THE SQUARE ONE PROJECT
COLUMBIA UNIVERSITY JUSTICE LAB

Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 1: Opening and Launch

At North Carolina Central University, Durham, North Carolina
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Reported by: Leslie Christian
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Elaine O’Neal | Interim Dean, North Carolina Central University School of Law
Elizabeth Trosch | District Court Judge, 26th Judicial District, North Carolina
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Jeremy Travis | Co-Founder, Square One Project; Executive Vice President of Criminal Justice, Laura and John Arnold Foundation; President Emeritus, John Jay College of Criminal Justice
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Kerry Haynie | Director, Center for the Study of Race, Ethnicity, and Gender; Associate Professor of Political Science and African & African American Studies, Duke University
Leah Wright Rigueur | Professor of Public Policy, Harvard Kennedy School of Government
Lorraine Taylor | Executive Director, Juvenile Justice Institute, North Carolina Central University
Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group
Michael Finley | Chief of Strategy and Implementation, W. Haywood Burns Institute
Michael McBride | National Director, Urban Strategies/ LIVE FREE Campaign
Monica Bell | Associate Professor of Law, Yale Law School
Nancy La Vigne | Vice President for Justice Policy, The Urban Institute
Robert Brown | Associate Professor and Chair of the Criminal Justice Department, North Carolina Central University
Ron Davis | Principal Consultant, 21CP Solutions
Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
PROCEEDINGS

JEREMY TRAVIS: Welcome to Square One. Good to have you all here. Elaine O'Neal.

ELAINE O'NEAL: Good afternoon, everyone. Good afternoon. Welcome to the greatest law school, I believe, in the United States of America. Welcome to the NCCU School of Law, and welcome to The Square One Project's roundtable on the Future of Justice Policy. I am Elaine O'Neal. I am the interim dean of this great law school. And during my 23.5 years as a district court judge, chief district court judge, and superior court judge in the state of North Carolina, I have witnessed the racial and economic disparities that have impacted our community and its legal system. Discussions such as this one and the ones that will occur throughout this event and at other times are significant now more than ever as we look to impart change and prepare the next generation of leaders and legal professionals. Thank you to our partners at the Columbia University Justice Lab for collaborating with us on this effort. We were thrilled and honored when you decided the NCCU School of Law should be the co-host and first event site. Throughout its rich history and continuing today, NCCU Law School thrives on its mission of truth and service.

We provide a high-quality personalized education for all students and educating our community through initiatives such as the Virtual Justice Project and the Juvenile Justice Institute, who were also instrumental in ensuring the success of this roundtable. To our guests, we are so eager to have each of you here at the law school, and we hope that this will be the first of many visits to our campus. Members of the NCCU School of Law family are ready to assist you with making your time here memorable. So please feel free to ask us any questions that you may have. We hope that you will enjoy the thought-provoking discussions that will occur, and that you will leave NCCU School of Law, and this event, inspired and ready to implement change at your respective universities and within your local communities. Again, welcome to the NCCU School of Law. Welcome to Durham. Let's begin to dialogue and reimagine justice. That will conclude my formal welcome. And, now, I would just like to transition just a second for a more personal welcome.

I sit here today as a woman of color in a unique situation. I have been, as you know, a judge now for 23.5 years. I also am a Double Eagle and from this great city of Durham, North Carolina, and I'm also the dean -- the interim dean of my school of law. There's another side of my life that I don't share often, which is very relevant today. And as I was having a conversation with one of my sons this morning I said, "You know, Corin, is today the day? Is today the day that I tell the other part of my story?" I have a son who was convicted in this town of first-degree murder. He serves a life sentence. He was tried in a courtroom where I held court. He was tried twice. The first time he was tried, it ended in a hung jury. The second time he was tried by one of my colleagues, it ended in him given a life sentence. My son, Gregory, entered prison at 18 years of age. On Saturday you will not see me here because I will transition into a mother who has a son who's incarcerated. I could go into all of the details of his matter, but I won't because we're still very much seeking justice for him and the family that was affected by the crimes that occurred.
But I sit here today saying to you that there is a reckoning that we all have to deal with here in America. It is still very real for most blacks in America. It's a very difficult time for us. It has always been a difficult time, but particularly now. It's very difficult to be black in America. I represent a silent minority, people who never really say what it's like to have someone incarcerated, but I'll bet you every last person of color in this room has been touched harshly by the criminal justice system in ways that others will never be able to understand. The descendants of your slaves are still very much in slavery. It has not changed. It's still very much there, and it still continues to decimate our communities. It's time for us to look real deep. There's one thing that'll change it. It always has and it always will, and that's love. When you love other people as you love yourself then you can understand that this human experience, you only get one shot at it, and you're going to choose love and you're going to choose hate. Right now a lot of people are choosing hate, and I hope that this is the beginning of love. Thank you.

BRUCE WESTERN: Good afternoon, everyone. I feel very fortunate to be here representing the Columbia University Justice Lab and The Square One Project. Dean O'Neal, your words are a gift to this meeting and have started us with the seriousness and the gravity that this conversation deserves, and I'm very grateful to you for that. I would like to welcome everyone to this inaugural Square One roundtable on the Future of Justice Policy. We're battling the weather today, and I'm very grateful to all of you who have traveled to Durham to participate in this important conversation. As we put together the participant list, we tried to gather a group of the most innovative thinkers, the most innovative practitioners and policymakers, the most powerful voices in the country today.

For those of you who have contributed papers -- Heather Thompson, Bobby Brown, Monica Bell, Kerry Haynie, Leah Wright Rigueur -- we owe you -- Nancy La Vigne -- we owe you a special debt of thanks for the provocation that you're providing to our discussion. In putting this meeting together, I first want to express my thanks to Dean O'Neal and Lorraine Taylor and the wonderful team at NCCU who have been extraordinary partners in this endeavor. It's been a privilege to work with you on this event. I would like to acknowledge our brilliant Square One Project leaders Sukyi McMahon and Anamika Dwivedi from the Columbia University Justice Lab. We're also being supported by Anna Beshlian and Natalie Smith. We've benefited enormously from our partnership with The Raben Group, especially through the work of Steven Fisher and Susan Varghese who are in Durham with us today.

It's important for the work of Square One that this conversation can hopefully spark new debates and reform. The Media Tank team, who you will get to know over the coming days, will help us in this effort. I want to take a moment to mention two of the great forces behind The Square One Project -- Katharine Huffman and Jeremy Travis. Katharine, Jeremy, and I worked together to try and get the message out on the National Academy of Sciences report on high incarceration rates in the United States. Jeremy and I had aspirations for what Square One might be. In leading Square One, Katharine is building a project that is significantly exceeding those aspirations, and I feel very fortunate to be working with Katharine on this. I first met Jeremy through the re-entry roundtable that he ran at the Urban Institute. We
worked together closely under his leadership of the National Academy's report. Jeremy is one of the great pioneers of justice reform in America. He was pivotal, I think, first at the Justice Department, and then at Urban, and then as president of John Jay College in helping to slow down the juggernaut that is America's mass incarceration machine. He's a great friend whose generosity and thinking have taught me so much. So on to our proceedings.

Our topic is the nation's long and troubled history with racial injustice and poverty, which is so much of where the critical justice system lives. But this isn't a conversation just about history. That is also a conversation about the future and what justice in America could be. So this is the question that I want each of us to wrestle with over the next couple of days. What in our history must we reckon with? What accounts must been settled with the past? What harms must be acknowledged? What communities were hurt by whom and for what? We address these questions not to get the record straight, though that's important, but we address these questions because going forward depends on it. There's a lot of excitement these days about new developments in evidence-based policy, data-driven decision-making, predictive analytics, randomized controlled trials. It's good and important work, but by itself this important work cannot yield fundamental justice reform. The problem of fundamental justice reform is not just about building a better mousetrap. We have to reckon with our history of racial injustice in this country whose national mythology celebrates liberty. And we have to confront the harsh conditions of poverty in this, the world's largest and most prosperous economy. And this is why we've brought you all here today -- to help us look at the problems of racial injustice and poverty and help us understand what they mean for the future of justice tomorrow. So to close, I want to thank you all for giving your time to this project. We know how precious everyone's time is. We think this conversation will be worth it. We're grateful for the attention that you've given to the reading materials that we circulated. These are essential for framing our conversations, and you may want to return to these materials as we do our work over the coming days. I'm very eager to get started. And so with that, I'll turn things over to Katharine.

KATHARINE HUFFMAN: Thank you, Bruce. Thank you and welcome to everyone. I'm Katharine Huffman. I'm the executive director of The Square One Project. And there are not sufficient words for me to say how grateful and pleased I am to be here today. This is just really, really wonderful. I want to quickly echo the thanks that you've already heard from Bruce to our NCCU partners for the incredible, incredible job that's been done to bring us to this point. We've joked, but I fear it may be true, that they've set such a high bar on partnership for these roundtables that the future roundtables are destined to fall short, but we'll just use this as a model.

I want to talk just for a couple of quick minutes about the roundtable structure and the way that it fits into the bigger Square One Project. Square One, as Bruce mentioned, is a project that came out of so much of the work that's been happening around the country -- research and advocacy and organizing and thinking that's happening all over the place that has really made us -- has really brought us to a
point where we can talk about criminal justice reform as something that's in the mainstream conversation. For those of us who have been working on those issues for many years, you know, there was a time where it would have been very hard to imagine some of the work around sentencing reform and diversion and drug policy reform, etc., that is happening now, and not just happening in, you know, small liberal cities, but it's happening in large, conservative states and at the federal level in some ways and all of that. But building on that exciting progress and that really robust conversation work, we realize that we are at the moment where we can really take it a level deeper, where we can really think about suppose we put all of the things aside that we currently bring to our nation's struggles with violence, with poverty, with racial inequity, and we really create a new square one. We really start again. What would that look like?

So in order to do that, we are -- we have a number of different methodologies and streams going on. The first is an executive session on the Future of Justice Policy. The executive session is a three-year commitment that is made by a group of about 27 folks to come together in a series of facilitated conversations over the course of that time. It's designed to purposely be off the record, to put people in a sustained conversation with each other, to really talk about these issues and dig in on these issues in a way that can only be done in that type of long-term engagement and in that type of off-the-record setting. There are a number of folks around the table today who are members of that executive session. You'll hear from a couple of them, and really we're grateful that they are here to be part of the connection of the executive session with the roundtable. The roundtable is similarly a series of facilitated conversations. But each roundtable is going to be digging in really deeply on a particular topic and brings together a group of experts who really have a lot to bring to that particular topic, whatever it may be. As Bruce was mentioning, you know, we are starting with a conversation about the racial and economic inequity of our history and grappling with what that means for us moving forward. That's a conversation that emerged out of some of the discussions at the executive session, and we're really excited to be engaging more deeply. Also, another wonderful aspect of the roundtable is that it's in public. And we are -- as you all know, we're being joined by Livestream with many people who are watching and observing.

That will be the case throughout the next couple of days. And that is really a thanks in huge part to the incredible Virtual Justice Project here at the law school, which has just been a perfect partner for that as well. And all of this work over the course of the next few years will be accompanied by a number of different strategies and tactics to engage with the communities that are most directly affected by the justice system, both by having people at the table with us in every single one of these instances who have direct experience, but also by a number of other outreach methodologies and other ways of engaging with different folks in different ways. With that, I will again just welcome you all and thank you for your willingness to engage in this first roundtable convening, this first public facing meeting. And I also just want to thank Dean O'Neal for bringing your whole self to this conversation as you just did. All of us have a whole self that is -- has versions of stories that we may not have shared. And so I just encourage all of you to bring your whole self. Thank you. I'll hand it over to Jared.
JARED PONE: Good afternoon, everyone.

ROUND TABLE: Good afternoon.

JARED PONE: You can do better than that. Good afternoon!

ROUND TABLE: Good afternoon!

JARED PONE: Welcome to NCCU. Once again, as Dean O'Neal said. I'm Jared Pone. I'm a second-year juris doctorate candidate at NCCU School of Law and a proud Double Eagle as well. I have the pleasure to introduce our two speakers. First of all, I would like to welcome the Honorable Judge Elizabeth Trosch. She's a district court judge from the 26th Judicial District out of Mecklenburg County, North Carolina. Judge Trosch has presided over both civil and criminal courtrooms with an emphasis on juvenile law, domestic violence, and drug treatment court. As a district court judge, Judge Trosch has presided over the Mecklenburg County Youth Treatment Court and volunteers to hold Truancy Court at a local elementary school. Judge Trosch has served on the Mecklenburg County Domestic Violence Advisory Board and is the former lead domestic violence judge. She serves on the Race Matters for the Juvenile Justice Leadership team, the Child Fatality Prevention and Protection team, the project No Rest Anti-human Trafficking Executive Committee and co-chairs the Mecklenburg Equitable Justice Leadership Collaborative. In addition, she is the Charlotte Model Court lead judge working as a liaison between the Charlotte Model Court collaborative and the National Council of Juvenile and Family Court Judges. Elizabeth earned her BA degree in philosophy and social psychology from Highland College, and her J.D. from Wake Forest University School of Law where she was a recipient of the North Carolina State Bar Pro Bono Service Award. Let's give it up for the Honorable Judge Elizabeth Trosch.

