

Movement-Building Opportunities for Change: Perspectives on Criminal Justice Reform Today

by Margaret Post and Sian ÓFaoláin

As attention turns to the problem of mass incarceration in the United States, it is critical that the knowledge and experience of two oft-overlooked groups be brought in at the leadership level: those who have lived through incarceration, and the families and communities to which they return.

THE ISSUES OF MASS INCARCERATION and criminal justice reform have become increasingly popular in public discourse, with a range of solutions proposed by groups across the political spectrum. However, the knowledge and experience of two essential groups of stakeholders have been overlooked consistently by many of us: (1) the experts who have lived through incarceration themselves, and (2) the families and home communities to which the formerly incarcerated will return. These communities are largely low income and disproportionately consist of people of color—but, as with environmental issues, those communities most directly affected are often excluded from national policy discussions.

Our research and experience working with the Center for Community Change on the issue of mass incarceration show that though great strides have been made to advance criminal justice reforms in the last year, such momentum will not be sustained without the leadership and expertise of people directly impacted

by the system of mass incarceration. Reducing incarceration rates alone is not enough;¹ Viable solutions also require attention to the social and economic impacts in the very communities that have been besieged by high incarceration rates. This calls for both systemic and community-level changes that address the relationships among incarceration, racism, and poverty.

The number of people in prison has skyrocketed over the past four decades, due in large part to the passage and enforcement of the War on Drugs and tough-on-crime laws. Mass incarceration is now recognized as a national issue. Michelle Alexander's 2010 book *The New Jim Crow* raised the salience of a system of racialized mass incarceration—one that disproportionately targets, jails, and disenfranchises African Americans and other people of color. Numerous studies have documented the problem of mass incarceration, including the excessive targeting of people of color, low-income people, and people with low educational attainment.² In recent years, there has

been a rise in groups like Right on Crime and the Coalition for Public Safety that elevate conservative voices on the issue of criminal justice reform. Criminal justice reform was once at the margins of politically viable issues, but today it holds greater prominence in popular discourse, gaining traction with lawmakers and candidates at every level of government. Policies like California's Proposition 47, which reclassified a number of felonies and allowed for releasing people from prison, are also gaining political support and are a promising example of policy choices that have the potential for more holistic benefits. In addition, a number of national advocacy organizations, think tanks, and political formations have had a significant impact on raising the profile of the issue and advancing much-needed reforms within elite policy circles. However, organizations led by formerly incarcerated people and their families do not yet have the power, credibility, and standing within the broader movement that are necessary for sustainable change.

Within this context, the Center for Community Change (CCC) launched an initiative in 2013 focused on removing the barriers to employment for people with conviction histories and, in the long term, bringing more resources and opportunities to the low-income families and communities of color that have been devastated by high rates of incarceration. CCC focuses on community organizing; its mission is to build the power and capacity of low-income people—especially low-income people of color—to change the policies that impact their lives. In this case, the organization aims to support a national movement that will improve the well-being of individuals with conviction histories, and the well-being of their families and communities. Making the links among incarceration, poverty, and employment is central to CCC's theory of change.

To better understand the state of the movement and to inform CCC's strategy, we invited grassroots leaders from partner organizations and national leaders in criminal justice reform to discuss the dynamics of the national environment for ending mass incarceration.³ The findings from these interviews offer a view into the development and evolution of the national movement to end mass incarceration from the perspective of these grassroots organizers—many of whom are directly affected by mass incarceration—as well as the national leaders and experts who are shaping a national conversation about how to fundamentally change the system. This article focuses on the implications of these findings for the social sector, given the increased public support for addressing mass incarceration. We first discuss the interview findings as they relate to the state of the movement and its opportunities and challenges, and then we explore the role of directly impacted people and the connection between race and poverty in the current movement.

