THE BROOKINGS INSTITUTION

WEBINAR

THE IMPACT OF COVID-19 ON PRISONS

Washington, D.C.

Friday, May 15, 2020

Panel:

RASHAWN RAY, Moderator
David M. Rubenstein Fellow, Governance Studies
The Brookings Institution

MARCUS BULLOCK
Founder and Chief Executive Officer
Flikshop

ANNELIES GOGER
David M. Rubenstein Fellow, Metropolitan Policy Program
The Brookings Institution

MARC SCHINDLER
Executive Director
Justice Policy Institute

S. TODD YEARY
Senior Vice President
Rainbow PUSH Coalition

REVEREND JESSE L. JACKSON, SR.
Founder and President
Rainbow PUSH Coalition

* * * * *

P R O C E E D I N G S

MR. RAY: Thank you for attending our webinar today, "The impact of Covid-19 on prisons". I'm Rashawn Ray, I'm a David M. Rubenstein fellow in the Governance Studies department here at the Brookings Institution.

As we know, the incarcerated population is being hard hit by Covid-19. The infection rate in the Washington, D.C. jail, for example, is 14 times higher than the general population of the city. In federal prisons the infection rate is double the percentage of Covid-19 diagnoses in the general population. In Arkansas, about 40 percent of the state's (audio skip) -- in a maximum security prison. In Ohio, about 20 percent of its Covid-19 diagnoses can be traced to 1 prison. Correctional staff are not immune. In Cook County, Illinois, nearly 200 correctional officers and about 400 jail detainees have tested positive for Covid-19. Law makers are facing pressures from criminal justice and civil rights organizations to provide better healthcare for incarcerated people and even release non-violent offenders, those among the elderly, and people in pretrial detention.

What we're going to do today is explore what we've been calling the endemic within the pandemic. And of course there are several of them.

But what I want to do now is introduce my esteemed panelists who are going to provide an overview of the scope of the impact of Covid-19, offer firsthand accounts of what the outbreak looks like, and finally solutions and policy solutions on what we can do about it.

I also want to mention that we hope that you submit questions and we'll try to get to as many as possible. Viewers can submit questions for panelists by either emailing Events@Brookings.edu -- that's Events@Brookings.edu, or hop on Twitter and use #CovidPrisons or by tweeting BrookingsGov.

So I want to introduce each of our panelists. First we have Marcus Bullock who is the found and CEO of Flikshop. So he's going to be bringing a corporate perspective, as well as the perspective of people who have been incarcerated.

Our Brookings colleague, Annelies Goger, who is a David Rubenstein fellow in Metropolitan Studies here at Brookings. And I should also note that Annelies will be heading up an event on June 5 that will essentially extend the conversation we're having today. It will focus specifically on

getting a job after incarceration, thinking about that prison-to-work pipeline that we know is so critical for people after they leave incarcerated facilities.

I'm also happy to welcome Marc Schindler, who is the executive director of the Justice Policy Institute. They have been doing a lot of work for a very long time in this space and it's fortunate to have someone of his caliber on this panel.

And then, finally, Dr. S. Todd Yeary, who is the senior vice president of the Rainbow PUSH Coalition, also a pastor, and will bring a myriad of perspectives as it relates to community, as well as policy.

Now, accordingly, it is my honor and privilege to introduce someone who doesn't necessarily need an introduction. He is a civil rights icon, the founder and president of the Rainbow PUSH Coalition, and made historic presidential runs in 1984 and 1988. We have the pleasure of having Reverend Jackson give opening remarks for this event.

Reverend Jackson?

REVEREND JACKSON: Good afternoon to all of you, especially, you, Dr. Rashawn Ray (inaudible) involved in this situation. And those of you of good will and human rights, we thank you so much.

The Covid-19 epidemic has exposed something we've known for a long time, those who did get free (inaudible) those who were in prison. During the (inaudible) went the right way and they immediately began to build prison farms, began to do private prisons, and the whole range of reasons why the gap is so great today between the free and non-free.

The last 40 years have seen the rise in prisons because prisons-for-profit have become a matter on the stock exchange, which is humiliating to blacks and embarrassing to whites it seems.

Some issues I want you to deal with today, if you don't mind. One is the impact of the antebellum days of slavery and the civil war extension to today. The spread of the virus is far worse than the general public. Then for a long time they thought the issue was going to be the nursing homes, but behind those prison walls people contracted the virus and the workers are getting sick and dying. And there are no cameras behind those walls. We seem not to care. So there are a range of concerns I have

today about this.

I'm so glad you're doing this. And I want to thank you, Dr. Rashawn Ray, for working together on this. Thank you guys.

Thank you very much.

MR. RAY: Thank you, Reverend Jackson. We really appreciate your comments and your time and being a part of this event.

You noted several things that are extremely important that I hope our panelists will talk about. I mean from the historical legacy of convict leasing, which is something that people really have to focus on, which happened immediately after slavery and essentially became slavery by a second name, as a lot of people talk about it. And, of course, the fact that there are some prisons on the New York Stock Exchange. And particularly when we talk about private prisons, that will definitely be something that we get to as well.

What I want to do is I want to first turn it over to Marc at the outset to talk about these disparities. I mean Reverend Jackson laid out the impact of these disparities, we highlighted some of the statistics and the way that they are impacting prisons and catastrophic ways.

So why do these disparities exist and what are key issues that people should note? How should people think about disaggregating prisons from other sorts of forms of incarceration? And here I'm really thinking about issues that people brought up, such as Professor Anna Spalding from Emory University, who is thinking about these issues, as well as Francine Johnson, who was a math teacher in Fayette County in the Fayette County school system, as well as Donald Williamson, who was a White House fellow and who are really trying to think through how we should really contextualize these disparities right now.

Marc?

MR. SCHINDLER: Thanks, Rashawn, very much. I want to thank you and Brookings for hosting this really important discussion. I'm honored to be joining you, Reverend Jackson, and such an impressive group of panelists today.

And in many ways, the answer to your question about why Covid-19 is ravaging through

prisons and the related racial disparities we're seeing is because in essence we have what I would describe as a perfect, and indeed tragic, storm where we have long standing racial disparate impacts of the justice system in the U.S. and now Covid-19's disparate impact on people of color. So what we have is far too many high risk vulnerable people locked in small spaces where it's almost impossible to contain the spread of the virus. The result is a public health and social justice crisis happening in real time.

