



Real Steps Toward Ending Mass Incarceration: *Building A Movement to Address Long Prison Terms and Violence*

Convening Brief – Fall 2020

While there have been victories at the federal, state, and local levels, the focus of criminal justice reform in recent years has been on low-level, less serious, nonviolent offenses, neglecting a large population still incarcerated. People serving long prison terms for violent and other serious crimes have been largely left out of the rapidly expanding movement to tackle mass incarceration.

Outside of reforms to juvenile life-without-parole sentences triggered by the U.S. Supreme Court and related advocacy, and restrictive geriatric and medical parole provisions in some states, little has been done to shorten long prison terms, a major driver of incarceration in the United States. Discussions centered on seeking proportionality in sentencing by exploring whether these long prison terms truly keep communities safe surface deep fault lines in the bipartisan partnerships that have been the hallmark of the progress achieved through state and federal reforms. This is deeply problematic; an unwillingness to support broader reform that encompasses people serving long prison terms means that we cannot truly roll back mass incarceration. No #Cut50. No #HalfBy2030. Not unless the reform movement reckons with long sentences and changes how this country prevents and responds to serious crime, particularly crimes of violence.

In response, the Justice Policy Institute (JPI), with the support of the Open Society Foundations, conducted a number of phone interviews during the Fall of 2018 and facilitated a convening in December 2018 that featured a diverse gathering of advocates, thought leaders, and field stakeholders from across the country, many of whom have valuable lived experience, to discuss how we might build a coordinated movement against long prison terms while simultaneously supporting an alternative vision of violence prevention and public safety strategies that do not rely on incarceration. The participants were asked to discuss challenges and opportunities they see in their daily work on these issues, and to identify gaps in resources that must be filled in order to achieve the ultimate goal of sustainably rolling back mass incarceration while empowering communities to develop their own public safety strategies for violence prevention.

The conversation focused on five key questions:

1. What does the political and reform landscape around long prison terms and violence prevention look like at the state level?
2. Where are the opportunities to expand the conversation?
3. What are the challenges to expanding the conversation?
4. Where are the gaps in our understanding of long prison terms and violence prevention?
5. What are the resources needed to take advantage of opportunities? How do we fill those gaps?

The December convening was truly an inspiring and historic day. The ideas and thoughts shared by everybody presented opportunities and challenges that we all will face as we try to build this movement. However, the energy in the room underscored that we are at a crucial moment in the struggle against mass incarceration, particularly as it relates to the widespread use of long sentences. The participants identified four key areas that are necessary components to build a movement to roll back long prison terms and rethink how we respond to violence.

- The need to shift the narrative;
- The importance of building power through partnerships;
- The value of people with lived expertise leading the movement;
- Identifying gaps in research, policy, and strategic communication that are necessary to build a coordinated movement.

The successful criminal justice reforms of the last decade, focused primarily on drug and property crimes, came about due to a confluence of funding, coordination, and community organizing across a wide-range of partners. The current criminal justice reform movement is strong, reasonably well-resourced, and motivated to take on long-standing policy challenges. The influx of a new constituency of advocates has changed the reform paradigm, and incremental changes will not satisfy the goal of a fair and equitable justice system that truly delivers on promises of strong, safe communities. This model has worked in the past and it is time we take stock of those lessons, as well as the success of juvenile decarceration efforts, as we look to expand the current criminal justice reform movement to include long prison terms and serious crimes, particularly crimes involving violence.

As states continue to pursue reforms that are typically focused on nonviolent offenses, there is a need to build movement around a more ambitious effort to explicitly target the history of oppression and racial discrimination that has devastated communities of color. This work must move beyond incremental reforms and should be framed as a wholesale reimagining of how we respond to crimes of violence. This is not a small task and will require an ambitious and well-resourced and sustained movement that is driven by the people and communities who have

been most closely impacted by these damaging policies. It will also require deliberate efforts to partner with a wide range of allies, some of whom have not historically been welcoming to reform of this type. The goals are nothing short of changing the public narrative around what it means to send someone to prison, and for how long, and will require a comprehensive portfolio of research, policy development, organizing, polling, and a communications strategy.

The need to shift the narrative

Foundationally, a narrative is a story. It represents a commonly shared view of our world and provides meaning for our actions. It can empower inertia or galvanize a movement for change. In this case, the narrative is the story about the criminal justice system. It is about the people, policies, and institutions that have created mass incarceration and the people and communities who have most acutely felt its impact. Changing policy and practice is only possible if we fundamentally reshape how we think and talk about the people, institutions, and communities that are impacted by criminal justice policies.

The criminal justice reform field is currently operating without an effective and compelling narrative about the need for reform for long sentences and crimes of violence. Throughout the beforehand interviews and convening, there was a strong and consistent consensus about the need to develop a narrative that supports and expands the vision of change. This was the most frequently discussed need and it emerged throughout the conversations in different contexts.