State of the Movement

Respondents agreed that there is a growing movement for criminal justice reform but that it is not yet strong enough to break through and create lasting change vis-à-vis the problem of mass incarceration.⁴ Respondents identified three primary factors indicating that some movement exists: (1) the issue has gained greater public interest and attention recently from both Republican and Democratic lawmakers; (2) an increasing number of organizations are involved in criminal justice reform; and (3) the movement has made progress in raising awareness of issues related to criminal justice and mass incarceration, including barriers to reentry and collateral sanctions. These factors are opportunities for greater mobilization. Respondents viewed the openness on the Right to confronting mass incarceration as a positive political opportunity matched with greater cultural awareness of the racialized system of mass incarceration. The emerging Black Lives Matter movement, which has galvanized an upsurge of activism focused squarely on the injustices of police brutality and excessive use of force, is also viewed as an opportunity for broadening the engagement of people who may also be directly impacted by the criminal justice system. Positive advancements in drug policy and sentencing reforms as well as increased attention on addiction as a public health problem were also recognized as notable shifts in the national environment. Finally, increasing support from major philanthropies and a growing number of organizations focused on criminal justice reform issues were highlighted as indicators that the movement is generating greater vitality.

The criminal justice reform leaders and organizers that we interviewed are optimistic about the potential for significant change to the system of mass incarceration. However, the movement does

not have the power and strength needed to make a substantial impact, according to respondents. We found that the wide array of issues within the field of criminal justice reform inhibits coordination and cohesion of social sector organizations working for change, especially with respect to supporting and connecting grassroots organizations with each other and to national campaigns. For example, any number of groups and foundations may be working on one issue (or a combination of issues) related to policing practices, due-process and sentencing laws, prison and jail conditions, the effects of incarceration on children and other family members, and the plethora of collateral sanctions and bans on services that people face when coming home. Yet, there is little continuity across such initiatives that can aggregate for scalable impact, especially in those low-income communities most directly affected by high rates of incarceration. While there are concerns about the capacity and coordination among local and national organizations, the grassroots organizers and national leaders we interviewed agreed that this is a “tipping point moment” in which the pieces of a broader movement for change are coming together.

Opportunities

National attention to mass incarceration has seen a marked increase in the last five years, and there is a new conversation about what can be done to end the inhumane conditions of the U.S. prison system. Just as *The New Jim Crow* focused attention on the conditions of a racialized system of mass incarceration, prominent activists like Bryan Stevenson of the Equal Justice Initiative and Sister Helen Prejean of the Ministry against the Death Penalty expose the system's injustices as they steadfastly pursue greater fairness for incarcerated individuals. At the policy level, juvenile justice reforms

over the last decade have, in part, set the stage for a broader focus on adult incarceration.⁵ More recently, reform efforts under the leadership of (now former) U.S. Attorney General Eric Holder were aimed at reducing existing inmate populations, revising federal sentencing guidelines, and elevating a wider public dialogue and federal action on viable levers for criminal justice reforms.⁶ The passage of California's Proposition 47 in 2014 set a new precedent for state policy change that provides opportunities for resentencing and reclassification of low-level crimes, as well as the reinvestment of funds into drug treatment, mental health services, and other supports for victims, high-risk youth, and formerly incarcerated individuals.⁷ Similarly, the surge of local, state, and private sector activity to change hiring practices for people with criminal records demonstrates new momentum for policy reforms and the possibility of federal action.⁸

Our interview respondents find these to be notable developments that have led to the current moment. They are encouraged by the groundswell of national attention. They also emphasize the importance of state and local reforms beyond national initiatives, indicating that such bottom-up strategies within states and localities offer the potential for significant and measurable change. Our analysis indicates that these local and state reforms must go beyond reducing incarceration rates to addressing the social and economic impact of historically high rates of incarceration. Investments in reforms must also be investments in restoring communities.

