



# IN YOUR BACKYARD

*A Toolkit for Addressing Criminal Justice  
at the Local Level*

## About the Jewish Council for Public Affairs

The Jewish Council for Public Affairs (JCPA) is the hub of the Jewish community relations movement, representing over 125 local Jewish community relations councils and 16 national Jewish agencies. Together our network builds consensus on behalf of the entire Jewish community to promote a just and pluralistic American society, advocate for human rights around the world, and support Israel's quest for peace and security.

## Acknowledgements

Thank you to the following professionals who contributed to the production of this toolkit: Courtney Cooperman, Elisa Dell'Amico, Tammy Gilden, and Melanie Roth Gorelick.

## Contact Us

Our staff are available to answer your questions and assist you in using this toolkit. We also welcome feedback on the publication. Please do not hesitate to contact us at [jcpainfo@thejcpa.org](mailto:jcpainfo@thejcpa.org). For more information about our criminal justice program, visit our website at [www.jewishpublicaffairs.org](http://www.jewishpublicaffairs.org).

On the cover: Glenn E. Martin, founder and CEO of JustLeadershipUSA who was featured in the documentary *13th*, addresses the plenary session of JCPA's national conference in 2017.

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# CALL TO ACTION

## Reengaging the Jewish Community in Civil Rights

The Jewish Council for Public Affairs' (JCPA) criminal justice reform initiative aims to educate and empower the Jewish community relations field and the broader Jewish community to reengage in the civil rights movement of today at the federal, state, and local levels. In this guide, we provide tools and tips to help you map out your local criminal justice landscape, join coalitions and engage in legislative advocacy, and launch your own direct service project.

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.

### Why Now?

The Jewish community has a distinguished track record dating back to the early 20th century in fighting for racial equality and civil rights throughout the United States. Such fights included advancing racial equity in education, ending segregation, and, in more recent years, ensuring enforcement of the Voting Rights Act. However, more than 50 years after the passage of landmark civil rights legislation, our society still struggles to fully embrace equality.

### Crisis in America

- ▶ The United States has 4% of the world's population, but incarcerates roughly 25% of the world's prisoners
- ▶ More than 60% of prisoners are people of color
- ▶ 2.7 million children have a parent behind bars
- ▶ 6.1 million Americans are barred from voting due to a felony record

Beginning in the 1970s, the U.S. prison population exploded, a phenomenon referred to as mass incarceration. Studies show that mass incarceration contributes to poverty, income inequality, and family instability. Mass incarceration, compounded with the erosion of the Voting Rights Act and the prevalence of police violence, perpetuates structural inequality that harms communities of color. There remains much work to be done, calling for the involvement of the community at large.

In 2015, the JCPA, consistent with its historic commitment to civil rights, unanimously passed a resolution calling on the Jewish community relations field to increase its engagement on criminal justice at the federal, state and local levels. At the federal level, JCPA maintains its commitment to civil rights as an active coalition partner with the Leadership Conference on Civil and Human Rights, the Washington Interreligious Staff Community (WISC) Working Group, and the Justice Roundtable. Through JCPA's collaboration with interfaith, secular, and Jewish partners, we advocate in the halls of Congress, work with the Administration, and weigh in with the courts.

In addition to creating a fairer and more just society, working on criminal justice can also help strengthen and reinvigorate our relationships with communities of color. The Jewish community relations field has a long-standing tradition of partnering with communities of color, particularly the black community. However, over the years, we have drifted apart, impeding cooperation on the challenges facing our communities.

Just as we stood up for equality in the past, JCPA believes that the Jewish community relations field has an important role in implementing meaningful reforms and ensuring that our criminal justice system does not unfairly target certain populations. We believe it is imperative to make reforming the criminal justice system the new frontier in our community's commitment to civil rights.

While JCPA continues to advocate for reforming federal law, transformative change necessitates a groundswell of advocacy and mobilization in cities and states, which house the vast majority of inmates. It is the kind of work to which local community relations organizations and their partners are ideally suited. The United States can and must do better, and the organized Jewish community can play an indispensable role, consonant with its tradition, in moving this agenda forward.

## Launching a Successful Criminal Justice Program: Educate, Advocate, Mobilize

Throughout the country, Jewish communities are working on different levels and aspects of criminal justice reform. While this is a new issue for some, others are working on hands-on projects or advocating in coalitions. No matter what stage your community is at currently, this guide can help you educate, advocate, and mobilize your community around criminal justice reform. JCPA is here to assist you and your community every step of the way, so please do not hesitate to reach out to our staff for advice and support.

### Educate

In order to effectively engage in community work centering on criminal justice reform, it is important to educate yourself and your community on criminal justice more broadly, as well as on what is happening in your state and local area. Below are steps for educating yourself and your community.

**Read our “Criminal Justice 101.”** This user-friendly guide will help you gain fluency in the breadth, depth, and key vocabulary of the criminal justice system. It both introduces the big picture and breaks down juvenile justice, policing, judicial proceedings, incarceration, and reentry with easy-to-digest graphics and interactive links. While this resource is perfect for newcomers, it is also useful for veterans seeking to brush up or enhance their knowledge. By the end, readers will be well-equipped to speak confidently about criminal justice with potential partners, public officials, and community members.

**Research mass incarceration and criminal justice reform in your region.** Although we often focus on national legislation, it is state and local policy that determine the scale of incarceration in each region. Far more people are incarcerated in state and local facilities than federal prisons. To learn about incarceration in your state, visit [www.prisonpolicy.org/profiles](http://www.prisonpolicy.org/profiles).

### WORST OFFENDERS

Which states have the highest rates of incarceration, probation, and total correctional control?

INCARCERATION	PROBATION	TOTAL CORRECTIONAL CONTROL
1. D.C.	1. Georgia	1. Georgia
2. Louisiana	2. Rhode Island	2. Idaho
3. Georgia	3. Ohio	3. D.C.
4. Oklahoma	4. Idaho	4. Pennsylvania
5. Alabama	5. Michigan	5. Ohio
6. South Dakota	6. Indiana	6. Texas
7. Arizona	7. Minnesota	7. Rhode Island
8. Texas	8. Delaware	8. Indiana
9. Florida	9. Hawaii	9. Michigan
10. Tennessee	10. Colorado	10. Delaware

Source: Prison Policy Initiative

**Reach out to your partners in communities of color to open dialogues on how criminal justice may impact their communities.** We suggest reaching out to your local National Association for the Advancement of Colored People (NAACP) branch or Urban League affiliate, as well as local black clergy members and influential state and local leaders of civil rights organizations. They may be good starting points for learning about the coalitions or working groups that exist, the impact in your region, and the ways your community can be helpful.

**Raise awareness in your community.** Promote greater understanding of mass incarceration and its local impact, and convey the connection between our historic commitment to civil rights and today’s criminal justice reform efforts. Host educational forums, panels, dialogues, or movie screenings to educate the community at large on what is happening both nationally and locally. Invite key advocates in your state to speak on this issue. Also consider inviting a Jewish leader in your community who has a history of working to further civil rights or is currently engaged in this issue.



## Advocate

Jewish community relations councils and organizations are well-situated to take meaningful action. By working with Federations, state associations, synagogues, and other local Jewish groups engaged in public policy, we can engage the community and make criminal justice reform a mainstream Jewish concern.

**Join coalitions and organizations already engaged in reforming the criminal justice system.** Too few in the mainstream Jewish community prioritize this crisis and even fewer sit at the policy tables addressing these problems. Collaborating with many stakeholders and key players is crucial to making this a communitywide or statewide issue. If there is no existing coalition, consider convening one. Together, as a group representing diverse populations, you can:

- ▶ Educate the broader community and generate public support for your cause;
- ▶ Build relationships with policymakers, elected officials, and law enforcement; and
- ▶ Advocate for reforms in your state or city.

Not sure where to start?

The Prison Fellowship offers a helpful state advocacy resource guide at [www.prisonfellowship.org/resources/advocacy/state-advocacy-resources](http://www.prisonfellowship.org/resources/advocacy/state-advocacy-resources)

Find a list of organizations that provide legal assistance to incarcerated people at [www.prisonpolicy.org/resources/legal](http://www.prisonpolicy.org/resources/legal)

Many NAACP branches have started coalitions on police practices. Contact your local NAACP unit to find out if they offer one. If they do not, consider offering to partner with them if they are interested in launching one. For a list of branches around the country, visit [www.naacp.org/find-local-unit](http://www.naacp.org/find-local-unit)

**Organize meetings with your state and local elected officials to lobby for reforms.** Educate yourself on the positions of relevant local elected or appointed officials—such as mayors, city council members, county

executives, state legislators, police chiefs, sheriffs, judges, and prosecutors. Are they already engaged or outspoken on criminal justice reform? Do they support current policy? Are there issues they are not addressing that need attention?

**Write op-eds and encourage your local Jewish paper to publish articles on criminal justice.**

## Mobilize

Once your JCRC and Federation are educated and active on the issue, they may want to be involved beyond legislative advocacy. For inspiration and guidance, we highlighted three successful criminal justice programs in which local Jewish Federation communities are currently engaged. We also include tips and tools and key principles to guide your efforts (see pages 52-53).

These three projects are:

**The Choice is Yours in Philadelphia, Pennsylvania-**JEVS Human Services administers The Choice is Yours, a rigorous 13-month diversion program for young first-time offenders who have been arrested for drug possession with the intent to distribute.

**Tzedek DC in Washington, D.C.** - This project provides *pro bono* legal assistance to low-income residents facing crises related to debt collection and other consumer protection problems.

**The Community Coalition for Quality Policing in Milwaukee, Wisconsin** - This broad and growing coalition of more than 20 advocacy, faith, and service organizations advocates for problem-oriented policing practices.





# EDUCATE

## How Criminal Justice Issues Impact Your Community



Rabbi Jonah Pesner, Glenn E. Martin, and Magda Schaler-Haynes discussing criminal justice reform at the opening plenary of JCPA's national conference in 2017.

In order to effectively advocate for criminal justice reform, it is important to educate yourself and your community on criminal justice more broadly, as well as on what is happening in your state and local area. In this chapter, we give you the information and resources to do both.

By raising awareness about this crisis, we aim to:

**Build** empathy and awareness for those affected by incarceration in your community and around the country;

**Identify** and establish support networks for incarcerated people, returning citizens, and their families;

**Inspire** our community to mobilize around reforming local, regional, and national policy.

To support you in this work we have included the following resources in this section:

- ▶ JCPA's "Criminal Justice 101," a user-friendly guide that will help you gain fluency in the breadth, depth, and key vocabulary of the criminal justice system;
- ▶ Online resources for exploring criminal justice in your area; and
- ▶ Program ideas and resources for raising awareness in your community.

# Criminal Justice 101

## 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>

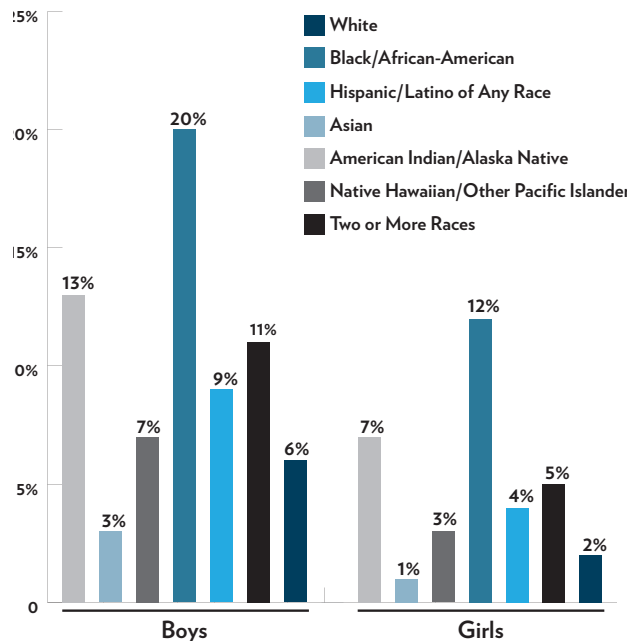
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**“(R)elying on out-of-school suspensions, expulsions and arrests to handle routine matters of discipline is not only proven to harm students’ academic outcomes, but it’s not even proven to make our schools safer.”**

—Matt Cregor, NAACP Legal Defense and Educational Fund

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## 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>8,9</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*

## Police Officers Are More Likely To...

	with blacks	than with whites	
use hands	2,165 for every 10,000 stops in New York City	1,845 for every 10,000 stops in New York City	17% more likely
push into wall	623	529	18%
use handcuffs (excludes arrests)	310	266	16%
draw weapons	155	129	19%
push to ground	136	114	18%
point weapon	54	43	24%
use pepper spray or baton	5	4	25%

Source: The New York Times, 2016

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 under-policed 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. 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>



Police in riot gear confront a man in Ferguson, Missouri, on August 11, 2014. (Jeff Roberson/AP)

## 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 on their innocence. In at least 43 states and the District of Columbia, courts can bill defendants for their public defender.<sup>26</sup>

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>

**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.**



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 <http://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

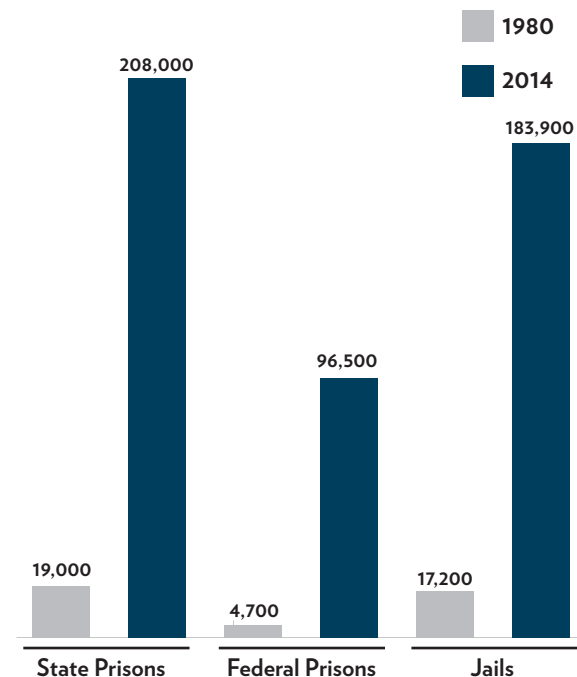
**“If he had been an aircraft hijacker, he would have gotten 24 years in prison. If he’d been a terrorist, he would have gotten 20 years in prison. If he was a child rapist, he would have gotten 11 years in prison. And now I’m supposed to give him a 55-year sentence? I mean, that’s just not right.”**

—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.

