

The People's Justice Guarantee

Rep. Ayanna Pressley (MA-07)

Background:

The United States criminal legal system has institutionalized a culture of cruelty, disproportionately harming Black, Latinx, and Indigenous communities. The injustices of overcriminalization, police violence, and mass incarceration are the direct products of decades of policy violence rooted in a fundamentally flawed approach to public safety. Because our laws fail to provide the necessary resources to ensure all people have their basic needs met, the criminal legal system continues to destabilize the lives of millions, traumatize families, and decimate entire communities.

The federal government has an obligation to repair the harm it has caused and create a legal system that guarantees justice for all people. This requires simultaneously repealing laws that fallaciously purport to help people by locking them in cages while investing in new pathways that expand opportunities to assist people in need.

The People's Justice Guarantee lays out the framework needed to create a fair, equitable, and just legal system in America and emphasizes the need for a participatory "peoples process" as a critical aspect of effective policy-making. The resolution was developed in collation with several grassroots organizations, advocates, and individuals including: National Immigration Law Center, Immigrant Legal Resource Center, Immigrant Defense Project, UndocuBlack Network, KNOW YOUR SMOKE, Inner City Weightlifting, Tufts University Prison Initiative of Tisch College, African-American Coalition Committee of MCI-Norfolk, SAW youth program, Janelle Ridley, and United We Dream.

The Criminal Legal System in America:

- America accounts for 4% of the world's population³, but 22% of the world's prisoners.⁴
- 1 in 2 US adults⁵, including nearly 1 in 28 children⁶, have had an immediate family member spend at least one or more nights in jail.
- Despite comprising only 31% of America's population⁷, Black and brown people make up 56% of the incarcerated population.⁸
- The US government oversees the largest and fastest growing immigration detention system in the world,⁹ spending more resources on the criminalization of immigrants than on all other federal enforcement agencies combined.¹⁰
- Women, LGBTQ+ people, immigrants and people with disabilities have also been disproportionately impacted by criminal legal system and subjected to the traumatizing effects of practices like solitary confinement.¹¹

¹ Center for American Progress, "The 1994 Crime Bill Continues to Undercut Justice Reform—Here's How to Stop It," (March 26, 2019) <https://www.americanprogress.org/issues/criminal-justice/reports/2019/03/26/467486/1994-crime-bill-continues-undercut-justice-reform-heres-stop/>

² Ibid.

³ Census, "US and World Population Clock" (Nov 12, 2019) <https://www.census.gov/popclock/>

⁴ World Prison Brief, "Prison Population Total" (Nov 12, 2019) <https://www.prisonstudies.org/highest-to-lowest/prison-population-total>

⁵ Fwd.us, "Report: Half of All U.S. Adults Have Immediate Family Member Currently or Previously Incarcerated," (Dec 6, 2018) <https://www.fwd.us/news/groundbreaking-report-half-of-all-u-s-adults-have-immediate-family-member-currently-or-previously-incarcerated/>

⁶ The Leadership Conference, "Vision for Justice 2020 and Beyond: A New Paradigm for Public Safety" (September 2019) <http://civilrightsdocs.info/pdf/reports/Vision-For-Justice-2020-SHORT.pdf>

⁷ Census, "Quick Facts: US" (Nov 12, 2019) <https://www.census.gov/quickfacts/fact/table/US/PST045218>

⁸ US Department of Justice, Bureau of Prison, "Prisoners in 2017," (April 2019) <https://www.census.gov/quickfacts/fact/table/US/PST045218>

⁹ PBS, The US Immigration Detention Boom (October 18, 2011).

¹⁰ Migration Policy Institute, "Immigration Enforcement in the United States: The Rise of a Formidable Machinery," (Jan. 2013) <https://www.migrationpolicy.org/research/immigration-enforcement-united-states-rise-formidable-machinery>.