Criminal justice reform went from a “third rail” issue to one of the few areas of bipartisan agreement in only a few years. This is all-the-more-amazing when you consider that this rapid reform was on the heels of 40 years of the “tough-on-crime” policy monopoly. Recent policy victories helped pave the way for greater criminal justice reforms across the majority of states. We need to build upon this foundation to include long prison terms and crimes of violence. The timing could not be better. The constituency of people pushing for reform remain motivated, and criminal justice is a salient political issue. Look no further than the early scrutiny paid to the presidential campaigns of Sen. Kamala Harris and Sen. Amy Klobuchar, both of whom were prosecutors early in their careers. The appetite for further reforms will not disappear any time soon. But we cannot expect a broader agenda that includes reforms to long prison terms and crimes of violence to take hold without some important foundational work.

Narrative change can help cement a new way of thinking about public safety. Some examples of narrative changes that have strengthened the broader movement to roll back mass incarceration include:

1. *Drug Policy*: Shifting the narrative from punishment for addiction to a public health model that focuses on harm reduction and treating the underlying addiction.
2. *Re-entry*: Shifting the narrative from resource deprivation as a means of punishment to one that acknowledges that nearly 600,000 people are released from confinement each year and need support and resources to successfully transition back to the community.
3. *Youth Justice*: Shifting from the 1990s 'superpredators' rhetoric to an emphasis on adolescent development and capacity for change, which stresses a focus on treatment and rehabilitation.

Participants universally agreed that similar change is needed for crimes of violence and long prison sentences that cannot be achieved without a coordinated effort.

One participant noted that the shift around mass incarceration has largely been the result of organizing at the community level. We need the same approach, with an emphasis on cultural change, around long prison terms and crimes of violence. The same participant called for a "truth and reconciliation" campaign that elevates truth-telling and focuses on what happened and how it damaged individuals, families, and communities. She called for a full-out campaign led by credible spokespeople who can build a consensus. This runs the gamut from opinion leaders to street agitators.

Forward progress hinges on strategic communication and coordination among the people and institutions pushing for narrative change. Data and research are an important part of the narrative and, as of now, there is a dearth of information on long prison terms and crimes of violence. However, a convincing narrative involves more than data and research. We need to develop messages that are informed by our collective knowledge. Yes, social science research is a part of that work, along with the knowledge and experiences of the individuals and families impacted by mass incarceration. Coordination across these different spheres will shape future impactful reforms.

Changing the narrative demands that we energize a movement with a tangible vision that people can get excited about. Participants zeroed in on a few ideas to help build a new narrative about long prison terms and crimes of violence.

1. **Emphasize 'success stories'** – We need to share the stories where diverting from the traditional "tough on crime" policy monopoly has proven successful. Telling success

stories can help move the narrative beyond the status quo and push the dialogue to more ambitious reforms and alternatives.

2. **Break down the false dichotomy between victim and person committing the offense** – We must redefine who is a victim of crime. Typically, a victim and the person who has committed a crime are treated as though they are from separate camps, when in fact there is substantial overlap. Many people who commit crimes have experienced substantial trauma at another point in their life as a crime survivor and their decision to commit a crime is rooted in that experience. When you reassess this false dichotomy and recognize the overlap, it forces you to examine our societal response. How can prison, a place where trauma is reinforced on a daily basis, be the appropriate response for someone who has already experienced substantial trauma?
3. **Develop a public health approach to violence prevention and rehabilitation** – The field has the ability to employ multiple measures to identify when an individual is no longer a danger to the health and safety of the community. We should rely on that information to ensure that we are using the least restrictive means to address the underlying causes of violence and developing effective prevention strategies.
4. **Being intentional and strategic about language** – Sectoring-off portions of justice reform can have negative consequences, and too narrow of a language decision can be defeated by misinformation. The public's mentality is stuck in the status quo about crime; the reform movement should work to expand our understanding of violent crime rather than reinforce misconceptions. Advocates must focus on messaging from the very beginning.
5. **Strategic partnerships can help shift the narrative** – A consistent theme throughout the meeting was the importance of developing traditional and nontraditional relationships to create avenues for change. In this case, partnerships were identified as critical to helping enact narrative change.

The importance of building power through partnerships

The participants underscored the importance of building power through partnerships as a means of driving narrative change. For many people, the most obvious example of a successful partnership has been the left-right bipartisan movement for criminal justice reform. Across federal, state and local advocacy, there are examples of left-right, public-private, and non-traditional allies (crime survivors and law enforcement officials) coming together to work for an improved criminal justice system.

Unlikely allies, such as law enforcement and progressive crime survivors, have been valuable partners in the push for criminal justice reform. Their participation is, in itself, a shift in the

narrative about what people who work in law enforcement or have been victims of crime would typically think about alternatives to the “tough-on-crime” narrative. These partnerships strengthen the impact of the work, but they do not come without compromise and complications.

However, there was a vibrant discussion about the trade-offs of a movement that is bipartisan in nature. One participant noted that some of the most ambitious and impactful reforms occurred in states where bipartisanship does not exist: California, New Jersey, and New York. The successful campaigns have been about deeper engagement of the public, lawsuits, and ballot initiatives. There was some concern that these partnerships drive short-term wins at the expense of longer-term goals. This concern is particularly pronounced when it comes to addressing long prison terms and people locked up for crimes of violence. The central question that was posed: Have recent legislative victories targeting low-level, non-violent offenses and community supervision practices weakened opportunities to expand the reform conversation to long prison terms and serious, violent crime? Or, as one person in the meeting put it: *How do we engage in a bipartisan strategy without selling our soul?*

One way to advance this conversation about bipartisanship is to reckon with the differences between agreement on a problem and agreement on the causes of that problem. There is widespread agreement across the political aisle that our current criminal justice system is broken and needs to be fixed. Drilling a bit deeper, that agreement can be characterized along the lines of cost and ineffectiveness. In short, the “tough-on-crime” strategy costs too much money, strains state and local budgets, and does little to deliver on promises of improved public safety. To a lesser but still significant degree, there is agreement that these and other policies have fostered a violent culture, harmed individuals, families, communities, and done irreparable damage.

