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MEDIA TALKING POINTS

Mass Incarceration:
The United States jail and prison population has increased by roughly 400% over the last 40 years. In 1980, there were 500 thousand people incarcerated in jails and state and federal prisons. In 2020, there were 1.8 million people incarcerated in jails and state and federal prisons. This is down from 2.1 million in 2019 and the peak of 2.3 million in 2008.

The number of people incarcerated in jails and prisons, 1980-2020

Figure 1. Vera Institute of Justice, “People in Jail and Prison in 2020,”
Blacks and Latinxs are Significantly Overrepresented in Prison:
Though Black and Latinx communities constitute 28% of the U.S. adult population, they make up 56% of the prison population. This is in contrast to white communities, whom constitute 63% of the U.S. adult population but only 30% of the prison population.

The Mass Incarceration of Women:
Since the 1980s, there has been a drastic rise in female incarceration. According to the Sentencing Project, between 1980 and 2019, the number of incarcerated women increased by more than 800%.

Incarcerated Mothers and the Adoption and Safe Families Act:
The Prison Policy Initiative reports that “Over half (58%) of all women in U.S. prisons are mothers, as are 80% of women in jails, including many who are incarcerated awaiting trial simply because they can’t afford bail.” Most of these women are “the primary caretakers of their children.”¹ Incarceration of any duration can be devastating for families as the national Adoption and Safe Families Act requires states to “file a petition to terminate parental rights once a child has been in foster care for 15 of the previous 22 months,” with many states having stricter requirements.²

¹ Wanda Bertram and Wendy Sawyer, "Prisons and jails will separate millions of mothers from their children in 2021." Prison Policy Initiative. May 5, 2021. Accessed October 5, 2021. [https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/](https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/)
² Adoption and Safe Families Act of 1997, Public Law 105-89.
**Incarcerated but Not Convicted:**
In 2019, the Prison Policy Initiative documented that 75% of people held in jails have not been convicted of any crime. This amounts to 21.5% of all incarcerated individuals being held without conviction.

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**Figure 4.** Prison Policy Initiative, “How many people are locked up in the United States?,” 2019, https://www.prisonpolicy.org/factsheets/pie2019_on_white.pdf
The Money Behind Mass Incarceration:
The Prison Industrial Complex is a complex interplay of government and private agencies. Prison Policy Initiative reports that mass incarceration costs the government and systems-impacted families at least $182 billion every year.
Collateral Consequences and Employment:
The effects of incarceration last beyond imprisonment and probation/parole as it is still legal to discriminate against formerly incarcerated individuals. These nearly 50,000 legal restrictions against people with arrest and conviction records routinely block access to jobs, housing, and educational opportunities.”3

Figure 5. Prison Policy Initiative, “Follow the Money of Mass Incarceration,” 2017, https://www.prisonpolicy.org/reports/money.html


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Significant Reforms

Ban the Box:
“The Box” refers to the question that is found on most job applications asking applicants about their conviction histories. In 2003, The Economic Policy Institute found that those with conviction histories were more than 50% less likely to be called back for job interviews.4

The California Fair Chance Act went into effect on January 1, 2018 (one year after the Los Angeles County Fair Chance Hiring Ordinance went into effect). The Fair Chance Act extends and improves upon the Los Angeles’ ordinance, and “prohibits employers with five or more employees from asking a job candidate about conviction history before making a job offer, among other requirements.” One of these requirements is that if an employer decides to rescind a job offer on the basis of a prior conviction they must first “notify the applicant in writing of a preliminary decision to take back the offer” and “give the applicant a chance to provide additional information.” If the employer still decides to rescind the job offer, then they must notify the applicant of their right to file a complaint with the California Department of Fair Employment and Housing.5

Prop 47:
Prop. 47 was passed in California on November 4, 2014. The proposition reclassifies certain low-level, nonviolent offenses from felonies to misdemeanors. Individuals currently serving felony sentences for these reclassified misdemeanors can petition the court for resentencing. If you have already completed your sentence, you can apply to have your conviction reclassified to misdemeanors. These offenses include:

- Simple drug possession
- Petty theft under $950
- Shoplifting under $950
- Forgery under $950
- Writing a bad check under $950
- Receipt of stolen property under $950

The deadline to petition for resentencing or reclassification under Proposition 47 is November 4, 2022.

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**Prop 64:**
Prop. 64 legalizes recreational marijuana for adults 21 years or older. If you have already been sentenced for a marijuana-related act that is now legal, the court is required to dismiss and seal your record of conviction. The law reduces criminal penalties from felonies to misdemeanors or infractions for many marijuana-related offenses as well. Some acts that have been reclassified for adults 21 years or older include:

<table>
<thead>
<tr>
<th>Possession:</th>
<th>≤ 28.5 grams</th>
<th>Legal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession:</td>
<td>&gt; 28.5 grams</td>
<td>Misdemeanor</td>
</tr>
<tr>
<td>Cultivation:</td>
<td>≤ six plants</td>
<td>Legal</td>
</tr>
<tr>
<td>Cultivation:</td>
<td>&gt; six plants</td>
<td>Misdemeanor</td>
</tr>
<tr>
<td>Give Away:</td>
<td>≤ 28.5 grams</td>
<td>Legal</td>
</tr>
<tr>
<td>Public Use:</td>
<td>—</td>
<td>Infraction</td>
</tr>
</tbody>
</table>

Some exceptions to Proposition 64 reclassifications exist.

**The Importance of Reentry Programs**

It is critical to create community support systems that will maximize the probability of successful reentries. When provided with intensive, culturally sensitive resources, A New Way of Life Reentry Project (ANWOL) has found that individuals are far less likely to recidivate or reengage in criminal activity, and they can become contributing members of society.