Our next speaker will be Daryl Atkinson, who's the co-director of Forward Justice. Daryl is the co-director of Forward Justice, a law policy and strategy center dedicated to advancing racial, social, and economic justice in the U.S. Prior to joining Forward Justice, Daryl was the first Second Chance Fellow of the U.S. Department of Justice. While at the DOJ, he was an advisor to the Second Chance Portfolio of Bureau of Justice Assistance, a member of the Federal Interagency Reentry Council, and a conduit to the broader justice involved population. Prior to serving at BJA, Daryl was a senior staff attorney at the Southern Coalition for Social Justice. And before SCSJ, he served as a staff attorney at the North Carolina Office of Indigent Defense Services. In 2014 Daryl was recognized by the White House as a re-entry and employment champion of change for his extraordinary work to facilitate employment opportunities for people with criminal records. He is the founding member of the North Carolina Second Chance Alliance, and serves on the North Carolina Commission for Racial and Ethnic Disparities in the criminal justice system. Daryl received his BA degree in political science from Benedict College in Columbia, South Carolina, and his J.D. from the University of St. Thomas School of Law in Minneapolis, Minnesota. Let's clap our hands also for Brother Daryl Atkinson. We will start with the Honorable Judge Trosch.
ELIZABETH TROSCH: All right. Well, good afternoon. Mr. Pone made me sound better than I think I deserve. And I have to confess that when I was first asked to join all of you in this conversation and then I saw the list of participants, I really wondered how on earth did I get an invitation to this conversation. And I think now that, perhaps, it's because I am on the ground. I am on the ground in Charlotte with our criminal justice partners really doing that hard work of excavating what's underneath -- what's underneath the ground that we have built all of our systems upon. And I think it's also because -- because I can tell a story about North Carolina that maybe helps us understand why we're having this conversation here in North Carolina. I think North Carolina -- what we have seen over the last six or seven years in North Carolina demonstrates why this is the time to have this conversation. Here in the southeast, we have a conservative legislature that passed the Justice Reinvestment Act. And we have safely, substantially reduced our prison population and limited the use of incarceration. And then alongside some of those activities, we have progressive communities like Durham and Charlotte that have stopped to really try to understand why. Why are people poor? What is the history that helps us understand the experiences and the position of certain members of our community?

In Charlotte over the last 10 years we have partnered with the Racial Equity Institute to engage institutional leaders and institutional actors in that hard conversation about the history of structural exclusion. And thousands of police officers, social workers, teachers, judges, lawyers have engaged in that process. We have committed collaboratively to looking at and owning the outcomes that we're producing to really ask why. Why is it that in Charlotte we have safely reduced our jail population by 46 percent over the last six years, but it is still the case that for every white man or woman in our jail, there are six men or women of color. Why is it that despite the fact that we know that whites and blacks smoke weed at the same rate, we arrest and jail eight times as many people of color for those offenses. Why is it that we arrest and jail just for 10 black men for domestic violence-related offenses compared to -- 10 times as many compared to white men? And I think maybe I'm here to tell a little bit about that story and also to help us go from the incredible work that so many of the academics and the researchers are doing to really be able to translate that into how do we operationalize that? How do we put that in the ground in police departments and prosecutors' offices and in courtrooms? And I can tell you that over the last eight or nine years that we have really been engaged in this excavation in Charlotte and in this reckoning, as Judge O'Neal described with our history, and how that shows up every day in what we're doing.

I have certainly found myself really starting to question some of those fundamental assumptions. Why? Why is money part of pretrial release? What does that have to do with showing up to court or committing another offense? Why do you have to pay money because you admitted that you were responsible for a crime? What does that have to do with rehabilitation? What does that have to do with restoration to the community? What does that have to do with even punishment, really, when I end up seeing people trapped in the courtroom, trapped in this vicious process of coming back to pay $180 in court costs? And so I just hope that what we can do is we have these conversations
is that we can -- that we can be honest with each other, that we can challenge each
other, and that we can have the courage and the boldness to do away with everything
that we thought we knew about how criminal justice systems should function and to
conceive of a new set of values that might guide how we promote public safety in a
way that respects the dignity and humanity of all of our citizens.

**DARYL ATKINSON:** I just want to begin by telling Judge O'Neal thank you. I'm always
so proud of you. I literally wanted to get up and start clapping after you finished.
You will always be Judge O'Neal to me because you hazed me in your courtroom. You
don't go in her courtroom and play, right. And I think in your comments, for me, what
was most prominent was this idea of proximity. Brian Stephenson talked about to
understand issues and just mercy, he talks about we have to be proximate to them, to
have some relationships to them to see them clearly. And what you shared about your
loved one illustrated that proximity, and it starts to dissolve that illusory line of
us versus them, so thank you for that. Thank you for having us in your space at NCCU.
Why the south, and why the first roundtable should be in the south around a reckoning
of racial and economic inequality? Duh!

I mean, we can go back and look at our tortured racial history, but we don't even
have to go that far most of the time. When you look at the leading incarcerators on
the planet, they're in the south. When you look at the most pernicious and expansive
collateral consequences, they're in the south. You know, Katharine and folks were
kind of nudging me to make my travel arrangements for the next executive session, and
I was kind of dragging my feet. And the reason is, I've got to go to court in
Alabama because of a $60,000 fine that I still owe for a 20-year conviction, and they
can call me there at their leisure whenever they get ready. This is after working in
the Obama Administration with folks like Ron. This is after being barred in two
different states. They can still call me to account to come any time they get ready.
And that's a legacy of the south. That's the legacy of Jim Crow. So that's why
we're in the south.

Why Durham? Durham is one of the progressive pockets, as Judge Trosch laid out.
Durham has been a leader in reform. The first city to ban the box in the state of
North Carolina. The first city to mandate that police officers have to give
mandatory written consent on any vehicle consent searches because black folks, even
though they represented 38 percent of the population, were 84 percent of the people
who were being asked to search. The first city to really try to intercede and to
criminalizing children, prosecuting 16 and 17 year olds as adults, throwing them into
the trash-heap of life forever. But former Judge Marcia Morey, she interceded and
started a Misdemeanor Diversion Project where we could have free adjudication
diversion for these young people so they don't get records. And, now, we've elected
-- are on the verge of electing -- let me not be too presumptuous. But on the verge
of electing a reform-minded, African American woman who ran on the reform agenda as
our district attorney, a reform-minded sheriff, and looking at the various components
of the folks who run institutions that control mass criminalization in Durham. All
those folks are different now, and they're all thinking about doing something
different. So we have a unique opportunity to not just be a leader for North Carolina
but to be a leader for the country. And so welcome, Square One. Welcome to Durham. Let's get to work.

KATHARINE HUFFMAN: Thank you, Daryl. Thank you, Elizabeth. Thank you, Jared, all of our opening speakers. Welcome to the few folks who have come in and joined us in the first few minutes, and thank you for your valuable efforts. We know they are significant. Also, I just want to really quickly before I hand it over to Jeremy, I also want to mention, again, Sukyi McMahon and Anamika Dwivedi who are the --(Applause.)

KATHARINE HUFFMAN: There's no job too big or too small, and they are grace under pressure in every way. Sukyi is our roundtable manager and really has made this all happen, so a huge thanks and kudos to you all. And with that, I will hand it over to our facilitator for our time together. Jeremy Travis.

JEREMY TRAVIS: Thank you, Katharine. Thank you to all of you in advance for the work that you're about to do on behalf of the country. I think what's so interesting about the opening observations is we put our work in a deep historical context as being important to the aspirations of our democracy. It's not just Durham. It's not just North Carolina. It is -- we're talking about something deeply American that has gone off the rails. And each observation here, whether it's O'Neal's very personal introduction of her story, as Bruce said, a gift to us, whether it's Judge Trosch or Daryl's observations about -- we're trying to do something that's really big. Fortunately, we're not doing it alone.

It's as big as our country because the way we think about criminal justice and the response to crime has gotten deeply off track. It's been affected by our history of white supremacy. It's been affected by our desire to push aside people who in one way or another you don't want to be close to. Hence, the proximity observation Brian made that's so powerful. It's been taken off track by a uniquely American punitiveness about all things, not just crime. And we tend to be a very unforgiving society notwithstanding our Judeo-Christian heritage. So the work we're trying to do here is, we think, in the first instance, a matter of patriotic duty. So I thank you for signing up, for helping us do this work. And on behalf of the Square One team, we're all just thrilled that you're here, that you came when asked. We also are aware that those who wanted to be here and couldn't be because of the vagaries of travel and weather are feeling -- they're here in spirit, and through the miracles of technology we are reaching people around the country.

So the work we're doing, just to give you a little sense of -- you've got to really come through now, right. This is big stuff, so I just want to thank you for that. Thanks also to our friends in Durham, to these two folks that I've gotten to know over the years. How did I get seated between you and Bobby? This is a good day for me and, particular, the law school. So as a former college president and lawyer to walk through into this building -- it's just such a beautiful building, first of all. But to feel the student energy here and to feel like -- Jared, you're representing all students. But to feel that we're also touching and connecting with what I think is actually the most promising development in our world, which is that young people
don't like where we are. And whether it's marching in the streets or the kids in Parkland or black lives matter, young people are really, fortunately for us who are not young, they're going to change the world.

So we want very much, hence, coming to a university. You'll see throughout our program that we have student voices and -- we could have more. I know that you've done some work here on your campus to energize students. Bobby Brown and I were talking last night about what we're going to do after today to work with the criminal justice department at the university. We are grateful for this space -- not just the space but for the energy and the environment that you've provided. So I'm the lucky guy who's gotten the assignment to be the facilitator for the roundtables for the next three years as well as the executive session. It's something that I'm just thrilled about. We're going to talk a little bit about how we're going to do this work together. And there are, what we call, the rules of the roundtable that I'll share with you so that we all know what we're about to do.

There are lots of logistical things, which I don't want to get to right away that we'll have to get to in about 10 minutes. The first thing we're going to do is get to know each other. And the way we're going to do this is -- I'll say the typical way to do this would be to start with somebody on my left or right and say give us your name, give us your institutional affiliation, we would go around, and halfway around everyone would fall asleep and it would get so boring and predictable. That's not the way to start a group conversation -- boring and predictable. We do not want to be boring nor predictable, so here's how we're going to do it. You can borrow this trick for the next meeting that you convene or try it on the faculty and see if it works. It would never work with my faculty.

So I'm going to name somebody who doesn't know who it is yet, Pastor Mike, but I'm going to name somebody who's going to be the first person to say your name, your affiliation, where you come from in the country. More importantly -- that should be really quick. More importantly, like, two or three sentences -- maybe four. No semicolons. You can't run on forever. You're a pastor. That's why I'm putting you up first. All right. It's about why you're here. And it's a short version of what Daryl and Judge Trosch and Katharine and Bruce and I did -- why we're here. And then you get to pick on the next person to introduce themselves -- anywhere. You decide. Somebody you don't know, someone you want to know, someone who's within eyesight, you read their bio and you say I want to hear what this person sounds like. Then we'll do that. The last person to be picked shouldn't feel badly. It's just the way things work out. It's not like, you know, we had to do it when we got to you. Okay. Mike McBride. Pastor Mike, who are you?

MICHAEL MCBRIDE: You weren't joking.

JEREMY TRAVIS: No, I wasn't.

MIKE MCBRIDE: Mike McBride. I'm pastor of the Way Church in Berkeley. I lead the Faith In Action, formerly PICO National Network -- criminal justice, racial justice effort. Every strategy is a campaign. Three or four sentences why I'm here. I
still have to bury too many teenagers in my community, and I have to visit too many
jails. The Bay area where I live is not suffering from this because of the Tea Party. We are governed by progressives -- quote/unquote, Democrats, Liberals, supposed champions of racial justice and dismantling the systems. So I'm here to help imagine a way forward where governance can actually be a shining light on the hill, among many of us who claim to do this every day and more than just rhetoric. And hopefully our success in that regard may increase people's belief in democracy and inclusion and certain specific participation.

**JEREMY TRAVIS:** Who's next?

**MICHAEL MCBRIDE:** I will choose Marlon Peterson.

**MARLON PETERSON:** Good morning.

**ROUND TABLE:** Good morning.

**MARLON PETERSON:** Pastor McBride, I just saw you in LA a couple of weeks ago, so that’s probably why you chose me.

**MICHAEL MCBRIDE:** Yes.

**MARLON PETERSON:** That's probably why. My name is Marlon Peterson. I started here as racial equity as well as I have a podcast called Decarcerated. I'm from Brooklyn, New York. It's important to understand the various reasons we come to these conversations. I have three reasons why I think I'm here. The first one is to debunk a term that I've used very often, and the term "senseless gun violence." And the reason I wanted to debunk that term is because I don't think it helps to say there's anything senseless about it. The second reason why I'm here is in tradition of past freedom fighters. I believe that this is a legacy, a lineage of people who have come before me, and I think it's important for us -- for me to be here in that tradition. And, thirdly, I'm somebody who has spent a decade in prison in New York State. And I think it's important to -- first, I'm going to lift up Judge O'Neal again in her sharing her story. I think it's important for -- in the legacy of freedom fighters to understand that freedom fighters were also people who had that experience.

**JEREMY TRAVIS:** Who's next?

**MARLON PETERSON:** I like to pick the young ones, and I think Brother Jordan Thomas is one of the youngest here.

**JEREMY TRAVIS:** These are not for amplification, so it doesn't matter whether --

**MARLON PETERSON:** Oh, I'm sorry.

**JEREMY TRAVIS:** They're for recording -- what's happening over here -- so that we have a transcript of our proceeding. Just use your outdoor voice but with inside manners.
JORDAN THOMAS: Yes sir. Hello, everyone. I'm Jordan Thomas. I'm a second-year political science student with a concentration in pre-law. And I'm here to represent the undergraduate student population here at North Carolina Central University. I'm here for a few reasons, but just to keep it short, I have also been a witness to some of the violence that our young people -- us, as young people, have to suffer through on a daily basis, the victims that come from the younger generation. I've also participated in some of those diversion programs you were speaking about earlier, Mr. Atkinson, including a popular one we have here in North Carolina, the Teen Court Program, where I saw a lot of young people who were my age suffering from atrocities that they shouldn't have to worry about at such a young age. You know, dealing with drugs, gun violence in our schools. And those things have truly helped shape my mindset. And so that's why I'm here -- to provide a different perspective.

JEREMY TRAVIS: Who's next?

JORDAN THOMAS: I'm going to go with Mr. Haynie.

KERRY HAYNIE: Thank you. Good afternoon. I'm Kerry Haynie. I teach political science and African American studies at Duke University across the way. I'm happy to be here. I'm a native of North Carolina. I grew up in Kannapolis, a few hours south of here. What I hope to be able to add and to help you help me think about this is to raise an alarm bell, to ring an alarm bell about the impediments to political progress that mass incarceration may present us with. And I'll talk more about that tomorrow. But I think we need to realize and come to terms with the possibility, the likelihood -- and I don't think it's being paranoid to say that this is being used intentionally as a tool to limit racial progress and political power and emerge in political power. If you look at the history of the Voting Rights Act, as a political scientist, we have a big gap in the literature where we used to study voting rights and voting rights protection, and all of a sudden we thought we had solved that, right. We thought we had moved beyond the need to have to worry voting rights protection. Here we are, yet again, dealing with voter identification, disfranchising in many different forms. Here is another form. And some of the progress that someone mentioned that we made where states -- even conservatives states began to rethink throwing people in jail. I'm not sure we want to continue down that road as the politics get more contentious. We need to think carefully and seriously about this becoming a political tool as well.