Identifying solutions requires understanding the underlying cause of the problem so that it can be addressed. Otherwise, you are treating the symptoms but never administering the cure. This is an area of deeper exploration, and may be where the disagreements in strategy emerge. It is a difference in belief about where the blame should be placed: the individual or society? Free will versus constrained choice? Good intentions versus implicit or explicit racial and ethnic bias?

Disagreement on the underlying causes will lead to a very different set of policy solutions. Reformers on the right have supported landmark sentencing and correctional reforms across the country that have resulted in thousands of people no longer being unnecessarily arrested, processed, and incarcerated. But, those reforms have been overwhelmingly limited to nonviolent offenses. Issues of violent crime, unequal treatment, and racism in the criminal justice system are frequently removed from campaign messaging in the interest of avoiding

alienating supporters on the right. This frustrates advocates on the left, who typically see the underlying causes of the problem as one of systematic racism and oppression of communities of color. Many recognize that true reform cannot be achieved without addressing twin goals. One is dealing with length of stay in prison and developing alternatives to prison for crimes of violence so people can return to their communities. The other is empowering these disadvantaged communities by investing in education, housing, health care, and economic development coupled with neighborhood-based violence prevention strategies.

This difference of opinion on the causes of mass incarceration will impede agreement on the solutions moving forward, which is a formidable challenge to rolling back long prison terms. There were some suggestions from the participants about where we might build upon current agreement to expand the reform conversation. One suggestion was that we need to do a better job of making institutional actors partners in the reform work. This, in turn, helps change that narrative. One example is the work of Susan Burton's *A New Way of Life Reentry Project*. It brings women who have been successfully paroled back to the state parole board to share their experiences since being released. This helps shift their perspective by continuing to represent success stories to the parole board. It reinforces the fact that their decisions have resulted in stronger, safer communities and pushes back against the narrative advanced by prosecutors and others that parole release makes communities less safe. There needs to be an effort to develop and share the stories of success to balance out the stories of failure that are often used to support punitive policies and resist reform efforts.

Other partnerships mentioned by participants included:

1. **Prosecutors** – While prosecutors are typically seen as a bulwark against reform, some participants cautioned against simply ignoring them as partners. A successful movement must look for opportunities to engage prosecutors.
2. **Relevant sectors and agencies that are connected to the work** – This would include mental health systems, housing authorities, employment services, educational support, and job training. The criminal justice field needs to do a better job of working in partnership with important agencies to develop a comprehensive public safety plan that is not so reliant on arrests and incarceration. This led to a point echoed by many attendees: we need to focus on coalition building outside of the field.
3. **Credible influencers from outside of the criminal justice field** – Some examples mentioned included members of the public health community and the AARP (recognizing the growing geriatric population in prisons across the country).
4. **Family members of people who are incarcerated** – They are a critical constituency that needs to be engaged and involved in policy and practice reform at all times, not just when an elected member visits or testimony is needed.

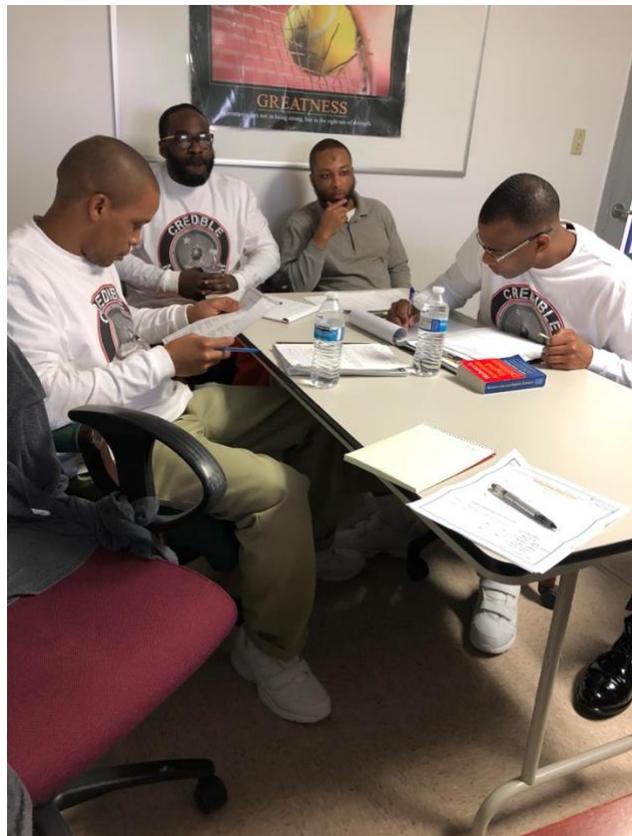
The value of people with lived expertise leading the movement

The population that has been most impacted by the policies of mass incarceration have also historically been marginalized and excluded from the policy reform conversation. This weakens the reform movement as *[t]hose closest to the problem are also the closest to the solution*, which is a guiding principle of JustLeadership USA, an organization dedicated to training formerly incarcerated people to become advocates for reform. Historically, this population has sparked the movement for reform to long prison terms by fighting for transparency, consistency, and fairness in the parole release decision-making process. This early advocacy by people still in prison has been met with support from family and community members and a growing number of organizers and policy reform organizations calling for real change release policies. This is coupled with a broader movement to engage and promote the leadership of the formerly incarcerated community in the criminal justice movement, which has radically transformed the way advocacy is undertaken.

