



JUSTLEADERSHIPUSA'S 2021-2024 ROADMAP

INTRODUCTION

JustLeadershipUSA's roadmap, released in January of 2021, are recommendations that provide solutions in four ways: through immediate presidential Executive Actions; reform of Administrative Rules and Regulations; and Legislative Recommendations that will require more time and effort. Finally, the removal of the devastating clause of the Thirteenth Amendment that still permits legal slavery behind bars, and ending voter suppression will be multi-year, requiring Constitutional Reforms involving both Congress and state legislatures. These initiatives and roadmap recommendations are key if we are truly going to dismantle the oppressive policies that continue to criminalize a person after a term of incarceration.

During the September 2021-September 2023 grant period, JLUSA has made steady and significant progress with JLUSA roadmap initiatives, and in particular has become a trusted advisor of the Biden administration in its significant movement to advance criminal legal reform through the lens of racial justice.-

Below is an overview of the progress made to date through our roadmap that has identified areas of strategic investments that would drive positive systems change and power dynamics for directly impacted individuals.

EXECUTIVE ORDERS/ACTIONS – SHORT TERM

Revitalization of an expanded version of the Justice Department’s Federal Interagency Reentry Council

Following President Barack Obama’s direction, former Attorney General Eric Holder convened the Federal Interagency Reentry Council in 2011, explaining, “We must use every tool at our disposal to tear down the unnecessary barriers to economic opportunities and independence so that formerly incarcerated individuals can serve as productive members of their communities.”¹ The Council reflected an intersectional approach to reentry and brought together 20 federal agencies including the Departments of Labor, Health and Human Services, and Housing and Urban Development as well as the Departments of Interior, Agriculture, Education, Veterans Affairs, and the Office of National Drug Control Policy. Among its achievements were the launching of National Reentry Week², the issuance of guidelines to clarify that arrest records may not be used to determine who can live in HUD-assisted properties³, and the Fair Chance Higher Education Pledge⁴ to encourage postsecondary institutions to adopt admissions policies that encouraged people with criminal histories to apply for admission. In 2018 Former President Trump revoked the presidential memorandum that established the Council and replaced it with the Federal Interagency Council on Crime Prevention and Improving Reentry.⁵ Although its stated goals were similar, reentry was not a priority for the past Administration and little progress was made.

Appointment of a directly impacted individual as the Criminal Justice/Reentry Czar to serve in the White House Domestic Policy Council and lead the Interagency Reentry Council

Our organization’s mantra is, “those closest to the problem are closest to the solution, but furthest from resources and power.” By appointing a directly impacted person to a position of influence and authority, the President will acknowledge, in a very public way, the unique policy expertise of those who have been “through the system.” This country’s prisons function as closed systems with little transparency and accountability to the broader public. Intense stigma has led to the discriminatory treatment, much of it hidden from public view that formerly incarcerated people face upon reentering society. Only someone who has experienced the transition from incarceration to freedom can know about the many conditions of confinement detrimental to rehabilitation and the many insidious barriers people face upon reentry.

¹ <https://www.justice.gov/opa/pr/attorney-general-holder-convenes-federal-reentry-council>

² <https://www.justice.gov/archives/opa/blog/national-reentry-week>

³ https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF

⁴ <https://obamawhitehouse.archives.gov/the-press-office/2016/06/10/fact-sheet-white-house-launches-fair-chance-higher-education-pledge>

⁵ <https://www.federalregister.gov/documents/2018/03/12/2018-05113/federal-interagency-council-on-crime-prevention-and-improving-reentry>

Order directing the use of humanizing language across all federal agencies

The use of terms such as “convict,” “felon,” “inmate,” and “offender” is dehumanizing and reduces people to the worst mistake they made. In 2007 Eddie Ellis, a formerly incarcerated leader and founder of the Center for NuLeadership, published his now famous “Open Letter to our Friends on the Question of Language.” He wrote, “In an effort to assist our transition from prison to our communities as responsible citizens and to create a more positive human image of ourselves, we are asking everyone to stop using these negative terms and to simply refer to us as PEOPLE. People currently or formerly incarcerated, PEOPLE on parole, PEOPLE recently released from prison, PEOPLE in prison, PEOPLE with criminal convictions, but PEOPLE.”⁶ In May 2016, Assistant Attorney General Karol Mason who headed the Office of Justice Programs issued an agency wide policy directing Justice Department employees to “replace unnecessarily disparaging language with terms like ‘person who committed a crime’ and ‘individual who was incarcerated.’” In an op-ed in *The Washington Post*, Mason, who is currently the President of John Jay College of Criminal Justice, wrote: “The people who leave our correctional facilities every year have paid their debts. They deserve a chance to rebuild their lives. We, all of us, can help them by dispensing with useless and demeaning labels that freeze people in a single moment of time.”⁷ A similar presidential directive to *all* federal agencies would signal the importance of language in reducing stigma.

Public awareness campaign

In order to challenge the negative stereotypes about directly impacted people, the White House can launch a public awareness campaign that emphasizes their contributions to their communities and to American society at large. Formerly incarcerated men and women are in the forefront of numerous efforts to both change policy and provide much needed services.⁸ They have established not-for-profit reentry programs using their expertise to develop and offer services returning citizens need to transition to life on the outside. They head grassroots organizations dedicated to ending mass incarceration.⁹ They engage in myriad public education programs, speaking at conferences held by civic, faith and educational groups, publishing op-eds, and participating actively in policy debates through social media. But a government-funded and sponsored campaign highlighting their achievements would go a long way towards reducing stigma and winning public support for change. Obama-era programs such as the White House

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<https://static1.squarespace.com/static/58eb0522e6f2e1dfce591dee/t/596e13f48419c2e5a0e95d30/1500386295291/CNUS-language-letter-2016.pdf>

⁷ <https://www.washingtonpost.com/news/true-crime/wp/2016/05/04/guest-post-justice-dept-to-alter-its-terminology-for-released-convicts-to-ease-reentry/>

⁸ <https://jlusa.org/leadership/#connect-with-leaders>

⁹ <https://ficpfm.org/>

Champions of Change¹⁰ and the Fair Chance Business Pledge¹¹ can be revived and serve as vehicles for the campaign.

Reconstitute the Office for Access to Justice

In 2010, Attorney General Eric Holder implemented President Obama’s call to increase access to justice as an initiative within the Office of the Associate Attorney General. The initiative’s mission was to help the justice system efficiently deliver outcomes that were fair and accessible to all, irrespective of wealth and status, responding to the pressing need to reform the civil justice system in the U.S., which covered critical matters such as housing rights and family law. In 2015, the initiative was formally established as a stand-alone component of the Justice Department and renamed the Office for Access to Justice (ATJ).¹² That same year, President Barack Obama signed a presidential memorandum elevating the ATJ’s successful Legal Aid Interagency Roundtable (LAIR) to a White House initiative and called on federal agencies to work together to help the most vulnerable and underserved people by recognizing the importance of legal services to their programs, and the ATJ facilitated impactful strategic partnerships throughout the government.¹³ Former President Trump shuttered the ATJ and rolled back its achievements. In light of the current pandemic and economic crisis, the ATJ is more important than ever.

Progress Update

The U.S. Department of Justice reestablished the Office for Access to Justice (ATJ) as a standalone agency in October 2021 to address the access-to-justice crisis in the criminal and civil justice system.