You know, most of the people who are watching today are probably familiar with the concept of mass incarceration, but for those who aren't, I just want to share a few data points to add to what you shared initially. Since 1980 in this country we've had almost a 500 percent in the number of people incarcerated, from about 200,000 to over 2 million people. And this has resulted in America today having by far the highest incarceration rate in the world. We get very little positive impact on public safety, and many would say we've had the opposite impact, in fact destabilizing communities and making us all less safe. This growth in incarceration has impacted people of color more harshly, and we see that across the board. African Americans incarcerated at five times the rate of white, Latinos also very over represented. One in three black men now expected to spend time in prison, that's compared to one in seventeen white men. Close to two-thirds of women in prison are women of color. And, in fact, if African Americans and Hispanics were incarcerated at the same rates as white people, we would have prison and jail populations that would decline by almost 40 percent.

Now, I would submit that if these numbers were reversed, if whites, people who looked like me, were over represented in our jails and prisons, it would not be allowed to stand. Now, of course, the reasons for this mass incarceration are complex and include different policies and practices at it relates to policing and sentencing. But it's clear that both explicit and implicit bias, as well as institutional and structural racism play a big role.

Now, onto Covid-19, which was initially called the great equalizer, because we thought the spread would infect anyone and everyone, but now we're seeing that's not true, that it's hitting communities of color the hardest. And so why is this? Well, we know that people of color tend to have higher levels of chronic health conditions and are also more likely to live in higher density areas, amongst other reasons. Notably, those are two things we see with incarcerated people.

So what are we seeing in Covid-19 in jails and prisons? You presented some data at the outset and I'll just add a couple of things. The most recent reports show that over 20,000 incarcerated people and over 5,000 staff have contracted the virus and there have been over 300 deaths in total. We're seeing incarcerated people infected at far higher rates than the general population, and that's with very limited testing, right. I want to emphasize that, very limited testing. We can talk more about that. In fact, where there's been widespread testing we're seeing infection rates in jails and prisons as high as 70 percent. So I fear that we are seeing just the beginning of this crisis in jails and prisons coming into view.

I'll stop there. I look forward to the discussion, including talking about strategies to address these challenges. And I'll just reiterate that what we are seeing in terms of prisons and jails and Covid-19 is a public health and social justice crisis happening in real time.

MR. RAY: Marc, thank you for that. I really like how you put social justice and public health crisis. And it's important for people to think about hat.

And I want to bring in Marcus now, because I think it's important for us to get the perspective of what is it like during this time in prisons for incarcerated people. And this is building on some questions that we got from David Tannin (phonetic), as well as Elena Vanko from the Vera Institute, who are really thinking about is health even a priority under normal conditions. So let's just remove that the pandemic is going on, is health even a priority under normal conditions in prisons? What does a lockdown for a health crisis actually look like in prisons? What happens if the other person in your cell gets sick? I mean is there a way to quarantine in prisons without people being in solitary confinement?

And, Marcus, in answering this question, I hope what you'll do is provide us some insights into your own personal story, as well as the importance of your company, Flikshop, during this time.

MR. BULLOCK: Yeah, no, thank you again. And thank you for having me on this panel. I think this is incredible. I love to see these kinds of conversations happening.

I lived in those cells for quite a bit of time. When I was 15 years old I made a decision, stole a car from a guy, was certified as an adult as a 15 year old, and sent to adult maximum security prisons for the next eight years of my life because I stole that car. So I mean I spent all of my -- you

know, the rest of my teenage years and my early 20s growing up inside of a prison cell.

And, first, I think it's fair to acknowledge that my experience may be different from others as there's very little uniformity in the way that jails and prisons operate from state to state, or even from state to federal facilities. Some facilities are even designed to explicitly pay more attention to people with health issues that place them at a typical higher risk of other people, you know, and other populations. So I'm hopeful, at least, for those facilities that they had very clear plans to deal with this kind of a crisis. But the majority of the general population facilities, like the ones where I was housed, are focused more on the operation of the facilities themselves and less about the actual wellbeing of the people that live there.

You know, I grew up and seeing as a teenager, you know, bodies get wheeled down the rec yard in a body bag in between count time with no one saying oh, what happened, this was going on. Like it was all in secret. And then all of the sudden after a few days, you're like, oh, what happened to so and so. You know, they locked this wing down because they don't know what's going on and they don't want to keep everybody quiet because they want to keep -- you know, so these are things I grew up seeing.

The people who work in the kitchens, the education wings of the prison, the people who clean the rec yard, the people who even work in the medical units, they're all the residents, you know, the incarcerated people who live there. And even when there's a lockdown to try to contain some sort of break out, the people who are delivering the food trays to my door, the people who are sometimes bringing some form of medication to the door, again, these are the incarcerated residents who live there. And I can only imagine how scary it must feel to live in prison during this time where you can't contain it. It's got to be a scary time.

MR. RAY: Marcus, could you tell us about some of the ways that you think that people are trying to cope? So how do people cope in prison? And I think that some of the work that you're doing now with your company I think lends itself to that. So could you kind of talk about what you're seeing on this side in terms of the way that people on the outside are trying to connect with people on the inside and the impact that has on incarcerated people?

MR. BULLOCK: I mean we all know that family engagement means everything, right. Like, you know, once we all leave from off this you panel today, like there are families who are inside of our homes, or at least on the other side of a Facebook post or the other side of an Instagram post or the other side of a text message or email that we may receive saying that we're okay, I'm okay, my mom is okay, something is going -- right? Like this is major. And we all acknowledge it as something that is necessary for us to be able to survive. Yet, there are millions of people that are living in those cells right now who just don't have that luxury. And that's even scarier to think that not only do I have to live inside of an environment where I may contract something that will turn a two year sentence, a five year sentence, a three week sentence into a death sentence, that I'm also disconnected from my mother or my brother or my sister or my aunt or my best friend who are similarly going through something and want to share a side of this moment where we're all dealing with this level of anxiety.