Much of the on-the-ground work that has fueled recent legislative successes across the country has been led by the impacted population as *they have become the voice of reform*. Those returning home have an urgency to continue the fight for those they left behind.

This is particularly true when considering the role in the reform movement of people who have served long prison terms. Their experiences while in prison are demonstrably different than younger people who have served shorter stays behind bars. The people incarcerated for long prison terms bring a unique perspective that is necessary for a movement of this type to succeed. They are exceptionally qualified to take on important leadership responsibilities in this work.

Engaging formerly and currently incarcerated individuals in reform work not only ensures that the results are rooted in the vision of the impacted communities and responsive to real needs, but also helps push back on the false narratives and stereotypes of those who have been involved in the criminal justice system. This includes challenging the false binary of victims and



people who commit crimes. Those with lived experience, many of whom are both victims and have committed crime, must have a higher profile in the work around violence prevention and justice reform. Their participation can fuel greater interest in restorative justice models and other alternatives to long prison terms.

The justice-involved population can provide consequential insight and expertise on how to change the narrative around violent versus nonviolent crime. Organizations working in this space need to prioritize impacted people as leaders in the field. They should be speaking on panels, participating in public events and conferences, participating in public rallies, and testifying in front of policymakers. For example, The American Friends Service Committee of Arizona helped plan “Reframing Justice Day,” which was in January 2019. It included a public rally and legislative member visits by dozens of formerly incarcerated people. In addition, this event was conceived by an advocate in the state who once was incarcerated. It is critical to have formerly incarcerated people playing a public role in building a movement to roll back long prison terms, but their value goes beyond the public-facing work. The internal deliberations and strategy conversations that happen at the birth of a movement need to be informed and driven by the experiences of people who are directly impacted.

Participants underscored the importance of ensuring that formerly incarcerated women are represented among the leadership of this movement. Because men comprise over 90 percent of the people in prison, much of the focus has been on their experience. However, there is a growing population of women in prison, serving long prison terms, who have also experienced violence and trauma. Elevating the female voice in this work helps shape a holistic reform movement. Most women serving life sentences have identifiable traumatic events in their lives that trigger poor coping skills, impact their decision making, and can contribute to a reliance on self-medication. The longer they are locked away, the worse the traumatic impact. Empowering women currently or formerly incarcerated to share their stories has proven to be a powerful tool in connecting with policymakers.



Identifying gaps in strategic communication, research, and policy

Pushing for narrative change, building power through partnerships, and organizing individuals and communities impacted by mass incarceration to push back on long prison terms and call for new violence prevention strategies will take a significant investment in resources. Participants discussed where and how these measures can be woven together to provide key stakeholders with the tools for successful reform.

Strategic Communications

To catalyze change, the field needs resources to engage the general public in the conversation. One way to reshape the narrative is through voter education and an electoral strategy. This is evident in the success of electing progressive district attorneys in a number of jurisdictions across the country. Any successful communications strategy must be informed by data and research on appropriate messaging. While there has been substantial investment in message development for nonviolent offenses, little is known about how the public thinks about long prison terms and alternatives to incarceration for crimes of violence. Thus, a critical first step is to undertake coordinated polling and focus group research.

The ultimate purpose of polling is to gauge where the general public is in support of reform and the precise moment where they grow uneasy with proposed changes. This is actualized by asking the “*afraid questions*.” In other words, what do people think of alternatives to incarceration, such as restorative justice models, as a response to violent crimes? How far do those tolerances extend?

Focus groups, in conjunction with polling, can provide more information than simple polling about why people think the way they do. While polling is a standardized questionnaire, focus groups allow a deeper dive into what shapes someone’s thinking on an issue and allows for a back and forth among participants that can uncover valuable information that would be missed in a poll. It also allows us to test images, photographs, and stories as we begin message development.

Once we get the feedback from the polling and focus groups, it is time to develop effective messages and, most importantly, practice message discipline. One participant warned that the message cannot be *we need to release people from prison who engaged in violent offenses to save money*. That message is base-level and may not speak to decision makers or the general public. We need to make sure that public safety is part of the message, not only the fiscal argument. In addition, there needs to be constant education of news media, about the data, what we mean when we talk about violence, who are the people who are impacted, and what are the

underlying causes. Creating allies in media around strategic communication will carry the movement forward.

Research

The emphasis on reforms for nonviolent offenses has driven a research and evaluation agenda that is primarily focused on front-end diversion and strengthening community supervision for that population. While we have subjected the admission question – Prison or some community-based alternative? – to substantial empirical scrutiny, we have done comparatively little work on the proportionality question – How many years are enough to meet the goals of punishment?