JEREMY TRAVIS: And who's next?

KERRY HAYNIE: Who can I see? Nancy.

NANCY LA VIGNE: Thank you for choosing me next. I thought no one would choose me until the end because they don't know how to pronounce my last name.

KERRY HAYNIE: You noticed.

NANCY LA VIGNE: I noticed you just said by first name, which is fine by me. Good afternoon, everybody. I'm Nancy La Vigne, and I'm with the Urban Institute where I'm
head of the Justice Policy Center. I've been there for a long time and had the pleasure and privilege of being, I would say, recruited to Urban by none other than Jeremy Travis a long, long time ago to examine the issues and challenges around people exiting prison and returning to their communities. Why am I here? I feel like I should be pinching myself. I feel so fortunate to be included in this group of tremendous collection of people. I suspect that I'm here because I've been thinking a lot in partnership with colleagues about a different way that research can be brought to bear on issues of criminal justice reform, broadly speaking, and re-imagining justice across the country.

JEREMY TRAVIS: Who's next?

NANCY LA VIGNE: I will pick someone I don't know as well as I would like to but admire tremendously, and that would be Vivian Nixon.

VIVIAN NIXON: Thank you. I'm Vivian Nixon from New York City. I'm executive director of an organization called College and Community Fellowship, and I'm a grateful member of the executive session of Square One. The reason I'm here is that in 2001 when I was released from prison, I had an opportunity to attend college through the organization that I now run, and in that process was exposed to multiple seminars on race and justice and history and began to shape my thinking around how we have continued to use lack of access to multiple levels of opportunities to oppress, particularly, black people in a specific way in this country. And one of those ways is the denial of access to education or making access so limited that we can't lift ourselves where we need to be. So my focus is higher education for the population of people in prison and in re-entry. And I'm very happy to be with you.

JEREMY TRAVIS: Who's next?

VIVIAN NIXON: My dear friend, Bruce Western.

BRUCE WESTERN: I wasn't sure if I was going to get off the hook or not. My name is Bruce Western. I'm a professor of sociology at Columbia, and I co-direct with my good friend and colleague, Vinny Schiraldi, the Columbia Justice Lab. I'm Australian. I've lived in the United States -- I was born in Australia, but I've lived in the United States for over 30 years now and have been studying criminal justice in America for the last two decades. Why am I here? I feel after countless academic conferences and meetings, we have to do something different. We have to try something different that can propel a process of reform that's not incremental, that's not technocratic, but invokes our values and elevates conversations about justice in a fundamental and substantive way. And researchers have a role there, but I think far more important are the people from the communities in which the criminal justice footprint is falling most heavily. And I think that was very urgent for our thinking as we put this meeting together. I would like to call on another academic at the Roundtable, Lorraine Taylor.

LORRAINE TAYLOR: That would be me. Hello, everyone. I am Lorraine Taylor, and I run the Juvenile Justice Institute here at NCCU. I'm right next door up the hill. We
are the only juvenile justice institute in the state of North Carolina. I am here because I was invited to be here, but I'm really here -- I have my own agenda. I'm trained as a developmental psychologist. And throughout all of the work and conversations and the papers and the information that we'll share in the coming days, my focus is on how this affects families. And so I'm here to learn about how we can infuse a focus on the family system in the discussions that we're having, thinking about the people who are not here today, thinking about those of us who struggled to get here today because of our own family situations for better or for worse, and how the system ruins families. And so that's one of my primary reasons for being here because I want to learn more about that and to offer some ideas.

I taught for many years. I taught a course on poverty at UNC Chapel Hill for about 10 years. A very popular class. I always had students begging to get in it. A wonderful class. But in my more recent work I've learned that much of what I talked about in my poverty class was inadequate. The topics were all very interesting, but there wasn't a clear thread across these topics when we talked about incarcerated mothers -- that was one of our popular topics -- or homelessness. There were these very interesting topics, but there was a disconnection among them. And I think what we're building here today and through the upcoming roundtable discussions is a way to connect these social issues with remedies in mind. And so I'm interested to learn more about how we can think about poverty, study poverty, do research on poverty in better ways. I think that the final reason I'm here is because of my own interest in young people. As someone who works with students, that is first and foremost when I think about this work and being able to share this with the students that are here in the room. That's very, very important to me. In addition, I think about my own young person. I am the mother of a middle schooler who's at home right now -- I'm very happy -- who is an African American male. He's a high-achieving African American male. He sees no limits to his future. I see no limits to his future except for when I think about the world that I live in. And so thinking about his future and thinking about boys like him and boys who are not like him I think is another one of the instances.

JEREMY TRAVIS: Who's next?

LORRAINE TAYLOR: How about Monica Bell.

MONICA BELL: Thanks. I was expecting to be last. I'm Monica Bell. I'm an associate professor of law and sociology at Yale. Right now I live in New York and New Haven, but I'm from South Carolina. I'm from Anderson, South Carolina. And so why I'm here. So, first off, if Bruce asks me to do anything, I'm going to do it, so that's the main reason.

Second, a lot of my work has been dealing with -- trying to think through how people can experience the collective memory of racial violence and racial marginalization in kind of daily life and thinking about -- so it's not -- kind of as Bruce was saying in the opening, it's not so much recounting the history but how people live out history that's both distant and proximate on a day-to-day level. So I've been
thinking about how to address that through law and policy. And so I'm very excited to be here and listen and learn more.

And then, third, I'll say -- so being from South Carolina and growing up in the 1980s and 1990s in South Carolina in a small town, a lot of the sociological research on issues in criminal justice are based in places that are really different from where I grew up in terms of the category they fall into. So a lot of what I saw growing up seems quite similar to the things that I would read about, but I think we need a deeper understanding and a kind of new context for our work for -- or at least academic work, I should say. A lot of people are doing work on the ground. So that's another reason why here, and I'm very excited. The next person -- John Choi.

JOHN CHOI: Thank you. Good afternoon, everybody. I'm John Choi. I am the county attorney, the chief prosecutor in Ramsey County. That's home to Saint Paul, which is the capital city. I was first elected back in 2010, so I'm now seeking a third term. My election is coming up here in November. But even during this busy time of year --

JEREMY TRAVIS: You're here and you're not home campaigning? Either it's in favor or against.

JOHN CHOI: My opponent is not campaigning, so I feel comfortable being here. I'm really happy to be here because I am somebody -- when I -- was coming in to this job of being elected prosecutor, I still to this day really haven't handled a traditional criminal case. I came in to the criminal justice system with a very fresh perspective, not having actually been a line prosecutor, but having been the former Saint Paul city attorney, and then in private practice for about a decade. And so I've always looked at these issues from a different lens or perspective. I haven't been, I guess, connected to accepting necessarily why we do this work. And one of the reasons why I'm so excited to be a part of this conversation is because I do think that in the context of what we can do, we need to be thinking, as Bruce talked about, radically, because if we thought about all the outcomes that we wanted from the way that we respond to crime, etc., and if we build something differently and we just wrote down what it is that we wish to accomplish, I think that the current system right now doesn't accomplish those things, I think, across America what we would want. I think there are other ways to think about those things. I've been, as chief prosecutor, kind of trying to nibble at these issues. I think now is a great time because I sense this political support for that real radical change. I'm really honored to be here today.

JEREMY TRAVIS: Who's next?

JOHN CHOI: Oh. And I'll go with Susan Glisson.

SUSAN GLISSON: Thanks, John. I am here from Mississippi where I've been working for 22 years. I'm currently, along with my partner Charles Tucker, running a little consulting firm on social justice and healing that's called Sustainable Equity. But before that I was the founding director of the William Winter Institute for Racial Reconciliation based at the University of Mississippi. And in that context we worked
with community leaders to devise a sort of curriculum that's based on storytelling
and historical dialogue as ways to cultivate trust and healing that could then lead
to social justice measures. So I can share examples as we go of how that manifested
itself in Mississippi.

But I think for the purposes of this conversation, some of that work we've been able
to do in New Orleans in Mayor Landrieu's office in sites where murder rates were
highest from gun violence. I specifically facilitated a listening and trust-building
circle with mothers who lost their children to gun violence along with mothers whose
children were incarcerated because of gun violence. And then now we are a part of a
national initiative coming out of John Jay with David Kennedy to do what David terms
reconciliation work between police and marginalized communities. So we did the pilot
listening sessions in October of 2016 in Birmingham, Alabama. So I'm excited to
share what we were able to learn with those amazing community leaders. I'm just
going to go right next to Mike.

MICHAEL FINLEY: I'm Mike Finley with the W. Haywood Burns Institute. Our main
office is in Oakland, California. I actually live about 30 minutes from here. I
work from home. We just travel a lot. 20 years ago we started in Boston. We're
knocking you around for a year so live wherever you want to live. I stayed on the
East Coast. I'm a recovering attorney and so it's just nice to be on the NCCU campus.
I'm having -- the whole picking on each other thing is making me think of law school
and tort class and trying to hide, and I'm too big to hide, so it didn't work. So my
present organization, James Bell, was actually asked to be here and he couldn't.
Bruce just asked him to come. We want to be a part of these conversations. So I'm
sitting here -- I'm just having these flashbacks of when Katharine and I were fellows
together back when I was an intern in law school 20-something years ago. These
conversations when I was back -- why does change take so long? I don't understand
that y'all people don't get don't it. And now I'm in a different part of my life where
you understand some of this, but I think we
still have the urgency getting past -- I don't want to call them a superficial lens
because they're real.

Changes that have been made, right, are often focused on racial ethnics disparities.
And there has been progress, but I think the judge's point is right. I just got
married Saturday. We're at the Grand Canyon and we took a tour on a bus and this
woman from the Midwest -- I'm going to make an assumption she's from the Midwest.
But she walks by me -- we're all in a group and she's like, oh, you're driving the
bus. And it hit me, right. These little wake-up calls -- all of our stories. And so
these are realities that are always reminded of, right. To just coming here from
that, I was like, I'm not the bus driver. Why are we even -- -- and then I go on a
whole analysis of who she was and what she did. So how do we have these different
conversations? And I think getting past -- and not superficial victories, but real,
real transformative change, and I don't just mean that in words. So how do you think
academic and put it into actual meetings where the judge isn't happy or she's upset.
The prosecutor is upset. Oh, the defenders are fighting. How do you get there to be
change, which then looks like different people around the table, right, which feels
different. How do we become part of those conversations to help make that shift and
not -- it doesn't have to be 20 years, right, that it becomes quicker and brings new people. So that's why we're here -- to be a part of this body and help participate. I have to pick somebody. I'm just going to go with Ron.

RON DAVIS: Good afternoon, everybody. My name is Ron Davis. I'm the former director of the COPS Office, the Obama Administration. I had the privilege of working with Daryl at the administration, and was the executive director of President Obama's staff for 21st Century Policing. I may be doing -- I don't know.

I retired after close to 30 years in law enforcement, 20 years in the beautiful city of Oakland, and close to nine years as police chief in the equally beautiful city of East Palo Alto. Why I'm here is I think it would have been that only the truth -- that only the truth can get us past our history or only the truth can really help us reconcile our past.

And when I think about my truth, as an African American male, something that I can judge as a father of three -- two of them grown, one being a boy who's a senior at college at Northwestern. And I think about also being a black officer that struggled 30-plus years of trying to reconcile those differences. And I think where I failed within my own personal life was trying to make them fit very neatly in a very comfortable narrative, and I've learned to realize that they won't and they can't. That reconciliation requires that I accept each for the truth that they offer. And so a couple of truths that have become real to me in 30 years is I do not believe our criminal justice system or policing system in this country is broke at all. I believe it does exactly what it was designed to do, which is to have the despaired outcomes and to oppress certain people in this country. So when Jeremy talked to me about Square One, I thought that's the only way to go. I find myself, even last night at dinner, still wanting to tinker around the edges and fix a system that was never designed for the outcome to work. And I think we are going to have to be bold to start with a new idea.

What if we start over again? But a part of that has to be with the concept another focus that only the truth can put the past to rest is to understand where we come from or why we feel the way we do and quit playing around and trying to hide behind the truth that we deal with. There's still institutional racism. There's still racial issues. The fact that you got asked whether you were the bus driver. And I've seen this from the eyes of proximity that Daryl and Brian talks about but from a different concept -- from the concept of being part of the system. And even though I had the best intent in mind, I'm still having those negative outcomes that we don't want. So our current system is such that even good officers and good prosecutors can have terrible outcomes because the system is designed in a way -- and it puts us at odds -- so that as a cop it seems that the world is against me. As an African American male, it seems that the police and the criminal justice system is against me.

When I look at my son, 21, something like yours, very intelligent, a senior at Northwestern, I have two concerns for him. Well, three. One, is I have one grandchild with my daughter's older son. I want a second one, but not quite yet. Two, is the violence -- the street violence that we're struggling with based on economic disparities and social disparities. And then, third, is when he gets
stopped by the police. He's a very intelligent, inquisitive, curious, aggressive, young man, and those are not a formula for a good car stop. So I do have to worry about that, and I have no hesitation to tell my colleagues that I have that concern even though I know that most law enforcement officers are honorable and they want to do a good job. So we really have to start at Square One with understanding our history and our truth and having the courage and the boldness to be able to call it like we see it and not be so defensive to where we can't have the discussions. Oh. Arthur.

ARTHUR RIZER: Thank you. So my name is Arthur Rizer. I'm the policy director of criminal justice and civil liberties at the R Street Institute. That's a center right think tank. I'm also an adjunct professor at Scholia Law School, Georgetown University, and a lecturer at the University of London UCL, which is the British way of saying adjunct professor over there. I'm here because with 32 states being controlled by the Republicans, I think it's very important to have a conservative voice advocating for Square One.