Source: <https://www.justice.gov/atj>

MIDTERM ADMINISTRATIVE REFORMS

Department of Justice

1) United States Attorney General’s Office

Reverse the Sessions Directive and Reinstate the Smart on Crime Initiative

¹⁰ <https://obamawhitehouse.archives.gov/champions>

¹¹ <https://obamawhitehouse.archives.gov/issues/criminal-justice/fair-chance-pledge>

¹² <https://www.justice.gov/archives/atj>

¹³ <https://www.americanprogress.org/issues/courts/news/2020/11/24/493195/need-rebuild-doj-office-access-justice/#:~:text=That%20same%20year%2C%20President%20Barack,importance%20of%20legal%20services%20to>

In May 2017, then Attorney General Jeff Sessions issued a memo instructing federal prosecutors to increase their reliance on mandatory minimum sentences for low-level drug convictions.¹⁴ This directive replaced the Smart on Crime initiative announced by then Attorney General Eric Holder which encouraged prosecutors to consider the individual circumstances of a case and to exercise discretion in charging drug crimes.¹⁵ In cases of nonviolent defendants with insignificant criminal histories and no connections to criminal organizations, Mr. Holder instructed prosecutors to omit details about drug quantities from charging documents so as not to trigger automatically harsh penalties. The Sessions directive's about-face on sentencing reform contradicts the positive nationwide trend against harsh sentencing for drug violations and harkens back to the failed War on Drugs. Harsh sentencing for drug law violations played a major role in producing the country's crisis of mass incarceration.¹⁶ We should be moving forward towards an evidence-based drug policy based on public health and compassion rather than backward.

Progress Update

In a memo to all federal prosecutors on January 29, 2021, acting Attorney General Monty Wilkinson rescinded a May 10, 2017, memo from then-AG Jeff Sessions and told prosecutors to focus on "individualized assessment" until the Justice Department has a long-term policy.

Sources

- DOJ Pulls Trump Administration's Harsh Charging And Sentencing Policy https://www.huffpost.com/entry/doj-biden-sentencing-charging-policy_n_601441aac5b63b0fb2808ce7?3dl
- Acting AG memo PDF: <https://www.troutman.com/images/content/2/7/275418/1350000-1350212-actingagmemo.pdf>

Reinstate the Department of Justice Second Chance Fellowship

One of the Interagency Reentry Council's recommendations was the creation of a Second Chance Fellowship in the Department of Justice.¹⁷ The position was designed to bring in someone with expertise as a leader in the criminal justice reform field who was a

¹⁴ <https://www.justice.gov/opa/press-release/file/1109681/download>

¹⁵ <https://www.justice.gov/archives/ag/attorney-generals-smart-crime-initiative>

¹⁶

https://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA_Fact_Sheet_Drug_War_Mass_Incarceration_and_Race_June2015.pdf

¹⁷ <https://www.congress.gov/bill/110th-congress/house-bill/1593>

formerly incarcerated person.¹⁸ The first and the only award was made in 2015 to Daryl Atkinson, an attorney and highly regarded advocate for justice.¹⁹ During his tenure, Atkinson saw himself as a bridge between policymakers and the stakeholders most directly affected by the justice system. He contributed invaluable advice and feedback to the Justice Department, consulted with the Reentry Council on effective reentry policies, and served as a conduit to the broader justice-involved population. The Fellowship was abandoned by the previous Administration. It should be revived as soon as possible.

Progress Update

The Department of Justice reinstated this program in April 2021.

Sources

- "Hiring Second Chance Act Fellow" memo, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/23/fact-sheet-biden-harris-administration-announces-comprehensive-strategy-to-prevent-and-respond-to-gun-crime-and-ensure-public-safety/>
- Proclamation of April as Second Chance Month <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/31/a-proclamation-on-second-chance-month-2021/>
- <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/26/fact-sheet-biden-harris-administration-expands-second-chance-opportunities-for-formerly-incarcerated-persons/> (4/2022)
- <https://www.ojp.gov/news/ojp-blogs/second-chance-fellows-john-bae-and-angel-sanchez> (4/2022)

Remove Pardon and Clemency Petition Review Function

As currently arranged, the review of requests for pardon and clemency are conducted by an Office of Pardon Attorney within the Department of Justice who, in consultation with the Attorney General, makes recommendations to the President. In essence, this puts the fate of the petitioner in the hands of the prosecution, an inherently unfair situation. The War on Drugs and other anti-crime measures of the past four decades produced disproportionately lengthy sentences for thousands of men and women who still languish in federal penitentiaries across the country.²⁰ For many, the granting of a petition for clemency is the only remaining avenue to freedom. The Office of Pardon Attorney should be replaced by a panel of individuals that includes formerly incarcerated people who can

¹⁸ <https://www.justice.gov/archives/opa/blog/second-chances-vital-criminal-justice-reform>

¹⁹ <https://www.justice.gov/archives/opa/blog/return-chance>

²⁰ <https://www.prisonpolicy.org/reports/pie2020.html>

fairly evaluate the petitioner’s rehabilitation and readiness for release into the community.

Progress Update

President Biden has met with Advocates including JLUSA to reform this process with a racial justice focus.

In April 2022, “Second Chance Month,” President Biden commuted the sentences of 75 individuals, with three individuals receiving full pardons—the earliest any of the past five U.S. presidents have exercised this executive power for clemency during their presidencies. This was part of the President’s campaign promise to restore integrity to the Office of Pardons.

Sources

- <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/26/clemency-recipient-list/>
- NYT article "Biden Is Developing a Pardon Process With a Focus on Racial Justice": <https://www.nytimes.com/2021/05/17/us/politics/biden-pardons-racial-justice.html>

Impose a Moratorium on the Federal Death Penalty

The death penalty in the U.S. is on the wane as more and more states abolish it through public referendum or legislation. Until recently, the federal death penalty was, for all intents and purposes, a relic of the past, last used in 2003. In July 2019, then Attorney General William Barr announced that the Bureau of Prisons would begin scheduling executions, and in the past year, ten people were put to death, including three in the last days of the outgoing administration.²¹ Executions and death penalty sentences are on the wane because a majority of 60 percent of Americans believe that life imprisonment is preferable.²² Over and over again it has been shown that the death penalty is applied in a racially discriminatory manner and that miscarriages of justice—the execution of innocent people—are not rare. To date, twenty-five states have ended their use of the death penalty, and Virginia is about to become the twenty-sixth.²³ The federal government should follow suit.

²¹ <https://www.justice.gov/opa/pr/federal-government-resume-capital-punishment-after-nearly-two-decade-lapse>

²² <https://news.gallup.com/poll/268514/americans-support-life-prison-death-penalty.aspx>

²³ <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state>

Progress Update

In July 2021, Attorney General Merrick Garland imposed a moratorium on federal executions and ordered a review of policies and procedures.

Source

<https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-imposes-moratorium-federal-executions-orders-review>

Establish a Second Look Sentencing Unit

The Model Penal Code recommends a second look sentencing provision that allows people to be considered for a sentence modification after they have served 15 years, and reconsidered every 10 years after that.²⁴ Mandatory minimum sentencing laws passed by Congress during the 1980s and 1990s resulted in a significant portion of the federal prison population serving extremely lengthy prison sentences. From 1988 to 2012, federal sentence length skyrocketed, with the average sentencing length more than doubling from 17.5 months to 37.9 months.²⁵ Despite recent reforms, a high volume of people continue to be sentenced to and serve long federal sentences. As of May 2019, more than a quarter of the federal prison population was serving a sentence greater than 15 years, approximately three percent of whom were serving a life without parole sentence.²⁶ A Second Look Sentencing Unit would allow individuals to petition for resentencing after a period of incarceration and would contribute to the process of decarceration so necessary in this country.