This is, again, a very scary time, and so we wanted to be able to not only help keep families connected during the journey before Covid-19, right. So the Flickshop app, we built the technology to help keep families connected to their incarcerated loved on. Take a picture, add some quick text, press send -- hey, baby, I'm okay. I just wanted to send you a picture of the kids dancing in their living room. And then we print that picture and text on a real tangible postcard and we ship it to any person in any cell anywhere in the country because of the lack of a Facebook or an Instagram or text messaging that you and I do every day.

And we believe that if we're being very intentional about building technologies that -- scalable tech that's allowing folks to at least communicate during this tough time, then we at least relieve some of that anxiety that we're all feeling at home, some of us a little more than others because we know that we have a love don on the other side of that wall that potentially is being exposed to something that is really crippling our country.

MR. RAY: Yeah, Marcus, thanks for that. And on that point, one of the things that you brought up is really thinking about spillover effects. And you talked about in the context of being in prison, that there are people who work in prisons who deliver food, who work in the educational facilities, but then we also know that there are people that come from the outside and who come to work at prisons --

correctional officers, but there are also other people, other staff members who work at prisons and jails as well who are then leaving, going home.

So people like Louisa David (phonetic) from Alternatives to Violence is interested in how transitions work. So what do people need to know? And I'm asking this question to Annelies, who I think has a lot of experience in this area with transitions. What do people need to know about spillage beyond the walls and gates of prisons? And kind of thinking about hits, we know that millions of people cycle in and out of jails and prisons every single year. Many inside and outside of correctional facilities are worried about the health and safety standards and protocols that are put in place. States like Ohio, Annelies, where you've done a lot of work, as well as Arkansas, and obviously DC, where we talked about seemed to be having trouble controlling Covid-19 outbreaks in prisons.

Could you talk to us about the impacts of the spillage effects and spillovers as it relates to outside of the walls of prisons?

MS. GOGER: Yes, sure. So I think you're exactly right. I think both in terms of the people that are cycling through in pretrial stages all the way through to visitors, but also staff. You know, you can't just hermetically seal off a facility. And if you did, frankly, it would be a humanitarian crime in my view to try to lock everyone in there. So you can't really think of these facilities as just being these closed off walls.

And one case that I'd like to draw people's attention is the Marion Correctional Institution in Ohio. Back in late April we were seeing more than percent of the people who were incarcerated there had tested positive for Covid-19 and 177 until now have been tested positive as staff members. And so those staff are going home and their families are exposed and their community exposed. And, you know, actually Ohio had to bring in the National Guard to staff the prison because there were so many staff affected. There are about 2,500 people incarcerated in that facility, so we talking over 2,100 people who had tested positive and 13 have died.

So that's just one facility. And if you look across the U.S. -- I looked last night at the New York Times' what are the top counties in terms of the per capital cases, and five out of the top ten counties were counties that have prisons in them, and four more of those were meat packing facilities and

poultry processing facilities. So nine out of the ten top counties of per capita cases are either prisons or meat packing facilities. And I think we need to ask ourselves what is our value as a country if we don't pay attention to what's happening in these spaces and immediately intervene to make sure that the people inside are safe and the people outside are safe in these facilities.

MR. RAY: Annelies, that's a great point. When we think about these spillover effects, I mean to your point, some of the huge increases we've seen in places, even say like South Dakota, for example, I mean it's really thinking about these meat packing plants. And of course that has huge impacts on our economy long-term as well as in the short-term, but these places also have prisons. So your point is that we're not thinking critically about the spillover effect from one place to another.

I want to bring in Reverend Yeary now to talk about building on what Annelies said, where do we see the loopholes? So we received a series of questions from audience members about pretrial detention, from Jobs for Life, jobs (inaudible) a Podcast, as well why a detention center, who are really thinking about pretrial detention, cash bail, how plea deals and broader forms of inequality that Marc highlighted at the beginning, actually factor into who is in prisons and how these prison disparities are really felt in local communities.

And here it's thinking about building on what Annelies said, that we know that these sort of impacts after leave prisons, not only are incarcerated people more likely to come back to minority communities, but also we know that people who work in prisons might be more likely to come back to certain types of communities.

So how should people be thinking about all these sort of things together and the loopholes that are in the system that become important to think about?

REVEREND YEARY: For the question, first the loophole -- the word loophole has an interesting frame to it. It implies that there is an unintended kind of access and challenge to a structure that would otherwise be properly designed. And I would argue that his is really not a loophole, this is actually the design of the system. It is intended to work just this way.

So when Reverend Jackson raises the issue about tracking the trajectory and the history of the criminal justice system, we have to start with what the major policing was when policing was

actually started. It was to protect white property entrance and to reclaim white property in the form of black bodies. And so starting from there we already have a design that is intended to protect the monetary interest of a system that was supposed to promote free labor. So when you come out of the 13th Amendment at the end of the Civil War, you have the exception that slavery is outlawed except in instances of punishment for crime. You now have a new plantation, that new plantation was called the prison system.

So as we continue to work through this, we have to remember this is not a loophole, it's really the challenge of needing to go back and start afresh with a redesign of a system that is actually achieving what it is intended to do. One in three black males are going to have some contact with the criminal justice system in their lifetime.

And then you talked about -- you mentioned bail. Some folks get free, other folks get a bill. You have to pay for your liberty depending on who you are. And so if we look at it even at the federal level, Paul Manafort and Michael Cohen, they're going home, but if your name is Johnson, Jones, Smith, or some other common name, and you come from an at risk or a high risk census tract, you're still there, almost held captive not only by a system that won't let you out because you're poor, but you're then being further penalized because of your poverty.

And then the third thing that is not a loophole, it is a design, it is a loss of confidence in the court system itself. Most of us who have gone to law school recognize that we're taught that the most obvious and egregious ruling that had ever come from the Supreme Court is the *Dred Scott* decision. But just because you changed the meaning of the decision does not mean you've changed the system that the decision was speaking to. And so we've lost our confidence in courts where judges come unqualified and unaware to even talk about the instances and the conditions that say I'm criminalized because I'm poor. And so in New York City, if you're white you get a mask, if you are black and not socially distancing, you get a record.