## Number of People in Prisons and Jails for Drug Offenses, 1980 and 2014



Source: The Sentencing Project

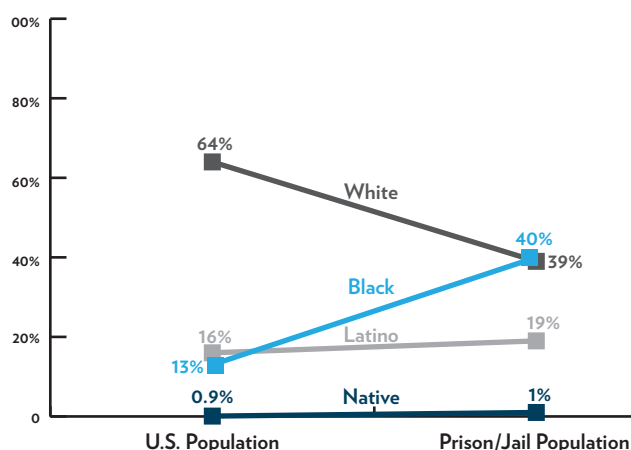
## Incarceration

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.

### Racial and Ethnic Disparities in Prisons and Jails



Source: Prison Policy Initiative; compiled from 2010 Census, Summary File 1.

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>



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

## 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 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 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.



Solitary confinement cells are typically about eight by ten feet.

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>

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**"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

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## 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.

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**“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

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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>

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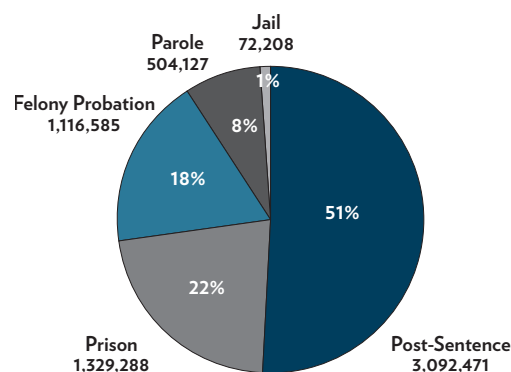
**“I had to deal drugs again to pay for my parole officer.”**

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

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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>

### Disenfranchisement Distribution Across Correctional Populations 2016



Source: The Sentencing Project, 2016

## Meet with Civil Rights Leaders in Your Community

Once you understand the scope of criminal justice issues and their nationwide impact, it is important to learn about how the crisis affects your city or region. Learning about the issues through fact-finding and personal conversation with those involved is the most meaningful way to get informed. This approach will help you build relationships, think critically about key concerns in your community, and organically develop an understanding of your local needs.

To get started, we recommend reaching out to your local NAACP chapter, Urban League affiliate, black clergy members, and other local civil rights leaders. They can help you map out what efforts are already underway—including existing coalitions, working groups, and local service projects—and provide ideas for how your community can be helpful.

Participating in direct service opportunities is a good way to work shoulder-to-shoulder with partners beyond the Jewish community. Many communities have hands-on projects to help people. In your meetings, we recommend finding out about these efforts and what types of support are needed in your community. Are there programs that offer education, employment, mentoring, or other support services for returning citizens; alternative sentencing and rehabilitation; legal representation; clothes collection; or other programs that meet important needs? If so, see how the Jewish community can best contribute.

Here are a few sample questions to ask groups and leaders involved in criminal justice work to help identify opportunities for your community to participate:

- ▶ Do you work on criminal justice reform? If so, what aspect of criminal justice reform would you consider to be the most important in our region?
- ▶ Is there state legislation around criminal justice reform that the Jewish community can support?
- ▶ What are some other local organizations that work on criminal justice issues?

To prepare for your meetings, it is important to first develop a baseline knowledge of the facts on criminal justice in your area. Below are some online resources to assist you.

**State Overview** - The Prison Policy Initiative's state profile tool has useful information like your state's prison and jail incarceration rates over time, at [www.prisonpolicy.org/profiles](http://www.prisonpolicy.org/profiles).

The Sentencing Project has an interactive map with detailed state-by-state data and rankings at [www.sentencingproject.org/the-facts/#map](http://www.sentencingproject.org/the-facts/#map).

The Vera Institute's interactive resource shows trends in your state's prison population and spending at [www.vera.org/publications/price-of-prisons-2015-state-spending-trends](http://www.vera.org/publications/price-of-prisons-2015-state-spending-trends).

For raw data that you can use to generate tables and charts, explore the U.S. Bureau of Prison Statistics' website at [www.bop.gov/about/statistics](http://www.bop.gov/about/statistics).

**Demographic Data** - Social Explorer maps neighborhoods' evolving demographic and socioeconomic landscape at [www.socialexplorer.com](http://www.socialexplorer.com).

**School-to-Prison Pipeline and Juvenile Justice** - Education Week collects data on police presence, arrests, and referral data for public schools at the national, state, and individual school level at <http://www.edweek.org/ew/projects/2017/policing-american-schools/student-arrests.html#/overview>.

**Judicial Proceedings** - "Gideon at 50" tracks how each state is meeting its commitment to provide indigent defense at [www.gideonat50.org/in-your-state](http://www.gideonat50.org/in-your-state).

**Reentry and Collateral Consequences** - The Brennan Center for Justice maps each state's policy on voting rights for inmates and returning citizens at [www.brennancenter.org/criminal-disenfranchisement-laws-across-united-states](http://www.brennancenter.org/criminal-disenfranchisement-laws-across-united-states).

Explore collateral consequences in your state using the Council of State Governments' National Inventory of the Collateral Consequences of Conviction at [www.niccc.csgjusticecenter.org](http://www.niccc.csgjusticecenter.org).

## Educate Your Community

To raise awareness about criminal justice reform and convey the urgency of action, we recommend hosting educational forums, movie screenings, and book discussions. Below are recommendations and guides to help you plan, organize, and execute your programming.

### Convene an Educational Forum



The CRC of Greater Metrowest NJ hosted an educational forum on criminal justice reform, which introduced community members to the issue and key local leaders.

An educational forum is a great way to raise awareness in your community about criminal justice and its impact in your state. After your fact-finding mission, we recommend hosting an educational forum that will introduce your community to key players on criminal justice in your area, raise awareness about the issues and their local impact, and make the case for Jewish involvement.

Effective forums may feature:

- ▶ Leading advocates in your community who work on criminal justice reform
- ▶ Jewish civil rights leaders or representatives from your local ADL or JCPA
- ▶ A returned citizen who has been helped by a local service project
- ▶ Law enforcement officials

Other panelists to consider could include: faith-based advocates or activists, community leaders, politicians, mental or behavioral health experts, educators, and policy experts.

Hearing firsthand about what is happening in the audience's own community and getting to hear from those working on the issue will help galvanize support for taking action. Consider having a call to action at the end of the program to keep attendees engaged.

We recommend inviting the press, including your local Jewish newspaper. You may also want to submit op-eds or pre-program articles on the topic to your Federation e-newsletter and your Jewish paper a month before the program, which will help create a groundswell of interest and boost turnout.

Smaller leadership meetings with local reform leaders and JCRC boards are also important for building trust and identifying common cause.

Community Relations Committee Invites You to Attend

## CRIMINAL JUSTICE REFORM: FORMULATING THE JEWISH RESPONSE

**FEATURING**



**The Honorable  
Paul J. Fishman**  
U.S. Attorney for the District  
of New Jersey

What is the situation of criminal justice reform in New Jersey?  
Are racial justice and criminal justice reform Jewish issues?  
What can we do to help make a difference for those who seek to transform their lives?

**PANELISTS INCLUDE:**

 <b>Ryan Haygood</b> <small>President &amp; CEO NJ Institute for Social Justice</small>	 <b>James E. Johnson, Esq.</b> <small>Founding Member of NJ Communities Forward; Former Under Secretary of the U.S. Treasury for Enforcement.</small>	 <b>Lauren Jones</b> <small>Assistant Director, Legal Affairs Anti-Defamation League</small>	 <b>Cuqui Rivera</b> <small>Board Secretary, Latino Action Network of NJ</small>
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**Wednesday, April 6, 2016 from 7-9 p.m.**

**Alex Aidekman Family Jewish Community Campus**  
**901 Route 10, Whippany NJ**

Free and open to the public


**"Tzedek, tzedek tirdof — Justice, justice shall you pursue" — Deuteronomy 16:20**  
 RSVP requested to [CRC@Jfcdgmw.org](mailto:CRC@Jfcdgmw.org) or (973) 929-3064

The CRC of Greater Metrowest NJ's flyer for its educational forum in the spring of 2016.



## Host a Documentary Screening and Discussion

Movie screenings are a great way to raise public awareness about criminal justice issues. JCPA recommends *13TH*. You may also want to follow up your screening with a speaker or panel of experts to facilitate further discussion about the film. Below you will find an overview of the movies and screening guides to assist you in organizing dialogues that can take place after the screening.

### *13TH*



Civil rights advocates are screening *13TH* to raise awareness of criminal justice reform in communities nationwide. We highly recommend streaming this film in your community and hosting a conversation afterward. Last year, JCPA partnered with the Leadership Conference on Civil and Human Rights to promote their discussion guide and film screenings around the country.

The title of this extraordinary documentary refers to the 13th Amendment to the Constitution, which abolished slavery “*except as a punishment for crime whereof the party shall have been duly convicted.*” The film lays out the progression from that second qualifying clause to the horrors of mass criminalization and the sprawling American prison industry using a potent mixture of archival footage and testimony from a dazzling array of activists, politicians, historians, and formerly incarcerated women and men. At our 2017 National Conference, we hosted one of the film’s featured activists, JustLeadershipUSA Founder and President Glenn E. Martin, who was just as captivating in person as he is on screen.

*13TH* is available to stream on Netflix, which has granted permission for educational screenings.

To see other documentary suggestions, visit [www.jewishpublicaffairs.org](http://www.jewishpublicaffairs.org)

**Discussion Questions for 13TH**

*(Courtesy of The Leadership Conference on Civil and Human Rights)*

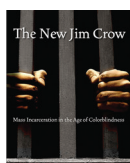
1. What are your initial reactions after watching the film?
2. The film discusses the power of the media in shaping people's opinions and actions. For example, the use of the term 'super predator' in mass media resulted in an identity shift among people of color. Do you agree that media has a strong influence over the actions and opinions of society? What are some examples you can think of from today?
3. What was the most surprising thing you learned from the film?
4. Did the film change any of your ideas about the prison system in America? Affirm any ideas you already had? If so, in what way?
5. Title cards in the film show the steep increase of the prison population from the mid to late 90s until today. What was your reaction to these numbers?
6. "You can tell the story of white leadership in American and never mention the FBI one time, but you can't tell the story of black leadership - not one - without having to deal with the full weight of the criminal justice system," — do you agree or disagree?
7. The film brings about broad ideas about race relations and criminal justice in this country. How can you connect these themes to a personal experience?
8. Do you feel you have advantages or disadvantages based on your race, gender, sexual orientation economic status or any other factors? How so? How have they impacted your life?
9. In a recent interview, Ava DuVernay says, "There's good work to be done with folks simply re- assessing their own personal views. Whether you go out and start a petition, or have some kind of formal dissent, or whether you change your own mind about the way that you are processing this stuff and behaving, all of that is good work. My hope is that the film affects folks on some level. I don't have a preference as to how." What has the film inspired you to do?

