

Transforming Criminal Justice

January 23, 2020

America's criminal justice system perpetuates a system of mass incarceration, punishment, and profiteering rather than prevention and rehabilitation. Nearly [2.3 million people](#) are behind bars. Our nation's prisons, jails, detention centers, and other correctional facilities [lock up a higher percentage](#) of the national population than any other country in the world. Tom Steyer recognizes it is time to end mass incarceration in America and transform our justice system into one that exemplifies our values of fairness, equality, opportunity, and second chances.

The criminal justice system was built on rampant racism. This prejudice is pervasive throughout the system. Police and district attorneys arrest and charge men and boys of color at higher rates than others. Judges hold people of color to stricter standards, resulting in longer sentences than those of white people committing similar crimes. As a result, nearly 70% of the individuals in prison today are from communities of color. An African American man in America has a [one in three chance](#) of being incarcerated in his lifetime. A Latino man, a [one in six chance](#).

Our system preys on the poor. Approximately [462,000 individuals](#) are in jail — [nearly 70%](#) for nonviolent offenses — simply because they cannot afford to pay bail or other fees and fines. In prisons, the cost of ordinary goods like phone calls, food, stamps, and feminine products is often usurious. Fees for diversion programs, parole monitoring, and supervised release too often place undue financial pressures on poor individuals working to rebuild their lives.

The system is costly. Taxpayers spend up to [\\$182 billion](#) each year for our criminal justice system. To incarcerate a single state inmate costs on average [\\$33,000](#) a year. And the big companies who run private prisons, insure bail, and supply correctional facilities with goods and services heavily influence how policy gets crafted. Taxpayer dollars are better invested in rebuilding our communities through education, healthcare, clean air and water, violence prevention, and rehabilitation.

Our system has broken families and communities. Far too many Americans are behind bars. Too many communities have seen multiple generations caught up in the school-to-prison pipeline. [One in three adults](#) in the workforce has a record — the same number that hold college degrees. [One in twelve kids](#) have experienced their parent's incarceration. Spending time in the criminal justice system can haunt someone's life long after they've served their time, barring them of opportunities in the workplace, society, and civic life. It is a moral imperative that the next administration invests in restorative justice.

As President, Tom will work tirelessly to reform our broken system into a system of justice. He will break the corporate stranglehold on our government that exacerbates the prison-industrial complex and ensure that power is held by every American. A Steyer Administration will work to reduce the number of individuals entering the criminal justice system, prioritize rehabilitative efforts behind bars, and support individuals when they return to society. We are one nation under the law. Tom will strive to rebuild our criminal justice system to reflect our best values.

Together, we can reform the criminal justice system into a system that enacts equal justice under the law.

Juvenile Justice

It starts when we label kids — and particularly kids of color — as “bad,” rather than addressing the underlying issues that may lead to criminal behavior. Tonight, [more than 48,000 youth](#) will go to sleep in a correctional facility. Of these kids, [black children are five times more likely](#) to be incarcerated than white youth. Up to [20% of incarcerated children identify](#) as LGBTQ+.

Hunger and poverty are [big culprits](#). By simply providing better services, proper nutrition, clean air and water, education, housing, and health care for kids and their families, we can change outcomes for at-risk youth. For the young people who do encounter the criminal justice system, Tom knows we must focus on restoration and rehabilitation. We shouldn't give up on our kids. We should give them every chance to succeed.

Early interventions work and they can significantly change the course of a young person's life. If a young person avoids encountering the system before the age of 25, it is unlikely they will do so over the course of their life. Because young people are still developing cognitively, they sometimes make rash decisions without understanding the larger consequences. These decisions should not haunt them for life.

As President, Tom will work tirelessly to implement comprehensive and progressive reforms of the juvenile justice system and accelerate [the positive trend](#) of declining rates of youth confinement. A Steyer Administration will focus on early interventions to reduce delinquency, increase resources for juvenile courts, and invest in restorative justice alternatives to juvenile detention.

To prioritize justice for America's youth, Tom will:

- **Create a Bureau of Juvenile Justice** within the Department of Justice to oversee criminal justice issues impacting youth. The Bureau will assume and expand the current responsibilities of the Office of Juvenile Justice and Delinquency Prevention, and administer [key grant programs](#) to the states that encourage innovation and progressive outcomes.