Progress Update

Momentum is building for “second look” legislation in states and in Washington, D.C.

Source

<https://www.abajournal.com/news/article/momentum-builds-for-second-look-legislation-that-allows-inmates-to-get-their-sentences-cut>

²⁴ <https://famm.org/secondlook/>

²⁵

https://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/criminal_justice_system_improvements/federalssentencingreform/

²⁶ <https://famm.org/wp-content/uploads/Second-Look-White-Paper.pdf>

Establish a Conviction Integrity Unit

Wrongful convictions based on prosecutorial misconduct, false identification, perjury and other errors have resulted in too many miscarriages of justice, with frequent media reports of individuals who have served decades in prison for crimes they did not commit. A growing number of state and local prosecutors have established conviction integrity units (CIUs) which conduct extrajudicial fact-based reviews of secured convictions to investigate plausible allegations of actual innocence.²⁷ According to the National Registry of Exonerations, in 2018 there were 44 CIUs in the U.S. in 2018, almost three times the number of just five years earlier. Fifty-eight CIU exonerations took place in 2018, the great majority of them involving homicides and convictions based on official misconduct.²⁸ Given the number of false convictions that have come to light in recent years, it is vital that the Attorney General devote resources to investigating and uncovering such cases, with a priority on cases involving sentences of life without parole.

2) Civil Rights Division

Restore rigorous monitoring and enforcement of police department consent decrees.

The previous administration all but abandoned the most effective tool for reforming police departments that habitually violate the Constitution: the use of court-approved consent decrees between the Justice Department and the local government. Consent decrees spell out the necessary policy changes that must occur and appoint an independent monitor to make sure those changes are made within the established timeframe.²⁹ For decades, these consent decrees have been crucial in bringing about reforms in many police departments across the country. During the Obama Administration, 14 consent decrees were enforced upon troubled and discriminatory police agencies.³⁰ By contrast, none were issued in the four years of the Trump administration. In November 2018, on his last day in office, Attorney General Jeff Sessions circulated a memo to senior Justice Department lawyers announcing a new policy that placed significant restrictions on the use of consent decrees, leaving people of color without a vital tool in reforming discrimination within law enforcement — and at a time when public concern about police abuses against people of color was at an all-time high.³¹ The Attorney General must repudiate the Sessions memo and return the Justice Department to the active prosecution of police malfeasance.

²⁷ https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2615&context=faculty_scholarship

²⁸ <https://www.law.umich.edu/special/exoneration/Documents/Exonerations%20in%202018.pdf>

²⁹ <https://www.justice.gov/opa/press-release/file/1109621/download>

³⁰ <https://www.theguardian.com/us-news/2020/jun/07/police-consent-decrees-trump-administration-oversight>

³¹ <https://www.justice.gov/opa/press-release/file/1109621/download>

Progress Update

In 2021, Attorney General Merrick Garland and the Department of Justice restored previous breadth of consent decrees and laid out new rules for federal oversight of police departments, respectively.

Sources

- April 2021: Garland rescinds Trump-era memo curtailing consent decrees: <https://www.msn.com/en-us/news/politics/garland-rescinds-trump-era-memo-curtailing-consent-decrees/ar-BB1fJnOo>
- September 13, 2021 Memo: <https://www.justice.gov/ag/page/file/1432236/download>
- September 2021: Justice Department rolls out new rules for federal monitors of police departments <https://www.cbsnews.com/news/justice-department-federal-monitors-police-departments-consent-decrees/>

3) Federal Bureau of Prisons

Emergency Preparedness

Even before the COVID-19 pandemic arrived, federal correctional facilities were already in a state of crisis. Despite the National Emergency declaration in March 2020 which included a mandate to decrease federal incarceration to stop the spread of the virus³², few people were released to home confinement and the virus quickly spread to incarcerated people and correctional officers alike. Many thousands were infected, and thousands have died.³³ Similarly, people in prison have suffered extreme neglect during natural disasters such as hurricanes and tornadoes.³⁴ The denial of care and life-saving measures to the disproportionately Black and brown people in prison reflects the belief that they are disposable. This must end. JustLeadershipUSA's [#JustUS](#) campaign has published a white paper entitled, "Components of Emergency Management Policy Recommendations" that describes the policies that should be adopted to protect and save lives.³⁵

³² <https://www.usatoday.com/in-depth/news/nation/2020/04/21/coronavirus-updates-how-covid-19-unfolded-u-s-timeline/2990956001/>

³³ <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons#prisoner-deaths>

³⁴ <https://www.aclu.org/press-releases/aclu-report-details-horrors-suffered-orleans-parish-prisoners-wake-hurricane-katrina>

³⁵ <https://jlusa.org/wp-content/uploads/2020/06/JustUS-Set-of-Policy-Recommendations.pdf>

Abolition of Solitary Confinement

“Special housing units” (SHU) is the euphemism for solitary confinement in federal corrections facilities. Currently, over 8,000 people are held SHUs across the country representing just under seven percent of the federal prison population.³⁶ People in solitary confinement have limited or no opportunity to interact with others. They eat, sleep, and use the toilet in the same area and have limited access to external stimuli, which is vital to human development. A large body of research shows that solitary confinement causes adverse psychological effects and increases the risk of serious harm to individuals who experience it. According to an article in the Journal of the American Academy of Psychiatry and the Law, isolation can be as distressing as physical torture.³⁷ The United States has been strongly criticized for its over use of solitary confinement, most often for disciplinary infractions, by human rights organizations, including Human Rights Watch, Amnesty International, and the National Religious Campaign Against Torture. It should be BOP policy to use solitary confinement only as a measure of last resort.

Expansion of Medical and Mental Healthcare

The COVID-19 crisis has exposed and exacerbated the chronic shortage of health care services in the federal prison system. People in prisons and jails are disproportionately likely to have chronic health problems including diabetes, high blood pressure, and HIV, as well as substance use and mental health problems. A recent survey³⁸ of people in federal prison revealed that two-thirds said they had a drug or alcohol addiction. An estimated 45 percent of federal prisoners have mental health and behavioral problems, according to the Bureau of Justice Statistics.³⁹ Women are especially at risk, as facilities often lack gynecological and obstetric services. And, the growing number of elderly people in prison do not have access to appropriate gerontology services. Directly impacted people give prisons low grades when it comes to medical care. In a 2018 survey, 69 percent of respondents gave it a “poor” rating and only 3 percent chose “good.”⁴⁰ It is vital that people in prison receive the medical care which they deserve and to which they are entitled by law.

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https://www.bop.gov/about/statistics/statistics_inmate_shu.jsp#:~:text=Federal%20Bureau%20of%20Prisons&text=The%20data%20is%20updated%20on,%25%20are%20housed%20in%20SHU.

³⁷ <https://www.hrw.org/news/2010/03/01/solitary-confinement-and-mental-illness-us-prisons-challenge-medical-ethics>

³⁸ https://www.prisonpolicy.org/scans/famm/Prison-Report_May-31_Final.pdf

³⁹ https://www.prisonpolicy.org/research/mental_health/

⁴⁰ https://incarceratedworkers.org/sites/default/files/resource_file/iwoc_report_04-18_final.pdf

Progress Update

In April 2022, the Department of Health and Human Services (DHHS) proposed establishing a Special Enrollment Period of six months post-release for eligible incarcerated individuals to obtain approval of Medicare.