“The current climate does not offer an adequate amount of support behind violence prevention programs that are proven to work. Whether it is community or evidence-based, the focus has been on other types of offenses.”

This has created a vicious cycle, where the lack of research on alternatives to long prison terms for crimes of violence undermines any potential support for policy reform, which in turn discourages future investment in research. Participants identified research gaps as a core deficit that needs to be addressed.

Policy

Filling the gaps in polling and research has to be coupled with strategic policy change. When discussing a movement around violence prevention and long sentences, key policy gains can be achieved through reforms of many different aspects of the criminal justice system. This means taking advantage of the current climate to find opportunities where we can gradually expand the reform conversation.

In other words, while we might want to kick off the movement with bold goals such as “reducing sentence length for violent crimes” and “abolishing life sentences” as a means of generating excitement within a supportive constituency, the political reality is that those goals can only be achieved by strategic, opportunistic, and incremental reform.

To make this happen, it is critical to remember the importance of language. We need to avoid trigger words that might raise opposition. An example of this is compassionate release versus medical parole. The polling and focus groups can help identify where rethinking language might be appropriate. Another suggestion was to shift the focus from years in prison to outcomes. So, rather than focus on limiting prison terms to a fixed set of years, we might instead talk about when a person has been rehabilitated and no longer poses a risk to public

safety. Of course, this raises a new set of challenges since these metrics are subjective in nature and may actually make things worse, as is the case with the racial and ethnic biases inherent in risk assessment tools.

Participants also discussed the need to be strategic with the scale of policy reform. We need to be smart about strengthening community support *before* making changes to policy and practice and releasing people from prison. In Maryland, nearly 200 people have been released from prison as a result of a court case that invalidated their sentences due to issues with the jury instructions. This cohort, named the *Unger* Group after the surname of the petitioner, had an average age of 64 and had served an average of four decades at the time of their release. All of them were incarcerated for a violent crime. At the time of their release, the Open Society Institute in Baltimore partnered with the University of Maryland Schools of Law and Social Work and the Maryland Office of the



Public Defender to provide re-entry support and services prior to their release and continuing well after their return to society. The *Unger* group is doing incredibly well. As of now, their recidivism rate stands at less than 5 percent after six years, and many of them are giving back to their community in positive ways. This incredible success story would not have been as likely without the re-entry support, which was not available from the state. Reformers must focus on the scale of the proposed reforms and ensure that the infrastructure exists – housing, employment, education – to support a successful transition back to the community. This can begin with simple steps, such as expanding programming to those people serving long prison terms in order to improve their prospects for release when they go before a parole board.

Steps to building a movement

A diverse and engaged funding community partnering with a broad array of national, state, and local individuals and organizations is necessary to launch and sustain the types of approaches discussed in this brief. Well-resourced and sustained strategies that target the public and policy makers with effective messaging, research and data, coordinated community advocacy, and promising policy solutions hold the key to a reimagined world in which strong neighborhoods rely on community-based plans to achieve real public safety.

Public Education & Messaging

The participants identified key goals of polling and focus groups, including:

- **Measuring the climate, not dictating feelings** – at some point we may need to develop polling that helps influence the opinions of the electorate. But at this early moment, we need polling to identify a baseline measurement of what the public thinks about these issues.
- **Testing various messengers** – who are the influential voices that will need to be part of this partnership and who are the appropriate influencers and with which audiences do they resonate most effectively? This could include law enforcement, crime survivors, members of the faith community, formerly incarcerated people, doctors, public health experts, teachers, and others.
- **Testing influential frames** – what are the effective frames through which we can talk about long prison terms and crimes of violence? Examples include public safety, public health, or trauma. One participant noted how effective messaging around PTSD and veterans has been with the public and lawmakers. The public appears to understand the trauma experienced by members of our military when engaging in battle in foreign lands. However, individuals growing up in neighborhoods in the United States with high rates of violence and death are not thought of as having experienced the same trauma. Testing the frame of vulnerable children experiencing repeated trauma and then engaging in violence later in life is one example that can be tested with polling. There has also been some promising polling in California around young adults charged with violent crimes, which can be analyzed and possibly expanded upon.

Communications Training & Community Organizing

Not every person who has served time in prison will be in a position to share his or her story. For some, it is simply too painful. For others, decades spent behind bars has had profound impacts on how they socialize with others. For all, there is a need for support and training. JustLeadership's *Leading With Conviction* and *Emerging Leaders* training are two examples of this type of support. Also needed are story banks that advocates can tap into and that include justice-involved people trained to speak with reporters, write op-eds, testify for policy change, or simply to be engaged in reform conversations.



Looking more broadly, support is needed for the small, understaffed, often volunteer-driven organizations that work in the communities most impacted by mass incarceration. These organizations, sometimes only two people, provide a wide-range of necessary services in their communities. They organize families and individuals to fight regressive policies and practices from their local government up to the state legislature. They also provide direct support to struggling individuals and families, including providing referrals to programs and services, acting as violence interrupters and peacemakers, stepping in as facilitators of restorative justice interventions, providing assistance with education or vocational training, and helping navigate the difficult process of transitioning out of prison back to the community. Their work not only makes communities safer, it empowers individuals to take control of their own future and, in doing so, establishes a constituency willing to push for greater reforms from local, state, and federal leaders.