- **Provide \$600 million to the Bureau of Juvenile Justice.** Tom will double the amount of funding for juvenile justice so the Bureau can implement historic reforms to reduce the number of youth in the criminal justice system.
- **Coordinate across Federal Agencies to address juvenile delinquency.** The Bureau will coordinate with the Health and Human Services Agency, Housing and Urban Development Agency, Department of Education, and others to address the factors that impact a child's life and can lead to incarceration, including healthcare, mental health, hunger, foster care, and child abuse.

Through the Bureau, Tom will encourage states to reform the way youth are treated in court. Nearly all young people are adjudicated and detained by state and local jurisdictions. While the Federal government has no direct power over those systems, the President can fund programs and use the bully pulpit to encourage restorative reforms at the state level.

Using the powers of the executive branch, Tom will encourage state and local governments to:

- **End the prosecution of minors in adult courts.** No child should be tried as an adult in court.
- **Keep the youngest children out of the criminal justice system.** No child under 12 should enter the criminal justice system. Tom will set a threshold for how old a child must be to be adjudicated in the juvenile court system.
- **Stop jailing kids and fining parents for skipping school.** [24 states](#) look to the juvenile justice or family court system to solve truancy, rather than relying on restorative programs through the educational system.
- **Assign a social worker to help youth and their families navigate their adjudicatory hearing.** Kids and their parents or guardians often need help navigating the justice system. A social worker will help connect every child and family to needed resources.
- **Invest in restorative justice, diversion, counseling, and community service programs.** Evidence shows that alternatives to detention markedly improve a youth's chance of avoiding continued engagement with [the criminal justice system](#).
- **Stop putting kids in adult prisons.** Today, nearly [10% of incarcerated youth](#) are held in adult facilities without age-appropriate educational and social support. While incarcerated with adults, [youth face higher likelihoods](#) of physical and sexual assault, trauma, and suicide.
- **End solitary confinement for all youth.** Tom believes that solitary confinement — children locked up for as long as [22-24 hours a day](#) without access to a window or educational materials — amounts to child abuse, and he will work to end this cruel practice.

- **Provide parole for individuals convicted in their youth.** The [Supreme Court](#) has ruled that it violates the 8th Amendment to commit a minor to life in prison without parole. Tom will encourage states to implement regular and early parole review for those committed as youth.
- **Connect youth with needed mental health services.** Nearly [two-thirds of confined male youth and three-quarters of female youth](#) are diagnosed with a psychiatric disorder. Through his healthcare plan and a \$100 billion national mental-health effort, Tom will increase access to mental health services that are greatly needed by a majority of youth in confinement, in addition to improving mental health services throughout our educational system.

Tom recognizes that many of the root causes of juvenile delinquency stem from a lack of investment in our nation's youth and their communities. Tom will fight for quality education and a fair justice system for all young Americans, including those with disabilities, who represent [65-70% of kids](#) in juvenile justice. To prevent some of the environmental causes of youth incarceration, Tom will:

- **Ensure that every young person has a right to education, health care, and clean air and water.**
- **Support children in poverty.** Poverty is linked to higher rates of incarceration. Tom will expand the Earned Income Tax Credit and Child Tax Credit and fully fund the Supplemental Nutrition Assistance Program, the National School Lunch Program and other vital anti-poverty programs that help alleviate the most immediate stressors of child poverty.
- **Reform our educational system.** Without guaranteed access to a good education, there's no such thing as equal opportunity. The government must protect the right to a free, quality, public education from preschool through higher education, including skills training. Tom will incentivize school systems to implement positive interventions when students get into trouble. When interventions are needed, schools should rely first on trained health professionals, counselors, and social workers, rather than police officers.

Police Reform

Police are there to make us safe. Yet for far too many Americans — particularly African Americans — an encounter with the police is a potentially dangerous interaction. Following [twenty years](#) of accelerated stop-and-frisk policies, it is time to rebuild the relationship between our communities and the police. People of color are [more likely](#) to face physical force when stopped by the police and [less likely](#) to call upon them for their services than their white peers. African American men in particular are routinely overpoliced, too often with violent outcomes: they are more than [twice as likely](#) to be killed by the police than their white peers.