Source

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/26/fact-sheet-biden-harris-administration-expands-second-chance-opportunities-for-formerly-incarcerated-persons/>

Impose a Moratorium on Use of Risk Assessment Tools

The First Step Act, passed in December 2018, requires the Bureau of Prisons to use a “risk assessment tool” that purports to predict the risk of recidivism that a person poses if released.⁴¹ JLUSA and other formerly incarcerated peoples’ organizations opposed passage of the First Step Act largely because of our grave reservations about the fairness and accuracy of these tools. Risk assessments are pitched as “race-neutral,” replacing human judgment—subjective, fraught with implicit bias—with objective, scientific criteria. They were introduced to deal with inequitable sentencing due to judges’ biases, but they are simply replicating the same biases. These tools draw from existing criminal justice data and criminal justice is fraught with racial disparities and implicit bias. A large study conducted by the Center for Court Innovation concluded that “concerns over risk assessments perpetuating racial disparities are real—even when the assessment tool itself is deemed to be free of bias.”⁴² Until these tools can be shown not to produce inequitable results, they should not be used by the Bureau of Prisons.

4) Office of Justice Programs

Redirect the Byrne Justice Assistance Grant Program

Initially authorized under the 1988 federal Anti-Drug Abuse Act, the Byrne grant program has pumped billions of dollars into state and local police departments for drug law enforcement.⁴³ Byrne grant funds have been a backbone of the federal war on drugs which, as the current opioid overdose crisis so tragically shows, has been an abject failure.⁴⁴ It has also been shown that the Byrne grant program has disproportionately affected African American communities without improving police effectiveness.

⁴¹ <https://crsreports.congress.gov/product/pdf/R/R45558>

⁴² <https://www.courtinnovation.org/publications/beyond-algorithm>

⁴³ <https://thecrimereport.org/2017/10/04/byrne-grants-did-not-improve-police-effectiveness-study/>

⁴⁴ <https://civilrights.org/edfund/resource/the-war-on-drugs-has-failed-commission-says/#:~:text=The%20global%20war%20on%20drugs,Global%20Commission%20on%20Drug%20Policy.>

According to a 2017 study by The Center for Economic and Social Research (CESR) at the University of Southern California, “Our results indicate that for every \$100 increase in Byrne grant funding per capita, arrests for drug trafficking increased by roughly 22 per 100,000 white residents and by 101 arrests per 100,000 black residents...federal funding for the War on Drugs can be linked directly to the increase in racial disparities in arrest, disproportionately affecting Blacks.”⁴⁵ To improve public safety, those federal funds should instead be reinvested in the communities most negatively impacted by the failed war on drugs.

Office of Personnel Management

Establish Regulations for Fair Chance Hiring

The Fair Chance to Compete for Jobs Act passed Congress on December 17, 2019 as part of the National Defense Authorization Act.⁴⁶ It will help qualified workers with arrest or conviction records compete fairly for employment in federal agencies and with federal contractors. Like other “ban the box” laws that have been adopted around the country, the Act prohibits employers from asking about arrest and conviction history on job applications and instead delays that background check until a conditional job offer has been extended to the applicant. The passage of this law was a major victory for directly impacted advocates and activists for whom the expansion of employment opportunities has been a long priority. The Act will go into effect two years from the date of enactment, on December 17, 2021, and, before then, the Office of Personnel Management (OPM) and General Services Administration (GSA) must issue implementing regulations and the public must have an opportunity to comment. In the spirit of the Fair Chance to Compete for Jobs Act, the OPM should establish a process for increasing federal employment opportunities for directly impacted people.

Progress Update

In April 2022, the Biden Administration announced it was Expanding Access to Federal Employment; The Office of Personnel Management (OPM) will propose regulations and procedures of accountability that remove barriers to federal employment for formerly incarcerated people under the Fair Chance to Compete for Jobs Act.

Source

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/26/statement-by-president-joe-biden-on-clemency-and-second-chance-month/>

⁴⁵ <https://thecrimereport.org/2017/10/04/byrne-grants-did-not-improve-police-effectiveness-study/>

⁴⁶ <https://www.nelp.org/publication/faq-fair-chance-to-compete-for-jobs-act-of-2019/>

Small Business Administration

Repeal Exclusions in the 7(a) Loan Program

Access to the Small Business Administration (SBA) loan program, which helps business owners access loans from banks and other lenders is of critical importance to all entrepreneurs, including those who have a criminal legal history. This is truer than ever in the context of the COVID-19 pandemic and the loss of income experienced by millions of Americans. But the governing SBA guidelines include the following exclusionary language: “Applications will not be accepted from firms where a principal ... is currently incarcerated, on parole, or on probation; is a defendant in a criminal proceeding; or whose probation or parole is lifted expressly because it prohibits an SBA loan.”⁴⁷ This punitive rule has no rational basis. A “defendant in a criminal proceeding” is presumed innocent. In some states, terms of parole and probation can go on for years. No one should be excluded from pursuing their dream of owning a business because of stigma and discrimination.

Progress Update

In April 2022, the Biden Administration announced “Expanding Access to Business Capital”; The Small Business Administration (SBA) will remove barriers to the 7(a) and 504 loan programs for formerly incarcerated people.

Source

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/26/statement-by-president-joe-biden-on-clemency-and-second-chance-month/>

Housing and Urban Development

Redefine “homeless” so that people leaving prison are eligible for HUD homeless programs

The Department of Housing and Urban Development (HUD) definition of homelessness was amended in 2009. It now defines homelessness as: 1) people and families lacking a fixed, regular nighttime residence – including a subset for an individual exiting an institution where they have resided for less than 90 days; 2) people in imminent danger of losing their primary nighttime residence; 3) unaccompanied youth and families with children who are defined as homeless other federal law and 4) people fleeing domestic

⁴⁷ <https://www.sba.gov/partners/lenders/7a-loan-program/terms-conditions-eligibility>

violence.⁴⁸ Under this definition, formerly incarcerated people who have spent more than 90 days in a correctional facility are not defined as homeless, making them ineligible for HUD homeless programs. Everyone has the same right to safe and secure housing, but under the current definition of homelessness, formerly incarcerated people who are living without homes are denied this right to housing, which jeopardizes the health and safety of their families and greatly impacts their ability to find and retain work. Housing must be a human right. The definition of homelessness must change. Administration reforms must be enacted to change the federal definition around homelessness, so that it includes formerly incarcerated people.

Remove the discretionary bans on public housing for people with criminal legal convictions

Federal law currently gives public housing officials enormous, discretionary power to deny people housing based on criminal activity. This must also change. As we have said earlier, housing is a fundamental human right, but these arbitrary, discretionary bans on public housing for people with criminal convictions exacerbate the economic and racial inequalities that still plague formerly incarcerated people. For example, an arrest—even before someone is found guilty—can often trigger eviction from public or private housing. These discretionary bans provide cover for public housing officials in their unfair decisions to deny marginalized, formerly incarcerated people, disproportionately Black and brown people, safe and secure housing.

Progress Update

From April 2022, “The Department of Housing and Urban Development (HUD) has initiated a six-month review of guidance to increase inclusion of housing for formerly incarcerated people.”