## Start a Book Club

A growing body of literature—including nonfiction books, memoirs, and poetry—is giving visibility to the different aspects of the criminal justice crisis. We encourage you to form a book club for community members to explore institutional racism, the criminal justice system, and its disproportionate impact on people of color. A book club is also a great opportunity to partner and engage with local congregations and other community partners.

Preparing guiding questions in advance will facilitate a more nuanced discussion. We offer suggested reading guides at the end of the section to help spark challenging conversations in the context of Jewish teachings and values.

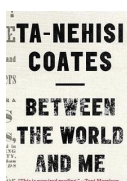
## JCPA's Recommended Reading List



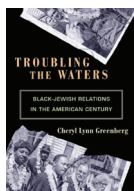
***The New Jim Crow: Mass Incarceration in the Age of Colorblindness*** by Michelle Alexander explains the racism embedded in our criminal justice system and its parallels to the Jim Crow era. Despite Civil Rights gains and the success of many black Americans, mass incarceration and its consequences maintain a predominantly black “undercaste.” Use the Jewish Currents’ study guide, available at [www.jewishcurrents.org/jewish-study-guide-new-jim-crow](http://www.jewishcurrents.org/jewish-study-guide-new-jim-crow) to host a discussion. We also include an excerpt from the study guide on pages 22-23.



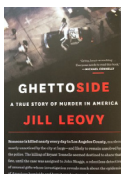
***Just Mercy: A Story of Justice and Redemption*** by Bryan Stevenson recounts the author’s experiences as the founder of the Equal Justice Initiative. Intertwining his clients’ narratives and his personal journey, Stevenson illustrates the brokenness of our criminal justice system and develops a deeper understanding of compassion, mercy, and justice. Use the Religious Action Center’s “RAC Reads Guide,” to host a discussion, available online and on pages 24-25.



***Between the World and Me*** by Ta-Nehisi Coates grapples with the fears and ongoing struggles that black Americans face. Structured as a letter to his 15 year-old son, the book weaves together Coates’ personal accounts of trauma with his understanding of race, its role in society, and its presence in our collective imagination. Use the Religious Action Center’s “RAC Reads Guide,” to host a discussion, available online and on pages 26-27.



***Troubling the Waters: Black-Jewish Relations in the American Century*** by Cheryl Greenberg examines the 20th century alliance between the black and Jewish communities. She compares the history of their leadership organizations, the harmony and tensions between their political priorities, and the ways in which discrimination and whiteness informed their experiences. Despite the ongoing complexity and conflict in black-Jewish community relations, their alliance was integral throughout a century of social progress.



***Ghettoside: A True Story of Murder in America*** by Jill Leovy exposes the dual crises of under- and over-policing that communities of color face. Thousands of black men are killed in cities each year, but too often their murderers go unpunished and their stories remain untold. *Ghettoside* calls attention to this prevalent yet disregarded phenomenon.



***Citizen: An American Lyric*** by Claudia Rankine uses poetry and artwork to capture the daily racism, both subtle and overt, that black Americans face in the 21st century. Rankine intersperses famous black individuals’ experiences with incidents from her own life to reflect on the presence of racism in language, the media, and physical experiences.



## Facilitating a Book Discussion

*(Courtesy of the Religious Action Center's "RAC Reads" program)*

Conversations about race, racism, whiteness and privilege can often be uncomfortable. It is important to create a discussion space in which participants are made to feel safe and their perspectives respected. Below are some tips for facilitating conversations about difficult topics.

1. Set group goals for the conversation before it begins. Discuss why participants are in the room, what they hope to learn and what they believe constitutes a productive and successful discussion.
2. Establish community guidelines prior to the start of the conversation. These communally-created rules ensure that everyone has an equal opportunity to participate. They can be formally written down and displayed somewhere in the room, or informally discussed and agreed upon. The facilitator can also model some of these behaviors for the group. Some common community guidelines are:
  - "I" statements – always speak from a personal place, using "I" rather than "we," "you" or generalities
    - o Remind participants that, although this is a Jewish space, that does not mean that there is not a diversity of identities (race, ethnicity, nationality, gender, sexuality, age, ability, etc.) represented in the room
    - o Ex: "In my experience, I have found that society perceives me as white." vs. "Everyone knows that all Jews are white."
  - Trust intent – trust that no one in the group intends to harm or to offend
  - Name impact – inform the group when someone has said something that offends you, and explain why
    - o Ex: "I found that last statement difficult to hear because my personal experience has been different."
  - Step up, step back – be mindful of how much you and others in the room are speaking and try to take a step back when you find yourself speaking too often
3. Provide participants with a paper copy of the discussion questions when they arrive and include space between each question to draft ideas for answers. Give participants several minutes before launching into discussion to organize their thoughts.
4. If you find that a participant seems distressed during the group conversation, ask the others in the group to break off into one-on-one discussions about a particular question and then approach that person individually.
5. Actively facilitate. Don't be afraid to reroute the conversation if it strays too far off track, or to solicit answers from those who have not spoken often.
6. At the same time, encourage participants to explore difficult subjects and to push personal boundaries, even if it means making mistakes. Within reason, allow participants to steer the conversation towards topics that are relevant and important to them.

Debrief after the discussion is finished. Ask participants what went well and what did not. Talk about ways to potentially improve future conversations.

## Discussion Questions for *The New Jim Crow*

(Visit [www.jewishcurrents.org/jewish-study-guide-new-jim-crow](http://www.jewishcurrents.org/jewish-study-guide-new-jim-crow) for the complete reading guide)

1. What was your initial response to Alexander's theory that a system of mass incarceration exists in the U.S.?
2. As a Jew, what is your role in 'retelling' the story that Alexander presents in her book? How is this informed by the Passover commandment to retell stories of (Jewish) slavery?
3. What personal experiences and beliefs about race and racial progress did you have before beginning this book?
4. What are your thoughts about describing mass incarceration as a caste system?
5. What role does race play in your identity as a Jew?
6. What new information about the history of slavery and Jim Crow did you learn in the book?
7. What do you feel are the similarities and differences among slavery, Jim Crow and the New Jim Crow?
8. How are your ideas about justice and criminal justice challenged or enforced by Alexander's historical outline?
9. Where do you get the information that has formed your opinions on crime and incarceration?
10. What are your personal experiences with the criminal justice system?
11. What are the experiences of your Jewish community with the criminal justice system?
12. What values around drugs did you learn from your family? From your friends? From your broader community?
13. What narratives did you grow up with around drugs and being Jewish?
14. What are the benefits and pitfalls of aiming toward color-blindness in our attempt to transcend racism?
15. Reflect on this in terms of you as an individual, our society and our legal system.
16. What does Judaism teach us is our responsibility towards those who repent?
17. What does Judaism teach us is our responsibility to the needy? Does a criminal forfeit their right to assistance when they commit a crime?
18. What blindness to injustice did you grow up around? What blindness to injustice exists in your current communities?
19. How does racial privilege contribute to a person's ability to connect with the problem of mass incarceration? How does class privilege affect it?

20. How does the fact that ‘we know and we don’t know’ about the suffering of others affect your personal spirituality? The spirituality of our Jewish communities?
21. How does it feel to learn about our prison system as a money-making operation?
22. In our history as Jews, we have been treated as “those people” (discriminated against because of race/ethnicity/religion/culture). How do we as Jews think about incarcerated people of color?
23. How comfortable are you talking about race? With whom and why?
24. How does our fear keep us from accepting the challenge of building and being part of this movement? What other obstacles or concerns might prevent you from contributing to this effort?
25. If we accept Alexander’s arguments as outlined in this book, what steps can we take to undo the system she describes, both as individuals and as a community? List some of these steps and discuss how to proceed. With whom should we form alliances and why? What do you see as potential obstacles and successes in doing this work as Jews?

## Discussion Questions for *Just Mercy*

(Courtesy of the Religious Action Center's "RAC Reads" program)

1. When Bryan Stevenson was growing up, his grandmother told him, "you can't understand most of the important things from a distance, Bryan. You have to get close (p. 14)." In what ways has this book allowed you to "get close" to issues of racial justice in America? In what ways do you still keep your distance?
2. Jewish values teach us to uphold the sanctity of human life. In Ezekiel 33:11, for example, it is said: "*I have no pleasure in the death of the wicked, but that the wicked turn from his way and live.*" How does this passage relate to *Just Mercy's* examination of the death penalty? Can we reconcile capital punishment with the value the Jewish tradition places on life and rehabilitation?
3. "Proximity has taught me some basic and humbling truths, including this vital lesson: *Each of us is more than the worst thing we've ever done* (p. 18)." As it says in Ecclesiastes, "*There is none on earth so righteous as to only do good and never sin* (7:20)." Imagine if others judged you on the worst thing you have ever done. In what ways does the current criminal justice system in America judge people based on their worst? How might our criminal justice system (sentencing, incarceration, release) encourage and support people to be their best?
4. When Mr. Stevenson is coming home late one night, he stays in his car, listening to the radio. A SWAT team approaches him, threatens him with a gun and illegally searches the car. Neighbors accuse him of being behind recent burglaries in the neighborhood (pp. 38-44). Stevenson writes that he thought about running, and if he was younger, he probably would have run. Share your reactions to this passage. How does reading it relate to your understanding of recent examples of excessive force used by law enforcement and accusations that these shootings were motivated by race? In the book, we read about metal detectors and German shepherds being used at Walter McMillian's hearings (pp. 174-177). What powerful message did this send to McMillian's supporters? In what other ways can supposedly 'race neutral' efforts actually negatively affect one racial or ethnic community?
5. Mr. Stevenson's description of the pride and joy he feels in witnessing McMillian's supporters fill the courtroom presents a powerful case for showing up in the struggle for justice (pp. 166-167). How can you as an individual "show up" for racial justice? How can the Jewish community "show up"?
6. Herbert Richardson was abused as a child and was a Vietnam veteran who suffered from severe PTSD (Read his story on pp. 72-91). On the date of his execution, he tells Mr. Stevenson, "More people have asked me what they can do to help me in the last fourteen hours of my life than ever asked me in the years when I was coming up (p. 89)." What balance does our society currently strike between helping people early in life to avoid mistakes and punishing criminal behavior later in life? Can we be doing better?
7. After his release from prison, Walter McMillian struggles. His time in prison and on death row traumatized him and he was never the same again. In a particularly heartbreaking episode, he thinks he is still on death row although he is in a hospital (p. 279). In what ways does our current system of incarceration inflict lasting trauma on the imprisoned? What responsibility, if any, does our society have to make sure that prisoners are rehabilitated and that they have the support and opportunities necessary to succeed once they are released?

8. In Deuteronomy 16:20, it is instructed: “*Tzedek, tzedek tirdof*” (“Justice, justice you shall pursue”). Rabbi Yaakov Yitzchak of Pzhysa taught that *tzedek* is repeated to emphasize that just ends must be attained only through just means. Based on your reading of *Just Mercy* and your own experiences, does the criminal justice system reflect this passage and its interpretation? Are the ends of our criminal justice system just? Are its means just?
9. Re-read Mr. Stevenson’s summary of the rise of the prison population on pages 14-16. Do you agree with Mr. Stevenson’s discussion of mass incarceration and its disproportionate impact on the black community?
10. How has your thinking about race in the criminal justice system changed as a result of reading this book, if at all?
11. Which sections of the book or ideas it presents did you find most challenging to accept?
12. What is one issue related to the themes of *Just Mercy* that you would like to address in your own community or congregation? How might you take the first step?
13. What does it mean to pursue racial justice or criminal justice reform in a Jewish context? How can Jewish values be brought to bear in the struggle against persistent structural and personal racism in the United States?