I also believe that if we look at what we're trying to do, this is in line with what I identify as being conservative values, which is a limited government, a government who does not act arbitrary and capricious against its own people. Conservatives wave the procedural and process flag, but only apply it when it matters to their self-interests. And I believe that that will die if we do not get right. And I believe in conservative values. I believe in this government. I believe that the individual should be responsible for their own uplifting, but we can't do that with somebody having a boot on their neck. And I firmly believe that that is a lot on here and, you know, I also know that Bruce and Jeremy only know a few non-crazy conservatives. And so I'm wheeled out -- but if you really think about it, ignoring crazy conservatives has not worked. Donald Trump is the president of the United States. Donald Trump is the president of the United States. He's not a conservative, but he plays one on TV. And if we do not come together -- you know, purple, red, and blue -- we are -- we're losing.

And the only way to do this is really from a square one approach, but we have to be pragmatic in the sense that we have to work within the -- not the criminal justice apparatus but within the political apparatus to get the change that we want. On a personal level, my first marriage was an interracial marriage, and I have two brown boys. The same mother and father. One identifies as being black and one identifies as being white, which I find fascinating. But I want them to have a better America than what people in this room grew up with. I do not -- and Daryl and I have talked numerous times at the executive sessions, and his experience in this country is much different than mine. I truly believe the only way to really equalize things is to start over and to think about things fresh and anew. And so that's why I'm here.

JEREMY TRAVIS: You get to pick who's next.

ARTHUR RIZER: Oh. Dasheika.
DASHEIKA RUFFIN: I thought I was going to be last. I apologize for being late. My flight was delayed from Atlanta. I'm Dasheika Ruffin. I am the southern regional director of the ACLU's Campaign for Smart Justice. We are a 50-state strategy working to end mass incarceration, reduce jail and prison population, and combat rational disparities in the criminal justice system. I have the arduous task of heading the campaign in the south region, which is all of our tier-one states. So you can imagine that I am very busy and I travel a lot. I am very grateful to be here today. I, again, like some other people have said, I'm not sure how I got invited, but I'm so grateful to be in that number. I am here because I have been a firsthand witness of what the criminal justice system has done. I don't think that there's any greater human rights tragedy right now based on our nation than criminal justice and mass incarceration. And so I appreciate Square One's approach of starting over.

At the ACLU we have a strategy where we are trying to affect people, politics, and policies at the same time. So it's not just affecting -- you know, making changes to the legislature. We also need to affect the change with the people who have the decisionmaking powers. So we've taken an electoral approach also. One of the scariest things is, when you go to pretty much anyone and ask them what a DA does and no one can tell you what they do, and they're the most powerful person in the criminal justice system. And so having that -- equipping everyone with that knowledge and bringing that into the conversation, that kind of helps us kind of start over.

I think we need to readjust our system, over-reliance on the criminal justice system as a way to deal with poverty and broken schools and mental illness. So I'm just excited to be a part of this think tank. We also have another strategy where we are kind of taking the back seat. And a lot of people -- a lot of organizations don't like saying this. We take a back seat to impact the communities. So a lot of the way that we do our work is we send the leadership of directly impacting the communities because when we have the conversation about the proximity, no one is better equipped to deal with this problem and fix those issues than people who are directly affected by it. So that's why I'm here. I'm excited to be part of this think tank. Thank you so much. And I'm looking around the room. Mr. Harkins.

DERRICK HARKINS: It's good that you didn't choose me last because asking a preacher to close could be problematic. I'm Derrick Harkins, and I'm the senior vice president. I serve as senior vice president at Union Seminary for all of our public-facing programs. And if you know anything about Union, you know that the intersectionality of social justice and engaging communities of faith is really our -- has been our institutional DNA, and I've been privileged to work closely with Katharine over the years, vis-à-vis the good offices of Raven, to try to bring that voice into some of the corridors of power and hopefully influencing change in Washington and elsewhere. I think along with all of that, the thing that brings me in is I was listening to my friend, Michael McBride, the fact that I've sat on the other side of plate glass with the phone in my hand, that I've had to talk with families who've just been completely overwhelmed by the criminal justice system far too often and just disproportionately and in unfair circumstances. It's a driving factor as to understanding how the intersectionality -- how do we engage, mobilize, activate the
larger community, whether it be not just faith communities, not just institutions that bring that kind of impact, but even more broadly than that. I think that's been a driving factor around the work that I've been a part of.

I've been incredibly fortunate at Union to be in the good company of people like Michelle Alexander and Liam Barbro over these last several years as they've also lent incredibly impactful and powerful voices to that intersectionality and how to bring this issue to a place that communities invest in it and are able to be sustained in the work on incredibly difficult levels that's in front of us.

And, lastly, I serve on -- I'm going to be the incoming chair of the Board of Odyssey Impact Productions. And two of our most recent documentaries that have been released have really spoken to this issue from different vantage points, but I think incredibly critical vantage points. I had the privilege of being one of the executive producers for the documentary The Rape of Recy Taylor. And in that movie -- in that documentary it clearly points out the incredible embeddedness in the infrastructure of the criminal justice system in terms of its unfairness and the fact that it is driven -- has been driven historically by racial disparity and continues to be driven by that. So to take a story that happened in the early 1940s and to see it as painfully relevant today, I think just validates that.

The other documentary -- one of the other documentaries that I most recently have been a partner with is Milwaukee 53206. And that documentary talks in large measure about the criminal justice system from the vantage point of a family having to deal with an incarcerated family member. Milwaukee, that particular zip code, for those of you who may not know, is the highest proportionate zip code in the United States of America for incarcerated black men. And we were fortunate to be able to screen that film at the Congressional Black Caucus just a few weeks ago. And one of the central characters of the movie who had been incarcerated, thankfully is now a returned citizen, and more incredible, empowering testimony there around his journey.

So I just want to close by saying that the power -- the power of merit and the power of story and all of this is going to, I believe, be one of those ways in which this conversation really becomes relevant and push it to a broader and larger audience. And so how that can be conveyed is important, and I'm very happy to be a part of this conversation.

JEREMY TRAVIS: Rounding out our table --

DERRICK HARKINS: Katharine.

JEREMY TRAVIS: Katharine needs another moment.

KATHARINE HUFFMAN: I'll be brief.

JEREMY TRAVIS: So we didn't make conscious choices whether people had spoken before. You have to speak again. You were picked upon. You were picked out. Katharine, Elizabeth, Daryl, and Bobby.
KATHARINE HUFFMAN: Great. Well, as you all know, I'm Katharine Huffman. My full-time job is the executive director of the Square One Project. My other full-time job is I am a principal of the Raven Group in Washington, D.C., a public policy and communications firm that does a lot of work on social issues. I am here for many, many reasons. I am here in the space of justice reform because I have worked for many, many years and have a very clear picture of the loss of brilliance that the justice system hands to us. The people who are put in places where they're separated and where their abilities and their genius and their joy and their person is kept hidden is painful and is a loss by any measure. Most of all, it's a human loss. It's an economic loss. It's a loss on any measure.

So I come to the justice reform role for that reason. Specifically, I come to this because after many years of working on this and seeing this growing, an agreement that something has gone wrong and we need to do some dismantling. The Square One Project for me is about also identifying what we need to create, and then we can really establish to build and move forward. And so this is an opportunity to have those conversations and to hear those new ideas and to learn about things that are already happening that I didn't know about and that need to be elevated as beacons of light. So I'm just really thrilled to be a part of this for all of those reasons. And now we have Elizabeth.

JEREMY TRAVIS: You get to pick.

KATHARINE HUFFMAN: Elizabeth.

ELIZABETH TROSCH: Well, I feel like I've been introduced, and I got to say a lot before, so I'll just say that I'm here because I want to be challenged by all of you to see my assumptions and to really be imaginative about what this can honestly look like on the ground for the citizens that have been harmed for centuries by how we have done business in the criminal justice system. And I don't think that Jared has had a chance to introduce himself and say why he's here. So if I could just take the liberty of calling on him.

JARED PONE: I've been cold-called. Good afternoon, everyone. I'm Jared Pone. I'm a second-year law student here at the NCCU School of Law. My background is a little bit different. I'm from North Carolina. I'm the son of a judicial court judge. My father has been on the bench since 1996, so I grew up in the courthouse. However, I didn't grow up with a silver spoon in my mouth. I grew up realizing that I had a lot of advantages and a lot of things offered to me. A lot of my colleagues did not.

I'm a proud Double Eagle of NCCU. After I graduated with my master's degree I worked for the City of Durham as a project management. I worked over a project called the Southside Revitalization Project. This is an area -- well, probably about a 40-acre area -- not 40. About a four-acre are of Durham. The majority are African American -- all African American, low income, poverty-stricken, a lot of crime, a lot of drugs, a lot of violence. I had a chance to experience that and work with folks who didn't have a lot of hope. A lot of impact with the criminal justice system in that area.
But I realized that as long as you treat people right, they'll look out for you and they'll treat you the same way. So from those experiences I left there and I came to NCCU and I worked as a student.

I was over student conduct for a while. And that's really what got me passionate in the law -- why I really wanted to come here. I've visited the jails after having to suspend students for infractions after having to go to jail and expel them from the university. It's really humbled me in my experiences with the criminal justice system. I think we have a lot of work to do. And after experiencing some of your statements today, I agree. I think it's time to start at square one. And as a law student as a voice for the future of the legal profession, I'm here. I'm here to serve.

I'm here to learn and glean from your expertise. I'm like that empty pitcher ready to get filled up so I can fill myself into others. It's kind of like the analogy in the Bible where you have to walk on water. Well, in order to walk on water you've got to get out of the boat. So this is my time to get out of the boat. I'm glad to be here. Thank you all.

JEREMY TRAVIS: Dr. Brown.

ROBERT BROWN: Hello, everyone. I'm Bobby Brown, and I am the chair of the Criminal Justice Department here at North Carolina Central University. And I am here because this is my work. But by that I don't mean this is my work because I'm on this campus. This is my life. This is my life's work. Dean O'Neal, thank you for your actions and your words. Particularly, when you go toward the end and you're last, you think about what everyone has shared and you think about what you're going to share.

I could tell you that I'm here today because I want to represent -- but you have freed me to share that I am here because I have been living with this all of my life. As the child of an incarcerated parent, I have known nothing else but the justice system and racial injustice. I started going into prison as a young boy, and my father received his life sentence shortly after I graduated from -- when I graduated from Hampton University. There are some others who did not get to graduate from Hampton University around the table, and they will identify themselves later. But as a young man who started going into prisons who was never expected to graduate from high school, who was never expected to graduate from any college or university because he always thought that he would be involved with the justice system in one way or another.

I'm fortunate that I've been involved in ways that you can see through my vita, which you'll hear me talk about today, and most people try not to share it would never know my proximity as we've talked about. And I appreciate what you did so that me and others feel free to share that. There are people who are watching this and who are hearing this and who have known me for years who do not know this about me. So I am here to hopefully continue making a difference when it comes to race and criminal justice, and I look forward to learning from you all.
DARYL ATKINSON: So you all heard about who I am. I guess I'm going to go straight to why I'm here, and it's just real simple. I'm here because this happened to me. I'm here because incarceration happened to me, solitary confinement happened to me, fees and fines have happened to me, fellow disenfranchisement is happening to me. And to borrow Marlon's really important point, there hadn't been any point in this country where we had a transformative change, transformative movement.

People who are under the boot of oppression are not at the center of that change. That's the only way we win. So for Square One, I appreciate Jeremy and Bruce. I've been long admirers of their work. I remember reading Jeremy's seminal piece, JR Come Home, when I first got out of prison. And I was like, wow, somebody is feeling my pain. They get all of the road blocks and punishments that I'm running up against even after I finished serving the sentence. So that's why I'm here. And I'm here to represent those folks and make sure that their leadership is always thought of and amplified because that's the only way we're going to start over. Elaine O'Neal.

ELAINE O'NEAL: Thank you all. First of all, as the interim dean to continue to aspire bright, young minds who help us to change the course that we've been on for a long time. I'm also here because there has to be truth. We have to dig deep and we have to open up and speak our truth so that people will know. But, most importantly, I'm here for my family because my family has been torn apart.

I have a grandson who has always known his father in prison. I have another son who's a criminal justice graduate with honors from South Carolina State, whose desire is to come and be an attorney to get his brother out. I have an ex-husband who's been struggling with alcoholism ever since our son went into prison. And I'm also here for those voiceless people like myself who've been silenced and shamed by the fact that we have a relative who's been incarcerated. And so I sit mostly today for those like me who have never been able to say it publicly.

JEREMY TRAVIS: Thank you, one and all, for those introductions and those statements of your reasons for being here and your hopes for our time together. I think I speak for everybody when I say that those observations of those testimonials have elevated the hopes that we have for our time together because you've just given us a set of big expectations and aspirations that we'll carry for the next couple of days.

Here's what I would like to do. I'm going to answer the question why I'm here. And my apologies to those -- I sort of lost track of -- I was just mesmerized by who had already spoken and realized that people had spoken in different voices. But I want to be one of you for a moment, if I could, before I put on my facilitator hat again. After we do that, we have some very mundane housekeeping things that I want to do. And then I want to switch gears and talk a bit about what we hope to accomplish over the next two days and how we're going to do it -- a little bit of a facilitation like all the rules of the roundtable. What are the aspirations? How do we organize our time together so that we can meet what are clearly very high expectations for where we'll be when we leave. I'll talk a little bit about the Square One Project.
With your permission, I won't to do this. You won't hear my voice much other than right now. So I'm not going to look at Daryl because he said something important. So I write about this stuff. I have given my life's work to criminal justice reform, whether it's police reform or thinking about my work that -- working on victim issues, or bail reform. There was a moment in my career where I was working for the justice department -- I was working for Attorney General Reno. And she pulled me and -- a woman you may know, Amy Sullivan -- I'm sorry -- Lori Robinson. Held us back after another meeting in our office.

I was NIJ director at the time, very privileged to hold that position and just honored beyond words to be work for Janet Reno. And she pulled me aside after this meeting and said to me and to Lori -- a totally different topic. The other meeting was actually on counterterrorism technologies. And she said -- she has this way of -- these blue eyes that just look right through you. And she said, "Jeremy, Lori, what are we doing about all the people coming out of prison?" And my head just spun around. Okay. Where did that come from? And I said, "Ms. Reno, I don't know." And she said, in the way that she would, "Get back to me in two weeks with a better answer."