And so it's not a loophole, except when we're able to say we did not intend for the system to be designed this way, but when this is operating the way the system planned for it, it's not a loophole, it's still a problem that we've got to go all the way back to the foundation and rebuild a system that is

based on the highest principles of human rights across the world.

MR. RAY: Reverend Yeary, great points.

Let's bring in Reverend Jackson, who has some remarks to make on what everyone just said.

REVEREND JACKSON: Ray, I'm concerned -- Cook County Jail has 9,000 pretrial detainees -- 9,000. About 3,000 of them, they're not anxious to get out because it's become a jail hotel -- they're homeless. About a third of them are mentally challenged, they take medicine all day and sleep. A third of them can't afford to get out.

The other thing is they ship them away from -- downstate, to rural areas where you get you a 500 cell jail, a Walmart, and you can build a whole town around a jail. So there's not a vested interested in keeping the jail open because of the profit in prisons.

And then, lastly, they impact -- they also count those people in the revenue sharing scheme. They can't vote down there, but they're counted as part of the revenue. So that's why, as Reverend Yeary says, it's not a loophole, it's the hole itself.

MR. RAY: I mean I think that's exactly right. And the points you all brought up, it's important for people to know, when we talk about convict leasing, which was where black people will be picked up for very small infractions in the late 1800s after slavery and the Civil War, a lot of those practices have continued. But what's key is the impact that these types of incarceration practices had on local economies.

Let's take the state of Alabama, for example. So when Reverend Jackson says people are being shipped up north, that's part of a practice that still exists. In the late 1800s, convict leasing accounted for about 75 percent of Alabama State revenue -- 75 percent. So part of it is really thinking about that incarceration and incarcerating particularly people of color is something that is profitable for people who don't look like those people of color.

And so, accordingly, what I want to do now, let's take a pivot. I think we've laid out some of the key issues that play out. Now, let's talk about solutions. What I want to do, we're going to kind of backtrack where went. So it's like fantasy football drafting.

So I'm going to start back with Reverend Yeary. And you laid out the series of just pivotally important things and you highlight these aren't really loopholes, but these are designed to be that way. And you essentially asserted that maybe we need to think about a complete restructuring of how we think about the prison industrial complex -- you might say it that way.

So could you kind of build on that and talk about what solutions you see that you think can really change some of the disparities in the prison system?

REVEREND YEARY: Let's start with constitutional policing as a baseline. Baltimore City currently is under a consent decree with the Department of Justice because of some of the most egregious policing practices going back to the death of Freddie Gray five years ago. What we don't often talk about in framing the conversation around Freddie Gray is Freddie Gray is from the neighborhood that when you do a neighborhood analysis is the highest number of black men who have been taken out of the community and caught up in the criminal justice system of any other neighborhood of the state. And so what you have then are these problematic instances where we see the reinforcement of bad behavior, bad policy, bad practice, and there's not enough enforcement on corrective action. So we've got to start with constitutional policing.

The second thing is we've got to get rid of money bail. I should not -- if the state has not met its burden to convict me beyond a reasonable doubt before a jury of my peers for a criminal conviction, then I should not have to pay my way out of jail. It's like Monopoly. We shouldn't have to just hope to get past Go, collect $200, land on Chance, get a get out of jail free card and hope we don't get jammed up in the process. We've got to make sure that the burden remains where the burden should always be, on the state and not on the individual to prove that they're not guilty because the presumption is that they are guilty.

And then we've got to watch judicial appointment and at large election for judges to state courts across the country, because when you dilute the voting power of folks -- and, oh, by the way, if I'm in pretrial detention I still have the right to vote. My voting rights have not been lost. How do we make sure that the citizenship right, which is no less than the franchise itself, is protected and preserved while the government decides what it must do? Don't put me in a corner, strip me of my rights, and then say

let's make a deal. That's not a deal, that is a corrosive effect that says I'm always going to negotiate against my best interest. And in criminal justice, as in Vegas, you never bet against the house because the house is always going to win, unless you change the system from the bottom up.

MR. RAY: Great points.

I want to bring in Annelies and Marcus. And what I hope that you all can talk to is where do we see potentially some positive outcomes? I mean of course you can talk about the solutions. I know that Annelies has definitely some -- and we're going to go to her first and then go to Marcus -- but I also want to think about what are some positive outcomes either around the country in the pipeline that can be replicated -- I mean here I'm kind of thinking about prison-to-work programs and research that's being done, prison education. I mean we had a series of questions from Asha Marchi (phonetic) as well as Irene Oyuco (phonetic) from Clean Start Kenya, who is really worried about prison education. Is that a place where we see some positives, or are there still some issues there?

So, Annelies, how about you go first? I think particularly you telling us about some of the work you've been doing in Ohio would be really important. And then, Marcus, I think if you could also talk about prison education that you potentially participated in, but also what are the shortfalls of that and how you see prison education moving forward into the 21st century in prisons.

So, Annelies?

MS. GOGER: Well, first I want to highlight something that Marcus said, which is that, you know, education within facilities varies tremendously, both in terms of based on who is governing that facility, but also the types of community organizations that surround it. So, you know, I think that's a big challenge when you're thinking about trying to reform something quickly in a crisis, which I really think we should pay attention to.

But, yeah, to get to your questions, so several years ago under the Obama Administration they created a series of grants called the Trade Adjustment Assistance Community College Career Training grants -- that's an acronym called TAACCCT -- and what this did is it gave money to community colleges to provide training that's really geared towards adult learners in the aftermath of the recession. And so the idea here was to experiment and pilot and see what works based

on some promising practices.

So in addition to providing training in more flexible formats and stackable formats, they also provided career counseling where somebody had a career navigator that they could work with carefully.

And then the third component that's really important is a strong connection to employers and work based experiences.

And I was lucky enough to be one of the evaluators of a TAACCCT grant that was funded in Ohio, and I was talking about Ohio earlier, and very close the Marion County area is North Central State College where they actually as part of their TAACCCT grant they developed a bridge program. So the idea is it's meant for all adults, but it helps them transition into community college and into employment. And in theirs they partnered directly with their court system. As you all probably know, we have an opioid epidemic as well as a Coronavirus epidemic, and the highest reason -- the most common reason people are incarcerated in Ohio is because of drug offenses. So in that area in particular they were seeing a lot people coming out of the court system who needed jobs. So they used the TAACCCT grant to provide that case management and career coaching carefully with those folks. And we saw that the people at court (inaudible) after the start of the program, a year after the program compared to the regular WIOA Adult and Dislocated Worker Program, folks who were not getting training but were just getting the career coaching through that program, compared to them they were employed at 30 percent higher rates after a year. And overall about 60 percent of them were still employed.

