buy online*.



## Uneasy Peace: The Great Crime Decline, the Renewal of City Life, and the Next War on Violence (2018) BY PATRICK SHARKEY

Over the past two decades, American cities have experienced a sharp drop in violent crime, sparking a rebirth in urban life, improving school performance and public health outcomes, explains sociologist Patrick Sharkey in *Uneasy Peace*. He finds it likely that at least some of the decrease may be due to aggressive policing and an increasingly punitive criminal justice system. But the criminal justice system of the future—and the strategies used to keep violent crime low—will require a method that's entirely different from the past. *Buy online*.

## BURNING DOWN

THE HOUSE

THE END OF JUVENILE PRISON

NELL BERNSTEIN



## Burning Down The House: The End of Juvenile Prison (2014) BY NELL BERNSTEIN

Journalist Nell Bernstein spent years covering the juvenile justice system, and has interviewed hundreds of young people in detention facilities. In *Burning Down the House*, she shares tragic stories of young lives wasted by unreasonably harsh and dangerous justice policies. Instead of helping troubled kids get their lives back on track, detention usually makes their problems worse and sets them in the direction of more crime and self-destructive behavior. *Buy online*.

# Criminal Justice Reform Organizations

In addition to the organizations cited throughout the toolkit, the following list provides a sampling of the many organizations that can provide resources and reporting to help you engage in the movement to end mass incarceration.

Whether you are just getting started or are ready to take action, these organizations can help you learn more about the issues—from the cradle-to-prison pipeline to the challenges of reentry—and provide examples of those who are already taking action and working for change.

- #Cut50 is a national bipartisan effort to smartly and safely reduce America's incarcerated population by 50 percent over the next 10 years.
- ACLU Campaign for Smart Justice is a multiyear effort through its chapters in every state to reduce the jail and prison population by 50 percent and combat racial disparities in the criminal justice system.
- Anti-Recidivism Coalition advocates for fair policies in the juvenile and criminal justice systems and provides a supportive network and reentry services to formerly incarcerated individuals.
- Brennan Center for Justice is a nonpartisan policy think tank. Its Justice for All division offers cutting-edge research and analysis on ways to reduce mass incarceration by creating a rational, effective and fair justice system.
- College and Community Fellowship advocates for educational opportunities for women with criminal convictions so that they, their families and their communities can thrive.
- Color of Change is the nation's largest online racial justice organization, helping people respond effectively to injustice in the world. It focuses on challenging and changing injustices in the industries that affect black people's lives.

- Essie Justice Group offers tools and resources for women with incarcerated loved ones to heal their families and communities, as well as advocate for ending mass incarceration.
- Equal Justice Initiative is committed to ending mass incarceration and excessive punishment, challenging racial and economic injustice, and protecting basic human rights for the most vulnerable people in American society.
- Families Against Mandatory Minimums works at the state and federal levels to create smart sentencing laws that protect public safety.
- JustLeadership USA empowers people most affected by incarceration to drive policy reform. They have a national network of previously incarcerated leaders with deep knowledge on the issues committed to advocating for change.
- The Marshall Project is a nonprofit news organization that generates extensive high-quality media coverage of all dimensions of the criminal justice system and its impact.
- National Institute for Criminal Justice Reform provides technical assistance, consulting, research and organizational development in the fields of juvenile and criminal justice, youth development and violence prevention.
- A New Way of Life Reentry Project provides housing, case management, pro bono legal services, advocacy and leadership development for women rebuilding their lives after prison.

- Pew Trusts Public Safety Performance Project works with states to advance data-driven, fiscally sound policies and practices in the criminal and juvenile justice systems that protect public safety, ensure accountability and control corrections costs.
- Reform Alliance is committed to changing mass supervision laws—probation and parole policies that will have the greatest impact on the largest number of people.
- Safety & Justice Challenge provides support to local leaders from across the country who are determined to tackle one of the greatest drivers of overincarceration in America: the misuse and overuse of jails.
- The Sentencing Project promotes reforms in sentencing policy, addresses unjust racial disparities and advocates for alternatives to incarceration.
- Solitary Watch is a watchdog group that investigates, reports and disseminates information on the use of solitary confinement.
- Stepping Up Initiative works to educate prosecutors and judges across the country to divert people with mental illness from the criminal justice system into treatment alternatives.
- The Vera Institute of Justice generates innovative research and supports pilot projects to build and improve justice systems that ensure fairness, promote safety and strengthen communities.

Taking Action — Creating Expungement Events is featured as a booklet available at: publicsquaremedia.org