So the answer was NIJ at the time, and we pulled a group of colleagues together and we realized that that question was not being answered really anywhere. And even for those of us in the criminal justice world, we didn't know the numbers of people coming out of prison. Just basic stuff. So I don't know if you were in that meeting, but we called our colleagues from BJS down to my office. We've got to get back in two weeks. How many are there? And the first answer at that time was, like, 540,000 people a year coming out of state and federal prison. My head spun around again. That number or the concept was not part of the conversation about criminal justice at the time. This was 1996. No, a little bit later. '98. And then we started discussing about how do we answer the attorney general's question, and people started talking about parole. I said, "Well, that can't be the answer." That's what we do for people? We put them on parole? And I remember another number that was important, which was that nationally only about 80 percent of the people coming out of prison are under some sort of supervision. The other 20 percent are just released. Well, that can't be what it was. That's when we literally invented the word "re-enter". We said, well, okay, let's come up with a human experience. And I then left, went to the Urban Institute and became impassioned with basically answering her question. In part, out of a sense of guilt.

I was a criminal justice professional, head of the national criminal justice in the Clinton administration-- Democratic administration -- and I didn't know the answer to her question. But that was guilt on behalf of the country because nobody was really thinking about it except the hundreds of thousands of people who were experiencing that every day. They were obviously aware, but not much was being done. So I went to Urban. Nancy -- we were at a big research program. I decided at the end of my time there to write a book from what I had learned. That's where I met Bruce and wrote But They All Come Back. And the reason I wanted to meet Daryl is I never really read the book. You never told me that. And that book influenced lots of people. Bruce very nicely cites it in his new book. And one of the moments that I will always charge my
life with is when I was at John Jay and Janet Reno came to visit, she gave a talk on application around my table and said, "Ms. Reno, five years ago you asked me a question about all the people coming out of prison. You said you didn't like my answer." It's not that I didn't talk to her at all, but you didn't like my answer. You said, "Get me something better in two weeks." I'm sorry it took so long.

So but that for me -- that journey that started with that question is what brings me here. And that led to the National Academy Panel that Bruce and I led. It led me to my work of -- led me to the movement -- the got 50 movement. But that journey is incomplete unless you do the work we're doing here today because you can't understand that phenomenon of mass incarceration. You can't understand it without an understanding of the history of race, the intersection of race and criminal justice in our system. So when Bruce and I started thinking about what we wanted to do after the National Academy report, and some of our colleagues were working on how do we end mass incarceration, we had a number of cups of coffee and glasses of beer together, and we came up with what's now become one of our tag lines at Square One is we don't tinker. We're not looking at what to do around the margins. We want to go right back to square one. So that's what brings me here today is to try to complete that journey. This is personal, but it really isn't -- just do whatever all of us can do in our own different ways, our own unique contributions to help the country get back. That's why I think of this as a patriotic duty that we're all engaging in. So enough from me.

Ready to switch gears? We're going to go to really boring things. The restrooms are out here to the right, if you need to find one. Nancy, you didn't have to go. The restrooms are out there around to the right. Here's some other boring stuff. Ready? This is a public record. It's being transcribed. It's being simulcast. It doesn't mean you should be on super good behavior, but just watch your language. But, more importantly, we are keeping this as the record. The proceedings become very important to us as we look for themes in papers and things to write. So this is a serious scholarly as well as public record enterprise. We also haven't yet given a think you to the Virtual Justice Project, giving it the thanks that it deserves. He's working. That's good. Okay. Which is helping us with all of the technology. We have a videographer who's walking around, people with the cameras over here and they're over here. We are also doing a lot of work to -- we have a very serious communications strategy run by the Raven Group to try to amplify our voices to an outside world. If we just sit here and talk and no one knows and we don't talk beyond these walls, it's lost opportunity.

We believe strong enough in what we're doing to think that it's of value to others. So you'll see a videographer around. Hence, the transcription. As I said, these are not amplification microphones. These are for recording, so you don't have to lean in, if that's what you want to do. We have observers who are here around the outside row. And many of you could be at the table. I just want to recognize that it's always a little awkward for me to say, oh, my goodness, look who's an observer today. We will find a time before the day is over. I'll just take a break, with everyone's permission. I'll see if anyone has -- it's not a speech, but if we're missing something, you're listening more closely than any of us. If we're missing something,
I want to know it from you. We'll find the time before the day closes. And we have a few people watching around the country who are Livestream and are watching Twitter traffic, and something may come from our virtual universe that we want to bring into the room. So for observers, just be ready to think about something.

If you really -- if it's urgent and you -- well, if it's a facilitation issue and you want to do something differently, tell me during the break, please. I encourage that. We can't see everything that we're doing. I think I did all of the housekeeping with the exception of something important, and you'll understand why. We are here because two, now three, foundations -- we hope to get more -- think that this is as a valuable exercise for the Criminal Justice Reform Bureau. We can't go any further without thanking them. The MacArthur Foundation was the first to support the proposal that Bruce put forward for the executive session.

The Laura and John Arnold Foundation where I now work before I started here, was the second investor in this work, and we are grateful to both of them. Another foundation called Galaxy Gives just made a contribution to our work. And Katharine is out there talking to anybody else who wants to give money to support this project because the end game here is not what -- we've got this supportive. But the end game is community engagement. A number of times a number of you have said -- Derrick, you said it most recently -- this is going to happen from bottom up, basically. I love the media part of this. So the end game that we have in mind is that we won't just die with a whimper. We want to translate this into a community engagement strategy so that the -- so some of the energy that is there to do Square One thinking. So we thank the Arnold Foundation and the MacArthur Foundation and Galaxy Gives.

And to be a good boss, I have to thank the people who work for me. I want to thank Stephanie Ahkter, who's our chief of staff. Just raise your hand. I see her and Sebastian Johnson who works on our team in Washington, who's also here as well as others who were not able to be present. So let's go back to Square One to ask what is Square one.

So let me just give you my take on this enterprise, and you've all got it mostly right, but just let me -- before we start talking about how we're going to spend our time together, what are we trying to do? It is, as you've said -- it's, in a sense, a mind game. It's a mental exercise. It's the what-if way that the human imagination works sometimes. What if we set aside the way we now do things and imagined beyond imagination actually operationalize a very different way of doing things. Square One has never existed. When we first announced this, some people said, "You want to go back to where?" Right. That's sort of like -- it's like make America great again. Again? It's not like there's a time or place where it was the way we would like it to be. It's just the opposite. I think the historians -- amateur or professional -- would say it's never been what we want it to be and what we think it can be. So it's not a magical time or a mystical time. It's not even just imagination because we want to do some hard work starting today to break through some of the barriers to Square One thinking and operationalization of Square One ideas. So it's not like we're sitting here with a white board and saying what could it look like, round up a lot of good ideas and publish that paper.
We start with a different recognition, which is that there are important hurdles to Square One thinking and Square One operationalizing of Square One ideas that have to be taken on frontally in order to get there. So the executive session, which is the sort of parallel track of work here with the 27, 28 people coming twice a year, four members -- four members of the executive session are here. The executive session in our first meeting in May and in our proposals to the foundations, we identified -- depending on how you count them -- three or four hurdles. The first hurdle is the issue of race and legacy of race, the operations of and the acceptionalization of the criminal justice system and the ways in which that legacy has done damage. Sometimes and somewhere our language -- and I Vivian was at the first executive session. We talk about it as a time of reckoning. So the hurdle, to be clear, to gets us to Square One is that one.

That's what we're doing here the next two days. It's the intersection of race and poverty, but it's really race, first and foremost. The second hurdle that the roundtable and the executive session will take on is the hurdle of violence. Jared and others here have talked about the weight of violence at the community level that stifles dream, ambitions, human development, and becomes a way to trigger certain reactions that we're talking about today as to who should be dealt with, punished, incarcerated, sent away forever. So violence is a real phenomenon we want to take on, and that'll be topic number of another roundtable, this format, a different group of people, a different city. We haven't quite decided the city yet, have we? No, not yet. Six months from now. And we'll talk about it at the new executive session.

The third hurdle intersects with what we're doing today, but we also want to look at it separately, which is poverty. So how do we think about building and helping communities in a way that violence is minimized, that the opportunities for community growth and well-being are maximized, the families get to do what families should do, and that we have a different set of social policy responses to crime than we have now when we rely too much on the criminal justice system. Do you see where I'm headed? If we minimize the current response both in its severity and in its ambiguity, we're still left with issues of poverty that could be dealt with differently and better. The fourth hurdle is -- you can see how all these intersect -- we call punitive excess. Another way of thinking about this is how has it come do be that we've constructed a legal system that is so punitive, so unforgiving, so harsh that we have the phenomenon of geriatric prisons. We have people -- Dean O'Neal's son comes to mind and folks that Katharine was talking about -- why she is here also.

We have, as a country, warehoused millions of people because we have a culture and a society and a politics that allows for punitive excess. That's -- when you cut to the core, that's where the findings of the National Academy study and the -- there are lots of other problems in our justice system, but in the '60s, '70s, '80s we allowed our politics to embody and articulate and operationalize the culture of punitive excess through the courts. The judges were elected through prosecutors who are elected who legislative leaders who are elected on top. So it's, in a sense, an issue of politics, and it's, in a sense, an issue of how the criminal justice system operates. And this is the -- if you want to read one chapter in the book, it's
Chapter 12, where we allowed censuses that weren't proportionate. Three strikes and you're out. We allowed for criminal justice operations that weren't parsimonious where the state had to use excessive power -- because Arthur and I have common language. We had to cut back the power of the state. We allowed for census that denied human dignity, human citizenship, and we allowed for the construction of a particular prison system that was in opposition to notions of social justice. So how did we allow all that to happen and create something that looks legal? Right. So it's punitive excess, legal system, and the politics of justice.

Those are the four hurdles we want to take on and -- we don't have to clear them all, but at least name them, identify them, get everybody around the roundtable, at least, talking about something, create a scholarly literature around those topics. So that's what Square One is about. The roundtable will have its products. The executive session will have its products. It's all intended to be tweeted out. It all comes down to 140 characters. Videos -- we'll get your expert advice on this. Scholarly products -- and then as the three years starting today sort of unfold, we want to connect with lots of other people who are doing similar thinking. We don't for a moment believe that all of this resides with the Square One team. It's just the opposite. Our hope is that we connect with lots of other people who are thinking exactly the same way, many from around this table. So that's the way I interpret the Square One Project, where we're headed, how we're going to do this work. Spend a minute with me, if you would, looking at the agenda for the next two days. We're literally going to go through it so you'll understand the ark of our time together, and then we'll jump into it. Okay. Here we are. It's in your very fancy, well-branded materials in front of you. Some day you'll learn the story of how we came to this logo. It's sort of fun. Take a look at it, if you would. So we've done the welcome. We've done the -- launched the Square One Roundtable. We're about to start with the big topic -- the racial history of criminal justice in America. Heather Thompson, who wrote the paper -- by the way, Monica, Cary, Nancy, and Bobby -- and who else was a paper writer? Thank you in advance for your papers. And, Nancy, you have a co-author. We should put her name --

NANCY LA VIGNE: I do. I'm so glad you mentioned that.

JEREMY TRAVIS: Did we put her name into the conversation? Oh, she's here.

NANCY LA VIGNE: Yeah. Actually, she's the lead author.

JEREMY TRAVIS: Oh, lead author. Even better. Thank you for that work. The papers were spectacular. We have some more authors coming. Heather Thompson go caught in Chicago and couldn't travel much because of the weather. So we'll -- I think Liz is going to get us started on that topic. At breakfast you said you would. So we're going to make it really big first. And Heather's paper of course, given who she is, doesn't surprise me and started with -- it lets us know in detail of the intersection between race and the criminal justice system in our American history. So we're going to start very big. We're going to go somewhat smaller with Bobby Brown's paper, which talked about policing and race. Then this evening we really switch gears and we go into some -- listening to some -- we're going to spend some time with some young
people, which I'm really looking forward to. That's an advantage of being here at NCCU.

Tomorrow morning we come back again and Lorraine gets to welcome us, which will be fun, and the dean of NCCU will welcome us. And then we have -- is Leah going to be able to join us? Great. So Leah Wright Riguer's paper on black citizenship, which is linked very nicely to Kerry's paper at the end of the day, a fascinating paper on the impact of incarceration on real broad participation numbers. And then between those we have Monica's paper, which is really a framing of notions of citizenship under this just elegant matrix that she's created, I think a real contribution to the literature. But between her paper and Kerry's paper, we have this justice in Durham session. Why do we do that? We're not here just by accident and we're not here just to be visitors.

We're here to learn from what's happening in Durham. Daryl set it up. Daryl is going to be the moderator for that session. He set it up. There's a lot of stuff going on in Durham. The election is coming up, and we'll really flip some of the leadership roles of people here in Durham who have made campaign promises that do things quite differently. We want to hear from them and others. So we want to say, okay, what does Square One look like on the ground. That's really, I think, the way Daryl hopes that we can think about it, and we'll see how that plays out. We're very grateful to have that time to expand the frame. Then both of these days we'll have a wrap-up.

What's not noted here is -- this is a sign for Bruce Western that he's a master at. So that's always a treat to see what threads Bruce is drawing through our conversation. And then -- drum roll, please -- Melissa Harris-Perry is going to be interviewed tomorrow night and reflect on justice from her perspective. And then we're back Saturday morning. This is where the ark of the two days takes a different turn.

I'm imagining that over these two days there will be people talking about reconciliation, reckoning, whatever is the word that you want to use that talks about coming to terms with our history. It's unavoidable. We want to put that center of table Saturday morning before we leave. So Martha Minow's paper -- she can't be here with us, but if you read her paper it really is about this process. And Susan is -- and we're all sort of thinking about it, but this is your work, so I'm really glad that you're here and want to hear more about what you've done. We want to make the conversations something about what's a forward-looking strategy and agenda under the heading of reckoning, reconciliation. There are different ways of thinking about how to get beyond this, but it's also sort of an intellectual challenge.

Then we have another switch to end on -- I won't say an upbeat note, but it's sort of a on-the-ground note of what's happening in the communities around the country. And tell me your name one more time. Sorry. Leah? Leah has with -- Nancy apparently did no work on this paper. We'll invite you to the table. We'll be fair. So that when you leave you have something -- oh, they're doing this in such and such place. And there's a way to -- this will be a very heavy day together. We also want to give people some time to think about where we're headed. And then Bruce will close it
out. So that's the ark of the two days, and hopefully it's cumulative. When we get to -- which we'll do in a second. Bruce had a couple of minutes to prepare. This is not an academic conference. I'll say that very, very explicitly, particularly for our academic colleagues.