A Steyer Administration will work with local law enforcement and communities to reform policing so that every community member feels safe. To accelerate police reform in America, Tom will:

- **Identify and combat racial bias in law enforcement** through grants for mandatory racial bias prevention training for police officers, ICE enforcement officials, FBI agents, and other law enforcement professionals and provide funding for accountability aids, like body cameras.
- **Ban the use of facial recognition in policing.** Tom's hometown of San Francisco invented these technologies — and was the first jurisdiction to ban their use. These are biased technologies and should have no role in policing.
- **Advocate for a Federal standard for the use of force** that requires alternative strategies such as de-escalation techniques, verbal warnings, and lower levels of force. Tom's administration will encourage the creation of citizen review boards with subpoena powers to provide stakeholder oversight and improve community-police relations.
- **Invest \$500 million in community policing.** Tom will increase funding for the Community Oriented Policing Services Program to provide grants to state and local governments so they can hire community police officers who work collaboratively with the community to reduce crime and promote public safety. Tom's administration will also encourage municipal governments to depend less on fines and citations for revenue and build partnerships to enhance data collection and sharing.
- **Demilitarize local law enforcement** by ending the 1033 Program that allows the transfer of military weapons to state and local police.
- **Create a Presidential Task Force on Policing, Criminal Justice, and the Mental Health Crisis.** As a part of his \$100 billion effort to improve mental health outcomes, Tom will form a Presidential task force to study mental health and policing. This task force will also build partnerships between police, mental-health and substance-abuse professionals, and social workers to better respond to individuals with mental health illnesses. And it will make recommendations on how to divert those experiencing a mental health crisis into needed care, not detention.

There are a number of laws that have particular impacts on communities either through the way they are enforced or the way their enforcement impacts certain groups in a discriminatory manner. Tom will:

- **Incentivize states to repeal "Stand Your Ground" laws** that allow a person to kill another individual in the name of self-defense, even if that person could have safely retreated.

- **Root out white supremacist violence and designate it as domestic terrorism.** Over [410](#) white supremacy organizations are currently being monitored by the Southern Poverty Law Center— and they have been emboldened by President Trump’s hateful rhetoric. A Steyer Administration will direct the FBI to enhance investigations into violent white supremacist networks and designate this type of violence as domestic terrorism. Tom will increase FBI resources to more effectively track and stop these heinous crimes, including establishing proper training for law enforcement to address racial bias in the pursuit of terrorists.
- **Stop hate crimes.** Tom will direct the FBI and local law enforcement to ensure that no one in this country is threatened or hurt on the basis of who they are. Nobody in America should be fearful because of the color of their skin, the language they speak, the religion they practice, or the person they love.
- **Support women by fully funding the Violence Against Women Act.** As president, Tom will urge Congress to reauthorize the Violence Against Women Act (VAWA), a law that protects women from violence, sexual assault, and stalking. Tom’s Administration will increase the funding for the Rape Prevention and Education Program, one of the largest grant programs that supports comprehensive and effective violence prevention strategies, to \$500 million.
- **Create a higher standard of accountability for white collar crime.** A Steyer Administration will collect and analyze data for financial and corporate crimes to better understand their scope and impact. Based on those findings, Tom will direct the Sentencing Commission to enact appropriate reforms to fines and sentence guidelines (see below for more on the Sentencing Commission).

A Progressive Department of Justice

The Department of Justice (DOJ) holds the tremendous responsibility of ensuring equal justice under the law. A Steyer DOJ will exemplify and enforce the highest standards of law enforcement, prosecution, and civil rights.

To ensure the DOJ upholds equal treatment for all people, Tom will:

- **Appoint strong, justice-oriented leaders at the Department of Justice.** Tom will appoint a strong and progressive Attorney General to lead this key agency and his criminal justice reform efforts. A Steyer administration will also ensure that the DOJ bureaus and key offices are staffed with visionary, creative, and effective leaders.
- **Fund, Modernize, and Revitalize Crucial DOJ Federal Grant Programs.** The [DOJ’s Office of Justice Program](#) sends more than \$3.9 billion to state, local, and tribal programs each year. Tom will ensure that grant criteria prioritize public safety, reductions in crime and mass incarceration, as well as improve data collection and sharing.