One unique example is the Open Society-U.S. Justice Team's deploying an exploratory, small grants initiative aimed at accomplishing the following three objectives:

1. elevating efforts to insert issues critical to challenging long prison terms into the policy discussion at the national level and in states and localities across the country;
2. fostering equitable collaborations on efforts to challenge long prison terms between national advocacy organizations and their grassroots organizing and advocacy partners on the ground in states; and
3. lifting the profiles of state-based grassroots organizing and advocacy organizations who are working to challenge long prison terms but are often overlooked by national funders.

The initiative provides small grants to nine grassroots organizations working on a range of projects focused on challenging life and other excessive prison sentences. These grantees partnered with The Sentencing Project, Justice Policy Institute, and Common Justice to develop the scope of work. These resources are supporting a wide-range of projects, including conferences, oral histories, and films that provide a first-person account of long prison terms. In addition, the initiative is also providing supplemental funding to longstanding OSF grantee partner Brave New Films to develop with OSF and the Justice Policy Institute and to produce an animated short explaining the impact of long prison terms on prison populations.

Research

The current gaps in the field create a number of opportunities to answer a wide range of fundamental questions that are necessary to advance a movement targeting long prison terms. Some specific areas identified by participants include:

- Women and long prison terms
 - Women are one of the fastest growing populations in prison, but the impact from long sentences on this population are not widely known.
- Specialized populations
 - People in prison serving long prison terms who were sentenced when they were young adults between the ages of 18 and 24.
 - Latinx community
 - LGBTQIA community
 - Veterans
- State-specific trends
 - Research about the specific policies and practices driving long prison terms, hyper-focused evaluations of re-entry models, restorative justice strategies, and/or public health approaches to violence prevention
- What works?
 - Identifying resources available on ‘what works’ for violence prevention and packaging into a clearinghouse of easily accessible information for advocates, media, and policy makers
- How do we measure and talk about risk?
 - What can we learn from other fields who study and measure other forms of risk?
 - How do we develop bias-free risk prediction algorithms?
- What are the viable public health approaches or community-based approaches to prevent or address violence that can be scaled up?
- What does it take to rehabilitate someone?
 - This moves us away from the “how long?” conversation and shifts the focus to an agreed upon, quantifiable metric: when is rehabilitation achieved?
- What are the programs and policies that impact rehabilitation?
 - This research would require a deep dive into interventions that work on the front-end, while someone is incarcerated, and post-release.
 - Approaches to answer these questions include case studies, storytelling, and empirical analysis.
- How can we better understand the intersectionality of long prison terms and crime survivors?

- This involves furthering our understanding of the traumatic events that lead to the overlap between victims and people who commit crime.
- Descriptive analysis of all people in prison who have served 20 or more years.
 - How many people are considered elderly who have served 20 + years?
 - What are the collective “knows” about violence and long prison terms that can be repackaged into accessible policy briefs?
 - What types of people are actually being released? What do we know about their profile that might highlight successful strategies?
- Exploration of the felony murder law
 - What role have felony murder laws played in driving long prison terms?
 - What role do sentencing enhancements for the possession or presence of a gun at the time of a crime play in driving long prison terms?
 - What is the impact that domestic violence plays in driving felony murder convictions?
- Sex offender registries
 - Not captured in most data, but have a direct link to people serving long prison terms.

Policy Development

There is a tremendous amount of work targeting long prison terms that is already ongoing. At least 16 states and the District of Columbia have introduced legislation in 2019 to authorize retroactive sentencing reductions for people sentenced to life. Just a few examples of work in the field include:

The Sentencing Project staff supported state advocates around the country to champion policies to scale back life sentences, including in Missouri where they testified in support of bipartisan legislation to retroactively authorize a parole review for people sentenced to life without parole after serving 25 years. At the federal level, The Sentencing Project and coalition partners worked closely with Sen. Cory Booker’s office to draft and introduce the Second Look Act in July 2019. The bill would permit people serving federal sentences longer than 10 years to petition the court for a sentence review after serving 10 years, and provide a presumption of release for those over age 50. Advocates see the bill as a model reform for curbing long sentences.

Release Aging People in Prison (RAP) has seen some significant advances—perhaps the clearest being that in 2018, the population of incarcerated older people (aged 50 and older) and those serving life sentences decreased for the first time since 2000. Parole release rates continued to rise, and now hover around 40 percent for those serving life sentences. This despite

enormous pushback from the Police Benevolent Association and other conservative forces, who led media and political opposition campaigns after RAPP's efforts succeeded in winning release for seven individuals convicted years ago of killing a police officer.