I'm looking at you and looking at you. By that I mean when we say that they've written a paper, the purpose of our having asked them to write a paper is not for them to present their paper at economic conferences where they get to talk about it, the theory, the PowerPoint, the whatever. You know, even in 20 minutes you can absorb at an academic conference with discussions so that all of their attention is on the paper or the author. This is not that. What we're going to do is ask -- and this is where the first rule of the roundtable -- I'll tell people to stop, but it is to -- no more than 10 minutes. What are the big themes in your paper that you think are relevant to this conversation? What would move our conversation forward? Of course you're going to talk about the paper. We want you to. It's sort of a summary, but not an executive summary. It's the themes so that we can draw upon you and your expertise in your paper to move through the conversation.

After you have your 10 minutes to make that contribution, unlike an academic conference you sit back because I will facilitate a discussion within the group about what did you hear. What is the relevance of that? What do you want to add to that? And then when that session closes out, unless you have something that you urgently need to get in, I'll come back to you and say, Bobby Brown, what did you hear? Is there anything that you want to reflect on? So paper-writers -- Monica and Kerry and others -- it'll be that type of presentation. It's really to get the conversation started. Your papers, by the way, are already on the website, so this is not an academic where you get to go home and polish it so that you can submit it to a journal and wait for an editorial review. This is not -- we want to feed the conversation quickly, both here and externally. So before we do the rules of the roundtable, let me just pause. I've talked a lot. And I thank you for your indulgence.

It's very important to have a sort of understanding of how we're going to spend our time together. Let me just see if there are any questions before we move do the rules of the roundtable, and then I'll ask Bruce to take his 10 minutes to talk from Heather's. Any questions? Any questions from observers about the process? Okay. Rules of the roundtable. First of all, the table will be live. It's not round. It's oval. So there's that sort of round -- it doesn't have edges. It's a little bit different. But the consequence of having a table of this setup -- that's why I'll lean forward and make sure that I get you, Kerry, and make sure that I get Vivian. I'll try my best to make sure that everybody is accessible to the conversation. The consequence of sitting outside my view is that you might say, oh, I don't have to get your attention. Don't be shy. If you want to be in -- Mike, I know you're not shy. Just find a way to get in the conversation. I will keep a queue except when I don't. So I will keep a queue, and then I'll ask people to let me know if you want to be in the conversation, but I will violate that a lot at the end but a little bit at the beginning under two circumstances. One, is -- I'll call you Elizabeth, if that's okay, Judge. If you think I really have to get in right now,
that's called the urgent wave, right. Get my attention with two hands. Whatever it
takes. Wave this thing around. But that tells me that you want me to violate what
would otherwise be the queue and you want to get ahead of whatever that queue
signifies. Otherwise, just get my attention and I'll keep a list.

My hope is -- my request is that the conversation or your contributions are
cumulative on where we are -- if somebody said something that made you think that you
want to get in and add to that. The flip side of that is if you feel what you're
about to say has either been said or the time has passed, that you're respectful
enough of the group process and you'll say go ahead; I'll come in later, or something
else said it, or it's moved on to another conversation. I think that's respectful to
your colleagues. That's my hope for you is that you'll just let me know if it's not
the right time. I do have little tricks that I try to be as discreet as possible
when I think you've gone on too long. The first trick is something like that. The
second trick is something like this. The one you don't
want to see is this one. But you'll know because I'll find a way to get your
attention, and I'll try to be light about it and not disrespect you. I know
everybody here has great things to say, and that's part of the situation. I will let
Bruce interrupt any time he wants to, in part, because he's listening as the person
coming in at the end, and if he wants to amplify a thread or sort of name what we're
doing to help us understand it or make his own contributions, that's a
-- as our person watching where we're going, he gets that right. Any questions about
the rules of the roundtable?

DARYL ATKINSON: It's not a question. I'm just asking, I guess, for some grace and
permission. I struggle with some anxiety issues. It's tough for me to sit in one
place. Before I was straight, so I have to get up and move. I'm also conscious of
my maleness and don't want to be skulking around behind you. But just know that I'm
just trying to move and release some of the energy.

JEREMY TRAVIS: Thanks, Daryl. Anything else someone would like to say before we get
started? We've taken a lot of time to get this table setting to work. It's
important for us to have good production time. Seeing nothing else, we will jump in.
CERTIFICATE OF REPORTER
STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, Leslie Christian, the officer before whom
the foregoing video conference deposition was taken, do
hereby certify that the witness whose testimony appears
in the foregoing video conference deposition was duly
sworn by me; that the testimony of said witness was
taken by me to the best of my ability and thereafter
reduced to typewriting under my direction; that I am
neither counsel for, related to, nor employed by any of
the parties to the action in which this video
conference deposition was taken, and further that I am
not a relative or employee of any attorney or counsel
employed by the parties thereto, nor financially or
otherwise interested in the outcome of the action.
This the 24th day of October, 2018.

__________________________
LESLIE CHRISTIAN
Notary Public in and for
County of Wake
State of North Carolina
Notary Public No. 201221300088
Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 1: The Racial History of Criminal Justice in America

At North Carolina Central University, Durham, North Carolina
October 11th, 2018
12:33 p.m.
Reported by: Leslie Christian
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute
Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University
Daryl Atkinson | Founder and Co-Director, Forward Justice
Dasheika Ruffin | Southern Regional Director, ACLU National Campaign for Smart Justice
Derrick Harkins | Senior Vice President for Innovation in Public Programs, Union Theological Seminary
Elaine O’Neal | Interim Dean, North Carolina Central University School of Law
Elizabeth Trosch | District Court Judge, 26th Judicial District, North Carolina
Heather Ann Thompson | Author; Cedric J. Robinson Professor of History and African American Studies, University of Michigan
Jared Pone | JD Candidate, North Carolina Central University School of Law, Class of 2020
Jeremy Travis | Co-Founder, Square One Project; Executive Vice President of Criminal Justice, Laura and John Arnold Foundation; President Emeritus, John Jay College of Criminal Justice
John Choi | County Attorney, Ramsey County, Minnesota
Jordan Thomas | BA Candidate, Political Science with a Concentration in Theory and Pre-law, Accelerated JD Track, North Carolina Central University, Class of 2021
Katharine Huffman | Executive Director, Square One Project, Justice Lab, Columbia University; Founding Principal, The Raben Group, LLC
Kerry Haynie | Director, Center for the Study of Race, Ethnicity, and Gender; Associate Professor of Political Science and African & African American Studies, Duke University
Leah Wright Rigueur | Professor of Public Policy, Harvard Kennedy School of Government
Lorraine Taylor | Executive Director, Juvenile Justice Institute, North Carolina Central University
Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group
Michael Finley | Chief of Strategy and Implementation, W. Haywood Burns Institute
Michael McBride | National Director, Urban Strategies/ LIVE FREE Campaign
Monica Bell | Associate Professor of Law, Yale Law School
Nancy La Vigne | Vice President for Justice Policy, The Urban Institute
Robert Brown | Associate Professor and Chair of the Criminal Justice Department, North Carolina Central University
Ron Davis | Principal Consultant, 21CP Solutions
Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
Our first topic is the rather modest question of racial history of criminal justice in America. And we are channeling Heather Thompson because she is unique and formidable and just a great, great scholar and great in our world. It's too bad she can't be here. I hope she's watching, wherever she is. We'll say, Heather, this one is for you. Bruce, 10 minutes.

BRUCE WESTERN: Okay. I'm going to be briefer than that in the interest of time because we're a little over time. I thought what I would do is pull out several of the main themes of Heather's papers I read. She begins with the striking social fact of very sharp racial disparities in the criminal justice system and very loud racial disparities in incarceration, specifically. And so we know that today incarceration rates among African Americans are about six times higher than they are among whites. Among Latino incarceration rates are about twice as high. Incarceration rates are also disproportionately very high for native Americans. And she poses the question -- well, how is this so, particularly in a post-civil rights world? And I read her answer to this question. The main thesis of the paper is the entire history of the United States is a centuries-long struggle over the freedom, the quality of citizenship of African Americans in this country. And we can think of the periodization that encompasses four different eras in American history. The first era was the era of slavery, and that casts a very long shadow over the entire history of the republic. African American captivity was perpetuated, notwithstanding the Civil War and emancipation by the era of Jim Crow. And that was succeeded following the great migration by the era of the northern ghetto. And, finally, that was succeeded by the era of mass incarceration.

So the entire history of the country has been entwined with the history of African American captivity in different ways. And this is as much history of racial domination as it is a history of political contest over freedom and liberty for black communities. Emerging in the period of reconstruction, Heather writes about the beginnings of what have become very deep-seated ideas about black criminality, and here she draws on the work of Khalil Muhammad. And ideas about black criminality are partly reflected in social science of the late 19th Century. And there's a striking counterexample that she draws in the paper, that Khalil Muhammad draws in his work, with the experience of new European immigrant groups, who were also in many ways socially and economically marginal to American society, but they become incorporated within American society, in which African Americans are never able to do. And ideas about black criminality become a reservoir in the culture of understanding that becomes the basis of tough on crime politics and policy generations later.

The 1960s of course bring a period of tremendous social activism and the passage of the Civil Rights Act. And this opens the possibility for the conservative side of politics to capture the south for the Republican party, and political leaders at a presidential level begin talking about crime and getting tough on crime for the very first time. And the campaigning in '64 is pivotal, but then subsequently the Nixon administration of 1968 and the Reagan Administration as well.
There is a revolution in criminal justice policy that accompanies the emergence of tough on crime talk in politics. Prison time becomes the presumptive sentence for a felony offense, and prison populations beginning in the early 1970s begin to grow.

This isn't a story only about crime policy and crime politics because things are going on in the social and economic life of the African American community as well. As politics lurches to the right, support for social policy contracts. And, particularly, hard hit in this is the position, particularly, of black men with low levels of schooling who enter a sustained employment crisis, particularly in urban areas. And we see the emergence of neighborhoods. Urban neighborhoods are very concentrated, disadvantaged, characterized by very high rates of unemployment. And these are the communities in which mass incarceration emerges and mass imprisonment becomes ubiquitous in the life course of black men with far-reaching effects. Not just to those men, but their families and the communities they live in. And so today we have an incarceration rate that's five times the historic average. It's overwhelmingly concentrated in communities of color and very disadvantaged communities of color. So the stories of race and poverty are closely intertwined. By the time we get to the 1990s, we see it also as early as the Johnson administration in the 1960s is a bipartisan consensus.

So the GOP no longer has the monopoly on tough-on-crime politics and policy. There's a bipartisan consensus around tough-on-crime politics by the 1990s that is sustaining very high rates of incarceration. And I think Heather is saying that much of the promise of the civil rights movement, the promise of full African American citizenship that was opened up by the desegregation of public accommodation, expansion of voting rights, the passage of fair housing laws -- all of the promise of that revolution in civil rights was disappointed because it was followed immediately by historically high rates of incarceration. So that, in seven minutes, is my digest of Heather Thompson's sweep through American history. Our history has fundamentally been a contest over black citizenship and black freedom, and mass incarceration has stained that possibility. It's the latest chapter. Our reform conversation is about finding a sequel to that story.

JEREMY TRAVIS: The floor is open for the first person who would like to respond.

KERRY HAYNIE: Let me start with a question and a comment that I'll also pose as a question. And that is, shouldn't we think of the American story differently. We start with this notion that it's a story of a country gone bad as opposed to a country that started bad the way that it is. When I teach my freshmen intro to American government, I mean, I start with the premise that the Supreme Court got this exactly right because the majority of the decisions of Scott v. Sanford. And some of the law professors will know better than I time about that case, you know, where that the court said -- in good order. And words like the civilized -- where all the civilized worlds universal at that time, that this was the case. And so, therefore, why would the framers have intended these meetings to be part of the people.

If we start with that notion and begin to reframe our thinking about what this American prodigy was about and what it's intended to be about, might that lead us in
a direction thinking about how we go and do. I draw a picture of a smokehouse. It's
my uncle's smokehouse in Annapolis. As a kid we would go down to -- it would crack.
The wall would crack on the left side. Every four or five years we would go down and
help plaster the wall. And I tell my students the project wasn't so much with the
wall but the foundation, right. I use that as an analogy of the American prodigy.
We repair walls with the Civil Rights Act and we repair it with the Voting Rights
Act. The Civil War repaired the cracks in the wall, but we don't start where these
things started at the very beginning and start rethinking about how we tell the story
of the American founding and what the prodigy was about and what that gives us
somewhere down the road.

MARLON PETERSON: I want to underscore what you said also. Marlon Peterson, by the
way. I'm actually working on a book, and the working titled is called An American In
a Cage. My agent is saying that that title is probably too provocative to be sold
and published. And I want to underscore that. I think that oftentimes our analysis
doesn't mean our practices. So in the beginning we said -- Ron Davis said our
policing system and our criminal justice system is working exactly how it was
designed to be. And there's so many ways to say that.

The analysis is correct, I believe, but the practice doesn't follow it. So one of the
most profane terms of Khalil -- that's one of the most profane words you can use. It
sort of puts you out of the category of mature thinking. And I think that when we
think about how this country has sort of like been able to put progress or to -- what
you've been able to redefine what this nation should be has been through processes of
abolition, right. And you think about some of our greatest heroes -- Richard
Douglas. Even as a president in terms of him deciding to make the union stay
together. Abraham Lincoln. You know, these folks wanted to end something. King
wanted to end Jim Crow. NAACP in the 20s wanted to end racism. I think so many --
the problem with -- when I say that, our national analysis is that oftentimes what I
believe is that we can -- I had it written down here that we can -- reform can be a
project of abolition, but abolition cannot be a project of reform.

And I want to introduce that into the conversation by saying that when we look at --
when you read in Heather's piece -- you know, just read her book, right -- we can
read her book and read previous historical narratives when it comes to incarceration
in this nation or police violence in this nation. And it's pretty much the same
story. You just have different names of people. There's a different nuance to it, but it's pretty much the same story. And I'm just thinking that as we think about
Square One, Square One has to begin from the analysis that we have in so many ways
tried to reform something that started unjustly in the first place. And it's fair
doing it. I think that's kind of what the end my piece said. You know, the mere fact
that the title of a book would be called that, un-American, is not to say that I
don't want to be American, but it's sort of they move to really redefine what this is.

