



TRANSFORMATIVE BAIL REFORM

A Popular Education Curriculum

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CO-AUTHORED BY:



INTRODUCTION

THIS CURRICULUM IS THE PRODUCT OF A CONVENING OF OVER 20 BLACK LED BASE BUILDING ORGANIZATIONS WHO CAME TOGETHER TO DISCUSS THE IMPLICATIONS OF BAIL AND BAIL REFORM ON BLACK COMMUNITIES ACROSS THE COUNTRY.

A subset of convening participants formed a working group that developed this curriculum. We understand ending bail as a limited, but necessary step, towards ending the mass criminalization and incarceration of our communities. Together we seek to ensure that communities most impacted by oppressive policing and incarceration are centered as experts in formulating alternatives to pretrial detention and incarceration.

We recognize that we cannot enact reforms that move our communities closer to liberation without a historically grounded understanding of the inherent anti-Blackness of our criminal punishment system and an exploration of how many proposed reforms continue to re-entrench oppression and to prioritize profit over people. We therefore advocate for reforms that shift state resources away from punitive and ineffective systems and reallocate

the trillions of dollars currently wasted on criminalizing our people to community controlled and accountable alternatives that respect the dignity and humanity of all people. We cannot support reforms that make it more difficult to dismantle oppressive institutions.

In order to support work that does not re-entrench current racial and other disparities, profit private corporations and public institutions or legitimize false narratives that paint some of our people as disposable, we have created this popular education curriculum as a tool to engage our communities and support ongoing bail reform work. The curriculum was created through a collaborative effort that included contributions from the Movement for Black Lives Policy Table, Color of Change, Project NIA (with Chicago PIC Teaching Collective), W. Haywood Burns Institute, Brooklyn Bail Fund, Law 4 Black Lives, Critical Resistance, Southerners on New Ground and Andrea Ritchie.

In addition to an interactive curriculum and action steps, we have also created an appendix that includes handouts of commonly used terms, resource links, bail reform principles, and facts and figures.

We are excited to share the curriculum with you! Please email m4blpolicytable@gmail.com with any feedback you may have.

OVERVIEW



INTRODUCTIONS AND ICEBREAKERS

Opening the space, introducing facilitators, introducing participants, reviewing agenda and setting ground. rules.



BAIL BINGO ACTIVITY

An opportunity to learn about the costs of bail and how it disproportionately impacts Black and brown communities.



FACTS OR FICTION ACTIVITY

A group activity that will allow you to have a conversation about some of the myths underlying our current criminal legal system.



HISTORY OF CRIMINALIZATION ACTIVITY

A group activity that provides an opportunity to discuss the roots of money a bail and its similarities with chattel slavery.



CASE STUDY ACTIVITY

A group activity that lifts up the stories of Sandra Bland and Kalief Browder to better understand the human costs of our current bail system.



END MONEY BAIL ACTION STEPS

A description of some action steps you can take today to join the fight against money bail and mass criminalization.



APPENDIX

Key Terms handout, Bail Principles handout, Facts and Figures Handout, Bail Bingo Answer Key, Resource Page Handout, Spectrum Activity

INTRODUCTIONS AND ICEBREAKERS



Objective

Open the space, introduce facilitators, introduce participants, review agenda and set some ground rules.

Participants

Unlimited

Format

Facilitators will open the space with introductions of themselves, review of the agenda, an ice breaker and establishment of community agreements/ground rules.

Time required

10-30 minutes depending on size of workshop.

Materials

Poster paper and markers to write out agenda of workshop and ground rules. Additional materials may be needed for icebreakers.

Set-up and Technology

No technology is needed.

FACILITATOR INTRODUCTIONS

Facilitators should introduce themselves.

REVIEW THE AGENDA

Facilitators should decide which parts of the curriculum they want to do as part of the workshop and share an agenda and schedule with participants. This is also a good time to review the objectives of the workshop and let participants know that parts of the workshop may be emotionally difficult or uncomfortable. Ask participants to use time during breaks or after the workshop to provide feedback, ask questions, or share stories and to take breaks if they need to.

PARTICIPANT INTRODUCTIONS AND ICEBREAKER

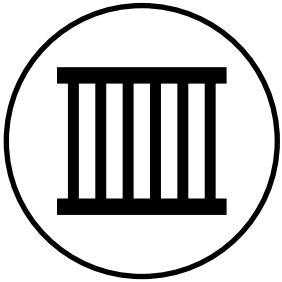
Possibilities for introductions include: Go around and say name, pronoun, and one thing about yourself or why you are here.

SET GROUND RULES

Ask participants to collectively brainstorm some ground rules to establish how they would like to be together in the space. Some examples of ground rules include:

- One Mic
- Step up if you are not talking a lot and step back if you are talking a lot
- Ask questions-- if you are confused about a term or idea ask!
- Try new ideas
- Be respectful of time

BAIL BINGO: FACTS AND FIGURES



DIRECTIONS

Fill in the sheet with the answer to the questions (as best you can estimate). Then move around the room to find someone else who has an answer that is close to yours & write their name in the box. When you have a row filled in completely (across, down or diagonal) yell out “Bingo” to find out how close you are to the correct statistics.

Objective

This group activity provides an opportunity to learn some facts about the costs of bail and how it disproportionately impacts for Black and brown communities.

Participants

4 - Unlimited

Format

Fill in the sheet with the answer to the questions (as best you can estimate). Then move around the room to find someone else who has an answer that is close to yours & write their name in the box. When you have a row filled in completely (across down or diagonal) yell out “Bingo.” The facilitator will read the correct answers and lead a discussion about the costs and disproportionate impacts of bail.

Time required

15-30 minutes

Materials

Printed copies of Bail Bingo and Bail Bingo answer key (see appendix). You can also share the “Facts & Figures” handout (see appendix).

Set-up and Technology

No technology is needed.