## Discussion Questions for *Between the World and Me*

(Courtesy of the Religious Action Center's "RAC Reads" program)

1. On page 7, Coates writes: "But race is the child of racism, not the father." He seems to be suggesting here that racism precedes race and that without racism, there is no category of race. Do you agree?
2. In the same paragraph, Coates puts genealogy and physiognomy in opposition to hierarchy. He writes: "that the preeminence of hue and hair...can correctly organize a society...that they signify deeper attributes...is the new idea..." (page 7). What Coates appears to be saying here is that in a different social system, genealogy (parents, grandparents, etc.) and physiognomy (physical features of the face) would be just that, but in America (and elsewhere to be sure) they determine hierarchy. Is this way of looking at race and racism new to you? Does Coates put words to what is otherwise taken for granted or is he dispelling a myth about American social equality?
3. On page eleven, Coates introduces "the Dream." What is "the Dream" according to Coates? Who gets to access "the Dream" and who does not? Does "the Dream" seem familiar to you? To what extent is "the Dream" applicable to the American Jewish community? What are Jewish dreams? What has been the most successful Jewish dream of the last one hundred years? Is this dream your dream?
4. Coates writes: "The Dream is the enemy of all art, courageous thinking, and honest writing." (page 50). What does he mean by this? Is there a relationship between the creative arts (art, writing, music etc.) and being an outsider?
5. The Hebrew word "*lvri*," can mean "the other" or "from the other side." Abraham was "the *lvri*." He came as a foreigner to Canaan. What does all this mean in terms of Jews as artists, courageous thinkers and honest writers? Is Jewish creativity related to Jews historically being outside the mainstream of the societies in which Jews have lived? Is the experience of Jews in the United States different from experiences in the past?
6. On page 60, Coates states that "Hate gives identity." What does he mean? How can we make sense of this bold statement in the context of our identities as Americans? As Jews?
7. Coates writes: "But whether you fought or ran, you did it together...." (page 69). The Talmud teaches, "*All Israel are responsible for one another...*" (Shavuot 39a). Is this similar to what Coates is saying? What does he mean about African Americans growing up in the poorest communities in America? Do American Jews have this "thick" sense of group? Has a sense of group identity changed for American Jews over time?
8. Coates says on page 69 that "...the struggle, in and of itself, has meaning." What is he talking about here? *Israel* means to struggle with God. Is this the same type of struggle to which Coates refers, or a different one? What is the meaning in struggle?
9. "Perhaps struggle is all we have because the god of history is an atheist, and nothing about his world is meant to be" (page 71). What is Coates saying? What does he mean that "the god of history is an atheist?" Is the Jewish God of history an atheist? What does a God have to believe in?
10. How might the passage in question 9 be related to the biblical notion that human history takes place outside of the Garden—that we were banished from the Garden? What takes place in Genesis 4:8 and how many verses are we removed from the Garden?

11. Coates writes that “In America, it is traditional to destroy the black body—it is *heritage*” (page 103). How do you, as a Jew, an American, etc., understand that sentence? What is our Jewish mandate to respond? How might it inform our Passover?
12. Consider this passage from *Between the World and Me*:

I bumped into a young black man and said, ‘My bad.’ Without even looking up he said, ‘You straight.’ And in that exchange there was so much of the private rapport that can only exist between two particular strangers of this tribe we call black (pp. 119-120).

Now compare it to the following excerpt from Ze’ev Maghen’s *New Essays on Zionism*:

I was in New York with my brother...we stopped to rest near the World Trade Center...Alex and I switched to Hebrew...as we were talking, this be-suited fellow...rose, walked over, and stood ...in front of our bench....‘Um..uh..*Shalom!*’ I extended my hand and he shook it...What he really wanted to say was: ‘Hey—I’m Jewish, too.... I embrace you, my brother...we share something tremendous...ancient...wonderful...’” (from “Imagine: On Love and Lennon” by Ze’ev Maghen in *New Essays on Zionism* edited by David Hazony, Yoram Hazony and Michael Oren p. 288).

Are Coates and Maghen having the same experience? Have you had this experience? Is it a minority experience? What does it mean or indicate?

13. Coates says that “In America, the injury is not in being born with darker skin, with fuller lips, with a broader nose but in everything that happens after” (p. 120). What is he saying here?
14. One of the most famous pieces in American Civil Rights History is Dr. Martin Luther King Jr.’s “[Letter from a Birmingham Jail](#),” written in 1963. Read it and compare King’s message with Coates. How far have we come in the past 50 years? What work is yet to be done? What power or message is conveyed by composing both of these texts in the form of a letter?
15. The title of Coates’s book comes from [a poem by Richard Wright](#) that recounts a lynching. Think about how the title relates to Coates’s argument and then read the poem. Why might Coates have chosen this name for his book? What understanding can we gain by reading these texts side-by-side?
16. What do you take away from the book? What should our response be as readers? As a Jewish community?
17. In what ways does this book inform or change your understanding of the events that have taken place recently from Ferguson to Baltimore and all around the country?
18. How can we bring the ideas and lessons of this book to bear in our campaign to advance racial justice?



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# ADVOCATE

## Taking Action at the National and Local Levels



Members of the Community Coalition for Quality Policing, including Elana Kahn, Director of the JCRC of Milwaukee, explain their policy recommendations at a press conference.

JCPA launched a criminal justice initiative at our 2017 Annual Conference with the aim of reengaging the Jewish community in civil rights work, specifically focusing on criminal justice reform. The conference opened with a plenary session featuring Glenn E. Martin, President of JustLeadershipUSA and a featured activist in the documentary *13TH*, and Rabbi Jonah Pesner of the Religious Action Center. Afterwards, three breakout groups featuring top leaders in the field focused on juvenile justice, life after lockup, and police reform.

Our strategy is twofold: 1) to represent the community relations field's positions on criminal justice reform in national coalitions and to legislators, and 2) to mobilize the community relations field to engage in service projects and advocate on criminal justice reform at the state and local levels. The aim is to help address the criminal justice crises facing our nation and to strengthen our relationships with people of color locally.

In this section, we will provide effective strategies for working on this issue, including:

- ▶ Advocating with legislators and other influentials at the federal, state, and local levels;
- ▶ Partnering with diverse communities as part of a broad coalition;
- ▶ Building relationships with interfaith partners and people of color;
- ▶ Engaging the Jewish community on criminal justice issues, action opportunities, and reform efforts; and
- ▶ Working with the media to raise awareness and shift public opinion.

## National Advocacy

Coalitions are a key component of JCPA's national work on criminal justice reform. Through JCPA's collaboration with interfaith, secular, and Jewish partners, we advocate in the halls of Congress, work with the Administration, and weigh in with the courts. It is important to remember that Jewish community relations councils are connected to these coalitions through JCPA. We work with three primary coalitions on criminal justice reform:

**The Washington Interreligious Staff Community (WISC) Working Group** is a coalition of faith-based advocacy offices and cooperating organizations working together in Washington, D.C. for a more just, peaceful, and ecologically sustainable world. WISC administers a criminal justice working group, the Interfaith Coalition on Criminal Justice, in which JCPA is an active member.

**The Leadership Conference on Civil and Human Rights** is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States.

**The Justice Roundtable** is a broad-based coalition of more than 100 organizations working specifically to reform federal criminal justice laws and policies.

## Advocate in Partnership with Communities of Color

The Jewish community relations field has a long-standing tradition of partnering with communities of color, particularly the black community. Over the years, however, we have drifted apart. Working closely with civil rights organizations and advocating in coalition is a powerful way to reestablish our strong intergroup ties. Organizing your national and local advocacy efforts in partnership with other communities will not only show public officials the broad network of support for criminal justice reform, but will also foster valuable personal connections among leaders in the Jewish community and communities of color. In addition, participating in direct service opportunities is a great way to foster partnerships.

## State and Local Advocacy

Organize meetings with your state and local elected officials to lobby for reforms. Plan meetings or Lobby Days as part of a coalition or in partnership with other groups to broaden your constituency and amplify your message. You can visit officials in your state capitols or in local district offices. Do not feel disappointed if your meeting is with a staff person. There is great value in educating and building a relationship with the key staff people on your issues—they play a vital decision-making role in the legislative process.

### Tips for a Successful Visit

- ✓ Be prepared by researching your elected official's position before your meeting.
- ✓ Come with a specific "ask."
- ✓ Leave behind a document summarizing your organization, the issue, and your ask.
- ✓ Offer to be a resource.
- ✓ Email a "thank you" note with a reminder of the action you are asking of the legislator.

## Civil Rights Organizations

A number of diverse organizations belong to the criminal justice coalitions. These organizations are listed in the corresponding chart. An asterisk indicates that JCPA has partnered or collaborated more closely with the organization. We hope this list can help you vet potential partners, as well as locate resources on specific components of criminal justice. Like JCPA, many of these groups also have local chapters or affiliates with which you may be able to partner.

## Civil Rights Organizations

African American Mayor's Association  
 African American Ministers in Action  
 African American Policy Forum  
 Aleph Institute  
 Alliance of Families for Justice  
 American Bar Association  
 American Civil Liberties Union\*  
 American Constitution Society  
 Association of Prosecuting Attorneys  
 American Psychological Association  
 Brennan Center for Justice\*  
 Campaign for the Fair Sentencing of Youth  
 Campaign for Youth Justice\*  
 Center for Justice at Columbia University  
 Center for Law and Social Policy  
 Clemency for William Underwood  
 Coalition for Juvenile Justice\*  
 Coalition for Public Safety  
 Council for Court Excellence  
 Criminal Justice Policy Foundation  
 #Cut50  
 Equal Justice Society  
 Equity Matters  
 Drug Policy Alliance  
 Families Against Mandatory Minimums\*  
 Families for Justice as Healing  
 FedCURE  
 Fight Crime Invest in Kids  
 Friends Committee on National Legislation\*  
 The Episcopal Church  
 Human Rights Watch  
 Innocence Project\*  
 Institute of the Black World 21st Century  
 International Community Corrections Association  
 Just Detention  
 Just Leadership  
 Justice Action Network  
 Justice Fellowship  
 Justice Policy Institute  
 Law Enforcement Action Partnership  
 Lawyers' Committee for Civil Rights Under Law\*  
 Leadership Conference on Civil and Human Rights\*  
 Legal Action Center  
 Major Cities Chiefs Association  
 Mexican American Legal Defense and Educational Fund  
 Marijuana Policy Project  
 NAACP\*  
 NAACP Legal Defense and Educational Fund\*  
 National Action Network  
 National African American Drug Policy Coalition  
 National Alliance of Faith and Justice  
 National Association of Criminal Defense Lawyers  
 National Association of Social Workers  
 National Black Justice Coalition  
 National Black Police Association  
 National Center for Lesbian Rights  
 National Coalition on Black Civic Participation  
 National Coalition to Abolish the Death Penalty  
 National Conference of Black Lawyers  
 National Council for Incarcerated & Formerly Incarcerated Women & Girls  
 National Council of Churches\*  
 National Disability Rights Network  
 National HIRE Network  
 National Law Center on Homelessness and Poverty  
 National Legal Aid and Defender Association  
 National LGBTQ Task Force  
 National Low Income Housing Coalition\*  
 National Religious Campaign Against Torture\*  
 National Urban League  
 NETWORK Lobby for Catholic Social Justice\*  
 Open Society Policy Center\*  
 Petey Greene Program  
 Penal Reform International  
 Prison Fellowship\*  
 Prison Policy Initiative\*  
 Prisons Foundation  
 Presbyterian Church (U.S.A.)\*  
 Project New Opportunity  
 Sojourners  
 Students for a Sensible Drug Policy  
 The Constitution Project  
 The Sentencing Project\*  
 Unitarian Universalist Association  
 United Church of Christ, Justice and Witness Ministries  
 United Methodist Church - General Board of Church and Society\*  
 Vera Institute for Justice\*  
 Washington Lawyers Committee for Civil Rights and Urban Affairs  
 #WeGotUsNow

## Model Reform Policy

As you prepare to engage in local legislative advocacy, it is important to know which issues are of greatest importance to your area and what legislation is being considered or needs to be introduced to solve an existing problem. Below is an overview of some model policy measures to keep in mind when vetting legislation and encouraging your elected officials to take a position.