And we also need to be able to trouble and problematize the notion that Americanism
at its inception was a good thing. It's a hard fact to sort of -- for so many folks
because we understand our connection and the tradition of this nation. And
historically we connect to black folks, white folks, indigenous folks. We have a stake to claim here. There's no question about that. But I think that the mere fact is that it's troubling to say that we started wrong. We started wrong. To state that, I think -- I see your hand. I do think that it's important for us to be able to think that some words that we may consider profane are not necessarily profane, but they are how we need to go forward.

JEREMY TRAVIS: Thank you. So I have Vivian coming down this side, Mike, and Bobby.

VIVIAN NIXON: So I was going to say one thing, and then Marlon kind of made me kind of extend my thinking. And I want to respond to Marlon first on the complications of the conversation about abolition. And I often question my own self about why I can't -- why I can't wrap my brain around abolition is because, in my view -- I mean, you mentioned Harriet Tubman so slavery was abolished but not really, right. There is a law saying that people shall not be enslaved unless they are in prison, but we have seen, as Bruce iterated over and over again, reinventions of the same type of oppression that was caused by slavery. And so I'm -- you know, I don't know what abolition looks like, but I know that what we will do is -- if we don't deal with the core, which is not just removing what exists but understanding what is at the root of it.

People think of radicalization as this wild, crazy thing. It really isn't. It is finding out what is underneath the ground that is feeding nutrients into this thing that lives, right. And this thing that lives is structural systemic racism rooted, grounded, sealed, signed, and delivered in the institution of slavery that moved right into the institution of reconstruction and Jim Crow in the ghetto, mass incarceration. And then now I want to add this mass kind of post-prison complex into that mix too, so five instead of four. So that's my response to Marlon. And my original thought was how do we change the conversation at a deeper level. And I really think that Professor Harkins hit on something earlier when he talked about the power of narrative.

If you look at all of the stages that Bruce talked about in terms of demonizing of black people, the criminalization of black people, it was all done through very public rhetoric and specific language -- wild cocaine-crazed black people. Richard Nixon talked about, you know, they're out there in the urban ghetto in the jungle just waiting to pounce on you, you know, like they're annals. Donald Trump takes out at Central Park. They're animals. They should be hanged. So it's a very specific type of language and narrative that is being used to construct this environment where it's okay to cage African American people at -- severely just for race. So we need to create a new narrative with new language. And I think that's kind of -- yeah. That's kind of it.

MICHAEL MCBRIDE: Yeah. I'll expand on all of these points. The scriptures I read, Jesus says it's hard to pour new wine into old wine. And when I do a lot of my talks, in particular, it's spaces I'm being invited to more often than not to come to conservative, white, evangelical spaces. I think they want to be tortured by me as I spout my propaganda. But one of my first points is there's not one day in the history
of this country that black bodies, dark-skinned bodies, indigenous bodies have not been subjected to arbitrary by the hands of the state. Starting with that as a working premise disrupts the imagination and the assumptions of the average white person in this country. And so part of, I think, if we're serious about narrative and if we're serious about Square One is we have to begin to ask the question why are white folks so invested in such a dishonest narrative about this country’s treatment to dark-skinned and indigenous people.

For me, I think the reason why I'm so invested in the religious organizing part of this work is because I went to -- most recently the most powerful description of this is I had a chance to attend the lynching museum that Bryan Stevenson opened. And as I walked in the museum I went thinking about the large numbers of folks who were lynched were identifying or participating in the life of the black church tradition. Also, the folks who were doing the lynchings were participating in the life of a white American church tradition in the south, particularly. It made me ask the question what was it about the messages being communicated in the white southern congregations in the morning where they could hear that message and then leave that service in the afternoon and participate in the lynching of dark-skinned bodies who were part of that same religious tradition.

What is it about the message, the inadequacy of the message, the false message, or at least our inability to cultivate an imagination of belonging within the religious traditions that are often causing us to be complicit in some of these worst kinds of expressions. So when we talk about re-imagining the justice system, I want to put square to you on the table that religious formation in this country that many hope is moving towards a more secular, post-religious space, the reality is it's not. And so what are we going to do with the formation of religious people, leaders and institutions, who are largely creating the cycle of communities that many people who participate in all of these systems, whether they're political, moral, cultural, legal, they come back to these places and they're getting messages that either make it easier for them to participate in the radical disenfranchising or even death of people in this nation versus their ability to reconstruct a system and reckon with the history of the past. I think religious formation and institutions that organize it has to continue to be a key part of this where we are possibly trying to do this with a good part of our limbs tied up.

**JEREMY TRAVIS:** So I have the following queues. Bobby Brown and -- actually, Daryl, Nancy, Elizabeth, Monica. You --

**ELIZABETH TROSCH:** I'm feeling urgent.

**JEREMY TRAVIS:** That's why I'm coming back. That was urgent but polite, I just want to say that. It's very subtle but urgent. So, Daryl, you have to wait. I'm sorry. Bobby, you have to wait and Daryl.

**ELIZABETH TROSCH:** I'll be quick. So I want to answer the question why are white people so invested in this false narrative that somehow these outcomes are accidental and sort of an accidental bad outcome rather than acknowledging that this is
intentional from the beginning. And as Bruce just kind of summarized the four eras of African American captivity, these were outcomes that were intentional and that in policy has been written in politics and not a legitimate exercise of state authority to address crime. So that really triggered for me that question. It triggered for me a conversation that we had in the executive session without attribution. I just want to say the answer is shame. It's shame. And one of the things that we talked about in the first executive session is that the only pathway out of and through shame is accountability. And so we white folks have as much to gain from this process of reckoning as people of color because it's the only way we find our way through and out of that shame.

JEREMY TRAVIS: Bobby.

ROBERT BROWN: I think a huge problem that we face is the reality that in our society here in America, we are poor students of history. Consequent, there are many people who do not know the history of our country, how it's relevant to race, which I would argue is just fundamentally American history. A consequence of not knowing our history is that it is easy for history to be misused. One of the things I'm going to talk about later -- it's easy for new movements, new phenomenons, reforms to come about and for them to be built off of false narratives that are difficult for people to challenge, people do not challenge at all because they lack the knowledge and insight of this is the same old thing and package and with a different label, or this is drawn upon something that -- part of it may be true, but it's built off of a myth of a romanticized past. You made a comment earlier today about make America great again. There are actually people who think that there was a point in time where America was great -- or great for everybody. That's a part of why it's sold, why it worked for some people. And I believe everyone around this oval and in this space, we know that there surely was not a time where America was great for everyone. But if you do not understand even your own history it's so easy to just accept that, to believe that, and to embark upon something new that's not really new and that's not really the truth.

JEREMY TRAVIS: Here's a process check, just to let you know where we are and what I propose. I have a queue that has Daryl, Nancy, Monica, Ron, Michael, and Arthur. I'm going to close the queue there and call that our break time. I would normally ask Heather -- but she's not here -- to just reflect a little bit on this because I think it's important. There's some big themes that have emerged already, and I just want to honor what's already happening. It's really quite wonderful. I think we need to talk to each other on break. So it's just -- I get a sense people like to connect on a personal level too. So I think we'll keep to our original schedule, which is a 3:30 break or so, and we'll see how we do with the queue that's before us. Daryl.

DARYL ATKINSON: So the hurdles to Square One that were laid out -- race and the durability of white supremacy, violence, and poverty. And I want to try to amplify at least the theme, particularly between all three, that I think we may be not giving enough attention to. And that's the economic exploitation that was intended to racial domination. Slavery was an economic decision. We tried to enslave native indigenous folks. We tried to enslave indigenous servants, white folks who were
coming to the country. That didn't work. You know, African slaves because of, you
know, our agrarian history in West Africa with growing rice and things of that nature
and various other crops. We were more suitable and, as a result, we had to come up
with a series of justifications to justify that economic exploitation. So that's
where the junk science comes in about brain science. That's where -- white supremacy
and our jurisprudence. And even before, you know, we started the taking from black
folks.

I remember reading in property, Johnson V. McIntosh. And I still remember the
holding of this case -- I literally threw the book down after I read it -- where it
said that indigenous folks were not possessors of the land. They were occupiers of
the land. It was straight legal fiction, but it was to justify the taking of that
property. And if we ignore the economic incentives that have always been intended to
racial domination, we're missing a big piece out of Square One. And, you know, even
as someone who is abolitionist -- and I think you're exactly right, Marlon. You
know, one can work in the service of the other. Harriet Tubman was an abolitionist,
but she was freeing one slave at a time every time she could. And I consider -- you
know, that's what I'm attempting to do. Unless we attack the fundamentals of
malignant capitalism -- and even with the infusion of all of this new Silicon Valley
tech money and things that are coming into the field that can potentially spur
reform, if we're not equally interrogating capitalism and how malignant capitalism --
poverty isn't by happenstance. Poverty is a byproduct of capitalism. And until we
are willing to interrogate that and how it's linked to racial domination, I don't
think we're going to be able to start.

JEREMY TRAVIS: Nancy and then Monica.

NANCY LA VIGNE: So I chose to pursue my doctoral studies in criminology, but I'm so
fixated on language these days that I wonder if maybe I shouldn't have followed
linguistics or something akin to that. I think about what I found most refreshing in
reading Heather's paper is that she calls out explicitly racist -- the racist
underpinnings of our history and racism specifically. And then I get in a lot of
rooms, not like this one, and I -- so rarely do I hear people call that out and use
words like "racism" and instead kind of use words like the history of race and, you
know -- like, I don't know how to describe this except to say that it just seems like
especially white people almost intentionally avoid naming these things. I want to
credit you, Jeremy, for naming white supremacy, as a white man. I think that's
really important.

And, Elizabeth, I'm sure there's a truth in what we say about the shame, but I think
that's a very generous narrative. One, that suggests that people know to be ashamed,
and I think that there's lot of other narratives out there. And then, Vivian, you
talked about the importance of narrative in the context of this history. And one
thing that wasn't referenced in Heather's paper is the role of the media in
perpetuating these narratives. And that's a long, important part of the history and
one that certainly has improved over time but even as recently as last week. I was in
Chicago with my colleague Nkechi Erondu presenting on some research we had done with
Monica, who may not be in the room. Anyway, when she was still at Urban with me and
other colleagues where we went to the highest gun violence communities in Chicago and talked to young adults there and asked them about guns and whether and why they carried and how they got guns and so and so forth. And we found that one in three young adults said that they had carried a gun at any given time in their lives. And so when we were preparing the report and to release it to the media, we were very very careful to make sure that they understood we're not saying that one in three is running around yielding weapons. And, in fact, the headline was "we carry to be safe" because that was the narrative, right. So we worked with this young reporter, African American, got it right, and then the headline editor went and called it "one in three carry." You know -- and this is a big part of the problem that I think we need to address along the way.

MONICA BELL: So I teach constitutional law. So a lot of these cases that people have been throwing around are cases that I just taught a week or two ago. And, you know, Dred Scott and Jonathan Rickey McIntosh teaching about the native American cases. Just yesterday I was teaching about the civil rights cases in which the majority opinion basically says the 13th Amendment was about slavery, not about race, which speaks to this conversation about how -- which is kind of bizarre in the late 1800s saying that slavery is a different construct from race completely, speaks to the depth, I think, of the life of the narrative -- some of our historical narratives. And so I was just trying to think concretely about the cause of those because teaching people about those in constitutional law cases when they're in law school or they're in college is way too late. That's to settle the narrative.

I'm trying to think where do these -- not just where do the narratives come from but where we could be the most influential in changing them. And it seems pretty obvious that -- I don't think we have K-12 teachers here, but K-12 education is one of the places where even I -- pretty much all African American elementary school was hearing about how great Christopher Columbus was and how great George Washington was. I mean, look in your textbooks. It's not that the people who are teaching those things believe them. I mean, we could look around us and see that the narrative was, to some degree, a lie. But I think part of the problem is not just that white folks are so invested in this narrative that is -- actually, that's the narrative that's available for people of color as well. And so there's this divide until you see it. When you talk to people and you interview them and they're like, oh, well, the police are great in certain settings or maybe we need more police in certain settings. That's one of the things in James Forman's book, actually. And so I think one thing that we should maybe think about is textbooks for elementary schools and K-12 curriculum, how do we bring people who don't -- young people in really early childhood to the conversation because the lie starts so early. And so that's my thought.

JEREMY TRAVIS: I'll return to Ron in a second, but I want to go back to you before we close out and just ask you -- you started this discussion talking about the difference between foundation and the cracks in the building, which is really a metaphor that we've been playing with either directly or indirectly since then. That's not quite in Heather's paper, but you could find it. Before we end this, that's a powerful metaphor that's hung over this conversation. I would like to ask
your reflection on -- to amplify that metaphor before we turn to Bruce. Not now, but this time in the next five or 10 minutes.

RON DAVIS: I'm going to go back to that question about why. I'm not going to be able to speak for white men. But I do think it is generous to say change, I think, is part of it. And I think we have to recognize that privilege goes with the power. And for the current system, Dr. Brown, I think you're 100 percent right in this. By not knowing our history, people are defending a system they have no idea how it was created or why it was created and can't even tell you why they're defending it other than to defend it means to defend me. Something is wrong with the system and you're calling me as an individual versus the system.

A part of that is with Square One we have to come up with an accurate narrative of understanding where the system started, why it's coming out with a bad outcome. And despite your best effort you're going to have those bad outcomes because the system was designed for a different purpose. And acknowledging that doesn't mean that you individually are poor or bad. We also have to change the narrative of what is -- I think a lot of this is driven by false choices. And I think they showed it -- and I think you mentioned James Forman's book shows up a lot where even when you had black elected leadership, we still took tough-on-crime positions with the notion that that was the only way to reduce black-on-black violence. Now, the history has taught us whether it was the Violent Crime Bill of 1994 or whatever the case is going to be, that that's not accurate. But we're seeing it coming back where they're starting to put that false narrative again.