And so my concern is that, you know, in this discussion about what do we do about all the layoffs and not just prison-to-employment, but any adult that's trying to transition into another career, is that we're talking about doing another round of TAACCCT or another round of experiments. And my question is why don't we take cases like this where we saw success -- and we already know that TAACCCT was designed based on promising practices and evidence -- so if we know what's working, I think we need to scale it. And what we need is we need permanent funding streams for accessible training where someone can be working while they're being trained and they're getting that work experience and getting a foot in the door.

I think that's really one of the big system changes that is good, not just for people coming out of incarceration, but really for any adult that is in a low wage job or just needs to transition their career.

MR. RAY: Annelies, great points.

Marcus, do you want to build on this? We know that Flikshop has Flikshop School of Business. We're hoping you can tell us about that, as well as build on what Annelies was talking about, about the effectiveness of these programs. It seems that once they're in place and people are actually able to use them and connected with employer, they work very well. And we know that Flikshop has helped to function for this pipeline, from prison-to-work.

So can you tell us about your experience and the work that you've been doing?

MR. BULLOCK: This makes me really excited to hear Annelies' comments talking about, you know, the program and the value of it inside of these facilities. I mean we're really excited about leveraging our existing technology at Flikshop to help keep families connected while they have incarcerated loved ones and as research points that family engagement being the largest contributor to success after prison.

We're also excited about helping businesses announce their job opportunities or their fair chance hiring practices that lead to immediate housing once someone is released on our little micro postcards. These are just some of the ways that we're able to see technology being able to reduce recidivism, as that's our key metric for success here at Flikshop, right. Like how many people are we helping to prevent going back into those revolving doors.

But I think that one of the things that -- I mean I'm a living testament of how the value of programs inside of a prison can completely change the trajectory of success after prison. It was only because of business software computer applications class that was in prison that didn't even have internet access, when I was still using Windows 95, trying to figure out how to navigate between a DOS program and using a mouse, that allowed me to be able to have some sense of comfortability and familiarity with the technology so that when I came -- because when I went to prison there was no internet -- I came home it was Google, right. And so, you know, you come home and you face all of these

barriers, with a high expectation for success when you leave. In fact, probation officers, they mandate you to be successful. You have to get a job, you have to do these things the moment that you get out of prison, right.

And so we wanted to figure out how to be able to do this at scale and help reduce these levels of recidivism at scale across the country. And we built the Flikshop School of Business that takes our story, you know, from prison to entrepreneurship back into a very unique curriculum into these facilities to help educate the men and women that are going to be come home and say, he, listen, this is what it really takes to be able to come home and succeed, right. Like it's not enough to say like in theory, like just don't -- you know, stay out of trouble, go get a job. These aren't real practical real solutions that allow for the people sitting in the cells to have any level of potential success after prison.

And now as we think about what it's going to take in order to be able to take these kinds of core messaging and deliver them into, you know, thousands of facilities around the country, we're taking virtual reality into these cells, where we're bringing these kinds of same programs and environments that would typically only reserve for a classroom at a college or university, back into these cells and say, hey, look, the talent is equally distributed in these cells, it's just the access that is not. How do we begin to bring access through the same levels of technology that are going to allow for my cousin and my children and my best friends to succeed when they graduate -- you know, unfortunately not going to graduate this month, but, you know, it's going to be some online thing I think they're going to do, right. But how do we bring that to these cells? Because they are just as deserving. And we're excited about leveraging scalable tech to do that.

MR. RAY: Great points.

So I want to bring Marc in here, because I know that the Justice Policy Institute has been working in the solution space, I mean for a very, very long time. And I think you can tell us about some of the wins and successes that people might think about in these spaces that's important for people to think about. Because I think we always think about, all right, things are so bad now, but I think it also becomes important to think about how bad it potentially once was and what progress has been made.

And I also hope that you can talk about some of the ways that grassroots activism has

been operating. So there were a couple of questions related to that. Jessica Frank had a question about that, Richard Robinson from the Department of State wanted to know the ways that prisons are working with local hospitals and medical facilities.

So really can you just talk about what's happening on the ground, solutions, and the various ways that people should think about change in this space?

MR. SCHINDLER: Absolutely, Rashawn. And thanks so much. I mean this conversation is really amazing, from Reverend Jackson's comments and Reverend Years to Marcus and Annelies, there's so much there and so much we could cover.

I want to go back just for a second to where we started, right. And the reality is that we have just far too many people in this country in cages, right, particularly black and brown folks, right. So I would suggest, as we think about these issues, that we put forward and we demand from elected officials, policy makers, that anything that they do pass a three-part test, right.

And that three-part test would be, is it effective -- you're hearing some of the things that Marcus and Annelies are talking about -- is it fair, right. We've heard, you know, what the Reverends are talking about in terms of how these policies hit communities of color the hardest. And whether it's safe, right. And right now what we know, even on its best day, prisons and jails are not safe places. Now, people who have gone there are essentially -- have been sentenced to death, right. So locking up so many people, not investing in effective responses, fails all these tests, right.

Now, in terms of what we're seeing happening right now, there's some good things happening, right, and we should think about how that gets sustained. On the pretrial side, people who haven't been convicted, in our jails around the country, we actually have seen a fairly substantial reduction in populations, about 30 percent, right. I was having a conversation just yesterday with a reporter in California who was saying he was talking to local law enforcement who said, you know, we have to enforce the law, we have to take these people to jail. And he pressed them a little bit and he said, well, you know, we've got somebody that they're disorderly, they're drinking, and perhaps they may be a threat to safety, to public safety. Well, that's absolutely the wrong standard for why somebody should be incarcerated, should be locked up, right. In normal times, we shouldn't be putting people in

locked places unless they are a substantial threat to public safety, right. In these times, absolutely we should be doing everything we can to keep people out of these in carceral settings, right, because it is so dangerous right now.

