

Recommendations on Key Criminal Justice and Immigration Reforms for the Biden-Harris Administration

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This past Election Day, voters of color made their voices heard at the polls among record-breaking turnout and helped deliver the White House to the Biden-Harris ticket. Exit polling data shows that in the midst of a pandemic that has disproportionately impacted people of color, Black and Latinx voters expect this administration to take steps to combat COVID-19, curb police violence that disproportionately targets and kills Black people, and end the cycle of mass incarceration—including crimmigration—that decimates families and communities.

Vera applauds the incoming Biden-Harris Administration for making racial equity, including justice reform, one of its top priorities. To deliver on this promise, the new administration and the 117th Congress should move urgently to adopt the recommendations in our justice policy platform, which is based on evidence of what works to produce public safety, promote racial equity, and foster healthy, thriving communities. At a time when the well-being of our country has never been at greater risk, these recommendations cannot wait.

1. End the devastation of COVID-19 in correctional facilities, and stop the virus's spread between correctional settings and the community

The crowded and congregate nature of jails, prisons, and detention centers pose a unique threat for the infection and spread of COVID-19. The administration should combat COVID-19 in Bureau of Prisons (BOP) facilities, the Immigration and Customs Enforcement (ICE) detention system, and Office of Refugee and Resettlement (ORR) facilities, to protect all people, including immigrants and children, by:

- Not seeking detention unless justified by a credible safety risk.
- Granting early release, clemencies, and commutations.
- Ending the transfer of individuals in custody between facilities.
- Implementing mass testing, providing personal protective equipment, and redesigning facilities to promote social distancing, not social isolation and punishment.
- Using funding incentives to encourage states and localities to follow suit.
- Requiring weekly comprehensive reporting of COVID-19's impact behind bars.

2. End money injustice with bail, fines, and fees reform

In local jails across the country, close to half a million people are incarcerated pretrial and tens of thousands more after pleading guilty simply because they cannot afford the bail, fines, and fees that stand between them and their freedom. Bail, fines, and fees are almost exclusively the province of state and local governments. The administration should pursue both executive action and a legislative agenda to help jurisdictions end money injustice by:

- Setting goals to cut pretrial incarceration by one half and eliminate racial disparities.

- Issuing guidance to expand pretrial release, prohibit jailing based on inability to pay, and ending suspension of drivers' licenses simply for nonpayment of fines and fees.
- Guaranteeing the right to counsel at any hearing where freedom is at stake.
- Passing legislation that directs funding to jurisdictions engaged in bail reform.
- Eliminating fees and only imposing fines commensurate to a person's income.

3. End federal investment in local law enforcement and incarceration

Over \$295 billion is spent annually on policing, jails, prisons, and probation and parole, yet communities are still not seeing the return on investment in public safety. The administration can end federal funding to local law enforcement, jails, and prisons, and reinvest that money through grants into community-based supports and services by:

- Eliminating the Community Oriented Policing Hiring Grants program.
- Ending federal dollars to pay for ICE beds in local jails.
- Prohibiting federal dollars from being used to build new jails or prisons.
- Championing the Community First Pretrial Reform and Jail Decarceration Act (H.R. 8647).

4. Transform conditions of confinement

2.3 million people are behind bars in this country, many in conditions that risk the loss of their safety, health, well-being, dignity, humanity, and connections to family, above and beyond the loss of their liberty. The administration can set precedent by:

- Transforming conditions within BOP and all ICE facilities.
- Pressuring Congress to pass minimum standards legislation and provide funding incentives to create similar transformational change at the state and local level.
- Repealing the Prison Litigation Reform Act.

5. Secure quality postsecondary education for people behind bars

Tens of thousands of incarcerated students will benefit if Congress passes a full reinstatement of Pell grants to fund quality higher education in prisons.

6. Enact universal representation for all immigrants facing deportation

There is no right to a public defender for people facing the devastating consequences of immigration detention and deportation. Over 16,000 immigrants are incarcerated pending the resolution of their immigration case, and over 1.25 million open immigration cases contribute to an unprecedented backlog. The administration can bring due process and fairness to the immigration system by:

- Expanding access to lawyers for immigrants who cannot afford one.
- Working with Congress to create independent and accountable immigration courts.
- Creating a White House Task Force on Immigrant Representation.

7. Improve transparency and accountability for jails, prisons, law enforcement, probation and parole

Sunshine is the best disinfectant, and data transparency helps to hold government institutions accountable to the people they serve. The administration should request adequate funding for the Department of Justice's Bureau of Justice Statistics (BJS) and improve its production of critical information by:

- Expanding the Annual Survey and Census of Jails, Mortality in Correctional Institutions, National Corrections Reporting Program, and probation/parole surveys.
- Vastly expanding data collected and reported by law enforcement agencies.
- Providing training and technical assistance through the Bureau of Justice Assistance to justice system agencies to accurately collect race/ethnicity and other critical data.