- For example, the [Edward Byrne Memorial Justice Assistance Grant Program](#) (JAG) needs to reflect a progressive criminal justice reform agenda. Tom's administration will increase funding for the JAG program and require clearer goals to reduce imprisonment and increase the use of diversion programs.
- **Repeal Trump era policies and reinvest in the Civil Rights Division.** The Trump Administration has severely undermined the DOJ's civil rights enforcement efforts, by threatening [LGBT rights](#), harming efforts [to enforce civil rights abuses by local police departments](#), [repealing](#) directives that allowed prosecutors to seek lower sentences for certain drug crimes, and [repealing](#) leniency given to states for marijuana laws. Tom will reverse these orders.

Equal Access to Justice in Court

The right to due process is enshrined in the U.S. Constitution and forms the basis of our judicial system. Although the United States embraces an adversarial court system where both parties present their case, the defense and prosecution must have similar resources and availability to ensure a fair trial.

Unfortunately, this is not reflected in our current system. Only 21% of state public defender offices have sufficient resources to handle their caseloads. Prosecutors have more resources and are often promoted based upon their conviction rates, not public-safety or criminal-justice goals. Their power is redoubled because mandatory minimums — statutes in which judges are held to strict sentencing standards — puts prosecutors in the driver's seat to determine an individual's sentence. The prosecutor's choices in determining the charges they prosecute and what and how they plea-bargain often determine the outcome for the defendant. This aggressive prosecutorial model drives more convictions and longer sentences — a driving factor of mass incarceration. Ultimately, those who can afford better counsel have better results, leaving poor defendants and defendants of color to bear the brunt of a broken system.

To reform the courts, Tom will:

- **Reform Incentives for federal prosecutors.** Tom will direct the Attorney General to hire and empower dedicated US Attorneys who will fight for justice and direct the department to pursue criminal-justice and public-safety goals in tandem. The Attorney General will promote US Attorneys based upon their success in achieving these dual objectives.
- **Invest \$100 million in public defender offices.** Tom will increase funding to public defender offices to hire attorneys, improve investigative capacity, increase lab resources, and build institutional strength at the local and state levels.

- **Eliminate court fees and reduce fines.** The revenue used to fund court systems disproportionately and unfairly affects low-income communities. Tom will eliminate fees at the Federal level and end incarceration for failure to pay fees; expunge all unpaid federal fees; reduce fines for nonviolent offenses and assess them based on the defendant's income; and use incarceration as a means of last resort for unpaid fines. Tom will encourage states to do the same.
- **Expand and fund specialized courts.** Problem solving courts — like drug, mental health, domestic violence, and veterans courts — have the expertise to better address root causes underlying certain crimes. These courts appropriately divert defendants away from the prison system into treatment programs, counseling, and other rehabilitative programs. Tom will encourage states to establish and expand specialized courts.

End Cash Bail

Tom fought alongside advocates to end cash bail in his home state of California and won. In doing so, they took on the powerful bail bond industry, which brought in more than [\\$3 billion in revenue nationally](#) last year. Tom believes that it is absolutely necessary to end cash bail nationwide.

The cash bail system targets poor people and people of color and significantly increases unnecessary incarceration. Every day, [465,000](#) individuals are locked up in pre-trial detention, in most cases because they cannot afford to post bail.

With pre-trial detention periods lasting [50-200 days](#), detainees often risk losing their jobs, homes, or custody of their children — even though they have not been convicted of a crime. Cash bail disproportionately impacts women who are less likely than men to post bail because of lower wages and childcare duties. Extended pretrial detention wears down defendants and often makes them more likely to accept punitive plea bargains and a criminal record simply to resume their lives.

In order to eliminate discriminatory cash bail practices, Tom will:

- **Expand and fund specialized courts.** Problem solving courts — like drug, mental health, domestic violence, and veterans courts — have the expertise to better address root causes underlying certain crimes. These courts appropriately divert defendants away from the prison system into treatment programs, counseling, and other rehabilitative programs. Tom will encourage states to establish and expand specialized courts.
- **Direct the Consumer Financial Protection Bureau (CFPB) to regulate the commercial bail bond industry.** For too long, this predatory industry has flourished without sufficient oversight. While working to eliminate cash bail, Tom will direct the CFPB to better regulate the existing cash bail system.

Ending the War on Drugs

Tom believes we need to change our justice system's preference for putting people in prison. Studies have shown that [more incarceration doesn't work](#) — it doesn't make us safer and it is incredibly costly. Worse still, [poor people](#) and [people of color](#) face higher rates of convictions and more severe sentences. We can decrease mass incarceration through thoughtful, evidence-based changes to sentencing policies.