### Sentencing Reform

- ▶ Eliminate offenses that would trigger mandatory minimum sentences
- ▶ Expand the existing “safety valve” that allows judges in certain circumstances to issue a sentence that is shorter in duration than the mandatory minimum sentence
- ▶ End life-without-parole sentences, which hampers rehabilitation, especially for juveniles

### Juvenile Justice

- ▶ Prohibit the use of solitary confinement of juveniles tried in the federal prison system
- ▶ Allow courts to reduce a term of imprisonment for people who were convicted as adults for a crime committed before the age of 18 and have served 20 years in prison
- ▶ Fund, implement, and evaluate evidence-based, community-oriented gang violence prevention programs for youth
- ▶ Provide a juvenile justice planning and advisory system spanning all states

### Prison

- ▶ Allow the earning of good-time credits for activities including academic classes, occupational and vocational training, and addiction recovery programming
- ▶ Promote greater use of residential substance use disorder treatment
- ▶ Limit the use of solitary confinement to internationally accepted standards for all inmates

- ▶ Expand the use of pre-release custody for certain individuals
- ▶ Expand and fund reentry programming so that all facilities under the Bureau of Prisons have a full suite of programs aimed at promoting healing and reducing recidivism after release
- ▶ Expand the use of compassionate release for older incarcerated adults
- ▶ Ban shackling or placing pregnant and post-partum women in solitary confinement
- ▶ Place prisoners who are the primary caretaker parent in facilities close to their children
- ▶ Expand visitation and allow for physical contact between inmates and their family members
- ▶ Prohibit charging fees for phone calls and provide free video conferencing services
- ▶ Require federal prisons to provide free feminine hygiene products

### Reentry

- ▶ Increase funding for community-based reentry programs
- ▶ Increase the number of Bureau of Prisons halfway houses while enhancing funding for program opportunities available to residents
- ▶ End the lifetime bans that prohibit individuals with felony drug convictions from receiving federal nutrition assistance, public housing, and other important programs
- ▶ Implement and encourage “Ban the Box” policies, which would allow employers to consider a job candidate’s qualifications without stigma
- ▶ Automatically restore voting rights for those reentering society

We have also included the Prison Policy Initiative’s briefing on promising state reforms for 2017, which begins on the next page.



# Winnable criminal justice reforms

*A Prison Policy Initiative briefing on promising state reform issues for 2017*

**PRISON**  
POLICY INITIATIVE  
<https://www.prisonpolicy.org/>  
(413) 527-0845

## Ending prison gerrymandering

**Problem:** The Census Bureau's practice of tabulating incarcerated people at correctional facility locations (rather than at their home addresses) leads state and local governments to draw skewed electoral districts that grant undue political clout to people who live near large prisons and dilute the representation of people everywhere else.

**Solution:** States can pass legislation to count incarcerated people at home for redistricting purposes, as California, Delaware, Maryland, and New York have done. Ideally, the Census Bureau would implement a national solution by agreeing to tabulate incarcerated people at home in the next Census, but time is running out for that federal change so states must prepare their own fix.

**Model bill:** <https://www.prisonersofthecensus.org/models/example.html>

**More information:** Prison Gerrymandering Project website <https://www.prisonersofthecensus.org>

## Lowering the cost of calls home from prison or jail

**Problem:** The prison and jail telephone industry offers correctional facilities hefty kickbacks in exchange for exclusive contracts. Until recently, the families of incarcerated people would frequently pay up to \$17 for a single 15-minute phone call.

**Solution:** The Federal Communications Commission has begun to regulate this industry, but states such as California, Michigan, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Rhode Island, and South Carolina, as well as the District of Columbia, are taking action on their own.

**Example bill:** New York Corrections Law § 623 bans commissions and requires that contracts be based on the lowest possible cost to consumers. (Note: this New York law only applies to contracts with state prisons. The ideal solution would apply to both state prison and local jail contracts.)

**More information:** Our ideas for state legislation <http://www.prisonpolicy.org/blog/2015/10/21/states-after-fcc/>, What would prison telephone justice look like? <https://www.prisonpolicy.org/blog/2015/09/29/state-reform-phones/>, and "Regulating the prison phone industry" <https://www.prisonpolicy.org/phones/>

## Protecting in-person family visits from the video visitation industry

**Problem:** Video visitation is quietly sweeping the nation's prisons and local jails. Unfortunately, rather than providing the video technology as an additional way for families to stay connected, private companies and sheriffs are working together to replace traditional in-person family visits with expensive, grainy computer chats.

**Solution:** In May 2015, Texas legislators approved HB 549, clarifying that Texas jails must provide a minimum of two *in-person* visits — not video visits — per week. (Note: HB 549 allows for the Texas Commission on Jail Standards to exempt counties who incurred significant costs when they replaced in-person visits with video visits. The ideal solution would protect family visitation even further by not including a grandfather clause.)

**More information:** *Screening Out Family Time: The for-profit video visitation industry in prisons and jails* <https://www.prisonpolicy.org/visitation/>

## Stopping automatic driver's license suspensions for drug offenses unrelated to driving

**Problem:** 12 states and the District of Columbia have failed to repeal an outdated relic from the War on Drugs — automatic driver's license suspensions for all drug offenses, including those unrelated to driving. In a forthcoming report, we shed

light on the approximately 210,000 licenses suspended every year for non-driving drug convictions. These suspensions disproportionately impact low-income communities and waste government resources and time.

**Solution:** Alabama, Arkansas, Florida, Iowa, Michigan, Mississippi, New Jersey, New York, Pennsylvania, Texas, Utah, Virginia, the District of Columbia should formally opt out of the federal automatic suspension law. There is no financial penalty for opting-out as long as states pass a legislative resolution and the governor informs the Federal Highway Administration.

**More information:** *Suspending Common Sense in Massachusetts: Driver's license suspensions for drug offenses unrelated to driving* and our forthcoming report on the 13 jurisdictions that still retain this law <https://www.prisonpolicy.org/driving/>

## Repealing or reforming ineffective and harmful sentencing enhancement zones

**Problem:** Most states have laws that are intended to keep children safe by creating enhanced penalties for various drug crimes committed within a certain distance of schools. These laws sound like a common sense approach, but our research has shown that these laws do not work and exacerbate harmful racial disparities in the criminal justice system.

**Solution:** The most comprehensive solution is for states to repeal the enhancement zones, and instead rely on the already-existing laws that give additional penalties for involving children in drug activity. Barring repeal, there are several other ways to modify the scope of the law. The simplest approach is reducing the size of the zones like Massachusetts and New Jersey recently did. Alternatively, do as Connecticut did in 2015 and make the enhancement penalty subject to judicial discretion rather than mandatory.

**More information:** "Sentencing enhancement zones fail to protect children and worsen racial disparity in incarceration" <https://www.prisonpolicy.org/zones.html>

## Protecting letters from home in local jails

**Problem:** Sheriffs in at least 14 states — Arizona, California, Colorado, Florida, Georgia, Kentucky, Kansas, Maryland, Michigan, Missouri, Oregon, Tennessee, Utah, and Washington — have been experimenting with a harmful policy in local jails: banning letters from home.

**Solution:** States can send a clear message about the importance of protecting family communication by passing a bill or administrative rule requiring correctional facilities to allow personal letter correspondence.

**Example rule:** "Inmates shall be permitted to send as many letters of as many pages as they desire, to whomever they desire... [and] may receive correspondence in any quantity, amount, and number of pages." (Texas Commission on Jail Standards, Inmate Correspondence Plan (Rule §291.2))

**More information:** *Protecting Written Family Communication in Jails: A 50-State Survey* <https://www.prisonpolicy.org/postcards/>

## Requiring racial impact statements for criminal justice bills

**Problem:** Some criminal justice bills unnecessarily and unintentionally exacerbate racial and ethnic disparities in arrest, sentencing, and incarceration rates.

**Solution:** Connecticut, Iowa, and Oregon have passed legislation to provide for racial impact statements that prospectively evaluate whether or not proposed criminal justice legislation is likely to have a racially or ethnically disparate impact.

**Example bills:** Iowa House File 2393 (2008), Connecticut Public Act 08-143 (2008), Oregon Senate Bill 463 B (2013).

**More information:** "Oregon passes legislation to rein in racial disparities in criminal law; which state will be next?" <https://www.prisonpolicy.org/blog/2013/07/09/or-sb463/>

## Repealing "Truth in Sentencing"

**Problem:** Many states increased prison capacity in the 1990s when the federal government created a short-lived financial incentive to enact so-called "Truth in Sentencing" laws that unnecessarily increased time spent in prison. Now that the federal subsidy is over, there are many financial benefits — and no financial downsides — to repealing these changes and bringing back the full range of administrative options to manage prison populations.

**Solution:** States can choose to repeal their dramatic “Truth In Sentencing” requirements that limit management tools such as good time credits and parole. These changes would save taxpayer resources by downsizing prison populations.

## Creating a Safety Valve for Mandatory Minimum Sentences

**Problem:** Mandatory minimum sentences have fueled the country’s skyrocketing incarceration rates, harming individuals and undermining our communities and national well-being, all without significant increases to public safety.

**Solution:** The best course is to repeal mandatory minimum laws so that judges can craft sentences to fit the unique circumstances of each crime and individual, but where that option is not possible — either because of political or legislative realities — states should adopt sentencing “safety valve” laws, which give judges the ability to deviate from the mandatory minimum under specified circumstances.

**More information, model bill language, and example bills:**

Families Against Mandatory Minimums (FAMM): *Turning Off the Spigot: How Sentencing Safety Valves Can Help States Protect Public Safety and Save Money* <http://famm.org/Repository/Files/Turning%20Off%20the%20Spigot%20web%20final.pdf> American Legislative Exchange Council (ALEC): “Justice Safety Valve Act” <http://famm.org/wp-content/uploads/2013/07/ALEC-Justice-Safety-Valve-Act-8-5-13.pdf>

## Immediately eliminating “pay only” probation and regulating privatized probation services

**Problem:** At least twelve states (Alabama, Colorado, Florida, Georgia, Idaho, Michigan, Mississippi, Missouri, Montana, Tennessee, Utah, and Washington) outsource misdemeanor probation services to private probation companies. Despite the 1983 Supreme Court case, *Bearden v. Georgia* — which ruled that probationers cannot be jailed simply for failing to pay a fine they cannot afford — privatized probation has led to modern-day debtor’s prisons. Now, with the growth of privatized probation, people who are convicted of extremely minor offenses but cannot pay the fine are sentenced to “pay only” probation. As a result, people who do not pose a threat to public safety are being placed on probation and, when they are unable to afford probation fees, are jailed.

**Solutions:** Pass legislation that would eliminate or regulate the use of privatized probation consistent with the Human Rights Watch’s nine recommendations for states on pages 7–8 of *Profiting from Probation: America’s “Offender-Funded” Probation Industry*.

**More information:** Human Rights Watch, *Profiting from Probation: America’s “Offender-Funded” Probation Industry* [https://www.hrw.org/sites/default/files/reports/us0214\\_ForUpload\\_0.pdf](https://www.hrw.org/sites/default/files/reports/us0214_ForUpload_0.pdf)

## Reducing pretrial detention

**Problem:** Many people who face criminal charges are unnecessarily detained before trial. Often the sole criteria for release is access to money for bail. This wastes taxpayer dollars, puts more pressure on defendants to accept plea bargains, leads to jail overcrowding which drives the need for more and bigger jails, and destabilizes the life of the person who is incarcerated, which can result in the loss of an apartment, a job, and even custody of children.

**Solutions:** States are addressing this problem with a variety of approaches, including bail reform, ending money bail, pretrial services including monitoring and curfews, drug testing and treatment, and postcard or phone reminders to appear in court.

**More information:** Pretrial Justice Institute: <http://www.pretrial.org>, Pretrial Working Group: <http://www.pretrialworkinggroup.org>, Massachusetts Women’s Justice Network: “Moving Beyond Incarceration for Women in Massachusetts: The Necessity of Bail/Pretrial Reform” [http://www.wcwonline.org/images/PolicyBrief3.15.Bail.Pretrial\\_Reform.pdf](http://www.wcwonline.org/images/PolicyBrief3.15.Bail.Pretrial_Reform.pdf)

**For interesting reports that can help you make the case for criminal justice reform in your state, see <http://www.prisonpolicy.org/national/>**

## Building Bridges with Police



Ieshia Evans is arrested by heavily armed state troopers during a protest in Baton Rouge, Louisiana, on July 9, 2016. The iconic image, now dubbed *Taking a Stand in Baton Rouge*, has come to symbolize peaceful protest against police brutality. Many consider it the defining image of Black Lives Matter. (Jonathan Bachman/Reuters)

Shootings of unarmed black and Latinx\* 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. These tragedies create fear and distrust among people of color. It is time that we, along with our local communities, take serious steps toward confronting this problem in our efforts to create a more equitable society. JCPA believes that our network can play an important role in reducing discrimination and repairing our communities. We encourage engagement and leadership in local efforts to build bridges and adopt 21st century community policing practices.

Community policing is not just about the behavior and tactics of police. It is also about community relations: the civic engagement and capacity of communities, from faith-based and community organizations to employers and business partners, to improve their own neighborhoods, quality of life, and sense of safety and well-being.

There are currently 18,000 separate law enforcement agencies in America that are mostly controlled by local governments. Although federal laws and regulations can also help shape the Department of Justice's oversight of local police departments, local governments and police chiefs typically have much more control over decisions affecting training, equipment purchase, and policing practices—all the more reason for the Jewish community to engage at the community level.

In 2015, the President's Task Force on 21st Century Policing published a landmark report with recommendations for community policing that would help restore relationships between police and the populations they serve.