<p># PEOPLE CURRENTLY IN JAILS ACROSS THE U.S.</p> <p>_____</p> <p>NAME: _____</p>	<p>% OF PEOPLE LOCKED UP IN JAILS WHO HAVE NOT BEEN CONVICTED OF ANY CRIME</p> <p>_____</p> <p>NAME: _____</p>	<p>___% OF PEOPLE ACCUSED OF FELONIES WHO ARE IN JAIL DUE TO LACK OF FUNDS</p> <p>_____</p> <p>NAME: _____</p>	<p>\$__ IS A LOW ESTIMATE OF HOW MUCH LOCAL COMMUNITIES SPEND ON JAILS (2011)</p> <p>_____</p> <p>NAME: _____</p>	<p>\$__ IS THE AVERAGE COST THAT COUNTIES SPEND TO FILL A SINGLE JAIL BED EVERY DAY</p> <p>_____</p> <p>NAME: _____</p>
<p>\$__ IS THE AMOUNT OF MONEY IT COSTS TO SUPERVISE ONE PERSON ON COMMUNITY SUPERVISION FOR ONE DAY</p> <p>_____</p> <p>NAME: _____</p>	<p>\$__ MILLION IS THE AMOUNT THAT TAXPAYERS WOULD SAVE IF WE CHANGE BAIL LAWS AND DECREASE THE NUMBER OF PEOPLE WHO ARE INCARCERATED DURING THEIR TRIALS</p> <p>_____</p> <p>NAME: _____</p>	<p>\$__ BILLION IS THE AMOUNT OF MONEY THAT BAIL BONDS COMPANY COLLECT FROM DEFENDANTS IN NONREFUNDABLE FEES</p> <p>_____</p> <p>NAME: _____</p>	<p>___% INCREASE IN LIKELIHOOD THAT SOMEONE WILL TAKE A PLEA BARGAIN IF THEY ARE HELD IN PRETRIAL DETENTION</p> <p>_____</p> <p>NAME: _____</p>	<p>___% INCREASE IN LIKELIHOOD THAT YOU WILL BE FOUND GUILTY IF YOU ARE HELD IN PRETRIAL DETENTION</p> <p>_____</p> <p>NAME: _____</p>
<p>% OF JAIL POPULATION IS BLACK</p> <p>_____</p> <p>NAME: _____</p>	<p>BLACK FOLKS ARE ___% MORE LIKELY TO BE ARRESTED AS COMPARED TO A WHITE PERSON</p> <p>_____</p> <p>NAME: _____</p>	<p>BLACK FOLKS ARE ___ AS LIKELY TO BE DETAINED PRETRIAL THAN WHITE PEOPLE</p> <p>_____</p> <p>NAME: _____</p>	<p>BAIL IS ON AVERAGE ___% HIGHER FOR BLACK MEN THAN WHITE MEN</p> <p>_____</p> <p>NAME: _____</p>	<p>___% OF WOMEN IN LOCAL JAILS ARE WOMEN OF COLOR</p> <p>_____</p> <p>NAME: _____</p>

FACTS OR FICTION



Objective

This group activity will allow you to have a conversation about some of the myths underlying our current criminal legal system.

Participants

4 - Unlimited

Format

Small/large group discussion. Facilitator poses question and solicits responses from small/large group. After a brief discussion facilitator presents answer and discusses.

Time required

20-30 minutes, more or less depending on the amount of group discussion/debrief and detail desired.

Materials

Facilitator script

Set-up and Technology

No technology is needed.

DIRECTIONS

Facilitator poses question and solicits responses from small/large group. After a brief discussion facilitator presents answer and discusses.

SAMPLE FACTS OR FICTION QUESTIONS (PAGE 1 OF 2)

Most people in jail have been found guilty of a crime.

FALSE: An average of 60% of people held in local jails have not been convicted of the crime they are accused of and are there because they are unable to pay bail.

Bail is the most effective way to make sure people return to court.

FALSE: Jurisdictions that limit or eliminate their use of money bail often have as high or higher percentages of people returning for their court dates.

The more your bail is set for the more likely you are to appear in court.

FALSE: Many studies show that the amount of money attached to a bond does not have any impact on how likely a person is to appear in court for their trial date.

If we don't use money bail it is essential that we use electronic monitoring or some other type of surveillance to ensure that people come to court.

FALSE: Many studies show that the most successful way to ensure that someone comes to court is to call them and remind them of their court date. Electronic monitoring has not been shown to increase court appearance or safety and often benefits for profit corporations who make money off of the criminal legal system.

Most people who are in jail on bail are there because they are accused of a crime that the judge thinks is a safety risk.

FALSE: In most jurisdictions judges do not even consider if someone is a danger to themselves or others. In New York in 2008, nearly 17,000 people accused of no more

FACTS OR FICTION



SAMPLE FACTS OR FICTION QUESTIONS (PAGE 2 OF 2)

than a misdemeanor couldn't make bail of \$1,000 or less. They averaged almost 16 days in jail. Most were accused of nonviolent crimes such as possession of marijuana or jumping a subway turnstile.

Your race has nothing to do with if you are offered bail or how much bail is set at.

FALSE: Black people are 2.5 times more likely to be arrested than whites. They are also two times more likely to be detained than whites and Black men on average face bail that is 35 percent higher than white men.

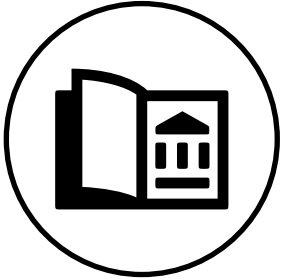
Spending even just a few days in jail can have a devastating impact on your economic stability and your emotional well being. It also is correlated with increased likelihood of future involvement with the criminal legal system.

TRUE: The Vera Institute reports that even spending as few as two days in jail can reduce economic viability, promote future involvement with the criminal legal system, degrade personal health and increase the chance that the accused is incarcerated if found guilty. Notably, defendants that were held 2–3 days were almost 40% more likely to be arrested for new crimes before trial than equivalent defendants held no more than 24 hours.

Keeping people in jail before trial is more expensive than allowing them to await trial from their home.

TRUE: Broadening access to pretrial bonds could end up saving taxpayers \$190 million. Reducing the jail population would save \$250 million a year, but \$60 to \$70 million more would be needed for pretrial supervision. Nationally, the average cost to hold someone in jail before trial is \$75 a day, compared with about \$7 a day to supervise a person in the community, according to the Pretrial Justice Institute.

HISTORY OF CRIMINALIZATION



Objective

To learn about the history and explore the legacy of the criminal punishment system in the U.S. to better understand how we got to our current era of mass criminalization.

Participants

4 - Unlimited

Format

Small/large group discussion

Time required

20-30 minutes, more or less depending on the amount of group discussion/debrief and detail desired.

Materials

Facilitator script, timeline cards, post-it notes, markers, large roll of paper to create the timeline.

Set-up and Technology

Wall space, space with an ability to move chairs and where people can move around.

ACTIVITY ONE: TIMELINE CARDS ACTIVITY

1. Break up into groups of 2 or 3 people.
2. Hand out timeline cards to each group. Also hand out post-it notes and markers.
3. Facilitator tells participants to read the cards and discuss them with your partner/group and to discuss the following questions:
 - a. Is this information that you already knew?
 - b. Is this new information?
 - c. If the info is not new, what more can you share with your partner/group about this era?
 - d. If it is new, what strikes you as important/interesting about this information?
 - e. What's the relevance of this historical moment to our current era of mass & hyper-incarceration?
4. Facilitator tells participants: "After you've discussed the historical moments, please paste them on the timeline in the appropriate era. Also you can add other information (using the post-it notes) that you know about other historical moments that may not already be represented on the timeline."
5. Facilitator asks for a volunteer from each pair or group to come up and discuss the historical moments that they posted on the timeline.
6. Facilitator fills in the gaps on the timeline using the guide to the abbreviated PIC timeline created by the PIC Teaching Collective/Project NIA.
7. At the end, facilitator asks: "Now that we have filled out the timeline, do you notice any recurring themes? If yes, what are they?"