During New York's 2019 state legislative session RAPP advanced one of its key initiatives, Elder Parole (S.2144), as a result of grassroots community organizing. By providing a consideration of parole release for all incarcerated people 55 or older with 15 or more consecutive years in prison, no matter what the crime of conviction or the sentence, this bill would effectively end life without parole and virtual life sentences in New York. By the end of the legislative session, the bill passed the crime committees in both the New York State Senate and Assembly. It also garnered extensive media attention, positioning the bill to continue its advance in the 2020 legislative session. New York's governor also appointed five new parole commissioners in June 2019, some with non-law enforcement backgrounds. Even more significant was RAPP's successful blocking of a sixth Parole Board nominee (a 30-year veteran of the New York State Department of Corrections and Community Supervision) who the Senate did not confirm to the Parole Board despite the Governor's nomination. For the first time ever, a gubernatorially-nominated Parole Board commissioner was not confirmed by the State Senate.

In Washington, D.C., the Incarceration Reduction Amendment Act (IRAA) of 2016, and subsequent amendments, provide an opportunity for a judge to review an application for resentencing for crimes committed before a person's 18th birthday and after they have served at least 15 years. As of 2019, 21 people have been released from prison due to IRAA. A bill currently under consideration by the D. C. Council and being supported by a new coalition advocating for reforms for those under 25 in the District's criminal justice system – *"Thrive Under 25"* -- would expand eligibility for IRAA to any individual whose crime occurred while under the age of 25.

In addition, JPI submitted a report to the District of Columbia in September 2019 that outlines the steps necessary for the restoration of local control of parole release decision-making and supervision. Currently the United States Parole Commission (USPC), a federal agency, handles decisions about release and revocation from parole supervision for people convicted under the D.C. Code. The USPC has a poor track record of granting parole, which is particularly acute among people serving long prison terms for crimes of violence. JPI hopes to work with the District in 2020 to implement the recommendations in the report, which would have a profoundly positive impact on the number of people serving excessive prison terms.

Addressing violence requires developing approaches that focus on healing and trauma. California increased its funding to CalVIP (the California Violence Intervention Program) from \$9 million to \$30 million, and passed a bill solidifying the structure of the program to improve

how funds are distributed in the communities most in need. New Jersey passed a package of violence prevention bills aimed at strengthening hospital-based violence intervention programs across the state. Equal Justice USA (EJUSA) organized delegations from Oakland, Calif. and Baton Rouge, La. to visit Newark, Nj. and learn about its efforts to become a trauma-informed city and address violence as a public health issue. The Baton Rouge delegation, in particular, had a robust series of meetings, which included Mayor Ras Baraka, local healing and violence prevention community groups, and the Newark Community Street Team (a violence interrupter/community outreach worker program that has contributed to a 30 percent reduction in violence). Both delegations observed EJUSA's Trauma-to-Trust training and EJUSA facilitated strategic conversations about bringing some of these violent crime prevention and healing strategies to their cities.

These successes demonstrate that there is momentum and an appetite for reform. Some examples of policy areas highlighted by the convening participants that are currently ripe for advocacy included:

- Parole boards
 - The operation of parole boards is largely misunderstood by the public. Most have little transparency and even less oversight. They are an unelected and largely mysterious group of people who make life-changing release decisions with little to no accountability. Parole boards and their release practices are ripe for a movement to educate the public, much like the success of the work around district attorney elections. The process needs to be de-politicized and work needs to be done to introduce standards for appointment, training, regulation, and oversight so that release decisions are made using the most current data and evidence.
 - This might include focus on good-time policies, earned-time credits, parole violation caps, the use of commutation, and geriatric and medical parole.
- Mental health is strongly linked to people who commit violence and are locked up for long prison terms.
 - Issues of mass incarceration and mental health are increasingly problems that are understood by lawmakers and the public.
 - Reform draws broad support from the public and practitioners.
- Aging population and cost
 - Geriatric parole continues to garner wide support among lawmakers and practitioners as a means of getting people out of prison. However, it is seldom used in practice. This is due to risk-averse parole boards that are unwilling to follow the intent of the law, onerous and confusing application procedures, and

eligibility requirements that exclude people who have not served enough years already or are convicted for certain crimes that are disproportionately present among the aging population.

- Other specialized populations where we can expect to find support for reform:
 - Women
 - Veterans
 - JLWOP
 - Young adults
 - LGBTQIA
 - Gun sentencing enhancements
 - Self-defense
 - Felony murder rule

Conclusion

In 2018, OSF requested that JPI solicit guidance from key thought leaders and field stakeholders to assess what it would take to build an effective coordinated movement against long prison terms while developing an alternative vision of violence prevention and public safety strategies. As part of this effort, JPI conducted field interviews and also convened a national meeting to provide space for sharing, learning, and thinking about what is needed to strengthen the field's ability to advance reforms that reduce excessive prison terms while shifting public resources to more effective strategies for increasing safety in communities, particularly disadvantaged communities of color.

JPI was privileged to partner with New York's RAPP campaign and mentors on DC DOC's Young Men Emerging (YME) unit (all of whom have been incarcerated for over 20 years of a life sentence), both of which helped plan and facilitate the meeting. In addition, thanks to the cooperation of the Washington, DC Department of Corrections, we were able to include four mentors on the YME unit of the DC jail via video link for the entire convening. The YME mentors helped plan the meeting and, perhaps a first for the criminal justice field, participated in the entire convening and had their own panel during which they shared their experiences and recommendations for reform. It was truly an inspiring and historic day. Since the convening, four of the original YME Mentors have been released under IRAA, and one of them, Tyrone Walker, is now working full time with JPI and is helping to lead the reform conversation. The ideas and thoughts shared by everybody revealed opportunities and challenges we all will face as we try to build this movement. However, the energy in the room

underscored that we are at a crucial moment in the struggle against mass incarceration, particularly as it relates to the widespread use of long sentences.