First, Tom believes we must end the [failed War on Drugs](#). Based on the flawed idea that incarceration is the answer to addiction, federal and state elected officials passed severe sentencing laws that encouraged incarceration for low-level drug offenses. Unfortunately, communities of color were and continue to be disproportionately affected and targeted by these laws, even when [other ethnicities were committing the same drug crimes](#) at the same rates.

- **End mandatory minimums and expand judicial discretion for non-violent drug offenders.** [Mandatory minimum sentences](#) have played a significant role in increasing mass incarceration by reducing the discretion that a judge has in sentencing an individual for a non-violent drug offense based upon their past record. Punishments should be proportional to the crime. Mandatory minimums reinforce racial prejudice in the system and do not increase public safety. Tom supports the [Smarter Sentencing Act](#), a bill that reduces mandatory minimum sentences for certain non-violent drug offenders and increases judicial review.
- **Prioritize diverting individuals with substance abuse disorders to treatment and rehabilitation programs, drug courts, and probation.** Tom will provide resources from his health care plan and \$100 billion mental health investment to increase alternatives to incarceration. Individuals should not go to jail for being an addict.
- **Legalize marijuana use and expunge past records.** Policing marijuana use has led to too many unfair incarcerations and predominantly impacted communities of color. Tom endorses the [MORE Act](#), a bill that will deschedule marijuana at the federal level and let states set their own policies. This bill will also expunge past records and provide individuals who served time for marijuana convictions the opportunity to participate in the legal market, including access to training programs. A Steyer Administration will also open equitable pathways to banking for marijuana businesses. The federal government — including the Federal Deposit Insurance Corporation — should not be a barrier to marijuana businesses receiving support from their local banks.
- **Support sealing records for rehabilitated nonviolent drug criminals.** Formerly incarcerated drug offenders who cannot find employment as a result of their records have an incredibly difficult time restarting their lives. Tom supports the [Clean Slate Act](#), which allows records to be sealed for nonviolent, drug offenders who do not commit more crimes.

- **Decriminalize opioid possession and invest \$75 billion to address the opioid crisis.** Tom supports decriminalizing small amounts of opioid possession for personal use at the federal level. He will address the opioid crisis through \$75 billion in new funding over ten years to resource state and local treatment programs, hold big pharmaceutical corporations and their executives accountable, and strongly enforce laws that end the illicit distribution and sale of opioids.
- **End the disparity between crack and cocaine sentences.** The Obama Administration successfully narrowed the discriminatory disparity between crack and cocaine sentences. But, Tom believes we need to go further and end the disparity altogether. He will work with Congress to repeal it and apply this change retroactively.

Sentencing Reform

In addition to ending the failed War on Drugs, Tom recognizes that current sentencing guidelines have contributed greatly to mass incarceration rates. Tom supported bills in California that [repeal certain automation sentence enhancements](#). Tom will continue to fight for fairer sentencing policies and work to institute common-sense reforms of sentencing policy to further address overly punitive sentencing. Tom will:

- **Eliminate mandatory minimums for non-violent crimes.** As president, Tom will work to eliminate mandatory minimums for all federal non-violent crimes and allow judges more discretion for more serious crimes. And because most people are incarcerated at the state and local level, his administration will incentivize states to eliminate mandatory minimums as well. Mandatory minimums have been responsible for much of the increase in incarceration. Tom endorses the [Justice Safety Valve Act](#), a bill that allows judges to use discretion and depart from mandatory minimums when appropriate.
- **Revitalize and reform the Sentencing Commission.** Tom will fully staff the Sentencing Commission with appointees who will strive for a more progressive criminal justice system. He will direct the Commission to conduct additional studies on mass incarceration and recidivism and update sentencing guidelines to reflect those priorities. Tom will double the Commission's funding so it can offer technical assistance to states.
- **Fund and provide oversight for the First Step Act.** The First Step Act was a comprehensive bill signed into law with bipartisan support, but the job is not done until it has been fully funded and implemented. It expands judicial discretion, allows incarcerated individuals to earn greater sentence reductions, and increases placement in reentry centers. As President, Tom will fight for additional reforms and double the Bureau of Prisons' funding to \$150 million to implement these important reforms.