Read the full report and recommendations from the President's Task Force on 21st Century Policing at [www.cops.usdoj.gov/pdf/taskforce/TaskForce\\_FinalReport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf)

Visit the Department of Justice's website at [www.cops.usdoj.gov](http://www.cops.usdoj.gov) to learn more about the Office of Community Oriented Policing Services

## What You and Your Local Coalition Partners Can Do

We recommend that you either join existing coalitions or build your own coalition aimed at working with local law enforcement on the adoption of best practices outlined in the report. Jewish communities typically maintain strong ties to local law enforcement agencies and are well positioned to help catalyze a change in police practices. In that regard, we encourage the following actions for JCRCs working with their federations and local synagogues:

- ▶ Meet with local law enforcement officials to get to know them personally.
- ▶ Reach out to your partners in communities of color to discuss local relationships with police.
- ▶ Collaborate to help organize local conversations or activities with police that facilitate dialogue and build trust and relationships.
- ▶ Consider holding a town hall event with law enforcement officials and members of the community. Share and discuss the Task Force recommendations.

\*Latinx (pronounced latin-ex) is increasingly replacing "Latino" and "Latina" because it is gender neutral and therefore more inclusive.

## Media Advocacy

The media is an excellent tool to assist you with your advocacy by raising awareness about the issue and calling the community to action.

### Press Coverage

Build relationships with local media and encourage them to cover your educational forums and other programming. Establish personal connections with reporters that may cover your work and reach out to keep them informed when you are planning an event and want to get the word out. In addition, submitting articles and op-eds in anticipation of these programs can create a groundswell of interest with the aim of increasing turnout.

### Write Op-Eds

Write articles and op-eds for your local Jewish paper to educate the community about criminal justice issues and highlight Jewish involvement. Conveying your positions in these outlets will ensure that the wider Jewish community is aware of the crisis occurring nationwide and in your backyard, its impact on individuals and families, and how the Jewish community is engaged. Being the local expert visible in the media will not only spark broader interest in Jewish community involvement, but will also establish your credibility on criminal justice reform.

Submit joint op-eds or Letters to the Editor in your state and local paper with your coalition partners to attract a wider audience for your message, draw attention to the collaboration among communities, and highlight the broad constituency supporting your initiatives.

In your op-eds, you may want to include:

- ▶ Background information on criminal justice, with specific attention to the state and local impact;
- ▶ Personal stories and perspectives from incarcerated people, returning citizens, and their families;

- ▶ Descriptions of your initiatives, achievements, or goals;
- ▶ Lessons learned from your educational programming and coalition work;
- ▶ A call to action that makes the case for the Jewish community to mobilize; and
- ▶ Information on upcoming opportunities for community involvement.

## Tips for Successful Media Advocacy

Be clear on your message and target audience, as well as what the audience should do after they hear the message. If your target audience is the general Jewish community, encourage them to mobilize and get involved in specific initiatives that you or your partners are organizing.

Rather than reviewing every facet of criminal justice issues, stick to the theme or sub-issue that is most pressing in your community and the focal point of your advocacy work. Although you may be well-versed in background information, never assume that the audience is equally knowledgeable.

Localize, humanize, and personalize your message whenever possible—include local stories and voices of those affected in your community.

Once you are published in a media outlet, share your publications as widely as possible in your regular email updates and social media activity. You and your coalition partners should share each other's publications with your respective networks.





# MOBILIZE

## Highlighting Local Action



Students at The Choice is Yours, which offers a high school education program as part of its alternative to incarceration, celebrate their newly earned diplomas.

### Three Case Studies

Achieving reform of our country's justice system requires a multifaceted approach and a broad network of support. For those communities that want to engage in hands-on local projects beyond legislative advocacy and are looking for ideas, we have put together case studies based on efforts of three Jewish Federated communities. These programs address a range of interventions into the criminal and civil justice systems at the local level and can help turn the tide on their current and serious defects.

The three projects are:

**The Choice is Yours in Philadelphia, Pennsylvania** - JEVS Human Services administers The Choice is Yours, a rigorous 13-month diversion program for first-time offenders between the ages of 18 and 29 who have been arrested for drug possession with the intent to distribute. Instead of serving time in prison, participants perform reparative community service, receive job-readiness training

and mentoring, develop academic skills, and gain access to job placement services.

**Tzedek DC in Washington, D.C.** - This project provides *pro bono* legal assistance to low-income residents facing crises related to debt collection and other consumer protection problems. In most cases, low-income community members lack access to legal counsel. As a result, they suffer a range of adverse consequences. In the worst of cases, unfavorable debt judgments set off a spiral of events that can culminate in unemployment, homelessness, and/or prison.

**The Community Coalition for Quality Policing in Milwaukee, Wisconsin** - This broad and growing coalition of more than 20 advocacy, faith, and service organizations advocates for problem-oriented policing practices.

## The Choice is Yours (TCY)



### The Choice is Yours

112 N. Broad Street  
3rd Floor  
Philadelphia, PA 19102  
(267) 238-3959

The Choice is Yours (TCY) is an opportunity for you to make positive choices about the direction of your life. Through education, skills training, employment, and other activities, TCY will give you the skills to shape your future and contribute to the well-being of your family and community.

Philadelphia has the highest per capita incarceration rate of the 10 largest cities in the United States, and over 40% of offenders are back behind bars within three years.<sup>1</sup> Public defenders in the United States are under-resourced and overworked. With 350-1,000 cases annually, they can only devote an average of seven minutes to each case. Resources for public defenders are especially meager in Pennsylvania, which is one of two states that does not fund or supervise the counties' public defense systems. As a result, most inmates in Philadelphia are awaiting trial, which means they have not yet been proven guilty, and the average pretrial jail stay is four times the national average.<sup>2</sup>

Over the past several years, Philadelphia implemented widespread reforms throughout its criminal justice system. Fortunately, with the growth of pretrial reforms, the city's incarceration rate is already declining. Diversion programs, a particularly popular pretrial reform, enable low-level offenders to participate in rehabilitation programs rather than go to jail.

In 2009, the Philadelphia District Attorney's Office established a diversion program, The Choice is Yours (TCY), modeled on San Francisco's successful alternative sentencing program Back on Track, in partnership with the Philadelphia Municipal Courts, the Defender Association of Philadelphia, and other public and private stakeholders.<sup>3</sup> After the initial design phase, the program partners put out a Request for Proposals seeking a program operator. They ultimately chose JEVS Human Services (formerly Jewish Employment and Vocational Services), officially giving the program a home.

As Kristen Rantanen, Senior Vice President of JEVS, explains, the program was a natural fit with JEVS' longstanding role in the community: "The request was in our wheelhouse—providing robust case management services with an emphasis on employment and education." JEVS has 30 years of experience working behind the walls of the county jail, offering annual job training with a portfolio that varies according to the jail's priorities. JEVS has always recognized that many inmates would have better long-term outcomes if they were never incarcerated. By facilitating this project, JEVS is able to intervene before individuals are ever incarcerated, profoundly improving offenders' life chances.

## Engaging the Jewish Community



Nigel Bowe, Director of The Choice is Yours, speaks at a panel on reentry at JCPA's annual conference in February 2017.

JEVS embraces the principle that "when you strengthen the whole community, you strengthen the Jewish community." Founded in 1941 to serve Jews who fled Europe, JEVS quickly evolved once World War II ended to serve the needs of the broader community, primarily non-Jewish war veterans. Operating TCY is consistent with JEVS' commitment to facing outward and extending itself beyond the Jewish community.

TCY's objectives are also in line with core Jewish values. Promoting self-sufficiency, a common aim throughout JEVS' portfolio and the primary goal of TCY, is considered the highest form of *tzedakah*. Accordingly, volunteers and leadership view TCY as a natural extension of JEVS' mission and principles. Some members of the JEVS Board of Directors and Board Public Policy Committee are especially strong TCY supporters who use their leadership roles to raise money and advocate for the program.



The JCRC is starting to engage with criminal justice work as part of a national effort to reengage the Jewish community in civil rights led by its national umbrella organization, the JCPA. Last year, the JCRC's domestic affairs committee hosted the Chief Public Defender from a surrounding county, who gave an overview of criminal justice issues and shared possible ways that the Jewish community could get involved. The JCRC is continuing to plan educational programming for the coming year and hopes to make it a priority issue over the next 12 to 18 months.

## Reducing Young Adult Recidivism in Philadelphia

TCY, launched in 2012, consists of a rigorous 13-month diversion program for first-time offenders between the ages of 18 and 29 who have been arrested for possession with the intent to distribute felony-levels of crack, powder cocaine, or heroin. Participants perform reparative community service, receive job-readiness training and mentoring, develop academic skills, and access job placement services.

In addition, twice a month, a dedicated judge at Philadelphia's Criminal Justice Center oversees court proceedings for program participants. The judge tracks participants' progress, seeking to motivate compliance rather than adopting a punitive approach. While there are serious consequences for non-compliance, up to and including termination from the program and jail time, the court sessions focus as much on successes as they do sanctions for non-compliance.

The cooperation among governmental offices and nonprofits that administer TCY is a bedrock of its success. Kristen Rantanen and Nigel Bowe, the Director of TCY, attribute the exceptional partnerships underscoring TCY to shared commitment and mutual respect among organization leaders. The District Attorney's office, Defenders Association, and Municipal Courts all have a role in organizing TCY so the prosecutors, defenders, and judge all act according to the program's goals and with the clients' best interest in mind. Those who successfully complete the program are eligible to have their records expunged, freeing them from the long-term consequences of a felony criminal charge on their permanent records. In addition to restoring their employment prospects, expunging young

offenders' records also protects their right to vote and access to government benefits, including nutrition assistance and affordable housing. Removing the consequences of a felony charge gives past offenders a second chance and limits the ways in which their past actions contribute to future poverty.

TCY prepares its participants for educational and economic success when they reenter society. In fact, 25 out of 64 of the program's pilot class found paid employment soon after completing the program, while others obtained their GEDs or attended college.<sup>4</sup> TCY's current graduation rate is over 80% while the recidivism rate one year after graduation is just over 10%, compared to an expected 40% re-arrest rate without the program.

## A Shared Commitment

### Life After Lockup

Criminalization often degrades the conditions that 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 and public housing. Finding paid employment can be nearly impossible due to the stigma of incarceration. Almost every state restricts voting rights for people convicted of felonies while they serve in prison, and most states do not re-enfranchise returning citizens upon reentry, leading to the disenfranchisement of 6.1 million Americans.

TCY owes much of its success to the duration and intensity of the diversion program. Working with a group for 13 months is a “luxury” in the social services world, but a necessary one for TCY—it takes time to build relationships, mentor clients, teach skills, and encourage people to reevaluate themselves and expand their aspirations. Although such a long-term commitment may seem daunting, it is a worthwhile investment. In addition to duration, the program's success depends on reaching out to diverse groups that share the same goals. Through a wider range of partnerships, TCY

## Chris's Story

It is participants' personal stories that provide the most inspiring illustration of the program's success. Consider Chris S., a 25-year-old African-American male whose experience encapsulates the program's life-changing impact.

Struggling with chronic unemployment and unable to provide for his wife and three children, Chris was arrested in July 2016 and charged with possessing an illegal substance with the intent to distribute. Upon enrolling in TCY in September 2016, he made it clear that his priorities were to find a job, support his family, and be a role model for his children.

Chris fully committed to TCY's job readiness and soft skills training classes. He was soon hired to work as a crew member at McDonald's. His Employment Advisor mentored, coached, and supported Chris as he navigated obstacles both on and off the job. At McDonald's, his supervisor was so impressed with Chris's work ethic and enthusiasm for learning that she promoted him to food preparation, then Floor Manager, and most recently Shift Supervisor. In his new role, Chris has the authority to hire new employees. By hiring one of his fellow program members, he has already begun to pay forward the support he received. Chris is determined to maintain his positive attitude, graduate in September 2017, stay off the streets, and return the love of his wife and children through his commitment to succeed.



TCY court proceedings at Philadelphia's Criminal Justice Center.

provides a more robust array of services—for example, through a partnership with an education agency, TCY includes a high school program.

Ms. Rantanen and Mr. Bowe emphasize the importance of a District Attorney or prosecutor who is philosophically committed to the program model. The District Attorney and Municipal Courts sorted through potential discrepancies—details of eligibility, types of opportunities that would be available, and program duration—even before JEVS got involved, ensuring a shared vision from the beginning.

TCY depends on “buy-in from people who pull levers in the public system,” Ms. Rantanen explains. “We’re interacting in the judicial system. The judicial system has to want us there.” Public officials have an obvious stake in the program: when prosecutors no longer need to prioritize low-level drug offenders, the District Attorney can focus its resources on real threats to public

safety. Likewise, the taxpayer savings are immense—TCY costs just \$5,200 per participant, while incarceration would cost \$40,000 annually.