Note: You can also include moments of historical resistance on your timeline if you'd like. Find those in Evan Bissell's Knotted Line curriculum: <http://scalar.usc.edu/anvc/the-knotted-line/timeline-of-resistance>

WHAT HAPPENED:

Christopher Columbus first came to the Americas

WHY IT MATTERS TO PRISON HISTORY:

The contact made by European explorers led to colonization and exploitation of indigenous/native people in the Americas. Most of the European colonizers relied on violence and imprisonment as their primary forms of justice. In many cases they violently displaced Native American cultures whose systems of justice were based on principles of restoration and healing.

WHAT HAPPENED:

Europeans established the trans-Atlantic slave trade

WHY IT MATTERS TO PRISON HISTORY:

The slave trade, based on kidnapping Africans from their homes, drives the economy of the colonies that will become the United States. Policing, imprisonment and control of Black people (as well as Native Americans) becomes a part of the country's foundation.

WHAT HAPPENED:

Civil War, Emancipation and the 13th Amendment to the Constitution

WHY IT MATTERS TO PRISON HISTORY:

The slaves are freed, but slavery is not completely outlawed. The 13th amendment abolishing slavery makes one exception, allowing for involuntary servitude in the case of people who have been convicted of a crime. This allows slave labor to continue, as long as it is behind prison walls.

WHAT HAPPENED:

Reconstruction, or the time of rebuilding after the Civil War

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: Although Black people were technically freed from involuntary servitude, many laws were passed during reconstruction that made it easy for African-Americans to be arrested—laws against loitering, homelessness, and even laws requiring Black men to work. This led to lots of arrests. Guess what? After they had been arrested, Black citizens could be legally forced to work without pay, in some cases returning to work in the same places slaves had worked (such as Angola prison, a former plantation in Louisiana).

WHAT HAPPENED:

The Progressive Era and the founding of the juvenile court

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: In this era, middle-class social reformers decided they wanted to see a kinder, gentler penal system. For the first time, young people were tried in separate courts from adults, and the whole idea of “probation” was created. This meant more state intrusion into poor people’s homes, on the one hand, but it often meant better-run state institutions on the other hand. The Progressive era was also a contradictory time, as “scientific” ideas about race led to the birth of the eugenics movement. restoration and healing.

WHAT HAPPENED:

World War II and the creation of internment camps for tens of thousands of Japanese-Americans

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: This was not the first wave of intense anti-immigrant sentiment to hit the U.S., but it hit a low when the military took tens of thousands of Japanese people living in the U.S. out of their homes and imprisoned them in military camps. Immigrants were already often detained at Angel Island in the West and Ellis Island in the East, and disproportionately arrested and imprisoned once inside the country. Internment camps were another racially based form of mass imprisonment.

WHAT HAPPENED:

First steps in desegregation and the Civil Rights Movement, 1950s and 1960s.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: Right when the Civil Rights movement began to really take off, the first mandatory minimum laws were passed for pot and then for other drugs. As communities of color pushed back against oppression, legal means were used to target and lock up people of color. Famous activists like Martin Luther King, Jr., Rosa Parks, and hundreds of others were also arrested for nonviolent protests against segregation.

WHAT HAPPENED:

The hey-day of the Civil Rights movement, 1960s.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: Although Black
Why it matters to prison history: Civil Rights changed lots of key things, finally getting rid of Southern Jim Crow segregation laws and making more forms of discrimination illegal. At the same time, the FBI launched a secret program called COINTELPRO in the late 1950s to target, infiltrate and imprison many activists, especially those affiliated with the Black Power movement. Although activists spoke out on issues like police brutality and racist violence in all parts of the country, police targeting of communities of color also continued unchecked in the North and South.

WHAT HAPPENED:

Backlash against Civil Rights and Black Power, passage of Rockefeller Drug Laws, 1970s.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: As more leaders were arrested and assassinated, the slow disintegration of the Civil Rights and Black Power movements dashed a lot of hopes for creating a whole new justice system. At the same time, new laws were passed like New York's Rockefeller drug laws that created new mandatory minimum sentences for drug dealing and possession, and these laws immediately targeted urban communities of color. The whole country slipped into a recession, and prison populations began to expand dramatically.

WHAT HAPPENED:

The "tough on crime" era and the War on Drugs, late 1970s-1990s.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: The War on Drugs declared by President Ronald Reagan meant a whole new slew of drug laws criminalizing poor people and people of color, such as crack-cocaine laws targeting crack use in poor communities (punishment for more expensive powder cocaine was much less intense). The conservative "tough on crime" movement and "Zero tolerance" in schools encouraged imprisonment for smaller and smaller offenses. All this meant that the prison population literally exploded.

WHAT HAPPENED:

Prison industry boom followed by a decrease in crime rates, 1990s-2000s.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: After a massive round of expansion, and the creation of new privatized prisons run by corporations, the economy happened to be soaring and the crime rate began to level out or decrease. Suddenly there was a big prison industry with lots of vacant beds. New policies like California's "Three Strikes, You're Out" law, anti-gang laws, and new anti-terrorism laws were passed, giving police new ways to target young activists, people of color, and Arab and Muslim immigrants.

WHAT HAPPENED:

Arizona passed SB1070, the most draconian anti-immigrant law on the books, 2010.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: The private prison lobby, looking to fill beds and expand their business in border areas, advocated hard for the passage of new laws making it much easier to arrest and deport immigrants. Anti-immigrant violence surged, and so did anti-immigrant policing. New prisons were built with the expectation of many more arrests of Latin American immigrants in Southwest border states.

HISTORY OF CRIMINALIZATION



FACILITATOR NOTES FOR DEBRIEF (PAGE 1 OF 3)

1492: when Columbus comes to the Americas, white supremacy starts to be established here; involuntary servitude is deeply connected with colonization; European cultures establish retributive, punitive system of justice, in some cases replacing indigenous systems of justice based in more restorative principles

1600s-1700s: establishment of the slave trade, which drives the economy of the colonies that will become the U.S.