- **Design fairer risk assessment standards.** Tom believes the algorithms that serve as the basis for risk assessment standards used by some federal and state courts can lead to racial and class bias and further rig the system. Building on the reforms of the First Step Act, Tom's administration will work to update risk assessments with more progressive standards or find fairer alternatives.
- **Partial Repeal of 1994 Violent Crime Control and Law Enforcement Act.** This bill enacted provisions that used a harsher and now outdated approach to solve crime. In order to reform this approach, a Steyer Administration will:
 - **Repeal the Three Strikes Rule.** This rule [disproportionately affects communities of color](#) and reflects a biased and discriminatory application of the law. Tom believes the repeal of the federal Three Strikes Rule is paramount and will work with Congress.
 - **Repeal the Violent Offender Incarceration and Truth in Sentencing programs.** These programs encourage states to expand correctional facilities and, in many cases, eliminate parole. Tom believes it is vital to repeal these programs and prioritize simultaneous reductions in crime and mass incarceration.
- **Eliminate the death penalty.** Tom believes it is a moral, practical, and long overdue imperative to end the death penalty. He believes these individuals should instead serve life sentences without probation or parole. Tom will abolish the death penalty at the federal level and encourage states to do the same.

Immigrants are one of the fastest [growing segments](#) of the incarcerated population under the Trump Administration. Trump has overseen a vast expansion of immigrant detention centers. [50,000 men, women, and children](#) are held in these facilities each day; [two-thirds of these individuals have no criminal record](#). More than [one quarter](#) of them are asylum seekers.

In addition to pursuing comprehensive immigration reform, Tom will reduce immigrant populations in detention with the following policies. As described in [his immigration plan](#), Tom will:

- **Close private detention facilities and end ICE detainers.** Tom will institute a robust case management system in which asylees may enter the U.S. and remain free and in safety while their asylum case is being processed.
- **End programs that deputize local law enforcement to enforce immigration** like the [287\(g\) Program](#) and [Secure Communities](#) Program.
- **Respect and ensure due process for every individual**, regardless of their immigration status.

Improve Prison Conditions

[2.3 million people](#) are incarcerated on any given night. If the prison population were to gather in one place, it would form the [5th largest city in America](#) — a city behind bars.

With so many lives on the line, it is imperative we improve prison conditions and stop the revolving door of recidivism. Tom believes we must fundamentally change our approach in how we treat people in prison. We must prioritize both safety and rehabilitation. Prisons must do better to provide education, connectivity to family, and important social, counseling, and health services. Doing so will have a significant impact on recidivism rates, help decrease the prison population, and rebuild communities torn apart by incarceration.

Large corporations — including private prison operators and contractors — prey on the individuals and families trapped in the system so they can increase their profit margins. They reap the economic benefits of mass incarceration and then lobby for more laws and practices that benefit their industry.

Tom believes that no company should profit from the incarceration of another human being. To break the vice-grip of the prison-industrial complex, Tom will:

- **Close Federal private prisons and detention centers.** The private prison industry has been rife with abuse. It is time to shut it down. Tom will end all Federal prison and ICE detention center contracts with private corporations and encourage states to follow suit, much like he did in California.
- **Enforce fair and just work conditions for prison labor for private contractors.** Prison labor is a remnant of slavery. Conditions for incarcerated individuals in the workforce should meet fair labor standards.
- **End predatory pricing for basic communication services and commissary items.** Skype, phone calls, stamps, and other communication technologies should be available free of charge. Prisoners should not be exploited for keeping in touch with family members or accessing basic toiletries.

When we provide more opportunities for connection and rehabilitation in prison, we reduce recidivism. To encourage the use of thoughtful and evidence-based rehabilitative strategies in prison, Tom will:

- **Help families stay connected with loved ones in prison.** Too often, prisoners are housed in facilities far from their loved ones, making visits expensive and harder to arrange. A Steyer Administration will consider the location of a prisoner's family when determining placement of the incarcerated individual. He will also incentivize states to implement policies that make family visits easier to schedule and navigate.

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- **Encourage innovative rehabilitation programs.** Tom will implement programs in the Federal prison system that mirror successful state pilot programs, such as the [T.R.U.E. program](#), to create prison environments where incarcerated individuals can serve their sentences with increased independence, therapy, and mentorship.
- **Ensure all incarcerated individuals have a right to health care.** Tom's [healthcare plan](#) will make health services more affordable and accessible to all in prison.