I think we are seeing -- I think some of the reductions in the jail populations, quite frankly, I think is because of activism going on on the grassroots level that tends to be more in urban centers, right. As Reverend Jackson said, our state prisons tend to be far away from cities and they're in rural areas. You're not going to see a lot of grassroots activism in those places because organizations and people are not located there or engaged on these issues. So I think some of the jail reductions, I think probably are a result of some of the activism.

The last thing I'll say in terms of some successes, of course this is an issue for youth facilities as well and young people, right. A little known fact is that over the last 10-12 years the number of youth incarcerated has declined over 50 percent. Most people don't know that. Juvenile crime has continued to go down. During this pandemic, youth detention pretrial has also gone down substantially. We should be sustaining those reforms, right. We should be pushing people to say if it's not effective, if it's not fair, and it's not safe, we shouldn't be doing it. And incarceration -- we know about incarceration, is it's the most expensive, least effective, and most unfair response.

REVEREND JACKSON: Rayshawn?

MR. RAY: Reverend Jackson and Annelies in here to talk on these points.

Reverend Jackson, go ahead.

REVEREND JACKSON: One of my concerns that we have in Cook County in Illinois, those pretrial detainees, we have put polls in the jail, we register them to vote, and they are sentenced there. (Inaudible) crack, go to jail, opioid, they go the hospital. There's that distinction. Most of the furniture in the federal government and states are made by prisoners. They make the furniture. They come out and they can't get a job at a furniture company. Now, I (inaudible) those young people should have computers and learn the actual codes and programming. If they can get a job they're less likely to be recidivists.

MR. RAY: I mean those are great points. And so the points you just brought up, we got

a series of questions. And I know Annelies is about to build on these points, but I'll just throw some things out there for the panelists to think about. And Marcus brought it up, Reverend Jackson was thinking of bringing it up, is how we think about private versus public facilities, how we think about youth facilities, how we think about jails versus prisons. I think these are the types of questions that people are trying to figure out.

So, Annelies, go ahead, and then I'll kind of bring up another set of questions.

MS. GOGER: Sure, I think the Reverend Jackson and Marc brought some really good points up. I think definitely there's very strong evidence that if someone can get a job then they're less likely to go back into incarceration. So it's in everyone's benefit to help people get jobs. And, you know, I think one of the big barriers we have is on the employer side. When you don't have restrictions on blanket, you know, criminal background check, where just any background at all eliminates you from the position. There's a company called Checkr that we've been partnering with at my previous job that has the capacity for the employer to say when they post a job, you know, these types of records aren't good for this job, but these are okay. And I think there's strategies that you can do as an employer to give people a fair shot when they're coming out and after they have served their time.

Another issue that I think is really important to think about after this and in the midst of this crisis is that a lot of time when someone has been in for a long time, they're released into congregate housing. And those facilities also are not ideal to release people into in this crisis. So I think it's a high priority to release as many people as we can, but we have to think about in this moment (a) this person is going to have a harder time finding safe housing, they're going to have a harder time getting a job in this job market, and what can we do to increase the supports that are available and do so in a way that's more even and not just sort of sporadic based on who happens to live in an area that has a lot of organizations nearby.

REVEREND JACKSON: Rayshawn?

MR. RAY: Yes, sir?

REVEREND JACKSON: The point -- a number of people I've met in person, taken off of jobs, locked up for lack of child support, keep on -- garnish their check. To lock them up is to pay --

imprison them and then the family of the man who is in person -- if you take him off the job and then lock him up -- keep him on the job and garnish their checks to pay child support in that way.

Now, we have an appetite for locking people up.

MR. RAY: You know, I think these are great points because it really talks about -- and we've got some questions about non-violent versus violent offenders.

You know, I think there are a lot of people who are incarcerated and they instantly think these people who are in jail for overly violent crimes, when most people overwhelmingly are in prisons and jail where that's not the case.

So I want to throw out a series of questions to the panel and you all feel free to answer how you may. So, Reverend Yeary, you feel free to kick it off and Marcus you all go.

So we got a question from John that asks should Attorney General Barr temporarily suspend operations by Federal Prisons Industries. So FPI we know employs federal prisoners inside BOP prison run factories. I think Reverend Jackson was just talking about that when we think about furniture made. I know at universities if you actually look the furniture that's made at universities and the desk that's made in universities, often times this furniture is being made by people in prisons. That's something that people don't necessarily know.

The next set of questions from Jean, Daniel, and Elliott really kind of talk about who should be making decisions about who stays and who goes. So Jean says that Virginia is releasing inmates due to deaths and illnesses in prisons, but on the other hand, we also know that in some cases that's not happening. So Daniel is wondering what practical steps can be taken to minimize transmission and a reduction of staff and inmates when that's not necessarily an option. So, in other words, what he's asking is what do we do to kind of prevent the spread from people who are coming into prisons. What they say is you're supposed to stay home and self-quarantine. They can't do that. So what does that look like from a practical standpoint to deal with that?

And then, finally, how do we really juxtapose the public and private divide between public run facilities, private run facilities, as well as the differences between jails and prisons?

So I know I threw a lot out there. And I think we can kind of handle that. I think

Reverend Yeary can. So I'm hoping that he can take the first stab.

REVEREND YEARY: Yeah, you threw it to me and my leader is chuckling in the background. He's waiting to see what this response is going to be.

Let's kind of start with the suspending of operations for working inmates, right. So if you're outside the walls and the executive order has shut down your business, federal legislation made it possible for you to apply for unemployment insurance pending your ability to return to work. Why don't we have the same kind of consideration for workers behind the walls? What we've done is we've created this bifurcated system that somehow or other we are given the latitude to deny full human rights to folks who are incarcerated, and that's problematic. So I think that's one.