Since its creation, TCY has received funding from a wide range of sources. When the initial foundation grant money for the program ran out, JEVS partnered with the District Attorney's office to find the needed resources to “keep the lights on” at TCY. After a presentation, including a client testimonial, to the Philadelphia prison system board, JEVS secured a two-year \$150,000 grant. When the city prison system could no longer contribute money, the City included the program in its application for the MacArthur Foundation's Safety and Justice Challenge Grant. TCY started off without any state money, but finally secured \$200,000 in state funding in 2015. Today, 60% of TCY's funding is from state and private foundation sources, and 40% is from the MacArthur Foundation.

## Tzedek DC



Washington, D.C. has the highest income inequality of any major U.S. city, and poverty predictably falls along racial lines. D.C.'s high cost of living and *de facto* segregation leave low-income communities of color vulnerable to debt crises that funnel many into the criminal justice system. D.C. also has the highest incarceration rate in the country—double the national average.<sup>5</sup> Just under half of D.C.'s residents are black, yet they constitute 90% of the district's jail and prison population.<sup>6</sup>

Predatory lending and debt collection lawsuits disproportionately harm communities of color. As a result of discriminatory policies, the average black family has a fraction of the wealth of the average white family.<sup>7</sup> With little to no financial leeway, recovering from debt collection lawsuits is even more difficult.<sup>8</sup> Many Latinx\* immigrants send money to family in their home countries, making them vulnerable to debt collection exploitation, particularly in light of language and cultural barriers.

In April 2016, the Consumer Financial Protection Bureau reported that debt collection was the most frequent complaint topic among D.C. residents.<sup>9</sup> Ninety-five percent of low-income D.C. residents receive no legal help with their debt issues.<sup>10</sup>

Lacking access to legal counsel, low-income community members often face impaired credit ratings and credit reports, driver's license suspensions, and harsh default judgments if they are unable to appear in court. In the most severe cases, unfavorable debt judgments may culminate in unemployment, homelessness, and/or incarceration.

## Shrinking the Justice Gap in Washington, D.C.

The few D.C. residents who receive debt-related legal help have successful outcomes 90% of the time, winning their cases outright or settling on terms that they can afford. In 2015, attorney Ariel Levinson-Waldman, who at the time was serving in the Obama Administration and working on policy issues related to civil legal aid as an anti-poverty strategy, recognized the inequity of a status quo in which only 5% of D.C. residents obtain legal help in debt cases. He and a group of volunteers harnessed personal experience and Jewish community resources to expand access to legal representation, a potentially life-changing resource.

In 2015 and 2016, the D.C. Bar Pro Bono Center asked Mr. Levinson-Waldman to take a series of cases, including defending Pedro Bildad Amaya Durán, a Salvadoran truck driver at risk of losing his driver's license—and therefore livelihood—after an insurance company wrongfully sued for insurance debt. With Mr. Levinson-Waldman's advocacy, the court dismissed the case and the D.C. Department of Motor Vehicles rescinded the driver's license suspension, enabling Mr. Durán to remain employed and continue supporting his family.



When Pedro Bildad Amaya Durán (left) was wrongfully sued for insurance debt, Ariel Levinson-Waldman (right) helped him to get the case dismissed, enabling Mr. Durán to keep his driver's license.

Mr. Durán's case, along with other *pro bono* debt cases, inspired Mr. Levinson-Waldman to explore and use a systematic approach to serving low-income residents facing debt crises. He applied and was accepted to the Jewish Federation of Great Washington's Connect-Gens program, which helped him transform his innovative idea into a new venture involving the Jewish community. During the fellowship, Mr. Levinson-Waldman

\*Latinx (pronounced latin-ex) is increasingly replacing "Latino" and "Latina" because it is gender neutral and therefore more inclusive.



explored debt-related issues facing low-income D.C. community members of all faiths and backgrounds. While he researched, he met with officials from the Mayor's office, law professors, other legal aid program administrators and attorneys, the Center for American Progress, former D.C. Attorney General Irvin Nathan—a former leader of the American Jewish Congress who ultimately became the Board Chair for Tzedek DC—and consumer protection lawyer and Jewish community enthusiast Courtney Weiner, who later became the Board's Vice-Chair.

He also consulted the co-founders and Board members of Bet Tzedek, a legal services organization in Los Angeles originally developed in the 1970s through a seed grant from the Jewish Federation of Los Angeles. After months of learning and consultation, Mr. Levinson-Waldman and the rest of Tzedek DC's founding group were ultimately able to develop their research into a fully developed program. Through a \$20,000 matching grant from 2016 Federation's United Jewish Endowment fund, as well as other community support, Tzedek DC was able to launch full-time operations in February 2017.

Drawing upon a central tenet of Jewish teachings—"Tzedek, tzedek tirdof," or "Justice, justice you shall pursue"—Tzedek DC's mission is to safeguard the legal rights of those dealing with often unjust, abusive, and illegal debt collection practices, as well as other consumer protection problems like credit reporting issues, identity theft, and predatory lending. The organization works to change a status quo in which most residents facing debt-related problems receive no legal help, leading to adverse court judgments that set off a destabilizing cycle.



Cecile, a nursery school teacher and Tzedek DC client, reached out to Tzedek DC after she received a wage garnishment letter threatening to take 20% of her salary.

Tzedek DC maintains a three-pronged approach to closing the justice gap in D.C.:

1. Through its partnerships with the University of the District of Columbia David A. Clarke School of Law, community groups, and *pro bono* attorneys, Tzedek DC is able to provide free legal assistance. It also plans to work with law students and law school graduates involved in public interest fellowships, such as the Skadden and the Equal Justice Works Fellowships.
2. It promotes a fairer policy environment through legal and policy research, data gathering and analysis, and advocacy focused on the D.C. government.
3. The organization engages in community outreach that builds trust with client communities and provides immediate practical education on consumer rights. It distributes "Know Your Rights" materials in English and Spanish, in partnership with the United Planning Organization and the Hispanic National Bar association, and co-teaches preventative financial literacy courses that include follow-up legal services for course participants. These activities increase community members' willingness to seek legal assistance when future needs arise.

## A Shared Endeavor

The organization operates with a small staff, an Avodah Jewish Service Corps fellow, an all-volunteer board, and an Advisory Board that consists of leaders from D.C.'s legal, consumer protection, business, civic, and faith communities. Many of Tzedek DC's partnerships were born out of preexisting personal and professional relationships among leaders. These friendships developed into formal collaboration through long and extensive conversations. By thoughtfully documenting outcomes, writing Memoranda of Understandings, and publicizing the shared relationship, Tzedek DC's partners remain committed to their goals and diligently follow through on them. Mr. Levinson-Waldman maintains that developing partnerships "has to be done at the beginning, face-to-face, and at the leadership level."

## Engaging the Jewish Community

Tzedek DC is a natural extension of the D.C. Jewish community's dedication to helping the vulnerable. As Mr. Levinson-Waldman points out, Jewish Federation of Greater Washington and the JCRC of Greater Washington contribute to underserved communities of all backgrounds, including the hungry, elderly, and disabled. The Federation supports the region's Jewish Social Services Agency, which serves a client community of over 31,000 people, many of whom are non-Jewish. Since many low-income families' challenges do metastasize into legal issues, bringing resources to the legal sphere was an important opportunity for Jewish community involvement. While Catholic Charities Legal Services has been doing this work in D.C. for decades, and a number of local Jews were involved over the years, the Washington Jewish community had yet to develop an institutional commitment to this work.

At the outset, many from the Jewish community brought up challenging questions about the significance of Tzedek DC and the Jewish obligation to support it. Community members asked about the importance of the issue at hand, its relevance to Jewish life, and whether the responsibility for closing the justice gap should fall on the Jewish community. Tzedek DC's founding group, including Jewish Federation of Greater Washington Board member and former Chair of the Washington JCRC Ron Glancz, had compelling answers to all of these concerns.

First, identifying and serving a prominent community need, even one that primarily affects non-Jewish groups, reflects Jewish values and is a natural extension of our history. As reflected on Tzedek DC's website, the D.C. Jewish community should embody the spirit of Abraham Joshua Heschel marching with Dr. Martin Luther King Jr. for civil rights. Especially in a time of hatred and calls to violence, Mr. Levinson-Waldman believes that we need to "be and be seen as being shoulder to shoulder with the broader community and broader community leaders [...] that means being outward-facing." Second, as of 2017, much of the Jewish community is affluent and in a position to stand up for the vulnerable. "It used to be that we needed help because we're Jews," Mr. Levinson-Waldman explains, "and now we say that we give help because we're Jews."

The founding group's appeals to the community were successful: the Federation, local synagogues, and individuals all support Tzedek DC out of a commitment to civil rights and tikkun olam. A key early-stage supporter was the Jewish Community Relations Council (JCRC) of Greater Washington, which made Tzedek DC its first-ever Strategic Partner. Non-Jewish anti-poverty and legal aid-focused organizations also contribute to Tzedek DC substantially, as the work also aligns with their missions in support of the broader community.

## The Milwaukee Community Coalition for Quality Policing

Milwaukee remains one of the most segregated cities in the United States, leading to the economic, cultural, and political isolation of communities of color. Due to segregation, Milwaukee's problematic police tactics are nearly invisible to Milwaukee's white residents, who live beyond the affected neighborhoods. The poorest zip code in Milwaukee has the highest incarceration rate in the nation—the area is 95% black, with 62% of adult males experiencing incarceration at some point in their lives.

Communities of color in Milwaukee face the dual crisis of under-and over-policing. Black residents are arrested and prosecuted at significantly higher rates than their white counterparts, leading to the incarceration of over half of Milwaukee's black men in their 30s. At the same time, law enforcement is less likely to protect the city's black citizens.<sup>11</sup> On average, police respond to 911 calls from the predominantly white south side of Milwaukee twice as fast as they respond to calls from the predominantly black north side.<sup>12</sup>



After Dontre Hamilton's death, family members (from left to right: Dameion Perkins, Maria Hamilton, Nate Hamilton) became activists on police reform so no other family would have to endure the pain they experienced. (Adam Ryan Morris/*Milwaukee Magazine*)

While Milwaukee has a long history of fraught relations between police and community members, several high-profile police shootings caused tensions to boil over in 2014 and again in 2016. During this period, there was also a 200% increase in police shootings.

In April 2014, a police officer shot and killed Dontre Hamilton, a black man coping with paranoid schizophrenia who was resting in a public park. Prosecutors announced in December 2014 that they would not press charges against the officer, prompting peaceful protests.\* In August 2016, another police officer, who already had several use of force complaints on file, fatally shot Sylville Smith, a 23 year-old black man who fled during a traffic stop. In the hours after the shooting, protests erupted and eventually turned into three days of rioting.\*\*

The unrest that followed the 2014 and 2016 shootings was, in many ways, the manifestation of decades of frustration with police tactics that disproportionately criminalized people of color while failing to protect their communities.

### Reforming Police Practices

Concerned about the substantial increase in police shootings, in 2015, Milwaukee police chief Ed Flynn asked the U.S. Department of Justice to perform a collaborative review of the police department's policies, practices, use of force, and training. Unfortunately, that report suffered several delays and has not yet been released.<sup>13</sup>

In response to the report's repeated delays, in 2016 the NAACP-Milwaukee Branch and other organizations convened a number of groups and leaders to push for six specific actions to improve police-community relations. The meeting resulted in a letter with a diverse list of co-signers, including the Wisconsin Council of Rabbis and the Jewish Community Relations Council (JCRC) of the Milwaukee Jewish Federation. When Sylville Smith's shooting occurred soon after, the groups reconvened and established the Community Coalition for Quality Policing (CC4QP).

\*On May 31, 2017, Milwaukee officials approved a \$2.3 million settlement with the Hamilton family.

\*\* A jury acquitted the officer of all charges in June 2017, however the officer was dismissed after an internal investigation determined that he was guilty of sexually assaulting a man the day after the shooting.



## The Power of Broad Coalitions

CC4QP uses its voice to create public pressure for transparency and improved standards of practice. The coalition's diversity enabled it to form a bloc that the police union, mayor, and police department cannot ignore. It is now the definitive community advocate in issues relating to police practices and police-community relations.

The Milwaukee JCRC, the League of United Latin American Citizens, the NAACP-Milwaukee, and a prominent civil rights attorney formed CC4QP's organizing branch, which is a smaller group that meets more frequently and coordinates the coalition's activities. Although it took some time for the organizers to gain clarity about their purpose, demand, and direction, they ultimately sorted through these questions in a "vision document." Their proposal advocates for problem-oriented policing, a strategy that encourages police to analyze crime patterns, identify root causes, address problems in innovative ways, and expand the body of knowledge on eliminating the underlying causes of crime.