1791: Bill of Rights adopted, including the 8th Amendment which states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

1860s: Civil War (ended 1864), emancipation and the 13th amendment; slavery is abolished, but the constitution allows for involuntary servitude in the case of people convicted of a crime

1864-1890s: reconstruction; the passage of laws like loitering laws and laws requiring black people to work, which led to imprisonment of many former slaves; they are then required to work, often on the same plantations where slaves had worked (Angola prison is one such institution)

1880s-1930: the progressive era; a contradictory time, birth of the eugenics movement and “scientific” beliefs about race; founding of juvenile courts (first juvenile court established in Cook County in 1899) and other “social service” oriented reforms pushing for a kinder, gentler system; Indian “boarding schools”

1940s: World War II and the creation of internment camps for tens of thousands of Japanese-Americans

1950s: first mandatory minimum laws passed for pot and then other drugs; desegregation and civil rights; as communities of color push back against oppression, legal means are used to target and lock up people of color

HISTORY OF CRIMINALIZATION



FACILITATOR NOTES FOR DEBRIEF (PAGE 2 OF 3)

1960s: the civil rights movement is ascendant; FBI uses COINTELPRO to target, infiltrate and imprison many activists by 1970s

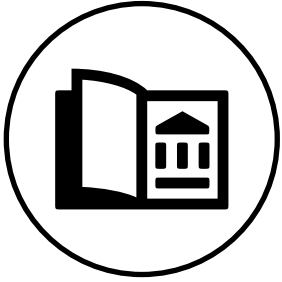
1966: [You can make a separate card with this information]

“Bail law in the United States remained relatively unchanged from 1789 until 1966. In 1966, the U.S. Congress passed the Bail Reform Act, which was designed to allow for the release of defendants with as small a financial burden as possible. Before signing the act, President Lyndon B. Johnson gave a speech that contained stunning examples of how the bail system had hurt people in the past. Here’s one particularly disturbing example: “A man spent two months in jail before being acquitted. In that period, he lost his job, he lost his car, he lost his family -- it was split up. He did not find another job, following that, for four months.” Other anecdotes related similar stories: poor people spending months in jail only to later have the charges dropped; others forced to sit in jail, unable to work, only to be found innocent of all charges. In short, the bail system was biased against the poor and filling jails with people who should be out on bail.

The next major revision to U.S. bail law came with the Bail Reform Act of 1984, which replaced its 1966 predecessor. While the previous Reform Act had helped to overturn discrimination against the poor, it had left open a serious loophole that allowed many [so-called] dangerous suspects to receive bail as long as they didn’t appear to be flight risks. This new law stated that defendants should be held until trial if they’re judged dangerous to the community. The law also established new categories of who could be held without bail -- mostly those charged with very serious crimes, repeat offenders, the potentially dangerous and anyone who might be a flight risk. And finally, the act stated that those who were eligible for bail had to have a bail hearing.” (Source: <http://money.howstuffworks.com/bail3.htm>)

1970s: backlash against civil rights and black power movements; 1973 Rockefeller drug laws in NY used to target urban communities of color

HISTORY OF CRIMINALIZATION



FACILITATOR NOTES FOR DEBRIEF (PAGE 3 OF 3)

Late 1970s-1990s: “tough on crime” era, paired with “war on drugs” (1981), further demonizes young people of color; crack/cocaine disparity; mandatory minimums spread; the earliest attempts at prison privatization (1986)

1990s-2000s: boom and bust; private prison industry boom in 1990s couples with decrease in crime rates leads to lots of vacant beds; new policies like 3-strikes and anti-terrorism laws are instituted to further target young POC, activists, and arab and muslim immigrants

2010: SB1070, one of the most demonizing immigration laws on the books, passed in Arizona with the support of private prison lobby looking to fill beds

2016: Small decrease in the numbers of people incarcerated.

HISTORY OF CRIMINALIZATION



Objective

To discuss similarities and differences between chattel slavery and the modern bail/bond system.

Participants

Unlimited

Format

Small/large group discussion

Time required

30 minutes, more or less depending on the amount of group discussion/debrief and detail desired.

Materials

Markers, newsprint, handouts to read

Set-up and Technology

No technology needed.

ACTIVITY TWO: BUYING OUR FREEDOM

Option #1

Using the following resources from the National Humanities Center (<http://nationalhumanitiescenter.org/pds/maai/emancipation/text1/text1read.htm>) answer these discussion questions:

- How did enslaved blacks acquire enough money to purchase the freedom of themselves and their families?
- How did they acquire enough influence with their slaveholders to negotiate a price and a process for their freedom?
- How did the goal of purchasing their family members (and locating them in some instances) affect their lives as freemen?

Option #2

Using the following resources compiled by the Gilder Lehrman Institute of American History (<https://www.gilderlehrman.org/history-by-era/slavery-and-anti-slavery/resources/buying-frederick-douglass's-freedom-1846>) about buying Frederick Douglass's freedom, discuss the connections between purchasing the freedom of enslaved people and the current bail/bond system.

- Why did Frederick Douglass travel to Ireland and England in 1846?
- Explain why the legal transaction described in these documents had to take place before Frederick Douglass could return to the United States.
- Are there similarities between the process of buying one's freedom or one's family's freedom as an enslaved person and paying for bond/bail today?
- What are the differences?

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY ONE: MIND MAPPING (PAGE 1 OF 2)

Jails and the Prison Industrial Complex (PIC)

Explain that the group is going to create a mind-map to get a sense of how we understand criminalization and jails. For a visual example of a mind-map see “The Corrections Project’s Mind-Map”: <http://correctionsproject.com/prisonmaps/pic4.htm>

Write: Jails in a circle in the middle of a big piece of butcher paper

Ask: Who is affected by jails (prisoners, families, guards, communities, towns, politicians)? Write these around the center, circling each one, and connect them with a line to Jails in the center.

Ask: Who else is affected by jails, or connected to them in some way? What are some of the institutions that are connected to prisons (courts, police, schools, government, social services, media, corporations, etc)? Continue to draw these around the center with lines connecting to Jails, and you may also draw lines connecting the topics, within or between the layers. For example, politicians—government, families—prisoners, prisoners—guards.

Ask: What are some of the larger ideas related to jails that influence these institutions and individuals (fear, violence, racism, war on drugs, etc.)? Continue to connect them to Jails and to other topics.

Ask: Where do you fit in? Where are you connected to this picture? Write these connections in an outer circle. It could be anything from personal connections to incarcerated people, to volunteering in a jail, knowing someone who works in a jail, etc.. As in the last step, draw connections within or between layers.

Now that the group has created a map, let participants know that the group has developed a working definition of the Prison-Industrial Complex. Say: All of these structures and people and the connections between them make up the PIC, and that is why it is called a “complex.”

Objective

To discuss the nature and impact(s) of the prison industry complex.

Participants

Unlimited

Format

Small/large group discussion

Time required

30 minutes, more or less depending on the amount of group discussion/debrief and detail desired.