Look, if you can do it on the outside, you can find a way to do it inside, which includes testing, depopulating. How do you get there, who makes the decision? It depends on where they are in the process. If they're pretrial that could be the district attorney of the state's attorney. Many times, folks are being held subject to trial because they're overcharged because 97 percent of convictions in state courts come by way of plea bargain. So if I'm already overcharged and my back is against the wall, sure, I'm going to take what looks like a deal because I either want to shorten the amount of time I might be gone or to get out sooner, even though I cannot afford to get out now. Parole boards have to be activated, governors have to use their executive authority, because state courts fall under the executive branches. And then sometimes you actually have to have litigation. You're going to have to go to court. And if we don't create a new line of test cases to protect the rights of persons to begin to change how laws are interpreted and applied, depending on zip code or race or gender, whatever the case may be, then what we're doing is we're basically adapting to a process that is already flawed from its inception.

So that's my quick flyover. And I (inaudible).

REVEREND JACKSON: Yeah, but my point, and many people like Marcus can't get a Pell grant scholarship, can't live in public housing. They are locked up while out of prison. It's a program for recidivism -- punishment beyond the walls,

REVEREND YEARY: And the recidivism piece, what we know, a couple of things, right. You can use risk assessments if that's necessary, because the issue of pretrial is are you going to show

up for trial, it's not -- or if you're a threat to the community. So if you can't establish those two, then you really should be released on recognizance.

But the other piece is, is that the ability to find a job -- here's the big deal -- we often point to the data that says the greatest predictor of return to prison is can we keep folks employed once they get out. But under the CARES Act, if we had someone who is returned to the community, started their own business, been in business under five years, they are actually precluded from accessing the CARES Act funds. It's fundamentally unfair. I believe that if we got folks employed on the front end we might not have such a need for prisons at all. And bottom line, if they trade on the stock exchange, they should not be in the business of holding bodies. That's nothing less than modernization of the slave system itself.

MR. RAY: I want to get other people's thoughts on this point that Reverend Yeary just brought up. So let's go to Marcus -- we'll go to Marc and Annelies -- thoughts about private and public. So Reverend Yeary essentially just brought up what it looks like to be on the New York Stock Exchange and literally be able to profit kind of doubly over What are your thoughts about this? And in addition to this central issue, what are other differences that people should know about public versus private and prisons versus jails?

So, Marcus, we'll start with you and go around the horn.

MR. BULLOCK: Yeah, you know, it's interesting because I'm going to go out on a limb here and say that I was probably one of the only ones to live in both the private and state run facility. And, you know, very interesting experience. I mean, I'll tell you, when I was in prison, the reality of it is that I care about it a lot more now because I think about the lobbying that potentially may be happening as of the thought of incarcerated on the side of the sales . But back then I wasn't thinking about whether or not this was a private facility or a state run facility, they were all prisons to me, they all looked the same, they all operated the same. One may have had a little bit more, you know, a few m ore perks, like a larger screen TV or a fan purchased inside of my sweaty wall, you know, cell, but for the most part a prison was a prison, right.

And, further, I kind of want to sort of acknowledge like I don't know if the fight is so much is like, you know, how the operations of them work because, you know, most that do the research will find

out that the vast majority of prisons in any state are all state run facilities. A very small fraction of them are all private. The problem is are we experiencing folks going down and lobbying in Washington, DC and saying, hey, we need to incarcerate more bodies because we have bed that we already have paid for.

One of the other thing that I think is really important we teased out a little bit is this conversation around violent versus non violent offenders and then the access to programming and/or potential releases as a result of what the case was. And the reason why I love that I get to have an opportunity to sit on panels like this is because I want to be one of the ones that represents a statistic and just not a statistic. I want to humanize that experience, right. We typically talk about data, but very seldom do we have the opportunity to be able to meet one of those people.

So when I committed my crime back in December in 1996, I walked up on a guy -- my friend and I -- I was 15, he was 16 -- we both pulled out a gun on a guy, asked him to step out of his car and jumped into his car and drove off, right. Now, that became -- because we used the gun, that became a violent offense. And while I'm so grateful to god that no one got hurt that night, but an hour -- just an hour later that same Marcus was in a car smoking weed with his friends. And if I would have gotten caught an hour ahead of time, I would have been a non-violent offender who would have had more access to opportunity during the incarceration and even post incarceration than the same Marcus that sits before you today that Reverend Jackson just pointed out. I can't go rent an apartment in most neighborhoods, I won't be able to sit on the HOA inside of my own neighborhood, I can't coach my son's basketball team. I can't do some of these same things that we all enjoy as civil liberties once you're supposed to come home. And that's frustrating. And so I want to eliminate that argument around violent versus non violent and who is worthy enough for that kind of redemption.

And so I think it's important to mention that.

REVEREND JACKSON: When you have Paul Manafort and Cohen and Flynn flaunting the law, how does it feel locked up to these guys -- too good to be locked up.

Some years ago a gentleman who was very attractive -- a young blonde lady, he said she too beautiful to be in jail. He wouldn't lock her up. The judge dismissed her case. She's too beautiful to

be in jail. And now you've got Paul Manafort and Cohen and Flynn about to be free and people are -- they're flaunting the law.

MR. RAY: I want to get Marc and Annelies in on this point. Go. One of you go ahead.

MS. GOGER: I was going to talk about the private setting. And I think what many people -- what I know of is talking to formerly incarcerated folks who live in congregate housing I was talking about, and I just wanted to share a little bit about that. So that was owned by one of the private prison companies and he had been receiving tech training within -- before he was released and was looking for a tech job. They tried to institute a rule saying that no one in the house could have anything worth more than $200 within the house.

So here's a person who's supposed to be looking for job in tech that can't get an iPhone or a laptop and so he had to fight back against these rules within the congregate housing

And then, secondly, they were garnishing wages. And so I think the point here is, you know, there's a profit incentive to keep people in that setting longer and there's not really a lot of checks and balances in terms of, you know, are all of the rules in that house helping that person get a job, are all of the rules in that house helping that person to restart their life, you know, is that person experiencing any factors like curfews that are keeping them from getting jobs and being productive in society?

You know, that's one of my concerns about private governance, is that it gets into these gray areas that nobody is paying attention to.

MR. RAY: Marc, go ahead.

MR. SCHINDLER: Yes, so if I could just jump in. I know we're getting close on time.

