Goals:
- Frame criminal justice reform within the context of the Reform Movement’s racial justice campaign, and as a critical social justice issue in its own right
- Develop deeper understanding of different perspectives on the criminal justice system and mass incarceration
- Draw connections between Jewish texts and teachings about justice and the U.S. criminal justice system
- Discuss possible reform measures aimed at reducing the racial and class-based disparities in the criminal justice system

Supplies:
- Program PowerPoint
- Butcher paper (2 sheets)
- Markers
- Character descriptions and talking points (4)
- Text interpretations (5) and blank sheets of paper
- Criminal Justice Reform Legislation One-Pagers

Time Schedule:

0:00-0:10 What Do We Mean When We Talk About Racial Injustice and Criminal Justice?
0:10-0:25 Mass Incarceration and Race
0:25-0:50 Voices of the Criminal Justice System
0:50-1:05 Justice and Jewish Text
1:05-1:15 Legislative Update

Procedure:

0:00-0:10 What Do We Mean When We Talk About Racial Injustice and Criminal Justice?

As participants come into the room, they will find two sheets of large butcher paper posted on the walls – 1 labeled “Racial Injustice” and 1 labeled “The Criminal Justice System.” They will be instructed to write two or three responses that come to mind for each category on the sheets of paper. Responses could be words, phrases, ideas, personal feelings, things in the news, etc.

After 5 minutes, participants will be instructed to come back together as a group to debrief the activity. A participant will read the responses written on each paper, and then the entire group will discuss the following questions:
1. What were the most common ideas expressed on the racial injustice sheet? On the criminal justice system sheet?
2. Were any responses surprising or challenging to hear?
3. Where, if anywhere, do we see overlaps? Are racial injustice and the criminal justice system related in any ways?

The instructor will explain that the purpose of this activity is to get participants to begin thinking about what we mean when we talk about racial injustice and the criminal justice system. The instructor should mention that, when talking about racial injustice, we are talking about a variety of problems associated with race or in which race seems to be a distinguishing factor in how people are treated. When talking about the criminal justice system, it can be helpful to think about three large umbrellas of policy: law enforcement, the courts, and jails (although we could also probably break up the system in other equally valid ways as well).

The objectives of the program, the instructor will explain, are for the group to think about the ways in which racial injustice and the U.S. criminal justice system are connected, and to start to understand the impacts of mass incarceration on American society.

0:10-0:25 Mass Incarceration and Race

Next, the instructor will ask participants to provide definitions or understandings of the expression “mass incarceration.”

Once several participants have given answers, participants will look at the image of the increase in incarceration levels over time, and at the pie chart of the breakdown of incarceration. The instructor will ask for reactions or feedback from looking at the images.

The instructor will then show the Atlantic magazine video “Mass Incarceration, Visualized” (2 mins. 33 secs., available at https://www.youtube.com/watch?v=u51_pzax4M0). When the video is concluded, participants will discuss the following questions:

1. What are the main messages about mass incarceration in this video?
2. Do you agree with the arguments the video is making? Why or why not?
3. Did you find anything surprising or challenging to hear?
4. What connection is the video making between race and mass incarceration?
5. What does the video suggest are the consequences of mass incarceration on individuals, families and communities?
6. What alternatives does the video present to mass incarceration? What do you think about those alternatives?

NOTE: In the event that participants push back on analysis in the video about race and mass incarceration, it may be helpful for instructor to show additional slides depicting drug use vs. drug arrest rates as clear evidence that race does play a factor in affecting who is or is not caught up in the criminal justice system. It might also be helpful for the instructor to ask participants to reflect on their own experiences with the criminal justice system.
0:25-0:50 Voices from the Criminal Justice System

The next activity will explore the personal side of the criminal justice system and mass incarceration in order to gain a deeper understanding of why mass incarceration exists and how it affects different people. Participants will split into four groups and will circle between stations, meeting at each station a staff assistant playing the role of a character that has been touched by the criminal justice system. The roles are: young person with an incarcerated parent, judge, police officer and formerly incarcerated person. Participants will have four minutes to hear from each speaker, and will have the opportunity to ask questions of the speakers during that time.

See supplementary materials for character descriptions and talking points.

Once participants have had a chance to speak with all four characters, they will come back together as a large group for a very brief discussion based on the following questions:

1. Were there particular viewpoints that you agreed with or disagreed with? That you found surprising or challenging?
2. What are some of the explanations or justifications you heard for why things are as they are? What do you think about them?
3. What impacts does mass incarceration have on our society? Who seems to be most affected? Are these impacts fair or just?