Certain punishments within the criminal justice system are extreme and can be considered cruel and unusual. Tom will implement the following policies to reduce cruelty in prison:

- **Place evidence-based limits on isolation and solitary confinement.** Solitary confinement has [detrimental psychological impacts](#) and its use is [deeply racially biased](#). Through the Presidential Task Force on Policing, Criminal Justice and the Mental Health Crisis, Tom's administration will make recommendations on national limits for solitary confinement.
- **End the construction of supermax facilities.** America has had more than enough of these cruel facilities that are more [expensive to run](#) than normal high security facilities and are designed to keep inmates — including many with mental illness — in solitary confinement, sometimes for months or years on end.

And, our criminal justice system needs to provide specialized services for prisoners with unique needs. To address the individual needs of a diverse group of prisoners, Tom will:

- **Protect the civil rights of prisoners with disabilities** by ensuring that they have the accessibility technologies and services they require.
- **Ensure non-discrimination and safety for LGBTQ individuals.** Tom will prioritize the safety of all inmates. In particular, transgender individuals should be placed in facilities that prioritize their safety and correspond to their gender identity.
- **Work to reduce the incarceration rate of veterans.** Tom will work with Veterans Affairs to reduce the number of veterans in the criminal justice system, as well as address PTSD as a factor in veterans committing a crime.
- **Work with Tribal Communities to reduce incarceration rates and violence.** A Native American man is [four times more likely](#) to end up in prison and [Native American women are six times more likely](#) than their white counterparts. Native Americans face more violence on average and are the [most likely to be killed by police](#). Native people are also subject to harsher federal sentences as compared to

the same crimes under state law. Tom will work to end these troubling patterns in enforcement, violence, and sentencing of tribal communities.

Educational opportunity is absolutely key. Tom's mother, a public school teacher, chose to teach remedial reading at the Brooklyn House of Detention when Tom was growing up. She knew from her experience helping incarcerated people learn that such programs absolutely prepare them for their return to society. Education can break the cycle of poverty and imprisonment. It is a gateway to economic empowerment. Prisoners who receive education behind bars are [43% less likely to reoffend](#), than their peers who do not have access to these programs.

To encourage rehabilitation in prison and foster educational advancement, Tom will:

- **End fees for books and reading materials.** Every prison should have a quality, free public library.
- **Reinstate Pell Grants for incarcerated students with \$10 million in dedicated initial funding.** Tom supports [the REAL Act](#) to reopen this vital program for incarcerated low-income students.
- **Invest in workforce training and certificate programs** that can help inmates build skills and find a job upon release.

The United States [leads](#) the world in incarcerating women, and since 1980, the rate of incarcerated women has increased by [more than 700%](#) annually. Currently, more than [213,000 women](#) are in prison or jail on any given night, and [60% of the women in state prison are mothers to a child](#) under the age of 18. There are specific needs that women face in detention. To address these needs, Tom will:

- **Reunite women who have committed nonviolent crimes with their children** by incentivizing states to increase the use of diversion programs for mothers who are the primary caretakers of children.
- **Support the [Dignity for Incarcerated Women Act](#)**, which will bar the shameful practice of shackling and restraining pregnant women, provide better healthcare, including mental health and reproductive care, and require prisons to provide free feminine products for incarcerated females.
- **Address prevalent sexual abuse and trauma in prison.** [One third](#) of women in state prison have experienced sexual abuse prior to their arrest. Too frequently, abuse continues in prison. A Steyer Administration will fund efforts to reduce trauma in the Federal prison system and incentivize states to do the same.

Release More Rehabilitated People

There are many safely rehabilitated people in prison today, but they remain incarcerated because they are serving excessively long sentences or do not have the opportunity to come before a parole board. Parole or supervised release is intended to recognize an individual's progress and release them when appropriate so they can start reintegrating into society.

Building on his work in California supporting Proposition 57, Tom's administration will encourage federal and state criminal justice systems to safely return rehabilitated people to their families and communities using an evidence-based, humane, and common sense approach.