And I'll go back to something Marcus was talking about, this violent/non-violent dichotomy, which I think is really an important thing that's going on right now in terms of the Covid crisis, right. Most states, to the extent -- and jurisdictions -- to the extent they are talking about releasing people, they're limiting it to non-violent, right, non-violent offenders. And we have to get past the offense and look at the risk level that people pose. And so, for example, today we have a substantial number of elderly people in prison because of the long sentences that have been imposed since the '80s, '90s, and 2000s, right. These are people who by and large went into prison for violent offenses, right. Whether

they are high risk then or not, let's put that aside. They went in for violent offenses, but today what we know, because of their age, is they are at the lowest risk to reoffend, but they are high risk in one way, they are in extraordinarily high risk to Covid-19 and to die, right. And so we have to put aside this violent/non violent and look at risk level, right.

Essentially what we have in our prisons, as mentioned earlier about other congregate care facilities -- I think Reverend Jackson was talking about nursing homes, right -- in our prisons we essentially have very expensive nursing homes because we have a very elderly population that has grown enormously. We should be looking today at those people and making sure that they can be released with good plans, right. It would be much effective to rent hotel rooms and keep them socially distanced than keep them in what is essentially a Petri dish in our prisons.

And so I think we need to really push the envelope and have more informed discussions about this violent/non-violent piece moving forward.

REVEREND JACKSON: Dr. Ray, since this thing had been driven by the pandemic, we have a certain sympathy toward (inaudible) grandparents and the like. But the fact is the most dangerous thing behind the prison walls, some jailors will not let the press in to know who's dying behind those walls. And in Cook County jail there are 400 inmates positive, 200 workers positive, and workers are dying. And they work 8 hours shifts, they come out, they go home, and they spread it.

So the source of spreading this thing (inaudible) for workers who work three shifts in jail every day.

MR. RAY: Yeah, I'm going to have you all real quickly reflect on a central question. And I know, Mike, we couldn't even get to the great question you asked about ICE detention centers and the way we kind of see medical neglect. But what I want to ask each of the panelists to reflect on is Jean's questions about who should be making the decision about who stays in prisons and who goes home. And I'm thinking about Susan Farrell, who is 74 years old who I think is one of the first people to die in a Michigan facility for Covid-19. She was in prison for murdering her husband decades ago and ended up dying in prison. And Allison Fantz from the Coalition for Public Safety highlighted Andrea Circle Bear's death, who actually died being 8 months pregnant -- got sent to prison and died having her child.

And so how should we think about who should be making decisions about who stays and who goes? I mean we talk about it essentially all the way up to what's happening at the White House and the government. And then, of course, we can think about things on a very local level.

So if each of you could quickly, before we close, say who should be making the decisions about who stays and show goes.

Let's start with Marc, which is kind of my round robin. We'll go to Annelies, Reverend Yeary, and end with Marcus.

MR. SCHINDLER: Well, I'd just say quickly, you know, whoever has the authority to release someone should be making that decision. In some places that's the governor, in some places that's a prosecutor weighing in, judges should be stepping up, as well as parole commissions, right. so it varies in the situations, but everyone who is in a decision making role should be looking very closely right now about how they can reduce the population, because right now people in jails and prisons are sitting ducks for Covid and that's going to spread into our communities. It doesn't stay behind the walls.

MR. RAY: Yeah, good point.

Annelies.

MS. GOGER: I would echo that and just in the interest of time, you know, the Byzantine governance is part of the problem here for crisis response. And I would add just that we also need to be thinking about if you're releasing people, making sure you're releasing them into safe conditions and thinking about protocols for that as well. We don't want homeless people -- people being released into homelessness.

MR. RAY: Reverend Yeary?

REVEREND YEARY: I can't say it better. Answer D, all of the above. Whomever has the requisite authority, depending on where folks find themselves in the process, should be participating in it. And I think, actually, prosecutors have a responsibility, even post conviction, to go in and make the appeal because they actually have state authority behind them.

And so we have to make sure that we don't allow folks to stay in their comfortable silos and skirt their responsibility.

And also add community confinement as an option, right. So sometimes it's not a home that's actually most available for us for this release, but sometimes community networks that allow us to rely on a myriad of resources to be able to make sure that this transition is healthy, not just for the returning citizens, but also for the communities that they're returning to.

MR. RAY: Marcus?

MR. BULLOCK: Who am I to answer that? (Laughing) I mean they knocked that one out of the park, right. Like I mean, of course I will probably -- you know, because I'm a champion for -- you know, I like to get on my soapbox and talk about the need for eradicating some of these laws around technical violations. So if you think about probation, like not people getting released, but preventing folks from going to the jails today anyway, right. So technical violations. The police officers who are there to protect my community, having a little bit of this sermon around the folks that they're putting handcuffs on now and taking them down to these cells, right, and locking them up and putting them in jails for no reason. I mean not for no reason, right, but things that we probably should think twice about whether or not they should be, you know, going into a jail cell at this time.

MR. RAY: Yeah, thank you.

Reverend Jackson, you want to take us out?

REVEREND JACKSON: The lack of press coverage. The press has an obligation to go behind the walls. The cost of imprisonment. I remember in '83 we took Harold Washington. We go to Cook County Jail every Christmas and we took Harold Washington with us. The press (inaudible) Harold, why you in jail (inaudible) didn't pay your taxes. Spence Leak was the jail warden. (Inaudible) 9,000 inmates there. He won by the margin of pretrial detainees. We empowered them. I'm submitting you that the press is negligent in not covering what's happening behind those walls in terms of the ethics of it, the humanity of it, and the potential possibilities behind those walls.

MR. RAY: I think that's a great way to end. We want to thank everyone who was tuning in for this event.

Again, I mentioned a series of questions. I think we got to a lot. One that really stuck with me is the question that Mike asked about ICE detainees and detention centers that we couldn't even

get to. I think it deserves its own event, in addition to some of the other things that people asked and we couldn't necessarily get to.

But we want to thank all of you for tuning. We want to thank all of our panelists for giving us a lot of information to think about. And tune in for that June 5 event that Annelies will be doing on the prison-to-work pipeline.

Thank you.

REVEREND JACKSON: Thank you, Dr. Rayshawn Ray. Thank you, thank you, thank you. (Laughing)

MR. RAY: Thank you all.

MR. SCHINDLER: Thank you, everyone.

MR. RAY: It was awesome.

* * * * *

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Carleton J. Anderson, III

(Signature and Seal on File)

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2020