Materials

Markers, newsprint

Set-up and Technology

No technology needed.

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY ONE: MIND MAPPING (PAGE 2 OF 2)

Read the Critical Resistance definition, first paragraph:

Prison Industrial Complex (PIC) is a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social, and political problems.

Point out that many people (including academics, the general public etc) have ignored the role that local jails have played and continue to play in creating the foundation of criminalization and mass incarceration. This is a real problem if we want to decarcerate (or dramatically decrease the numbers of people incarcerated across the country). We became a prison nation in part because of the punishment of pretrial detainees in jails. Jails play a critical role in our epidemic of incarceration.

After the mind map which sets the context of the social forces that support and lead to criminalization, invite participants to read through Kalief's story.

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY TWO: CASE STUDIES (PAGE 1 OF 5)

Kalief's Story

I was a 16-year-old high school sophomore living in the Bronx, New York. I was the youngest of seven siblings, many of whom were adopted, including myself. On Saturday May 15, 2010, I was walking home from a party with a friend, ten days before my 17th birthday, when we were arrested by the cops and accused of robbery, grand larceny, and assault for allegedly stealing a man's backpack.

When we got to the police precinct, we were fingerprinted and thrown into a holding cell. We waited in the cell for several hours and then were taken to central booking at the Bronx County Criminal Court. Nearly seventeen hours after being picked up, an officer and a prosecuting attorney interrogated me. I continued to tell them that I was innocent.

The next day, we appeared before the judge in our arraignment hearings. Either months earlier, I was forced to take a guilty-plea (some friends were caught joyriding in a delivery truck, I only admitted to watching). I was given probation with promise of a clean record once completing probation. This really influenced my bail outcome with the judge.

In arraignments, he released my friend on an ROR. In less than 30 seconds, the judge imposed bail in the amount of \$3,000 on me. My family could not afford to pay.

I told the court and my lawyers that I was innocent. Still I was locked up at Rikers Island to await trial like 450,000 other people across the country on any given day.

Five out of six of those people (like me) are in jail because they could not afford bail or because a bail agent declined to post a bond. NYC spends over \$200,000 a year to keep one person locked up at Rikers.

Stuck in jail with little access to my lawyer, I couldn't really assist in my own defense. I was at the mercy of prosecutors, who offered to reduce my jail time or release me, but only if I pleaded guilty to robbery and assault. I refused.

Objective

To discuss and contextualize Kalief and Sandra's stories.

Participants

Unlimited

Format

Small/large group discussion

Time required

30-45 minutes, more or less depending on the amount of group discussion/debrief and detail desired.

Materials

Markers, newsprint, handouts of Kalief and/or Sandra's stories

Set-up and Technology

No technology needed.

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY TWO: CASE STUDIES (PAGE 2 OF 5)

My mother came to visit me every weekend. She put money on my commissary account. But being at Rikers was brutal. I was viciously beaten by guards and other detainees.

After 74 days of torture at Rikers, I finally got to see another judge. I pleaded not guilty for stealing the backpack. I told the judge I wanted to go to trial.

Because I was still on probation for my previous case, the judge remanded me without bail. He considered this new arrest to be a violation of my probation. Even if my family could have afforded bail, paying for my release was no longer an option.

So I returned to Rikers where I continued to be physically and emotionally abused by guards and other inmates. I was put in solitary confinement for weeks at a time. It was torture.

My public defender made multiple applications for bail for me over my years in jail. All of my applications were denied because of the probation violation.

I missed half my sophomore, my junior and senior years of high school while locked up. I turned 20 years old at Rikers Island.

After 3 years in Rikers, I was finally released when prosecutors dropped the charges against me. By that time, I was suffering from serious mental health issues.

When I got home, everyone could see that I had changed. I spent most of my time alone in my bedroom. Often I'd pace back & forth like I used to do when I was in solitary.

When I was released and asked how I was doing, I'd say: "I'm not alright. I'm messed up." I felt suicidal. I tried to hang myself and was admitted to a psychiatric hospital.

I tried to stay busy. I signed up for GED prep classes, computer classes, and attended weekly counseling sessions. I passed my GED on the first try.

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY TWO: CASE STUDIES (PAGE 3 OF 5)

Coincidentally, I got a job as a security guard at the psychiatric hospital where I'd stayed. One day I heard some employees talking about the fact that I'd been a patient there. Soon after, I was fired.

I got a part-time job through my new lawyer. I started taking classes at Bronx Community College but I still can't shake the nightmares and flashbacks from Rikers. I'm permanently scarred by the experience.

It became too hard for me to live in the world. Fed up and sick, I hung myself.

Discussion Questions:

- Why did Kalief die?
- Who is most responsible for Kalief's death?
- What are the systems that impacted Kalief's life path?
- How did pre-trial detention disrupt Kalief's life?
- What role did bail play in this situation? How does bail work?
- Were there any positive forces in his life?
- Who could have made a positive intervention in this story? How?
- What happened when Kalief was released? How did his pre-trial detention experiences continue to impact his life?
- Do you have a personal story to share about how you or someone you loved were impacted by pre-trial detention?

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY TWO: CASE STUDIES (PAGE 4 OF 5)

Sandra's Story

Sandra Bland was a 28-year old Black woman from Naperville, Illinois who was arrested on July 10, 2015 after being pulled over by Plainview, Texas police for failing to use a turn signal before changing lanes. Rather than simply issue her a warning or a citation and let her be on her way, Officer Brian Encinia began questioning Sandra about why she was displeased with the ticket and insisting that she put out the cigarette she was smoking as he was writing the ticket. Sandra calmly answered the officer's questions and asked why she had to put out a cigarette she was smoking in her own car. Encinia responded by ordering Sandra out of her car, opening her door and attempting to drag her out, and threatening to "light her up" with his TASER.

After moving her out of view of his dashboard camera, he roughly handcuffed her, hurting her wrists, and slammed her head to the ground causing her to lose hearing and feeling in her arm. Sandra was then arrested and taken to Waller County Jail, where she was found dead in her jail cell three days later. Authorities claim she committed suicide by hanging herself with a garbage bag liner.

On Saturday, July 12, the day before she died, Sandra's bond had been set at \$515 - for a minor traffic offense - an amount which neither her family nor her friends were able to pay. The next day, she refused her breakfast, was sobbing uncontrollably, and twice asked for permission to make a free phone call from the booking desk and was denied both times. She had previously indicated that she had attempted suicide, but had not been placed on suicide watch, and jailers failed to check her cell every 30-60 minutes as required by jail policy. Some researchers argue that jailers' failure to give Sandra the anti-epilepsy medication she was prescribed may have contributed to her death: deprivation of the medication can lead to suicidality. Once found hanging in her cell, jail personnel delayed in providing her with life-saving medical care, including CPR.