¹¹ Vox, "The Case Against Solitary Confinement" (April 17, 2019) <https://www.vox.com/future-perfect/2019/4/17/18305109/solitary-confinement-prison-criminal-justice-reform>

The People's Justice Guarantee:

In response to the dangerous and harmful inequities rooted in the criminal legal system, Congresswoman Ayanna Pressley introduced The People's Justice Guarantee - a comprehensive resolution devoted to rooting out racism, sexism, xenophobia, and other forms of systemic oppression. The PJG centers the voices of those most impacted by systemic injustice to re-envision a humane, equitable, and just America. As the child of an incarcerated parent, Congresswoman Pressley knows firsthand the traumatizing impacts of the broken and corrupt criminal legal system.

Congresswoman Pressley's resolution is based on **5 guiding principles**:

1. Shared Power

The People's Justice Guarantee enlists a participatory people's process - through assemblies, town halls, listening sessions, and workshops – to ensure that communities directly impacted by mass incarceration and historical oppression will be active partners in achieving true justice, freedom and safety for all.

2. Freedom

The People's Justice Guarantee calls for a significant reduction of the U.S. prison population by promoting policies at the federal, state, and local levels to support mass decarceration and repealing failed policies of the war on drugs and 1994 crime bill. Prison should be a last resort, not the first stop.

3. Equality

The People's Justice Guarantee calls for equal justice under the law by abolishing private prison, jail, and immigrant detention contracts; bail bondsmen; and other prison profit-making mechanisms such as telecommunications and health care that rake in billions of dollars at the expense of incarcerated people.

4. Safety

The People's Justice Guarantee seeks to disrupt the over-policing, criminalization and presumption of guilt among vulnerable groups – such as people of color, women, immigrants, people with disabilities, and the LGBTQ+ community. These communities disproportionately come in contact with the criminal legal system and the People's Justice Guarantee aims to break the cycles of violence and discrimination that lead to it.

5. Dignity

The People's Justice Guarantee uplifts the humanity and dignity of all people by challenging the underlying racism, criminalization, dehumanization and oppression that define the U.S. criminal legal system

The People's Justice Guarantee pledges to create a more just and equal society by reimagining safety and dismantling discriminatory aspects of the current criminal injustice system. Amongst other things, the People's Justice Guarantee calls for:

- **Dramatically Reducing Jail and Prison Populations by**
 - Expanding access to restorative justice and diversion programs
 - Decriminalizing consensual sex work and low-level offenses, which are byproducts of poverty, homelessness, discrimination and/or addiction
 - Ending the death penalty, including life sentences without the possibility of parole, which effectively function as “death by incarceration”
 - Capping sentences, for all crimes, particularly those that do no cause serious harm

- **Transforming the Experience of Confinement by**
 - Ending solitary confinement
 - Expanding visitation
 - Allowing trans people to be housed in accordance with their chosen gender identity
 - Providing high-quality, trauma-informed, and culturally-responsive mental and physical health care (including substance- use therapy, hormone therapy, and mental health treatment)
 - Increases vocational and educational access, including Pell Grants, and ends the use of forced labor

- **Eliminating Wealth-Based Discrimination and Corporate Profiteering by**
 - Prohibiting private companies from profiting off of incarceration and immigrant detention

- Relieving people in poverty of the unfair debt burdens by ending the use of money bail and the imposition of unaffordable fines and fees - ceasing the practice of charging people for their own supervision and banning incarceration for debt alone
- Supporting a just transition for returning citizens, including policies that remove restrictions to employment and public services such as housing, education assistance, and voting
- **Investing in Impacted Communities by**
 - Ending the transfer of military equipment to local police and refocusing resources to dramatically increase clearance (or solve) rates for the most serious crimes – shootings, homicides, domestic and sexual violence
 - Limiting firearm production and sales
 - Eliminating qualified immunity and establishing standards on use of force, de-escalation, and crisis intervention training including the designation of a non-911 number for dispatch of crisis and trauma intervention teams