Sources

- https://www.hud.gov/sites/dfiles/Main/documents/Memo_on_Criminal_Records.pdf
- <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/26/fact-sheet-biden-harris-administration-expands-second-chance-opportunities-for-formerly-incarcerated-persons/>

⁴⁸ <https://www.hud.gov/sites/documents/PIH2013-15HOMELESSQAS.PDF>

Department of Labor

Issue guidelines defining discriminatory hiring and posting practices and establishing processes for reporting violations

Despite improvements to discriminatory hiring practices such as “ban the box” laws nationally, racial discrimination in hiring, particularly for formerly incarcerated people, remains a barrier to their well-being, and is a clear violation of our values. Ban the box legislation does not deny employers access to a candidate’s criminal background, it only opens the door to potential racial discrimination further in the hiring process. To give all applicants a fair chance at hiring, administrative reform must be enacted to create guidelines to concisely define discriminatory hiring practices and establish rules and processes on how employers who discriminate against candidates can be reported, quickly and efficiently.

Progress Update

In April 2022, President Biden announced the launch of a historic Department of Justice (DOJ) and Department of Labor (DOL) partnership that invests \$145 million of funding through an inter-agency partnership inclusive of job skills training and individualized employment and reentry plans for people incarcerated in Bureau of Prisons (BOP) facilities, and to provide pathways for a seamless transition to employment and reentry support upon release. This is the first time the DOL will bring its job training and reentry support and expertise to federal incarcerated individuals.

Source

<https://jusa.org/media-release/jusa-applauds-biden-harris-administration-second-chance-month-actions/>

Remove discretion from Workforce Innovation and Opportunity Act funding that allows states to exclude directly impacted individuals from access to training opportunities

The Workforce Innovation and Opportunity Act enables the country’s federal workforce development systems to provide workforce development programs to as many as 20 million Americans.⁴⁹ This allows Americans without adequate workforce training to find jobs, start careers, care for their families and plan for their future. But formerly incarcerated people are often excluded from the benefits of these programs, solely because of their criminal record. The impact can be devastating and exacerbates

⁴⁹ https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/WIOA_Factsheets.pdf

unemployment among formerly incarcerated people, which is already more than 27 percent, higher than the U.S. unemployment rate during the Great Depression.⁵⁰ The collateral consequences of a criminal conviction only serve to further marginalize formerly incarcerated people from society, dehumanizing them and jeopardizing their lives. Administrative reforms must be enacted that will ensure that directly impacted people are not left out of the workforce development opportunities that can help them receive much-needed employment training services.

Raise awareness about the availability of Work Opportunity Tax Credits for the hiring of directly impacted people

The Work Opportunity Tax Credit is federal tax credit available to employers who hire people who have consistently faced significant barriers to employment, including veterans, people receiving SNAP/TANF benefits and formerly incarcerated people. It incentivizes business owners to hire and train marginalized people, affording them the opportunities they deserve. In order to provide more opportunities for formerly incarcerated people in the workforce, administrative reform is needed to increase awareness of the tax credit to employers. The increased awareness will require government funding to effectively spread the campaign to businesses, and would go a long way to educate and inform business owners of the tax incentive opportunities in hiring formerly incarcerated people.

Progress Update

In April 2022, the Department of Labor announced new resources for justice-involved job seekers, reentry service providers, and employers to learn about existing federal reentry employment incentives including the Federal Bonding Program and the Work Opportunity Tax Credit.

Source

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/26/fact-sheet-biden-harris-administration-expands-second-chance-opportunities-for-formerly-incarcerated-persons/>

⁵⁰ <https://www.prisonpolicy.org/reports/outofwork.html>

Department of Education

Establish guidelines for quality implementation and technical assistance of Pell Grants, and establish regulations for higher education institutions to ensure post transfer of academic credits

More than twenty-five years after Congress banned Pell grants for prison education programs — a prohibition imposed as part of the 1994 crime bill — legislation passed last year to reinstate Pell grants for incarcerated students. This means that incarcerated people, disproportionately Black and brown, will have the same right to higher education regardless of their income or socioeconomic status. Higher education creates pathways to opportunity, helps people grow and develop their lives, find jobs and contribute to their communities. However, there is still little guidance on how Pell grants will be accessible to incarcerated students, and these students still require education and clear guidance on the federal loan options that are available to them. In addition, the reinstated Pell grants have implications beyond prison walls. For example, many incarcerated students will leave prison without finishing their degree, and it is imperative that administrative reforms not only establish guidelines for implementation and technical assistance of Pell grants—but also create regulations for higher education institutions to transfer credits received behind bars, so that formerly incarcerated people can have the same equitable access to higher education that others enjoy.

Progress Update

In April 2022, the Department of Education (ED) announced it was expanding Second Chance Pell sites by 73 additional schools to bring the total of participating institutions to 204. This expansion of sites will help ED to prepare for full expansion of Pell Grant eligibility to incarcerated students in July 2023.

Source

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/26/fact-sheet-biden-harris-administration-expands-second-chance-opportunities-for-formerly-incarcerated-persons/>

LEGISLATION – LONG TERM

Passage of the Correctional Facility Disaster Preparedness Act of 2020 ([S.4748](#)) sponsored by Sen. Tammy Duckworth (D-IL).

In response to reports of Federal Bureau of Prisons (BOP) and state prisons health and safety violations during natural disasters such as Hurricane Harvey and Irma, coupled with the impact of COVID-19 on correctional facilities nationwide, Senator Tammy Duckworth (D-IL) introduced the Correctional Facility Disaster Preparedness Act of 2020. If passed, this legislation would expand the National Institute of Correction (NIC) Advisory Board by permanently appointing a formerly incarcerated person. This is absolutely essential in protecting the lives of incarcerated people. In addition, the bill would establish disaster response and recovery plans to protect the health, safety and civil rights of incarcerated individuals during a presidential disaster declaration. Correctional facilities must be fully prepared to provide safe conditions during all types of emergencies, including natural disasters and the COVID-19 pandemic. Failure to protect the safety of millions of people trapped in correctional facilities during crises shows, once again, how Black and brown people are treated in the United States. This sort of disaster preparedness is integral to reforming the criminal legal system as it remains one of the few communal living spaces that do not have robust, system-wide emergency management systems. This legislation would impact the lives of people who are incarcerated and who work within correctional facilities around the nation.

Progress Update

JLUSA has successfully advocated for this legislation to be reintroduced in the Senate and supported by both Republican and Democratic Senators (S.2592), as well as to be introduced in the House with bipartisan support there, as well (H.R.7940).

Sources

- <https://www.congress.gov/bill/117th-congress/senate-bill/2592>
- <https://www.congress.gov/bill/117th-congress/house-bill/7940>

Repeal of ban on public assistance - SNAP/TANF via the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ([H.R. 3734](#))

In 1996, Congress imposed a lifetime ban on individuals convicted of a drug felony from receiving the Supplemental Nutrition Assistance Program (SNAP) and/or Temporary Assistance for Needy Families (TANF) as a part of the welfare overhaul. While states are allowed to opt-out of the ban, and some have, many states still render access to these life-saving programs either impossible or extremely difficult for people who need it most. This ban is a denial of a basic human need and must be repealed. Repealing the drug felony ban would have the most impact on people of color and especially women, a population that is disproportionately incarcerated for drug crimes — 25 percent of women and only 14 percent of men in state prison have been convicted of a drug offense⁵¹— and comprise the majority of recipients for SNAP and TANF. Notably, removing this ban would mitigate hardship for formerly incarcerated people who have families with children.⁵² Furthermore, recently released individuals who have been convicted of a drug offense are 10 percent less likely to recidivate when provided full access to benefits such as SNAP and TANF.⁵³ The positive impacts of repealing this outdated, harsh, and counterproductive policy on food assistance programs would support successful and sustainable reentry for formerly incarcerated people and their families. This ban must be lifted immediately.