0:50-1:05 Justice and Jewish Text

The instructor will explain that, having learned about mass incarceration and its impacts on different types of people, the program will now turn to consider how we as Jews are tasked to respond to the injustices of the criminal justice system. The instructor will introduce the expression “Tzedek, tzedek tirdof – Justice, justice you shall pursue” and ask participants if they have heard of the expression before.

Participants will then be instructed to walk around the room, reading a series of interpretations of the text that are posted on signs on the walls. Participants should stand next to the interpretation that resonates most with them. If an interpretation does not deeply resonate, participants can write their own interpretations on blank sheets of paper and post them on the walls.

Once participants have been given time to choose an interpretation, the instructor will ask several participants to explain why they made their selections. The group will then debrief, focusing on the following questions:

1. What do these texts say about justice?
2. What do these texts say about the criminal justice system?
3. What responsibility do we have as Jews to pursue a more just criminal justice system?

1:05-1:15 Legislative Update

The instructor will distribute the criminal justice reform one-pagers, briefly walk through the information on the sheet, and then lead a discussion about criminal justice reform efforts at the federal level for the remaining time. The additional facts below are meant to supplement the one-pager in the event of questions or extra time.
Since 1980, there has been an explosion in the prison population to over 2 million people in state and federal prisons (highest in the world by total number and by percentage)
  o At the federal level, nearly half of all incarcerated people are serving time for drug offenses
    ▪ NOTE FOR FACILITATOR: This is not the case at the state level, where most people are serving time for violent offenses.
  o Prison population was and is largely made up of black men
    ▪ 1 in 3 black men can expect to serve some time in prison in their lives, as compared to 1 in 6 Latino men and 1 in 17 white men
    ▪ As we mentioned before, this is largely due to differences in drug arrest rates, as opposed to differences in frequency of drug use or trafficking.

Some major issues with mass incarceration
  o Destroys the social fabric of communities, especially inner city communities
  o Sows mistrust between law enforcement and communities, as we saw with major protests in Ferguson, Baltimore, Staten Island, and elsewhere
  o Collateral consequences – felons have extremely difficult time finding jobs, housing, etc. once they are released from prison

Current reform efforts
  o Growing bipartisan coalition to reform criminal justice system
    ▪ Many different kinds of criminal justice reform, including juvenile justice reform, prison reform, reentry reform and sentencing reform

Sentencing Reform
  o Sentencing reform refers to changes in how punishments are determined and administered for criminal activities
  o Sentencing reform has seen the most movement in recent months, with a bill in the House and a bill in the Senate
  o Senate: Sentencing Reform and Corrections Act (S. 2123)
    ▪ Two parts to legislation (Sentencing Reform AND Corrections)
      • Part 1:
        o Reduces mandatory minimums for nonviolent drug offenders
          ▪ These provisions are retroactive, meaning that a prisoner whose crime has had its mandatory minimum reduced can petition a judge for a sentence reduction
        o Gives judges greater discretion to sentence below the mandatory minimum for first-time offenders and others who do not pose a significant risk of reoffending
        o Adds new mandatory minimums for exporting arms to terrorist groups and for interstate domestic violence
        o Adds sentencing enhancement for fentanyl, an opioid drug that is often mixed with heroin
      • Part 2:
        o Limits solitary confinement for juveniles in the federal prison system and makes it easier for juvenile offenders to have their records sealed and expunged
Allows federal prisoners to spend up to the last ¼ of their sentence in a halfway house or in home confinement if they participate in anti-recidivism and reentry programs (job training, substance abuse, etc.)

- **House: Sentencing Reform Act of 2015 (H.R. 3713)**
  - Similar reductions in mandatory minimums
  - Does not include the juvenile justice or prison/reentry reform components of the Senate legislation

- Both bills have passed successfully out of committee and we are not awaiting a floor vote
- Both bills would only apply to the federal prison population, not to the state or local prison populations
- Could result in several thousand low-level, nonviolent offenders having their sentences reduced
Voices from the Criminal Justice System

In four groups, participants will travel to four different characters and hear their stories about mass incarceration and the criminal justice system. Each program assistant will play the role of one of the characters. The participants will “meet”: a young person with an incarcerated parent, a judge, a police officer and a formerly incarcerated person. Each character will present the story (see below) and then allow the students to ask questions about the character’s experience. The goal of this section is for students to be exposed to the different perspectives on mass incarceration. We will rotate every 4 minutes.