Challenges

While there is consensus that the rate of mass incarceration is too high and that its impacts are acutely felt in the poorest communities, there is wide debate about how to proceed. There is limited

coordination among national and local organizations, and even less coordination between groups that specifically address criminal justice and those that address the well-being and future development of low-income communities more comprehensively. Private interests and the prison lobby are significant oppositional forces that respondents feel impede progress. The federal government itself is sending messages that are confusing—trumpeting reform while marketing new prisons as job-development strategies in low-income rural communities. All of this requires much greater alignment—but, despite new interest from foundations and increasing bipartisan support, the field is underresourced and lacks consistent funding mechanisms for supporting local and state organizing, grassroots capacity building, and policy advocacy. This lack of funding especially impacts the political muscle of grassroots organizations: without capacity for effective strategy implementation, local campaigns, leadership development of directly impacted people, and communications, such organizations are limited in their ability to realize the policy gains necessary for movement success. Finally, public discourse about race and racial disparities is critical to advancing the movement, yet it is steeped in historical racism and underlying stereotypes about the formerly incarcerated and others who are affected by the criminal justice system. Such challenges are exacerbated by the lack of a unified message and broad-based and organized constituencies that drive reform agendas forward.

Race and Criminal Justice Reform

The interview findings also revealed a tension about the role of race in the movement. For instance, studies consistently show racial disparities throughout the system—from arrest and sentencing to outcomes upon release. Advocates use

these statistics in their work to highlight the disproportionate impact on communities of color.

During the time these interviews were conducted, the racial justice movement under the banner of Black Lives Matter gained significant momentum. It is centered explicitly on black people and the intersecting forms of oppression they face. Since the police killing in August 2014 of Michael Brown, Jr., in Ferguson, Missouri, individual cases of police killings of unarmed black men, women, and children have spurred discussion about state violence—including militarization, lack of accountability, and the criminalization of low-income communities of color. Beyond policing issues, the Black Lives Matter framing of state violence has created an opening for movement leaders to speak more directly about race and systemic racism in the criminal justice system.

For example, the Movement for Black Lives that convened in Cleveland, Ohio, on July 23 through 26, 2015, brought together over one thousand leaders, activists, and organizers with an eye toward building relationships and developing collective strategies.⁹ One of the key principles of the convening and the movement is that all black lives matter—whether incarcerated, formerly incarcerated, or otherwise marginalized. Such examples demonstrate that the Black Lives Matter movement is an integral dimension of the movement to end mass incarceration and create an inclusive frame that puts front and center issues of race and gender. Many respondents were hopeful about the potential for the Black Lives Matter movement to catalyze further openings for building momentum among key constituencies and mobilizing for change from the grassroots level.

On the other hand, some respondents shied away from explicitly discussing race in approaches to criminal justice

advocacy, stating that it is not politically viable to put race at the center of the strategy. They explored how framing the issues around the financial costs to local, state, and federal governments may garner more political support for reform, as evidenced by the active role of the Right in federal- and state-level reform efforts. But while a cost-savings frame may be politically expedient at the moment, in the long term a financial case for reform serves to advance right-wing and corporate interests for profit-driven, cost-effective measures that continue to keep people of color and low-income people under correctional control by the state.

In this period in which reform has become more bipartisan, we are seeing an increase in private investment in alternatives to incarceration such as ankle-bracelet surveillance technology, and mechanisms that shift costs from the state onto families such as fines and for-profit probation services.¹⁰ From the perspective of reducing costs to the state and reducing the number of people in prison, these efforts might look like a move in the right direction. However, from a moral perspective, the cost-reduction frame allows for new ways of commodifying the lives of poor people and people of color. Just like privatizing prison systems, these alternatives perpetuate incarceration of these populations. It is a revolving door from for-profit prisons to for-profit monitoring to for-profit probation and then back in the door again when the marginalized, once-incarcerated are unable to pay fines for probation and other “services.”

We need reform solutions that address the root causes of how low-income people and people of color, particularly black people, are criminalized, impoverished, and have their entire communities controlled by the justice system. This requires a critical racial-justice analysis

of how racism, exploitation, poverty, and criminalization connect to the current debates on criminal justice reform. The leadership of directly impacted people is one way to sharpen the collective analysis of the role of race in the criminal justice system, using personal experiences of discrimination and criminalization to make a moral claim for the need for reform.

Role of Directly Impacted People

The engagement and leadership of directly impacted people in the movement for criminal-justice reform present both opportunities and challenges. Respondents agreed that directly impacted people are already involved in criminal-justice reform currently as spokespeople, stakeholders, and advocates, especially in local campaigns—but that they are not driving the policy agenda and thus have limited political power and influence in the current debates about criminal justice reform. Respondents unanimously supported the notion that directly impacted people have an important role to play and are necessary for building a national movement. Indeed, they believe directly impacted leaders are a crucial, untapped resource for sustaining the movement.