As states continue to pursue modest reforms that are typically focused on nonviolent offenses, there is a need to push forward on a more ambitious campaign explicitly targeting the history of oppression and racial discrimination that has devastated communities of color. This work must move beyond incremental reforms and should be framed as a wholesale reimagining of how we respond to crimes of violence. This is not a small task and will require an ambitious and well-resourced and sustained campaign that is driven by the people and communities who have been most closely impacted by these damaging policies. It will also require deliberate efforts to partner with a wide-range of allies, some of whom have not historically been welcoming to reform of this type. The goals are nothing short of changing the public narrative around what it means to send someone to prison and will require a comprehensive portfolio of research, policy development, organizing polling, and a communications strategy. There was considerable interest among the attendees to hold future convenings that bring people together to discuss how to grow and expand our work in this space. This might include regional events that pull together advocates from specific parts of the country as well as national convenings that focus on particular issues such as research, community organizing, or communications work and should have a component of peer-to-peer learning and training. While the challenges appear steep, the breadth of advocates ready to work together to tackle these problems offers great promise for success moving forward.

**A Conversation on Reducing Long Prison Terms &
Violence Prevention Strategies**
December 4, 2018
Attendee List

Kathy Boudin
Co-Director and Co-Founder
Center for Justice at Columbia University

Susan Burton
Executive Director
A New Way of Life Reentry Project

Yolande Cadore
Samuel DeWitt Proctor Conference

Juan Cartagena
President & General Counsel
LatinoJusticePRLDEF

John Cooper
Director of Policy & Research
Safe & Just Michigan

Khalil Cumberbatch
Associate Vice President of Policy
The Fortune Society

Alex Duran
Program Specialist
Open Society Foundations

Neill Franklin
Executive Director
Law Enforcement Action Partnership

Kara Gotsch
Director of Strategic Initiatives
The Sentencing Project

Ames Grawert
Senior Counsel
Brennan Center for Justice

Judy Greene
Executive Director
Justice Strategies

Norris Henderson
Executive Director
Voice of the Experienced (VOTE)

Christian Henrichson
Research Director, Center on Sentencing &
Corrections
Vera Institute of Justice

DeAnna Hoskins
President
JustLeadershipUSA

Caroline Isaacs
Arizona Program Director
American Friends Service Committee

Andrea James
Founder and Executive Director
National Council for Incarcerated and Formerly
Incarcerated Women and Girls

William Johnston
Senior Program Officer
Open Society Foundations

Ryan King
Director of Research and Policy
Justice Policy Institute

Jeremy Kittredge
Research and Policy Associate
Justice Policy Institute

Tanya Krupat
Director, Osborne Center for Justice Across
Generations
The Osborne Association

Nsombi Lambright
Executive Director
One Voice Mississippi

Abd' Allah Lateef
Pennsylvania Coordinator for the Incarcerated
Children's Advocacy Network
Campaign for the Fair Sentencing of Youth

Jennifer Laudano
Founder
Strategic Message and Media

Marc Levin
Vice President of Criminal Justice Policy
Texas Public Policy Foundation/Right On Crime

Jim Miller
Executive Director
Brave New Films

Stanley Mitchell
Consultant
Justice Policy Institute

Sarah Morris
Campaign Coordinator
Decarcerate PA

Nikola Nable-Juris
Senior Policy Counsel
The Campaign for the Fair Sentencing of Youth

Udi Ofer
Deputy National Political Director/Director of
Campaign for Smart Justice
American Civil Liberties Union

Kevin Ring
President
Families Against Mandatory Minimums

Diann Rust-Tierney
Executive Director
National Coalition to Abolish the Death Penalty

Seema Sadanandan
Managing Director of State Campaigns
Alliance for Safety and Justice

Jose Saldana
Organizer
Release Aging People in Prison (RAPP)

Jennifer Scaife
Executive Director
The Correctional Association of New York

Marc Schindler
Executive Director
Justice Policy Institute

Danielle Sered
Executive Director
Common Justice

Gary Slutkin
Founder and Chief Executive Officer
Cure Violence

Keith Wallington
State Based Strategist
Justice Policy Institute

JOINING REMOTELY

Joel Castón
Mentor
Young Men Emerging Unit, Washington, D.C.

Christie Donner
Executive Director
Colorado Criminal Justice Reform Coalition

Charles Fantroy
Mentor
Young Men Emerging Unit, Washington, D.C.

Halim Flowers
Mentor
Young Men Emerging Unit, Washington, D.C.

Stephen JohnsonGrove
Attorney/Deputy Director for Policy
Ohio Justice & Policy Center

Andy Ko
Executive Director
Partnership for Safety and Justice

Momolu Stewart
Mentor
Young Men Emerging Unit, Washington, D.C.

Tyrone Walker
Mentor
Young Men Emerging Unit, Washington, D.C.

Shannon Wight
Deputy Director
Partnership for Safety and Justice

Michael Woody
Mentor
Young Men Emerging Unit, Washington, D.C.