

CAMPAIGN ZERO

AN AGENDA TO RESIST PRESIDENT TRUMP AND END MASS INCARCERATION

Donald Trump and his administration have proposed using the power of the federal government to put more people in prison. His proposals threaten to encourage the criminal justice system to impose harsher sentences, expand private prisons and immigrant detention centers, and make it harder for returning citizens to reintegrate back into society. Persistent advocacy will be essential to blocking Congressional legislation to expand the power of the agencies and departments responsible for implementing these proposals, including the FBI, DEA, Bureau of Prisons, Department of Homeland Security, and Immigration and Customs Enforcement.

However, Trump's power is limited. **88% of people** incarcerated in America are in local jails and state prisons. As such, state and local lawmakers are positioned to play a critical role in resisting Trump's agenda and continuing to make progress towards ending mass incarceration. This agenda outlines legislation that can be passed at the state and local levels to stop Trump's agenda and end mass incarceration in our communities.



END THE SCHOOL-TO-PRISON PIPELINE

Trump's has proposed "tough on crime" approach, which suggests he may reverse the progress made by the Obama administration in using the Department of Education's Civil Rights Division to change harsh school discipline and policing policies that disproportionately impact students of color. In response, state and local governments should:

- End punitive "zero tolerance" school discipline policies and the practice of using out-of-school suspensions, and prohibit police officers from responding to school disciplinary issues. ([Miami-Dade Public Schools policy](#); [ACLU Model Policy on School Policing](#))
- Collect and report comprehensive data on racial disparities in school discipline and school policing through state departments of education.
- Repeal laws that criminalize youth including [school disturbance laws](#) and status offenses such as truancy, running away from home, and violating curfew. ([Texas law](#))
- Establish a plan, with timelines and benchmarks, for ending youth incarceration and fully transitioning into community-based alternatives. ([Seattle ordinance](#))



ESTABLISH ALTERNATIVES TO INCARCERATION

Trump has taken [executive actions](#) that target "drug trafficking" and Attorney General Jeff Sessions favors [more aggressive prosecution](#) of drug offenses, including [legalized marijuana](#). By working to repeal Obamacare, Trump could also [cut substantial funding](#) for mental health and substance abuse treatment as alternative approaches to drug addiction issues.

- Eliminate incarceration as punishment for low-level offenses and establish alternative responses such as treatment and community service.
- Divert vulnerable populations, who would otherwise be likely to be sentenced to prison, to specialized courts (drug courts, mental health courts, homeless courts, veteran's courts, domestic violence courts) for all misdemeanor cases and allow defense attorneys to file a motion to divert someone to these courts in felony cases.



END PREDATORY BAIL AND PROSECUTION

Trump's administration could end, or even reverse, the Obama administration's [filing of legal briefs](#) supporting people who have been denied a lawyer and challenging the use of cash bail against people who cannot afford to pay it.

- Prohibit the use of money bail, preventing judges from holding individuals pre-trial unless they are a flight risk or pose a danger to the community as determined by non-biased risk assessment tools. ([District of Columbia law](#))
- Establish holistic, fully funded public defenders, expand the use of participatory defense. ([Bronx Defenders](#); [Participatory Defense Project](#))
- Establish legal protection funds to protect immigrants and other communities from deportation and other federal actions. ([California bill](#))
- Require prosecutors to file a pre-plea report to the court that includes information on the strength of the case, any factors (such as pre-trial detention) that might lead an innocent defendant to plead guilty, and why the punishment would be necessary for rehabilitation and public safety.
- Establish an oversight commission to investigate complaints of local prosecutorial misconduct, with subpoena power, and make ethical recommendations to the state bar association and/or criminal recommendations to the state Attorney General.



END UNREASONABLE PUNISHMENT

Based on the Trump administration's past statements, it appears they will [oppose policies](#) that would reduce the prison population. Instead, they plan to [expand use of the death penalty](#) and will [encourage prosecutors](#) to seek harsh mandatory minimum sentences in some cases.