But respondents’ perceptions about roles for directly impacted people also revealed tensions around exactly what types of engagement by directly impacted people are necessary for sustaining the movement. Even with opportunities for engaging in local organizing, their participation has tended to be peripheral to the major decision making and strategy development of reform initiatives. The majority of respondents who were national leaders felt that directly impacted people should simply share their stories and serve as spokespeople in advocacy campaigns. The national leaders who spoke about more significant roles for directly impacted people emphasized

the need to amplify the expertise, leadership, and presence of those affected by the system. Despite this awareness that directly impacted people are not involved adequately in the movement’s leadership, respondents had scant ideas about how best to facilitate greater leadership roles. Where only a few national leaders and experts discussed specific roles beyond storytelling, the majority of grassroots leaders felt that they had much more to contribute beyond their stories. They described their contributions to the movement as using experiential knowledge of the system to develop advocacy and organizing strategies, recruiting and training other directly impacted people for action, growing the base for the movement, and developing leaders.

Grassroots leaders and community-based organizations working with formerly incarcerated people, people with conviction histories, and their families face a number of very real challenges in their work. Interviews with CCC’s partner organizations suggest that there are unique challenges involved in working with individuals coming home from prison—for example, unstable contact information, the need to provide direct services to meet immediate material needs like safe housing and employment, and the investment of time and energy in supporting and developing directly impacted leaders. Respondents also noted an imbalance in funding for groups led by directly impacted people, and a bias toward well-established organizations with larger capacities to lead criminal-justice-reform campaigns.

An example of the leadership role directly impacted people can take is the Ban the Box campaign. Many applications for employment, public assistance, and social services ask applicants to check a box if they have ever been convicted of a crime. The campaign was conceptualized by formerly incarcerated people

from All of Us or None, a membership-based project of Legal Services for Prisoners with Children in the Bay Area. The campaign focused on fair hiring has gained tremendous momentum over the last few years, winning policies in over one hundred local jurisdictions, eighteen states, and large corporations like Target Corporation and Koch Industries.¹¹ Although this type of policy campaign undoubtedly requires the skills of lawyers, policy-makers, and advocates, it was formerly incarcerated people facing employment discrimination based on their conviction histories who devised the strategy. They understood it as a strategic campaign in the arc of a longer movement to restore their full rights and citizenship. This effort exemplifies the vision of people most impacted by the issues: it both addresses the immediate needs for employment and access to services and builds toward a longer-term fight for full citizenship and economic stability.

Another example is the newly expanded Formerly Incarcerated and Convicted People and Families Movement, a national coalition led by directly impacted people across the country. This coalition understands that families—whether biological or chosen—serve time along with their incarcerated loved ones, and are affected by that incarceration in particular ways. This coalition's platform goes beyond a single issue. Its aim has been to address the many ways communities are impacted, while also being politically strategic in a coordinated effort of direct action and advocacy toward pressuring President Obama to issue an executive order to “Ban the Box.” This mix of long-term movement building and advancing of current campaign opportunities is a promising mark of an effort led by directly impacted people. In fact, President Obama's announcement in early November that he is taking steps to “Ban the Box” for

federal jobs speaks volumes to the culture and policy change driven by directly affected people.

Implications

Directly impacted people have been central to successful social movements throughout history. Individuals who were formerly incarcerated, people with a conviction history, and people whose loved ones have been in prison or jail have the experiential knowledge and expertise, interest, and energy to participate in movement building in fuller and more meaningful ways. However, there is clearly a gap between grassroots movement building and the philanthropic and national advocacy arenas that fund and drive strategy; while efforts to reform criminal justice nationally have shown remarkable progress, they have remained largely in the hands of national advocates. It is essential that such divisions be addressed for the movement to be viable and sustainable.