Meeting of the CC4QP at Milwaukee City Hall.

The coalition, which now includes more than 20 advocacy, faith, and service organizations, aims to improve police-community relations, reduce crime, and implement a new policing model in Milwaukee that will benefit both officers and civilians. Over the past year, the coalition successfully increased public awareness through media coverage, and convened critical conversations with the mayor, the Milwaukee Police Department, and the police union. In every meeting, representatives present a list of standard operating

procedures that they hope to see in place.

On May 4, 2017, the police chief agreed to develop regular contact between the coalition and the Milwaukee Police Department. CC4QP now has a point of contact with the police and is discussing regular meetings to increase education about policing and Milwaukee Police Department practices, as well as a partnership to recommend improvements.

Recently, CC4QP brought in Michael Scott from the Center for Problem-Oriented Policing. Considered the national expert on the subject, Mr. Scott spoke at a variety of venues, including a standing-room only dialogue at Marquette University Law School. One of the most fruitful meetings was with Mayor Tom Barrett and Chief Ed Flynn, at which CC4QP proposed the idea of inviting an outside expert to evaluate the police department's practices, a process that could replace the Department of Justice voluntary collaborative review.

Inspired by the President's Task Force on 21st Century Policing, the CC4QP is also working to strengthen and support Milwaukee's Fire and Police Commission, a body that has statutory power to hire and fire the police chief and to oversee police policies. Such an oversight commission is considered one of the best practices to ensure healthy police-community relations, but Milwaukee's commission has struggled with underfunding and other forms of disempowerment.

## Involving the Jewish Community

Due to its relationship with law enforcement, the Jewish community plays a unique role in CC4QP. As Elana Kahn, Director of the Milwaukee JCRC, notes, "the Jewish community doesn't come to mind when you think of criminal justice issues: we have a strong partnership with law enforcement and often have positive interactions." Although Milwaukee's Jewish population does not suffer from the city's policing practices, the prevalence of lawyers and social progressives makes the Jewish community especially attuned to injustice. The overall trust between the Jewish community and law enforcement increases CC4QP's influence. In Milwaukee, the JCRC is perceived as "mainstream and accountable to a very broad community," which enables the organization to convey CC4QP's legitimacy as a respected and constructive community voice.

Early on, Ms. Kahn asked herself why policing practices are a Jewish issue and how to justify her time commitment to the cause. She quickly recognized that apathy towards unjust policing practices would equate to abandonment of communities of color—an affront to our longstanding partnership, values, and best interests as a Jewish community. Other Jewish leaders in Milwaukee agree with this assessment. As Hannah Rosenthal, president and CEO of the Milwaukee Jewish Federation and former executive director of JCPA, explains, “Our JCRC’s work on police reform has been vitally important for us, not only because we are actively helping shape a world that reflects our values but also because of the strong alliances we have built throughout our city. We know that such relationships are the key to our security and well-being.”

### Geography as a Challenge

Most of CC4QP’s events have a strong Jewish presence in the audience. However, understanding the nature of Milwaukee’s segregation, CC4QP must choose venues carefully. An event’s geographic location can determine who attends, which happened at a recent event held in a mostly black neighborhood few Jewish members were willing to visit.

To ensure that her JCRC leaders supported greater involvement in CC4QP, Ms. Kahn brought the head of NAACP-Milwaukee Branch and another leader to speak at a meeting. The JCRC leadership met them with enthusiasm and agreed that CC4QP would be a worthwhile endeavor for them. As Ms. Kahn describes, it would be “unreasonable” to claim that “we shouldn’t be involved as a community in the most urgent issues of our shared Milwaukee community.” This is especially true for those who look to communities of color “to be our friends and advocates against anti-Semitism.” In programming and fundraising, the JCRC is an active part of the coalition but not the face of the effort. Though the JCRC helps CC4QP with its fundraising efforts, its leadership is not the main voice asking for grants. According to Ms. Kahn, the JCRC should play only a supporting role because “it would be inappropriate for the Jewish community to drive something that

is primarily an issue that affects people of color.” Standing up as allies sometimes means stepping back.

## THE KEYS TO COALITION WORK

Ms. Kahn credits the successful collaboration between the JCRC and other coalition members to the longstanding, intentional relationship she cultivated with the NAACP and other organizations serving people of color. Without a strong preexisting relationship between the Jewish community and the NAACP, the founding members of the CC4QP would not have thought to get the JCRC involved. While a strong connection to local communities of color helps ensure that the Jewish community is on the radar when it comes to forming coalitions, seeking out existing coalitions and offering sincere support is a way to build missing connections.

In that spirit, Ms. Kahn maintained a personal relationship with the previous president of NAACP-Milwaukee branch. In addition to combating discrimination, showing up for each other’s events, and organizing programs together, both leaders made it “a priority to be good friends.” When partnership is grounded in personal friendship among leaders, staff turnover can be an obstacle to ongoing collaboration and “there’s no shortcut” to overcoming the challenges that it poses. Fortunately, the outgoing president of NAACP connected Ms. Kahn to the new president, and although it took time for them to get acquainted, working together on CC4QP solidified the mutual commitment between the JCRC and NAACP.



CC4QP’s organizing branch represents a broad constituency and brings a wide range of skills and experiences to the table.

Ms. Kahn emphasized that it is best to be “straight-forward” when discussing the importance of these relationships. “African-Americans and Jews need each other. We are historic allies. When the world is unfriendly to minorities, the world is unfriendly to African-Americans and it is also unfriendly to Jews.” Strong allyship in the Jewish community is the best way to ensure that others will support us when we face threats.

After the bomb threats to the Milwaukee Jewish Community Center, members of the CC4QP gave “unequivocal and heartfelt offers of solidarity” because they have the “emotional understanding” of “what it feels like to be targeted.”

Patience is crucial to successful coalition work. Standing up as allies sometimes means stepping back. As Ms. Kahn put it, “Reach out and be humble. We must enter criminal justice work with humility because we cannot be the drivers of this.” She described her approach as harnessing her “privilege instead of trying to leave it at the door.” She works to leverage the Jewish community’s resources, experiences, and connections for the good of CC4QP.

However, Ms. Kahn stresses that when doing so, it is critical to act in a spirit of partnership rather than paternalism. Making change in coalitions involves “a lot of process” and coordination among groups, some of which are less centrally organized than the Jewish community. Nevertheless, the push for change is most powerful when the demands come from a broad network of support; the time commitment will translate into real impact and strong connections.



Elana Kahn answers questions about CC4QP after her presentation at a panel on policing at JCPA’s national conference in 2017.

## Tips and Tools for Launching a Local Project

The pilot programs highlighted in this section demonstrate how some Jewish community organizations are tackling criminal justice reform. Below we have identified some best practices to help you jumpstart or incubate a new criminal justice initiative. Before you consider launching a new project, we recommend that you first become actively involved with individuals and organizations already working on criminal justice reform.

Often those who engage in legislative advocacy on criminal justice reform may also want provide services to help those harmed or vulnerable to harm by the criminal justice system. If your community wants to launch a project, JCPA recommends that you consider working on policing, legal representation, or reentry. Below are tips gathered from our research on how to begin a successful project in your community.

- ▶ **What project or program does your leadership want to participate in and create?** Identify an unmet local need that the Jewish community can successfully address. You should determine this need organically in collaboration with diverse partners through your criminal justice work. Harness passions, previous experiences, organizational strengths, and connections to galvanize support. You will be most successful if the project involves extensive input from those affected by the justice system, as well as government officials, legal and social service experts, and others who are invested in making change.
- ▶ **Identify Jewish organizations in your community that may be interested in partnering with you** on this initiative. While Jewish community relations councils help to identify issues and engage in legislative and coalition work, it is often social service agencies that likely have the skills and infrastructure to implement this type of programming. Consider organizations like Jewish Family Services, Jewish Vocational Services, and/or synagogues that already provide services to the wider community and understand the need this project would fill.
- ▶ **Consider how your Federation can help support your initiative or project.** Federations may offer institutional or financial support, such as connections, fellowships, grants, and even volunteers. Your Federation system may be willing to fund parts of your project once the stakeholders educate the community and make the case for Jewish involvement.
- ▶ **Obtain support from the wider Jewish community by conveying how our principles and commitment to civil rights apply to criminal justice reform.** Be sure to educate your community through media, high-level speakers, and policy so that they understand the local situation and that there is a role for the Jewish community. Given our history of protecting the vulnerable, working on criminal justice reform is a natural extension of the Jewish community's dedication to equality. As an organized, generally affluent community, we are well-equipped to take meaningful action.
- ▶ **Partner with other organizations invested in the issue to amplify your impact as a united bloc working for reform.** When organizations representing diverse populations come together on a common cause they often can have a large impact on government regulations and policy. In addition, when many organizations share resources, it may be easier to bring in high-level speakers, gain traction with local government officials, and carry out the program in general.
- ▶ **Consult experts and organizations with similar missions.** Seek out advice from those who have undertaken similar projects around the country, as they can help you identify opportunities and challenges.
- ▶ **Get relevant public officials on board with your project's goals.** Ensure that your local government supports your initiative and sort out potential discrepancies between your goals and government priorities.

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**“We used to need help because we were Jews.  
Now we give help because we are Jews.”**

–Ariel Levinson-Waldman,  
Founder of Tzedek DC

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## Principles to Practice

- ▶ **Know how to be a good ally.** It is important that the communities most affected by the criminal justice system are the driving force in any initiative. Being a good ally means more than displaying sensitivity—it means knowing when to take a step back and play a supporting role.
- ▶ **Educate your community to build the foundation for greater engagement in the future.** Be sure to educate your community through media, high-level speakers, and policy so that they understand the local situation and that there is a role for the Jewish community.
- ▶ **Establish friendships and personal contacts in other communities and organizations.** Individual relationships will put the Jewish community on the radar when other community groups are forming coalitions or offering other opportunities for involvement.
- ▶ **Galvanize and engage the local Jewish community by conveying how Jewish principles and commitment to civil rights apply to criminal justice reform.** Given our collective history of protecting the vulnerable, working on criminal justice reform is a natural extension of the Jewish community’s dedication to civil rights and equality in the United States—and we are well-equipped to take meaningful action.
- ▶ **Convene or join a broad coalition with members from different communities.** Not only will this aid with legitimacy, but a diverse coalition can place greater pressure on public officials.



## ENDNOTES

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- <sup>6</sup>Emily Mann, "Disrupting the Drivers of Mass Incarceration in Washington, D.C.," *OpenIdeo Stories* 20 March. 2017. [www.stories.openideo.com/disrupting-the-drivers-of-mass-incarceration-in-washington-d-c-58168b84d31](http://www.stories.openideo.com/disrupting-the-drivers-of-mass-incarceration-in-washington-d-c-58168b84d31)
- <sup>7</sup>Melvin L. Oliver and Thomas Shapiro, *Black Wealth, White Wealth* (New York: Taylor & Francis Group, 2006).
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# WORKBOOK

**Read JCPA's "Criminal Justice 101."** *Which of the sub-issues are likely to resonate with your community? Which would you like to further explore?*

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**Research mass incarceration and criminal justice reform in your region.** *As you look at the online resources, are there any striking statistics about your state or city?*

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**Reach out to your partners in communities of color to learn how criminal justice may impact them.** *What work are civil rights organizations and communities of color already doing to help their vulnerable communities? Are there projects with which you can get involved?*

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**Raise awareness in your community.** *Brainstorm potential speakers that you could host at an educational forum, documentary screening, or board meeting. Who are some potential partners for co-hosting?*

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**Join coalitions and organizations already engaged in reforming the criminal justice system.** *Are there any local coalitions engaged in criminal justice reform? What issues do they focus on?*

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**Organize meetings with your state and local elected officials to lobby for reforms.** *Who are the active governmental players at the state and local level? What reforms, if any, are taking place in your state? What are the areas that still need attention?*

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**Use the media to raise awareness about criminal justice issues and call the community to action.** *What are the ideal outlets for an op-ed or Letter to the Editor? What messages do you want to convey?*

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**Mobilize your community to organize direct service programs.** *What are your interests and organizational strengths, and how might they fit in with the local criminal justice reform needs? How will you obtain support from the wider Jewish community?*

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**What programs would make an impact on issues facing your community?** *Who do you need to speak with and what research do you need to do to pinpoint your focus?*

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**Partner with other organizations that share your goals and will broaden the scope of what you can accomplish.** *Are there nonprofits, government officials, foundations, etc. that would make valuable partners?*

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*Who are the relevant experts and public officials to consult while planning your project?*

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*In your partnerships or coalition work, how will you be cognizant of balancing a leadership role and a supporting role when appropriate? How will you prioritize being a good ally to communities of color?*

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**ADDITIONAL NOTES:**

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