Progress Update

JLUSA has joined a coalition led by the Drug Policy Alliance to meet this goal.

Passage of the Humane Correctional Health Care Act. ([H.R. 4141](#) / [S.2305](#)).

The Medicaid Inmate Exclusion Policy (Section 1905(a) of the Social Security Act)⁵⁴ denies health care coverage to Medicaid enrollees who are involved in the criminal justice system. This policy not only decreases access to care but also shifts the cost of care to states and counties, thus putting excessive strain on local judicial, law enforcement, public safety and human services systems. Justice-involved people, most of whom are poor and/or people of color, are likely to experience significant health needs. For example, people who are incarcerated are more likely to suffer from chronic, complex health issues, including hypertension, diabetes, tuberculosis, HIV/AIDS, and Hepatitis B

⁵¹ <https://sentencingproject.org/wp-content/uploads/2015/12/A-Lifetime-of-Punishment.pdf>

⁵² <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/Safety-Net-Felony-Ban-FINAL.pdf>

⁵³ http://www.law.harvard.edu/programs/olin_center/papers/pdf/Yang_920.pdf

⁵⁴ <https://www.commonwealthfund.org/publications/issue-briefs/2020/nov/medicaid-role-health-people-involved-justice-system#inmateexclusionpolicy>

and C, as well as substance use disorders and mental health issues.⁵⁵ Yet, very few incarcerated individuals receive adequate treatment to manage their conditions. In response to this deficit of care, in 2019, Congresswoman Annie Kuster (NH-02), the founding co-chair of the Bipartisan Opioid Task Force, along with Senator Cory Booker (D-NJ), introduced the Humane Correctional Health Care Act (H.R. 4141⁵⁶ / S.2305)⁵⁷ to the House of Representatives and the Senate respectively. This legislation would repeal the Medicaid Inmate Exclusion Policy, increase the justice-involved population's access to quality coverage and care needed to help them successfully return to their communities and not recidivate. The Humane Correctional Health Care Act will also allow formerly incarcerated people access to treatment for mental health and substance use disorders while saving state and taxpayer dollars. As the COVID-19 pandemic continues to wreak havoc on marginalized people both in and out of correctional facilities, the passage of this bicameral legislation is urgent, and must be passed immediately.

Passage of the Marijuana Opportunity Reinvestment and Expungement (MORE) Act (H.R. 3884 / S.2227) and legislation to address the disproportionate impact of marijuana criminalization on people of color, including community reinvestment, etc.

The House of Representatives' passage of the MORE Act of 2020 a holistic approach to marijuana legalization that begins to address the oppressive drug laws and policies that have contributed to the disproportionate incarceration of people of color, especially Black people, and the "white washing" of the burgeoning cannabis industry. But decriminalization or legalization of cannabis alone falls far short of addressing the damage that the war on drugs has had, mostly Black and brown communities. For example, 46.9% of people arrested for drug violations are Black or brown, despite only making up only 31.5% of the U.S. population.⁵⁸ These disparities exist even as white and Black people use drugs at the same rates.⁵⁹ In states where cannabis has been decriminalized or legalized, discrimination still exists. For example, in Colorado, between 2012 and 2014, arrests for cannabis related offenses decreased 51% for white people, but only decreased by 33% and 25% for brown and Black people respectively. And in Washington D.C. Black people are 11 times more likely to be arrested for the use of cannabis in public spaces.⁶⁰ The legalization of cannabis is only one important step towards reversing the damage caused by the war on drugs. Policymakers must work with directly-impacted people that have lived experience with the injustices of the legal system to pass the MORE Act as well as comprehensive cannabis reforms that include community reinvestment, expungement of past convictions, the elimination of collateral consequences for drug convictions and the elimination of immigration penalties.

⁵⁵ <https://www.commonwealthfund.org/publications/issue-briefs/2020/nov/medicaid-role-health-people-involved-justice-system>

⁵⁶ <https://www.congress.gov/bill/116th-congress/senate-bill/2305/text?format=txt>

⁵⁷ <https://www.congress.gov/bill/116th-congress/house-bill/4141?s=1&r=2>

⁵⁸ <https://drugpolicy.org/issues/drug-war-statistics>

⁵⁹ <https://www.naacp.org/criminal-justice-fact-sheet/>

⁶⁰ <https://drugpolicy.org/legalization-status-report>

Progress Update

JLUSA is a member of the Marijuana Justice Coalition, which has been instrumental in the second House passage of the MORE Act (H.R.3617). An accompanying Senate bill is expected to be introduced soon.

Sources

- <https://drugpolicy.org/MJC>
- <https://www.congress.gov/bill/117th-congress/house-bill/3617>

Amend the Civil Rights Act of 1964 (H.R. 7152) to include people with criminal background as a protected class.

For a person with a criminal record, punishment does not end with the completion of a sentence. Instead, formerly incarcerated people are stigmatized and discriminated against by laws that routinely deny them access to benefits, food stamps, housing, driving privileges, education, employment, loans, and voting rights, all solely based on their conviction history. Even with the relief of expungement, in the digital age, a conviction becomes a permanent marker for discriminatory practices. The deep-seated discrimination against people with criminal records and their families is now woven into almost every institution associated with daily life. We must act to make redress available for people harmed by these practices, and the way forward is evident. People living with an arrest or conviction – an estimated 100 million people in the United States – must have the same available to others to challenge discrimination and political exclusion. To achieve this, formerly incarcerated and convicted people should fall under “equal protection clauses” of the 1964 Civil Rights Act as a protected class of persons.⁶¹ The 2012 Equal Employment and Opportunity Commission’s guidance introduces and, in effect, makes the argument for people with conviction records to be treated as a protected class. In linking the use of blanket employment bans in hiring to the potential disproportionate consequences it may have for Black and brown applicants, the EEOC not only acknowledges the deep structural racism embedded within the system, but also shows there must be recourse for the punitive sanctions that continue to perpetuate racial, social and political harm well after a sentence is over. An amendment to the Civil Rights Act of 1964 must be introduced, that includes formerly incarcerated and convicted people as a protected class, as doing so directly correlates with the spectrum of discrimination outlined in the Act.