Fragmentation between national advocacy organizations and locally based, member-driven grassroots organizations is not a new phenomenon. The divisions we see today are symptomatic of an age-old problem in the practice of movement building (as characteristically seen in the environmental justice movement). Important scholarly debates explore the forces and implications of declining member-driven organizations in light of the proliferation of staff-led advocacy organizations. Such debates, however, offer little direction for navigating what Jeffrey Berry calls the “advocacy explosion” that has by and large isolated the participation of grassroots leaders.¹² This “unequal political voice” has wide-ranging effects on the strength of democracy. Even among national intermediary institutions that seek to advance social and economic justice, questions abound about the authentic

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representation of core constituencies.¹³

Decades of innovation in civic renewal, citizen participation, and community organizing (as documented by scholars) suggest that “citizen-centered” politics can promote deliberative, collaborative, multisector, and cross-racial processes that transform everyday politics from the local to the national.¹⁴ These approaches are central to bridging the gap between national advocates for criminal justice reform and directly impacted communities. Our data and experience indicate that directly affected individuals should serve in multiple roles beyond spokespeople and storytellers—such as organizers and strategists—to advance the movement. People who live the reality of incarceration every day best understand that working on siloed issues does a disservice to movement building. They are able to envision alternatives that have broader community impact. They can explain the turmoil created when a mother loses her parental rights while in prison and then is banned from accessing affordable housing and food stamps when she comes home. They know the economic hardship of how the job skills taught in prisons funnel people into low-paying sectors where they do not make a living wage even if they can get hired. They understand how being racially profiled by a police officer can lead to deportation or another arrest. Such lived experiences not only inform policy choices that reduce incarceration but also can fuel more holistic and sustainable changes.

Call to Action

The current national environment for criminal justice reform presents many opportunities for advancing an agenda that can reduce incarceration and address its impacts on families and communities. Yet, the lack of cohesion, consistent resources, and a strong organizational infrastructure may limit the

movement’s ability to achieve change. Respondents generally feel that now is a critical time for strengthening the infrastructure, building momentum, and bringing the movement to scale. As many directly impacted organizers will say, they do this work so that they can determine their own futures and not be forever labeled as someone else’s client.

What practices can we bring into our organizations, foundations, and communities to recognize the expertise of formerly incarcerated organizers and community leaders? Social sector organizations that are looking for ways to support and advance criminal justice reforms rooted in long-term social and economic solutions can draw from the lessons found in the interviews we conducted. Three key opportunities emerge for practitioners to engage the leadership of directly impacted people: (1) foundations and donors at all levels should develop funding strategies that build grassroots capacity, develop the leadership of impacted people, and promote organizing campaigns at the local and state level; (2) advocates and strategists at the federal level should engage in dialogue and action with formerly incarcerated leaders and grassroots activists, and identify opportunities in their work that increase the leadership and participation of directly impacted people; and (3) practitioners of all types should develop movement frames for reform that reflect the lived realities of those who are directly affected by the criminal justice system, including explicit discussions about the intersections with race, gender, gender identity, and poverty.

NOTES

1. This research was conducted as part of a developmental and participatory evaluation with the Center for Community Change. The evaluation findings are used to inform the Center’s strategy and decision making. Over the last two years, the Center has

collaborated with grassroots partner organizations that work with the formerly incarcerated to support a national movement that engages directly impacted people in criminal justice reform.

2. Committee on Causes and Consequences of High Rates of Incarceration and Committee on Law and Justice, Division of Behavioral and Social Sciences and Education, National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, Jeremy Travis, Bruce Western, and Steve Redburn, eds. (Washington, DC: The National Academies Press, 2014).

3. In October 2014 and June 2015, we conducted a series of interviews in which we asked respondents to provide their perspective on the state of the national movement to end mass incarceration. We asked respondents to describe what they see as the opportunities and challenges in the field, as well as strategies for advancing the movement. Interview respondents included eighteen grassroots organizers from CCC partner organizations and twenty national leaders, funders, policy experts, and scholars.

4. On a scale of 1 (no movement) to 3 (significant movement), the average closed-ended score among the national leaders and experts was 2.35.