- First, read your characters’ story. Feel free to do this dramatically, in whatever style you feel is appropriate.
- Next, as time permits, answer students’ questions about your character’s experiences.

Your Identity
Edward (Eddie) Anderson
- Born and raised in Detroit, MI
- 18 years old
- Has three younger siblings – 1 brother and 2 sisters
- Mom works full-time as a caretaker for the elderly
- Was very close with his dad as a child – loved to play catch in the backyard
- Starting when Eddie was 11, dad became addicted to drugs and was in and out of prison on drug charges
- Dad has been incarcerated for last three years
- Is now responsible for caring for his siblings
- Had to drop out of school this year to work at the local convenience store
- All of weekly earnings go to helping pay for rent and food
- Has plans to finish GED and go to college
- **Primary Concerns:**
  - Concerned about the effects of mass incarceration on families
  - As the child of an incarcerated person, Eddie has had to put his own life plans and ambitions on hold to help take care of his family
  - Not having his father at home, Eddie feels like he has missed out on having an important role model and friend in his life and in the lives of his siblings
  - Wants to see the criminal justice system changed so that young people will not have to grow up without parents
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Your Identity
Judge Valeria Mallon
- Judge that presides over criminal cases in San Diego, CA
- Has been in the judgeship for more than 30 years
- Believes that people should be punished for the crimes they commit and that incarceration is an effective way to deter crime when used appropriately
- In last ten years, has seen load become more and more focused on low-level drug crimes
- Recently had to give a mandatory minimum sentence of life in prison to a young woman with a serious drug addiction after she was convicted for her third nonviolent offense
- In her decision setting the life sentence, wrote that she felt the sentence was immoral and wrong for the crime, but that the law forced her to give it
- Has now become an outspoken activist in favor of reducing mandatory minimums for nonviolent drug offenses
- Primary Concerns:
  - Mandatory minimum sentences for low-level drug crimes take discretion away from judges and lead to overly long sentences that don’t match the severity or context of the crime
  - Sentencing reform is necessary to reduce mandatory minimum sentences and give judges more power to take context into consideration when setting sentences
Voices from the Criminal Justice System

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Your Identity

Officer Miguel Pedrana

- New York City Police Officer
- Has been on the force since the early 1980s
- Views on criminal justice shaped by experiences as a police officer
- Saw rampant violent crime and illegal drug use in New York City in the 1980s
- Supported mandatory minimum sentencing laws in the late 1980s and 1990s as a way to deter crime and ensure that dangerous people stay off the streets
- Believes that people in New York City are much safer and better off now than they were before harsher sentencing laws were put in place
- Very reluctant to see race as a deciding factor in who is impacted by the criminal justice system
- Thinks that recent high profile cases of people dying in police custody reflect a culture of crime and a few bad police officers, but not an institutional problem with the police
- Has recently become concerned about the growing mistrust between law enforcement and local communities
- Primary Concerns:
  - Does not support sentencing reform – continues to think that high mandatory minimum sentences for drug crimes are necessary to reduce more violent crime
  - Upset by recent protests against law enforcement and arguments that police officers are racially profiling
  - Would be willing to accept moderate law enforcement reform in order to restore community trust
Voices from the Criminal Justice System

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- First, read your characters’ story. Feel free to do this dramatically, in whatever style you feel is appropriate.
- Next, as time permits, answer students’ questions about your character’s experiences.

Your Identity
Lila Abbott
- Lives in Jacksonville, Florida
- 46 years old
- Got involved in gang activity as a high school student
- Arrested as a 20-year-old on second drug possession charge
- Had a gun in car when arrested, triggering sentencing enhancement
- Served 25 years in prison and was released last year
- Admits that she made mistakes in the past and is ready to turn her life around
- Has been denied public housing because of criminal record
- Cannot find a steady job with a felony conviction
- Based on Florida state law, is permanently barred from voting unless the Governor personally restores voting rights
- Recently joined an organization that fights for the rights of formerly incarcerated people
- Primary Concerns:
  - Very concerned about the stigma that surrounds formerly incarcerated people
  - Supports reentry reforms to make it easier for people who were formerly incarcerated to reintegrate into society
    - Examples: “Banning the box” asking about criminal history on job applications, changing Florida law to allow people with felony convictions to be able to vote