⁶¹ <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

Abolish the federal death penalty via passage of the Federal Death Penalty Prohibition Act of 2021 ([H.R. 262](#))

More than 170 people who were wrongly convicted and sentenced to death have been exonerated since 1973.⁶² In other words, at least 1 in 25 people sentenced to death are innocent.⁶³ The margin of error intrinsic to capital punishment violates every value of human dignity and respect. In addition, racial bias has long been baked into the death penalty: Black people make up less than 13 percent of the nation's population while accounting for more than 42 percent of those on death row.⁶⁴ Researchers have also noted that capital punishment does not deter crime.⁶⁵ Our criminal legal system must evolve to reflect our values of equity, respect and common dignity. As laid out in the Biden administration's criminal justice plan, "Because we cannot ensure we get death penalty cases right every time, Biden will work to pass legislation to eliminate the death penalty at the federal level, and incentivize states to follow the federal government's example."⁶⁶ Following a federally imposed moratorium on the death penalty as described above, the Federal Death Penalty Prohibition Act (H.R. 262) should be passed into law. This bicameral legislation, introduced by Congresswoman Ayanna Pressley (MA-07) along with Senators Richard J. Durbin (D-IL) and Tim Kaine (D-VA), would "Prohibit the imposition of the death penalty as punishment for any violation of federal law" and mandate that those sentenced to death row be re-sentenced.⁶⁷

Repeal and reverse impact of the 1994 Crime Bill ([H.R. 3355](#))

The Violent Crime Control and Law Enforcement Act of 1994, more widely known as the '94 Crime Bill, enacted sweeping legislation that energized an already growing era of mass criminalization. As the most sweeping crime bill of the century -- and despite drops in crime rates prior to its introduction -- the Act codified draconian federal three-strikes laws and mandatory minimums, while at the same time expanding capital punishment and green-lighting a new age of extreme sentencing. Among its now-infamous measures, the Act included a \$9 billion provision to subsidize the growth of state prisons and jails, funding for nearly 100,000 new state and local police, and excessive weaponry to law enforcement that militarized local police forces across the country.⁶⁸ Upon enactment of the Crime Bill, the federal government was twice as likely to charge Black people with mandatory minimums as it did white people.⁶⁹ Thus, at each stage of the criminal legal process -- from pretrial detention, to inadequate public defense, to prosecutors leveraging fear for plea deals, to time spent in jail and prison and solitary confinement --

⁶² <https://deathpenaltyinfo.org/policy-issues/innocence>

⁶³ <https://innocenceproject.org/national-academy-of-sciences-reports-four-percent-of-death-row-inmates-are-innocent/>

⁶⁴ <https://www.naacp.org/latest/naacp-death-penalty-fact-sheet/>

⁶⁵ <https://files.deathpenaltyinfo.org/legacy/files/DeterrenceStudy2009.pdf>

⁶⁶ <https://joebiden.com/justice/>

⁶⁷ <https://pressley.house.gov/sites/pressley.house.gov/files/Federal%20Death%20Penalty%20Prohibition%20Act%20on%20e%20pager%20FINAL.pdf>

⁶⁸ <https://www.themarshallproject.org/2016/04/11/bill-clinton-black-lives-and-the-myths-of-the-1994-crime-bill>

⁶⁹ <https://www.ojp.gov/pdffiles1/Digitization/137910NCJRS.pdf>

Black and brown people were disproportionately targeted by mass punishment. State legislatures were incentivized by federal funds to follow the lead of the federal government in troubling fashion, enacting mandatory minimums and three-strikes laws, expanding felony offenses, enabling lengthier sentences, and dismantling opportunities for early release. From 1994 to 2007, the rate of imprisonment doubled, as did state expenditures on incarceration.⁷⁰ Driven by fear-mongering and racist dog-whistle politics, the 1994 Crime Bill traded on the criminalization of Black and brown bodies, particularly young people, to generate political currency and bolster a militarized police state in economically marginalized neighborhoods. Repealing and replacing the Violent Crime Control and Law Enforcement Act of 1994 must be a priority. Federal solutions must ensure restorative justice and community alternatives and foster healing, through recommendations such as the extension of free college programs into all state and federal carceral facilities and is dedicated to ending the proliferation of new jails and prisons across the country.

CONSTITUTIONAL REFORMS

Repeal the Thirteenth Amendment’s conditional exception permitting involuntary servitude for incarcerated people

The ratification of the Thirteenth Amendment to the U.S. Constitution in 1865 made chattel slavery and involuntary servitude unconstitutional, yet it contained in its text a crucial and insidious exception.⁷¹ The Amendment states that slavery was unconstitutional, “except as a punishment for crime.” The consequences of this have been devastating for Black and brown people. In practice, this exception has empowered those who sought to expand the criminal punishment system as a pipeline for forced labor. And, given such license, they did so primarily in Black communities that were already brutalized by the institution of slavery that the Thirteenth Amendment was supposed to redress. For example, by 1886, state revenue from convict leasing exceeded the cost of running prisons by almost 400 percent⁷² and thus, profitability incentivized incarceration. The use of prison labor since 1865 remains to this day no more than an extension of forced labor practices that exploit Black and brown bodies for profit. The federal government must follow the lead of Colorado and repeal the Thirteenth Amendment’s conditional exception of involuntary servitude for incarcerated people.⁷³ In addition, incarcerated workers are routinely exploited, and must have the right to form and belong to unions. Federal employment protections, including the Fair Labor Standards Act and prevailing local wages laws, as well as the Occupational Safety

⁷⁰ <https://www.brennancenter.org/our-work/analysis-opinion/complex-history-controversial-1994-crime-bill>

⁷¹ <https://constitution.congress.gov/browse/amendment-13/>

⁷² <https://www.jstor.org/stable/2716851?seq=1>

⁷³ <https://leg.colorado.gov/bills/hcr18-1002>

and Health Act, must be upheld for workers in correctional facilities. Private profiteering on human suffering must end, immediately.

Progress Update

JLUSA is a steering committee member of the End the Exception Campaign. The Abolition Amendment (H.J.Res.53) has been introduced and has gained bipartisan cosponsor support.

Sources

- <https://endtheexception.com>
- <https://www.congress.gov/bill/117th-congress/house-joint-resolution/53/cosponsors>

End Felony Disenfranchisement ([H.R. 1](#))

In the years after the ratification of the Fifteenth Amendment, all but one Southern state rewrote their constitutions, adding in damaging provisions that restricted the rights of marginalized people from exercising their right to vote, including literacy tests and poll taxes.⁷⁴ Indeed, by the turn of the 20th century, felony disenfranchisement, alongside the violent terrorization of communities of color, became one of the most powerful mechanisms to ensure Black people could not exercise the voice, their political power, or play a role in the decisions that impact them. Felony disenfranchisement continues to limit the power of marginalized people. This has grave consequences for democracy.

One in 16 African-Americans of voting age is disenfranchised, a rate more than three times higher than non-African-Americans of voting age.⁷⁵ In 27 states, people are disenfranchised while on probation, while in 30 states, people are disenfranchised while on parole.⁷⁶ In 11 states, people with felonies lose their right to vote indefinitely, or must seek a governor's pardon to restore enfranchisement.⁷⁷ Currently, 5 million people are barred from voting in local, state, and national elections as a result of felony

⁷⁴ <https://uncpress.org/book/9780807849095/struggle-for-mastery/>

⁷⁵ <https://www.sentencingproject.org/publications/locked-out-2020-estimates-of-people-denied-voting-rights-due-to-a-felony-conviction/>

⁷⁶ <https://www.sentencingproject.org/publications/locked-out-2020-estimates-of-people-denied-voting-rights-due-to-a-felony-conviction/>

⁷⁷ <https://www.sentencingproject.org/publications/locked-out-2020-estimates-of-people-denied-voting-rights-due-to-a-felony-conviction/>

disenfranchisement.⁷⁸ The erosion of trust in democracy as a result of generational felony disenfranchisement reshapes the political ecology of whole neighborhoods and hijacks the power of the ballot to reallocate resources and attention.