5. For example, in 2005, the Supreme Court abolished the death penalty for persons under age eighteen in *Roper v. Simmons*. In 2012, two Supreme Court cases marked a victory for reformers in the decisions *Jackson v. Hobbs* and *Miller v. Alabama*, both ruling against mandatory juvenile life without parole sentencing. See, for example, Center for Children’s Law and Policy, “Juvenile Life Without Parole (JLWOP),” www.cclp.org/jlwop.php.

6. For a critique of the Justice Reinvestment Initiative, another signature initiative of the Holder administration, see James Austin et al., *Ending Mass Incarceration: Charting a New Justice Reinvestment* (Washington, DC: The Sentencing Project, 2013).

7. *Proposition 47 Overview* (Oakland, CA:

Californians for Safety and Justice, January 28, 2015).

8. Maurice Emsellem and Michelle N. Rodriguez, *Advancing a Federal Fair Chance Hiring Agenda: Background Check Reforms in Over 100 Cities, Counties, and States Pave the Way for Presidential Action* (New York: National Employment Law Project, January 2015). See also, for example, *Over 100 Localities and States Pave the Way for Federal Action* (Oakland, CA: PICO National Network, January 2, 2014).

9. Sian ÓFaoláin participated in the Movement for Black Lives gathering. For more information, see Amanda Teuscher, "The Inclusive Strength of #BlackLivesMatter," *American Prospect*, August 2, 2015.

10. Sarah Stillman, "Get Out of Jail, Inc.," *New Yorker*, June 23, 2014, www.newyorker.com/magazine/2014/06/23/get-out-of-jail-inc.

11. Michelle N. Rodriguez and Nayantara Mehta, *Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies to Reduce Barriers to Employment of People with Conviction Records* (New York: National Employment Law Project, September 2015).

12. Jeffrey M. Berry, *The Interest Group Society*, 3rd ed. (New York: Longman, 1997). And see Theda Skocpol, "Advocates without Members: The Recent Transformation of American Civic Life," in Theda Skocpol and Morris P. Fiorina, eds., *Civic Engagement in American Democracy* (Washington, DC: Brookings Institution Press, 1999), 461–509; Theda Skocpol, *Diminished Democracy: From Membership to Management in American Civic Life* (Norman, OK: University of Oklahoma Press, 2003); Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2001); Edward T. Walker, John D. McCarthy, and Frank Baumgartner, "Replacing Members with Managers? Mutualism Among Membership and Nonmembership Advocacy Organizations in the United States," *American Journal of Sociology* 116, no. 4, January 2011: 1284–1337; and Carmen Sirianni and Lewis Friedland, *Civic Innovation in America: Community Empowerment, Public Policy, and the Movement for Civic Renewal* (Berkeley: University of California Press, 2001).

13. Kay Lehman Schlozman, Sidney Verba, and Henry E. Brady, *The Uneven Chorus: Unequal Political Voice and the Broken Promise of American Democracy* (Princeton, NJ: Princeton University Press, 2012). Robert D. Herman and David O. Renz recognize the powerful role that many national nonprofit advocacy organizations play in policy-making today, yet question organizational strategies of "representing the underrepresented." They ask: "If money tends to come from one economic/social group to serve the interests of another economic/social group, how can there be assurance that those constituency interests are being adequately understood and represented?" ("In Whose Interest: Do National Nonprofit Advocacy Organizations Represent the Under-represented?" *Nonprofit Quarterly*, June 21, 2006, nonprofitquarterly.org/2006/06/21/in-whose-interest-do-national-nonprofit-advocacy-organizations-represent-the-under-represented/.) See also Harry C. Boyte and Nancy N. Kari, *Building America: The Democratic Promise of Public Work* (Philadelphia: Temple University Press, 1996); *Transforming the City: Community Organizing and the Challenge of Political Change*, Marion Orr, ed. (Lawrence, KA: University Press of Kansas, 2007); and Cynthia M. Gibson, *Citizens at the Center: A New Approach to Civic Engagement* (Washington, DC: Case Foundation, 2006).

14. See Sirianni and Friedland, *Civic Innovation in America*; Boyte and Kari, *Building America*; Orr, *Transforming the City*; and Gibson, *Citizens at the Center*.

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