To further reduce the population of rehabilitated offenders, Tom will:

- **Expand clemency.** Tom will use the President's clemency power to pardon and commute sentences for certain prisoners who have undergone a comprehensive review process. Tom will, in particular, work to identify and commute the sentences of wrongfully convicted men and women and ensure they have access to quality counsel to pursue financial restitution. A Steyer Administration will move the Office of the Pardon Attorney into the White House to improve oversight and coordination.
- **Implement community supervision for the elderly.** Elderly prisoners who have served a significant part of their sentence and shown progress in prison should be able to apply for early parole. It has been shown that the [rate of crime and recidivism drops](#) sharply once an incarcerated individual reaches a certain age. Tom will offer federal funding to states that implement early parole review for the elderly and direct the Sentencing Commission to issue updated guidance for the parole of elderly prisoners.
- **Encourage states to institute robust parole reform.** Tom will direct investments to states seeking to reform their parole review and expand their supervisory release programs for those who are fully rehabilitated. A Steyer Administration will also offer technical assistance to states, particularly in the implementation of community supervision for the elderly.

Ensure Returning Citizens Have A Second Chance

Time served is time served. Yet individuals face tough odds when released.

To break the prison pipeline, we need to ensure returning citizens get a second chance and receive necessary support when they leave prison. Formerly incarcerated individuals often face housing and work discrimination, economic stress, mental health issues, and many

have child-care responsibilities. Tom knows transitional and reentry programs are crucial investments that help previously incarcerated individuals successfully reintegrate back into society.

To support reentry programs that broadly address intersecting needs, Tom will:

- **Create a Presidential Commission on Anti-Recidivism and Re-entry.** Tom will create a Presidential Commission to identify the underlying factors of recidivism. It will make recommendations to address the factors that most heavily influence recidivism rates, including workforce development, housing, health, and other social needs.
- **Invest in the Second Chance Act (SCA) Grant Program.** [This program](#) invests in education, workforce training, housing, substance abuse treatment, and other important areas that will assist adults and youth in making the transition back into their communities.
- **Invest in transitional and affordable housing for returning citizens.** The First Step Act's provisions encourage the transfer of incarcerated individuals to reentry centers, but many centers lack the space and need more resources. A Steyer Administration will work with Congress to ensure adequate funding is available for these vital facilities.

Too often reentering individuals are barred from opportunities due to a criminal record or they lack the training or skills to participate in the workforce. To improve job opportunities for reentering individuals, Tom will:

- **Invest in the Department of Labor reentry employment opportunity grants.** In order to create more employment opportunities, Tom will make sure that the Reentry Employment Opportunity grants are fully funded at \$100 million. These grants will increase the number of employment and training programs for formerly incarcerated youth and adults with an emphasis on apprenticeships.
- **Offer Federal Grants to Businesses that hire individuals with felony records.** Tom believes in second chances and his administration will support individuals who wish to acquire sought after skills and experience in the private sector. A Steyer administration will offer federal grants to businesses that hire felons who have served their prison term.
- **Ban the Box.** Job applicants should not be discriminated against for their past record. Tom will ban the box on Federal applications and break down barriers to occupational licenses for people with records.
- **Institute washout periods.** Tom also believes that employers and licensing entities should only consider a non-violent applicant's recent criminal history from the last seven to ten years, depending on the job. This will keep criminal records predating that time period private, giving formerly incarcerated individuals a better chance

to secure employment. For this reason, Tom also endorses the [Fair Chance Act to Compete for Jobs Act](#), which delays criminal history inquiries by a federal employer.

[Over 6 million Americans](#) cannot vote due to a felony conviction. If someone has served their time, they should be able to exercise their rights as a citizen. That is why Tom will:

- **Reinstate Voting Rights** A Steyer administration will restore the right to vote for all formerly incarcerated individuals. Reinstatement of voting rights will not depend upon the completion of parole or payment of fees or fines.
- **Continue to support the [21st Century Voting Act](#)**, a bill that restores voting rights to formerly incarcerated individuals and includes other voting-rights protections.
- **Improve the Census's approach to prisoners.** Today, the census counts prisoners in the district in which they are incarcerated, not at their home address. Because prisoners are unable to vote, this marks a significant shift in political power toward districts with larger prison populations.
- **Create opportunities for national public service.** Tom will invest \$50 billion to create a [national public service program](#), including stipended positions for individuals serving in community organizations that address violence prevention, in-prison educational and workforce programs, and helping to facilitate paths to the successful reentry for returning individuals and opportunities for the formerly incarcerated to serve their communities.