Voting rights should never be revoked. Voter suppression and disenfranchisement must end, for people in jails, in prisons, and in communities, as these stand in direct conflict with the fundamental marker of citizenship. Automatic voter registration, and the end of voter ID laws must be put into place. Policymakers must pass H.R. 1⁷⁹, and put an end to the divisive voter suppression that impacts Black and brown communities and denies too many Americans their voice, and their right to equity and fairness.

Progress Update

JLUSA has joined the steering committee of the newly formed Universal Suffrage Coalition.

⁷⁸<https://www.sentencingproject.org/publications/locked-out-2020-estimates-of-people-denied-voting-rights-due-to-a-felony-conviction/>

⁷⁹ <https://www.congress.gov/bill/116th-congress/house-bill/1>

APPENDIX

Who Is JustLeadershipUSA?

The United States is a nation defined, in part, by incarceration. The imprisoned population has increased 500 percent in the past 40 years, and now 2.3 million people are behind bars, and 4.6 million more are living under supervision.

JustLeadershipUSA, a national not-for-profit organization, is led by directly impacted people and is dedicated to decarcerating the United States. By **educating, elevating** and **empowering** the people and communities impacted by systemic racism we work to drive, amplify, and sustain the kinds of policy reforms that build thriving, sustainable and healthy communities.

Who is “Directly Impacted?”

“Directly impacted” individuals include not only those who have been incarcerated, but also people who have been arrested with or without conviction, incarceration, probation, or parole. The term can also apply to the children or other loved ones of those who have been involved in the justice system, as the impact of incarceration reaches beyond correctional facilities.

JLUSA’s Unique National Structure

JLUSA’s initiatives center the personal and professional expertise of our network of directly impacted Leaders. This value, coupled with our hands-on involvement in policy-based action, means that JLUSA is the only organization committed to ensuring formerly incarcerated individuals play a leadership role in upending racial and social oppression on a national level.

The most compelling advocates of change are those who have been directly impacted by the systems of oppression and marginalization. One of the paths through which JLUSA procures our vision of a more just United States is educating people most affected to drive policy reform through our leadership training programs, on a community level with *Emerging Leaders* and on an individual level through *Leading with Conviction*.

Education

Emerging Leaders

JLUSA builds power in marginalized communities by training directly impacted people on the principles of organizing, advocacy, and policy analysis through our accelerated Emerging Leaders (EL) training program. All participants must show a demonstrated track record of leadership in their communities and a solid commitment to systemic criminal and/or juvenile justice reform. As grassroots and grass-tops advocates and community organizers, Emerging Leaders are enhancing the skills necessary to meaningfully influence decision makers at the local, state, regional, and national levels, and to change hearts and minds. EL participants have come from 44 states and Washington, D.C.

Leading with Conviction

JLUSA believes that the most challenging barrier to expansive, systemic overhaul of oppressive systems in the U.S. is the absence of clear and consistent leadership by those who have been directly affected by decades of harmful criminalization and incarceration policies. JLUSA invests in and empowers a cohort of directly-impacted people each year through a 12-month advanced leadership development and advocacy training program, Leading with Conviction (LwC). LwC Fellows are mid-to-senior level leaders and/or past EL participants currently working toward criminal and social justice reform in their communities. Through December 2020, JLUSA has invested in over 1,000 Emerging Leaders and Leading with Conviction alumni. Our LwC alumni have come from 26 states and Washington, D.C.

For more information visit jlusa.org/leadership/leading-with-conviction

Empowerment

JustLeadershipUSA knows education is only the beginning of bringing about action and change. We empower our base of dedicated Leaders (those who have successfully completed EL and/or LwC) through our Leadership in Action program. Leadership in Action encompasses all of JLUSA's policy initiatives as well as feasible, sustainable pathways for our Leaders to join in the efforts as expert advocates. Each of these initiatives impact the cycle of incarceration on individual, state, and national levels to provide directly impacted people with a fair chance at a life in which their human dignity is acknowledged and respected.

Initiatives

#JustUS

Even before the nation's correctional facilities showed COVID-19 infection rates more than 150 times higher than the general population, correctional facilities were in a state of crisis. Despite a National Emergency declaration on March 13, 2020, surveys in early April revealed that responding prisons had no real plan to deal with the outbreak. In fact, most prisons do not have plans in place to deal with any kind of emergency. The #JustUS initiative is a call to action, led by directly impacted leaders, to demand legislators adopt emergency readiness and preparedness plans to cover the full range of disasters that might impact correctional facilities and those inside—both incarcerated individuals as well as employees.

For more information visit jlusa.org/justus

Past Initiatives

WORKINGFuture: The WORKINGFuture initiative is committed to eliminating the devastating barriers to health, housing, and employment while restoring basic human dignity to all. Led by JLUSA in partnership with directly impacted communities, WORKINGFuture seeks to eliminate the barriers to employment that people with records are facing by building power within and among impacted communities to challenge legislative barriers that exclude people from the future they deserve. In doing so, we transform the narrative about the lifelong impacts of collateral consequences on people, families, and communities.

BuildCOMMUNITIES: This is our national platform demanding policymakers divest from law enforcement and correctional facilities such as Rikers Island in New York and invest those funds where they are truly needed -- housing, education, public health, and employment, to uplift the common dignity and humanity of everyone.

#2MillionVoices: Meaningful reform to our criminal justice system cannot exist without the voices of those most harmed at the forefront of the conversation. The 2 million people held in jails and prisons across the U.S., their families, loved ones, and communities, suffer daily harm at the hands of the system. This is not justice. Their voices and the voices of those previously incarcerated must light the way to a reimagined and more just society. #2MillionVoices is JustLeadershipUSA's national project dedicated to amplifying the expertise and stories of the human beings currently incarcerated in our

jails and prisons. This initiative is building membership among currently incarcerated people in facilities in every state across the country — creating real opportunities for our members to share their experiences with the correctional system, and lifting up their vision for a brighter future.

Elevation

JustLeadershipUSA has used its experience of convening local community members as a successful model in developing movements to decarcerate the United States by uplifting the voices of directly impacted people and protecting marginalized and underinvested communities, nationally.

Rebuilding the Table: As part of our commitment to bringing incarcerated peoples' needs to national attention, JLUSA presented Rebuilding the Table, two days of virtual programming to accompany the 2020 Democratic National Convention. For the first time, a leading criminal justice reform organization created proximity and opportunity for the DNC, democratic officials, and President Biden's campaign to hear directly from the people whose lives are most affected by our country's criminal legal system. JLUSA and our guests offered up support, ideas, community needs, and partnership to the Democratic Party, to the Biden campaign, and to the Biden-Sanders Unity Task Force on criminal justice reform.

National Reentry Resource Center: The National Reentry Resource Center (NRRC) is a resource funded by the federal Department of Justice's Bureau of Justice Assistance and is the country's primary source of information regarding reentry. Through a partnership with the American Institutes for Research (AIR), JLUSA offers our leadership network's expertise in a consulting capacity to support vital components of the NRRC's services. By working together to achieve our shared goals, this partnership between JLUSA and federally sponsored programs prevents cyclical harm, and allows the NRRC to reach its full potential as a vital component in the healing process that directly impacted communities must be able to access for truly successful reentry.

Our Impact

JustLeadershipUSA is active in 48 states and Washington D.C. The map below demonstrates JLUSA's headquarters in New York City, our bases in Ohio, Arizona, Michigan, and South Carolina, as well as our Leaders in states all around the US. JLUSA's wide reaching scope means that our actions are informed by directly impacted experts that represent the entire U.S.