- Repeal state [truth-in-sentencing](#) and determinate sentencing laws that require a person to serve a certain percentage of their sentence before they become eligible for parole.
- End the death penalty and life without parole and prohibit any person from being sentenced to more than 20 years. ([Alaska law](#), in part)
- Reduce sentences for the most serious offenses [by 25%](#). Allow current inmates to petition judges for these changes to be applied retroactively.
- End the "strike" system of sentencing and state mandatory minimums. ([Maryland law](#))
- End the practice of trying and sentencing juveniles as adults.
- Change fines to be proportionate to a person's income and end all fees for involuntarily being put through the criminal justice system. ([Missouri law](#))
- End the practice of considering a person's juvenile criminal history as a factor when sentencing as an adult and limit to 5 years the period of time after a person has completed their sentence where that history can be considered in sentencing for subsequent convictions.

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TRANSFORM TIME SERVED

Trump has proposed to [expand the use of private prisons](#), which have [documented human rights abuses](#) and incarcerate people for [longer than public prisons](#).

- End private prisons and services. End fees charged for commissary for basic needs (like menstrual hygiene products) and other needs of inmates (like phone calls to families).
- End the use of solitary confinement/prisoner segregation as punishment.
- End the practice of shackling pregnant women during labor and delivery.
- Guarantee inmates access to the internet, with appropriate security measures, and expand the use of “earned time” credits for completion of evidence-based education, treatment, and rehabilitation services in prison. ([California Prop 57](#))
- Expand state minimum wage laws that require prisoners to be paid a fair wage for work done while in prison
- Create community oversight structures over jails and prisons to investigate complaints from inmates, receive policy and practice recommendations from inmates, discipline jail/prison guards, and shape jail/prison policy. ([Los Angeles County Civilian Oversight Commission](#))



RESTORE PEOPLE AND COMMUNITIES

Trump has [criticized the practice](#) of extending the right to vote to people who have served prison sentences and his administration could make it harder for returning citizens by reversing Obama administration initiatives that [expanded access](#) to public housing, [encouraged employers](#) to “ban the box,” and offered [Pell grants](#) to prisoners.

- Reinstate furlough programs so people can begin acclimating to society prior to release.
- Stop parolees from being unfairly re-incarcerated by removing the presumption of guilt at an order to show cause hearing for parole violations.
- Automatically expunge arrests and convictions after 3-5 years, except convictions for serious violent offenses. ([New Jersey law](#))
- Ensure returning citizens are eligible for public benefits (including SNAP and welfare) and extend the right to vote for all people including those in prison, probation and parole. ([Vermont law](#))
- Restrict [collateral consequences](#) (i.e. occupational licensing restrictions) to specific situations where the consequence is directly related to the nature of the crime and specifically petitioned for by the prosecutor at the time of sentencing.
- Ban the box for all public and private employers and require employers to prove that consideration of specific types of past criminal offenses are relevant for the job to ask an applicant about it. ([Newark Ban the Box ordinance](#))



END INSTITUTIONAL RACISM

Trump's administration plans to exacerbate institutional racism within the criminal justice system by pursuing policies that exclusively ([racial profiling](#)) or disproportionately ([more police in "inner cities"](#), [targeting undocumented immigrants](#)) harm people of color.

- Require racial impact analyses on legislation affecting criminal law to be made available to legislators and publicly accessible prior to voting on new legislation. ([Oregon law](#))
- Remove preemptive strikes of jurors without cause, which [lawyers](#) use to reduce black representation on juries.
- Institute regular bias training for police, prosecutors, judges, and correctional staff. ([DOJ department-wide implicit bias training initiative](#))
- At sentencing, require an examination of the role that the defendant's race may have played at earlier stages of the criminal justice system (arrest, charging, plea decisions). Require these unwarranted disparities be considered as a factor in sentencing. ([North Carolina Racial Justice Act](#))

“TRUMP’S ADMINISTRATION PLANS TO EXACERBATE INSTITUTIONAL RACISM WITHIN THE CRIMINAL JUSTICE SYSTEM BY PURSUING POLICIES THAT EXCLUSIVELY OR DISPROPORTIONATELY HARM PEOPLE OF COLOR.”