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY TWO: CASE STUDIES (PAGE 5 OF 5)

Holding Black women in jail on minor offenses and then failing to provide for their medical care, with severe and sometimes deadly results is not uncommon. In July 2015, five additional Black women died in jails around the country waiting to post bail, the majority on minor shoplifting charges, in several cases after jail officials failed to provide necessary medical care.

For more information on what happened to Sandra Bland: http://www.huffingtonpost.com/entry/sandra-bland-investigation-waller-county_us_56017d17e4b08820d91a3900

Discussion Questions:

- Why did Sandra die?
- Who is most responsible for Sandra's death?
- What impact(s) did pre-trial detention have on Sandra?
- Both Sandra and Kalief were given a bail and if they had the money, they could have been released to fight their cases. What should happen when a person can not afford their bail?
- How does bail work?
- Do you have a personal story to share about how you or someone you loved were impacted by pre-trial detention?

END MONEY BAIL/ END PRETRIAL DETENTION: ACTION STEPS

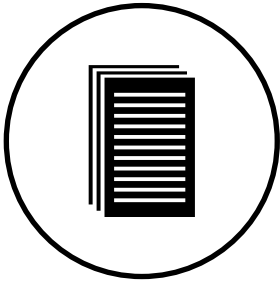


SUPPORT MOTHER'S DAY NATIONAL BAIL OUT

In May groups across will be bailing mothers and caregivers out of local jails and immigration detention centers so they can spend Mother's Day with their families. We will also be holding teach-ins to share the impact of money bail and incarceration on our communities. To support these efforts and continuing efforts around Criminal Legal reform donate here: <https://www.brooklynbailfund.org/donate/national-bail-out>

JOIN COLOR OF CHANGE'S #ENDMONEYBAIL CAMPAIGN

Color of Change is leading a campaign targeting the bail bonds industry --which is preying on low-income Black people who are disproportionately impacted by every aspect of the criminal justice system. The industry is making billions from financially crippling the families they exploit and causing irreversible trauma to victims of mass incarceration like Kalief Browder and Sandra Bland. Stand with activist and members of Color of Change across the nation to demand transformative bail reform: <https://colorofchange.org/campaigns/bailbonds/>



Objective

This section defines commonly used terms relating to bail reform.

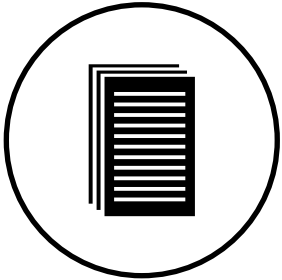
KEY TERMS (PAGE 1 OF 3)

Bail: Bail is a guarantee (usually in the form of money) that a judge, magistrate or bail commissioner etc may require someone to post as a condition of their release. Theoretically, it is to ensure a defendant returns to court. Practically, bail coerce guilty pleas and led to the mass detention of those who are presumed innocent. Although bail is usually in the form of money it can take many forms such as requiring property or collateral.

Bail Bond: Bail Bond is a form of bail that is usually offered to a defendant. If a defendant and/or their community members are unable to afford cash bail they usually have the option of paying a bail bond. Bail bonds are usually a higher amount than cash bail but the courts require only a percentage that you must pay with a bail bondsperson. The bail bondsperson is an agent of the court and the fee that you pay to them is nonrefundable and they may require additional conditions such as collateral and the defendant to oblige to weekly check-ins and drug tests. If a defendant does not make their court dates, a bail bondsperson has the ability to hire a bounty hunter to arrest the defendant, keep their collateral or sue for additional money.

Bail Hearing/First Appearance: First Appearances are the first time a defendant is brought before a judge or magistrate. The defendant is told his or her rights and bail will be set (or reviewed if already set according to a bail schedule). Defendants or their lawyers are allowed to argue for lower bail amounts but defense counsel are often not present (or may not even be allowed to be present), leaving defendants to make arguments on their own. In some places, the defendant will not even be physically present in the courtroom but will appear via video from a police station or local jail.

Arraignment (Charging): When a defendant is told in open court what charges the local prosecutor has chosen to pursue. This usually happens at the same time as a defendant's First Appearance (because of this the terms are sometimes used interchangeably) but in some places charging will happen days if not weeks (and in some cases months) after First Appearances. While bail will be set at First Appearance, if a defendant isn't charged, they will not be able to plead guilty, and will have to wait in jail until charges are brought, unless bail is paid.



KEY TERMS (PAGE 2 OF 3)

Criminalization: The structures and procedures that implicate certain behaviors as well as identities as criminal, sometimes through making behaviors illegal and sometimes by unevenly distributing blame or unjustly using legal structures to enforce social expectations. Examples: racial profiling, laws that criminalize homelessness or poverty, laws that criminalize sex work, etc.

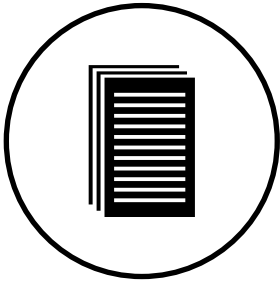
Incarceration: Confinement in prison, jail, or juvenile detention facility.

Jail/ Detention Facility: Jail is a correctional facility (cage) that detains diverse populations but primarily those who are unable to make bail and/or those who are awaiting trial or a plea agreement. This facility also holds people that have been convicted of misdemeanors and are serving a sentence of 1 year or less. It is operated by a county or city government.

Pre-Trial Detention: Pre-trial detention refers to the holding of a defendant in custody prior to their trial. This holding usually takes place in a jail and is due to one’s inability to post bail or a judge deeming them a danger to society or unlikely to return to court. It is important to note that although a defendant is being detained, theoretically they’re still presumed innocent without conviction. This can also be known as a judge setting a remand or remanded without bail- where someone is held in detention at least until their next court date, and also still presumed innocent without a conviction.

Prison/ Penitentiary: A prison is a correctional facility (cage) for those that have been convicted of a felony and will be serving 1 year or more. This facility is operated by the state or federal government.

Prison Industrial Complex: “Prison Industrial Complex” (PIC) is a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to what are, in actuality, economic, social, and political “problems.”

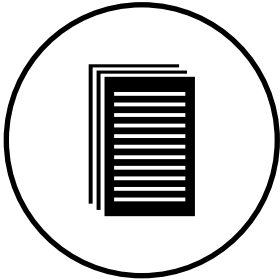


KEY TERMS (PAGE 3 OF 3)

Risk Assessment: Pretrial “risk assessment” tools are in use around the country and are one of the more popular alternatives to money bail. These tools are used to predict if a defendant is likely to not appear in court or pose a threat to themselves or the public. They generate risk scores based on a set of factors such as age at first arrest, number of prior failure-to-appear warrants and jail incarcerations, employment at the time of arrest, residential stability, illegal drug use in the previous six months, and severe drug use problems. These tools seem to decrease the overall rates of pretrial detention but are likely to also recreate racial disparity in incarceration.

Preventative Detention: Preventative detention is the confinement of people accused, but not yet convicted, of criminal offenses. Courts can hold people not convicted of any crime if they are deemed a safety risk (to themselves or others) or a flight risk. Preventive detention is popular in cities and states, like Washington, DC, that have reduced their reliance on cash bail and use risk assessment tools to decide who should be preventively detained and who should be released.

Release on Recognizance (ROR): Depending on the discretion of the judge, a judge may request that a person enter into an “ROR”. This means that they are released, not having to pay bail or serve time in pretrial detention, but are opting into a promise that they return to court on their next court date. It is important to note that several factors make it less likely that someone is “ROR’d”: arrest charge, previously being caught in the criminal legal system (particularly formerly incarcerated people are less likely to receive an ROR), and other factors listed in the Risk Assessment section (above). Also, judges may require folks to check in with officers, have restricted travel, have curfews, or even go to programs as a condition of their “release”. These requirements are to not that an ROR does not necessarily mean that someone is “free” from the further reaches of the PIC (see Prison Industrial Complex section above).



Objective

This section includes links to bail related resources that may be helpful.

RESOURCES (PAGE 1 OF 2)

Julie Through the System: A Choose-Your-Own Adventure exploring the Juvenile Justice System: <http://www.throughthesystem.com/>

The History of Bail and Pretrial Release by Schnacke, Jones and Brooker - <http://pretrialnola.org/wp-content/uploads/2015/09/09-24-2010-PJI-History-of-Bail.pdf>

Detaining the Poor: How money bail perpetuates an endless cycle of poverty and jail time <https://www.prisonpolicy.org/reports/incomejails.html>

Incarceration’s Front Door: The Misuse of Jails in America (comprehensive study of the budgets, demographics and failures of jails). See: https://storage.googleapis.com/vera-web-assets/downloads/Publications/incarcerations-front-door-the-misuse-of-jails-in-america/legacy_downloads/incarcerations-front-door-report_02.pdf

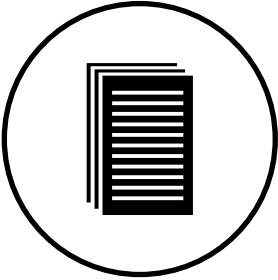
Racial Disparities at Pretrial and Sentencing and the Effects of Pretrial Services Programs, National Council on Crime & Delinquency

Fourteen Examples of Racism in Criminal Justice System. See: http://www.huffingtonpost.com/bill-quigley/fourteen-examples-of-raci_b_658947.html

Why Bail Reform Should Be an LGBT Movement Priority. See: http://www.huffingtonpost.com/chase-strangio/why-bail-reform-should-be-an-lgbt-movement-priority_b_7739166.html

Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned. See: <https://www.prisonpolicy.org/reports/income.html>

Moving Beyond Money: A Primer for Bail Reform. See: <http://cjpp.law.harvard.edu/assets/FINAL-Primer-on-Bail-Reform.pdf>



RESOURCES (PAGE 2 OF 2)

Community Cages: Profiting from Corrections and Alternatives to Incarceration (resource on the growing industry around “alternative” services). See: <https://afscarizona.files.wordpress.com/2016/08/communitycages.pdf>

Profiting from Probation: Americas “Offender Funded” Probation Industry (in depth look at private probation industry focused in the South). See: <https://www.hrw.org/report/2014/02/05/profitting-probation/americas-offender-funded-probation-industry>

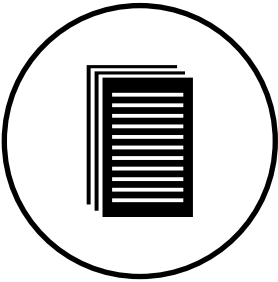
Machine Bias Risk Assessment (For more information about possible discriminatory impacts of “risk assessment”). See <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>

Glossary of Terms and Phrases Relating to Bail and the Pretrial Release or Detention Decision [http://www.pretrial.org/download/pji-reports/Glossary%20of%20Terms%20\(July%202015\).pdf](http://www.pretrial.org/download/pji-reports/Glossary%20of%20Terms%20(July%202015).pdf)

Detaining the Poor, The Prison Policy Initiative: <https://www.prisonpolicy.org/reports/incomejails.html>

vCommunity Justice Network for Youth Popular Curriculum: <http://cjny.network/programs-and-service/curricula/>

The W. Haywood Burns Institute for Juvenile Justice Fairness and Equity resources about youth incarceration: <http://www.burnsinstitute.org/category/publications/>



Objective

This section provides some facts and figures relating to bail and its costs and impacts.

FACTS AND FIGURES (PAGE 1 OF 2)

The American criminal legal system holds more than 2.3 million people in 1,719 state prisons, 102 federal prisons, 942 juvenile correctional facilities, 3,283 local jails, and 79 Indian Country jails as well as in military prisons, immigration detention facilities, civil commitment centers, and prisons in the U.S. territories.

There are 646,000 people locked up in more than 3,000 local jails throughout the U.S. on any given day. Seventy percent of these people in local jails have not yet been convicted of a crime and are legally presumed innocent.

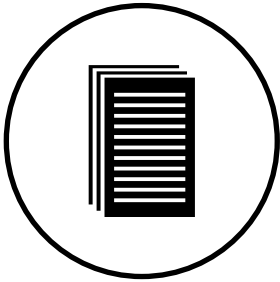
Fifty-three percent of all defendants accused of a felony remain in jail the entire time leading up to their trials due to lack of funds.

The U.S. Department of Justice estimated that local communities spent \$22.2 billion on jails in 2011. However, a study done by Vera Institute suggests that this underestimates the actual price of jails, because other government agencies often bear a large share of jail costs. For example, in addition to the \$1.1 billion spent by the City of New York Department of Correction in 2014, other city agencies spent an additional \$1.3 billion for jail employee benefits, healthcare, and administration, bringing the total cost to \$2.4 billion.

It costs \$60-70 on average per day to fill a single jail bed, and in some counties that cost jumps to more than \$200 per day while it only costs \$7 a day to supervise a person in the community.

Reducing pre-trial incarceration through changing bail laws could end up saving taxpayers \$190 million. Reducing the jail population would save \$250 million a year, but \$60 to \$70 million more would be needed for pretrial supervision.

Bail bond companies collect \$1.4 billion in nonrefundable fees from defendants and their families. The industry also actively works to block reforms that threaten its profits.



FACTS AND FIGURES (PAGE 2 OF 2)

Holding people in jail because they cannot pay bail has not always been the norm. Thirty years ago, when crime rates overall were higher, there were 51 admissions into jail for every 100 arrests. By 2012, that number had climbed to 95 admissions per 100 arrests.

The Vera Institute reports that spending as few as two days in jail can reduce economic viability, promote future involvement with the criminal legal system, degrade personal health and increase the chance that the accused is incarcerated if found guilty. Notably, defendants that were held 2–3 days were almost 40% more likely to be arrested for new crimes before trial than equivalent defendants held no more than 24 hours.

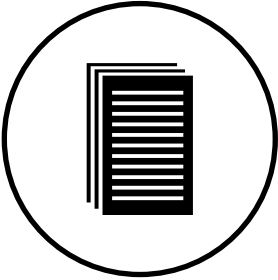
Folks held in pretrial detention are on average nationally 30% more likely to take a plea bargain and 13% more likely to be convicted when it goes to trial.

While Black and Latinx people make up 30 percent of the general population, they are 51 percent of the jail population.

According to the Pretrial Justice Institute, Black people are 2.5 times more likely to be arrested than whites. They are also two times more likely to be detained than whites and Black men on average face bail that is 35 percent higher than white men.

Since 1970, the number of women in jail has increased fourteen fold making women the fastest growing incarcerated population. Two-thirds of women in local jails are women of color: 44 percent Black, 15 percent Latinx, and 5 percent other women of color. Half of all women incarcerated are in a city or county jail, generally held because they previously failed to appear or cannot afford to post bail. And more than half of these women are imprisoned in small county jails, such as the one where Sandra Bland died.

Every year, 636,000 people walk out of prison gates, but people go to jail over 11 million times each year.

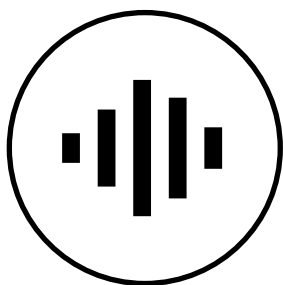


Objective

This section provides the answer key for the bail bingo activity in the curriculum (page 6)

BAIL BINGO ANSWER KEY

<p>2.3 MILLION PEOPLE CURRENTLY IN JAILS ACROSS THE US</p> <p>_____</p> <p>NAME: _____</p>	<p>70% OF PEOPLE LOCKED UP IN JAILS WHO HAVE NOT BEEN CONVICTED OF ANY CRIME</p> <p>_____</p> <p>NAME: _____</p>	<p>53% OF PEOPLE ACCUSED OF FELONIES WHO ARE IN JAIL DUE TO LACK OF FUNDS</p> <p>_____</p> <p>NAME: _____</p>	<p>\$2.2 BILLION IS A LOW ESTIMATE OF HOW MUCH LOCAL COMMUNITIES SPEND ON JAILS (2011)</p> <p>_____</p> <p>NAME: _____</p>	<p>\$60-70 IS THE AVERAGE COST THAT COUNTIES SPEND TO FILL A SINGLE JAIL BED EVERY DAY</p> <p>_____</p> <p>NAME: _____</p>
<p>\$7 IS THE AMOUNT OF MONEY IT COSTS TO SUPERVISE ONE PERSON ON COMMUNITY SUPERVISION FOR ONE DAY</p> <p>_____</p> <p>NAME: _____</p>	<p>\$190 MILLION IS THE AMOUNT THAT TAXPAYERS WOULD SAVE IF WE CHANGE BAIL LAWS AND DECREASE THE NUMBER OF PEOPLE WHO ARE INCARCERATED DURING THEIR TRIALS</p> <p>_____</p> <p>NAME: _____</p>	<p>\$1.4 BILLION IS THE AMOUNT OF MONEY THAT BAIL BONDS COMPANY COLLECT FROM DEFENDANTS IN NONREFUNDABLE FEES</p> <p>_____</p> <p>NAME: _____</p>	<p>30% INCREASE IN LIKELIHOOD THAT SOMEONE WILL TAKE A PLEA BARGAIN IF THEY ARE HELD IN PRETRIAL DETENTION</p> <p>_____</p> <p>NAME: _____</p>	<p>13% INCREASE IN LIKELIHOOD THAT YOU WILL BE FOUND GUILTY IF YOU ARE HELD IN PRETRIAL DETENTION</p> <p>_____</p> <p>NAME: _____</p>
<p>51% OF JAIL POPULATION IS BLACK</p> <p>_____</p> <p>NAME: _____</p>	<p>BLACK FOLKS ARE 250% MORE LIKELY TO BE ARRESTED AS COMPARED TO A WHITE PERSON</p> <p>_____</p> <p>NAME: _____</p>	<p>BLACK FOLKS ARE TWICE AS LIKELY TO BE DETAINED PRETRIAL THAN WHITE PEOPLE</p> <p>_____</p> <p>NAME: _____</p>	<p>BAIL IS ON AVERAGE 35% HIGHER FOR BLACK MEN THAN WHITE MEN</p> <p>_____</p> <p>NAME: _____</p>	<p>75% OF WOMEN IN LOCAL JAILS ARE WOMEN OF COLOR</p> <p>_____</p> <p>NAME: _____</p>



Objective

This group activity will allow you to get a sense of how different people in the room feel about bail reform and its connection to criminal legal reform more generally.

Participants

8 - Unlimited

Format

Large group discussion. Facilitator designates one side of the room as “strongly agree” and the other side of the room as “strongly disagree” and then asks the different spectrum questions. After everyone gets a sense of where folks are standing facilitator can get explanations for why different folks are standing where they are standing. The principles document in the appendix provides some insight about how the political perspectives of the authors of this curriculum.

Time required

20-30 minutes, more or less depending on the amount of group discussion/debrief and detail desired

Materials

Facilitator script

Set-up and Technology

No technology is needed

SAMPLE AGREE/DISAGREE QUESTIONS

- We must end incarceration in the U.S.
- In bail reform, the perfect should not be the enemy of the good
- It is more important to take down the bail bond industry than it is to get reform ‘perfect’, assuming that is even possible
- Preventative detention, or holding someone who has not been convicted, is necessary to eliminate cash bail
- In a policy fight, if need be I would accept a system with a limited use of preventative detention if it meant eliminating cash bail. In other words, could you support a system that openly detained preemptively innocent people based on a prediction of their future behavior?
- I would support a policy that kept more people out of jail/prison even if it meant more profits for companies
- Bail reform is an economic justice issue
- I see bail reform as a stepping stone to abolition
- To avoid reinforcing disparities, risk assessment instruments must include mechanisms to account for institutional and systemic racism
- Bail reform without a racial equity lens and mechanisms to identify and address racial disparities is more likely to exacerbate racial disparities in the criminal legal system
- Risk assessment instruments can be useful tools to end bail