So a part of the Square One has to be an educated electorate that basically will run from key phrases like tough on crime because -- not because of the social justice thing, although I would hope that would drive a moral response, but because it doesn't work. It's ineffective. It's inefficient. And I think we're sitting on one of those most unique opportunities -- and I'm going to turn to my Brother Arthur about this -- is that you have a conservative movement that's realizing that it's just counter to the principles. They've never been inefficient and it doesn't go to individual rights. So while we have this opportunity -- but I would not just make the change unless you change, I think to Nancy's point, the language. It's the language that makes people really return to or pick that false narrative. The language in all immigrants in MS-13 was you want to give credence to and legitimacy to discriminatory laws that will be passed as a result of that. The language of -- we'll take grants away from police departments. If they don't enforce it we'll start shaking the policy, where Square One has got to challenge that and threaten that by saying that that's a false narrative, it's a false choice, but not just because I said so. It's because of history.

We've been down this road before and this has happened every time. And if we were actually paying attention to history, we should have known 10 years ago either after electing the first black president that this moment was coming as sure as day. There was no way around it. History told us that for every step of progress there's this white rage that comes behind it. And that's where we're at right now, but we need to
prepare for that. We made an assumption that we would continue with the next agenda that would just solidify some of the advancements that everything was good.

We really have to -- if we want to start with Square One we have to start with really changing that narrative, taking away the false choice, and realize that there is privilege in power and that the more you brown this country the more you have economic parity, the more competition you have for those who have not had to compete at the same level. And that has an economic system behind it, and it's economics behind prisons, economics behind policing. There's economics behind all of it. I'm not saying that the individuals who are running it today are financially motivated. I'm saying what you're saying, Dr. Brown, is they don't even know. In many cases they're running a system because they actually believe it's the best interest. And that gives you a green light to object to things like black lives matter because you're taking it personally, right. You're not understanding history. If you had a moment of history then that statement of black lives matter, that's -- duh, right, because history has shown us that we don't. With asylum there is too. Black lives matter too, not that we're supremacist or anything like that.

**JEREMY TRAVIS:** We may be consciously are not -- you dropped the title to one of my favorite books, White Rage. Carol Anderson, I think, is the historian. It's recommended reading for everybody. Michael, you're up next, and then Arthur.

**MICHAEL FINLEY:** Every point I was trying to make someone made it for me. The abolition point was -- I mean, we literally just had -- my colleague was in a discussion of the major funder about that language, right. And so we're saying that you can use the word every now and then, but what would you say? So I think being raised with that language is really important language. It's super critical in that way. Judge O'Neal, that theme, I think, there's -- throughout there there's a theme, at least for me in this room that the experience is love, peace. And I'm the least touchy-feely person. I know how she feels personally, but I'm saying lots of people are saying it's not about -- It's critical because when Arthur was talking earlier saying, well, this fits sort of the conservative efforts, in my brain I'm very tired of boxes. Because what I heard was, right, you're saying we should have this huge role, and when you think about it, this is human beings.

So my job is sitting in rooms with people. I work a lot in the Midwest, real conservative places. You don't see people like me. You sit and you talk to them and I'm always like, how do you -- they love their kids too. I love my kids. No job is how to operationalize all the things we talk about. So it just struck me not to lose that -- because that can become cheap language, right. It's really, really powerful. And I had this white-guy moment that I reference. I'm not a white guy, but during the me-too movement you heard about it. I have lots of female friends, right. I'm not a prude. I live and I have stories and experiences. But as they told me more and more I was like, I didn't know that. And I sat in a million rooms with white guys, white people -- but I'm just saying white men to make the point even stronger -- who were like, I didn't know that that happened to you on that day, that that's still happening. I didn't know.
I had to kind of check myself and really look at, well, then when we asked why are whites so invested, I don't think it's that they're so invested. I think people live their lives, right. And for me to approach the gender piece, I have to be proactive, right, because I can live. I'm not abusing anyone. I'm not assaulting anyone. But I didn't really think about, oh, this person. And I didn't take proactive steps. That might be extraordinary for me at first. So I think it's the same kind of analysis where we can be self-deprecating. I don't know about -- think about that. So that was my sort of white-guy moment. I understand how we need to -- help me be more sensitive in these conversations we're having -- people with conservative folks go in these boxes. I wish not to really as we're having these conversations, it's the boxes that kill me because at some level we really are people trying to figure out. Like, when I go to Kansas and I'm in Kansas they're not like we want to lock up all the black folks, but they haven't gone that extra step to think about how the policies and practices actually impact. Anyway, it's not because they're malicious. They're just trying to get their kids to camp. But we need to tell them that not all kids get to go to camp and understand all those pieces of it. People have a lot of points they want to make, but I just wanted to add that in as something we keep in our minds as we try to operationalize sort of these bigger ideas.

**JEREMY TRAVIS:** It's so interesting how the conversation has gone in the direction of understanding, but also boxes, narrative, metaphor, language, and awareness of history. That's what we hoped for. So before we -- we will return to this over the next few days because -- we will. That's what we're here to do. I want to just ask Kerry if you could come back into the conversation. Help us understand a bit more about the -- I'll ask others whether -- what you think about what might be the -- I'm sorry. Arthur. This is the cardinal sin of a facilitator is to forget that there's somebody on the queue.

**ARTHUR RIZER:** It was really profound too.

**JEREMY TRAVIS:** I'll express my shame. How is that? Go ahead, and then we'll come back.

**ARTHUR RIZER:** I think that shame is part of it. I think fear is also part of it. I used to think that fear was a very small part of it until after the last election and I was like, holy crap. It's a lot bigger than I thought it was. Right now I was in the White House a couple of weeks ago meeting with Jared Kushner -- a very smart guy. And you're really talking about how to do some federal reform or criminal justice, and it blew me away that the conversation was wrapped around how do we move the justice department to get on board with criminal justice reform. I was like, wait a minute. Isn't your father-in-law the president of the United States? And right now crime is at an all-time low. Murder rates went down last year. We are doing better in the criminal justice role, but if you -- as far as crime goes, but if you look at all of the rhetoric being thrown out by the red, it's all about, you know, they're going to come eat your babies.
And why? That's fear. It's fear. And I think that Daryl hit something really -- I heard this before, but the economic oppression wraps into this. We talk about history. I've written two books -- one on Lincoln and one on Jefferson. I read a lot in that time frame. Slavery was actually on its way out until the invention of the cotton gin because it didn't make economic sense. And once the cotton gin was invented they're like, oh, shit. Free labor. Let's build things. And so I think that's really important. I mean, I'll push back a little bit on capitalism being the crux of our problem, but I do think that understanding that there is a massive economic incentive for the way things are, and if you go and look at what -- there's a bill right now being whipped by the majority leader in the senate that's being attacked by Attorney General Sessions.

Why? Because of the economic implications. It's being attacked by the prison lobby, by our brothers and sisters in blue, or California, UPS beige. And I really think that we have to really be in the face admitting that there is an economic oppression aspect to all of this. And I actually think that's one of the easier pieces to get over because you can quantify it. You can write about it. You can put labels on it. And I think most people do like -- if you really look somebody in the face and say that you're doing this because of money, most people that I know are like -- and they will -- they'll divert their eyes, and that is when I think that the reformers like us in this room can go on the attack. I'm not a criminal justice reformer. I attack the system that I see as being unjust and go after it. And to prove the point that things are getting better, I told somebody else in this room the American conservatives -- there is a very persuasive magazine for conservatives. It's on Paul Ryan's desk. It is publishing one of my pieces on the conservative case against the death penalty. We never would have done that five years ago. There is movement, and we have seen things getting better. What I'm afraid of is that rollback we're seeing in Alaska and even in California starting to roll back some of the reforms. So it's not only holding the line. It's getting all this together to start pushing harder.

KERRY HAYNIE: I think one of the -- somebody might remember 1980, 1989, the bicentennial year of the constitution. There was an exhibit going around the country. I remember the Justice Thurgood Marshall from the bench, right, from the court wrote that he would celebrate the bicentennial of that constitution. And to me, that's one of the symbolism of the sort of flawed foundation. He went to expand on this saying if that constitution would have me render -- you know, not part of these people. And not just me, but a majority of the inhabitants of the land, right, would not have been recognized as part of the -- in the constitution. We don't understand that. The students I teach don't get that. And then if you talk about it, they sort of get it, you know, intellectually, but they don't understand the implications and the concept of having started at that place and that everything was built on that premise, right. Look at Jefferson.

I fooled the students. I would give them patches of notes and take their name off, right, and have them read it and ask them who's the author. And they would never guess it's the same one. You know, we hold these truths to be self-evident. That's the same person speaking. Mr. Jefferson who had a relationship of some sort, right. So they don't get that Jefferson is the same one. This foundation built into the
fabric of the country. And I think we start with that premise, right. It sort of helps us re-think this project and how to address some of the issues. And students always say to me then, well, how do you fix the foundation? And that's the question, right, because a lot of times you've got to fix the walls, now. If you saw a smokehouse it wouldn't have been a smokehouse if you have the smoke going out the cracks. You have to fix the crack and have it function for that purpose. But, nevertheless, you have to think about how do you fix the -- waste a lot of energy and resources and time on repairing a symptom of the problem as opposed to the problem you think about. We haven't talked enough about the need. I like the analogy of what's feeding it from the bottom, what that is. And we haven't recognized scholars, activists, or citizens because it's not mentioned in the history books. It's not that we haven't learned history. We learned some history. I'll stop.

**JEREMY TRAVIS:** Thank you. Bruce, talk about what you're hearing, and then we'll take a break.

**BRUCE WESTERN:** This was a terrific discussion, wide ranging. I want to pull out three themes that I heard going through it. The first one is what is this history that we're talking about from Kerry and Marlon both. This is fundamentally a history of original sin. And there is a constitutive law in the republic, and that is the history of slavery. And so much of our policy and politics for us is criminal justice reform debate is rooted in that history. The big political implication of that idea is to transcend that history requires change of a very, very fundamental kind. It means reconceiving our political community. That's how I heard you both to be speaking.

I think it raises, for us who are having a criminal justice conversation, a very challenging idea. To what extent has the criminal justice system been a guarantor of that system of racial domination in this modern period today and to start with. It's challenging because of all the people that we know who work in the system who are well-intentioned, reform-minded who are not racist. And that's something that we have to grapple with if we take seriously this history of original sin. That's theme number one.

Number two. How is this sustained? How has this system of deep racial inequality been sustained? There were many ideas on the table about that. Let me list four that came out. One is there is a profound dehumanization of black people, of indigenous people that is woven into the cultural history of the country. It takes many different forms, and it arises in different ways. Ideas about black criminality are deep-seated, which leads to a politics of mongering, which talks about -- it also means that the pain of black communities is discounted. If people less than fully human, their suffering is not fully human either. Elizabeth mentioned shame -- the shame of white people. I think this means that if people were to fully recognize the true history that Kerry and Marlon are talking about, where does this leave whites in American society that have been the beneficiaries of historical fiction that have rendered black people in this country less than fully human and a captive population.
The prosperity of white America is unjust, and everyone wants to think that they have a righteous place in the world. And this is a shameful thing to take on this history. Someone said -- it might have been Mike, I think -- this personalizing shame is very personalizing, and people react defensively to it. How is system inequality sustained? Dehumanizing, shame, economic benefit. There are huge economic benefits that are -- we're down to what's in here -- slavery, but also we're down to economic elites in an era where correctional budgets total $80 billion a year.

The fourth thing I heard, how is this system of racial inequality sustained over centuries. This is, again, Michael Finley's point. Privilege is accompanied by a certain level of comfort, a certain lack of awareness, a certain lack of self-reflexion. And the true history is not known and -- okay. The third thing. So where is the progression potentially? Where is the possibility of the change? We've got very powerful forces that are intending to sustain the system of institutionalized racial domination. Where is the change going to come from? I heard Pastor Mike say our religious traditions offer one potential for change. How is it that people can go to church in the morning and attend a lynching in the afternoon? There's a deep contradiction in the human condition there. This is so contrary to our religious tradition. There is a wellspring of common humanity that offers the potential for progressive change.

The second thing I heard, knowing history. There's a vast amount of historical ignorance that's woven into our culture, which I think is a necessary complement to the nature of privilege. You don't know your history. You don't know -- you think that you've succeeded on your own merits. You don't know that there has been an entire history in which the playing field has been tilted to your benefit. So expanding historical understanding offers the possibility of change. Ron and Bobby also spoke of this. Knowing history in part means narrative change. We think there is progressive potential in change in language. Not just knowing history, but talking about our history in a different way. And I think, in part, this change in language is a -- it has to involve a project of humanization, a discourse of love, as Mike talked about. And I think this is totally resonant with Pastor Mike's idea about the progressive potential of our religious traditions as well. I wanted to add one more thing. Where is the progressive potential in all of this? And it never came out. Maybe we're skeptical of it, but I want to throw it out that I want to suggest our legal traditions and the progressive potential of the rule of law, they're our principles. A quality before the law that are also deeply imbedded in our constitutional system. Now, maybe they are corrupted. They're infected by the corruption of our history, but in different times and places principles of the qualify before the law -- the rule of law have been a great source of progress for disempowered communities. And I want to throw out the rule of law in our legal traditions also is offering potential for progressive change. So that was an incredible conversation, I thought. I think we're off to a flying start.

**JEREMY TRAVIS:** We're off to a flying start. I thank all of you for the contributions that you've made. Thank you, Bruce, for your wrap-up. We're going to take a 15-minute break. We'll come back.
DARYL ATKINSON: Can I ask urgent before we break --

JEREMY TRAVIS: Of course.

DARYL ATKINSON: -- because it relates directly to progressive potential, and I don't want us to lose it. And both Marlon and I said it. I think Vivian said it in a slightly different way. And it relates directly to knowing the history of this country. And when we think about our most transformative opportunities in this country when you're talking about whether the second reconstruction of 1959 to 1971, the first one in 1865 to 1877, the progressive potential of empowering directly impacted people to be leaders in this movement to usher in change is the only way transformation is happening in this country. Even this most pressing me-too movement, right, is led by people who are most directly under the boot of that oppression. That is part of our progressive potential and making sure that people who are most impacted have the ability to lead themselves out of their own problems.

JEREMY TRAVIS: We're going to turn the floor over to Sukyi McMahon. This is your first opportunity to address the people who've gathered together here in Durham. And it is about a pretty straightforward logistical thing, but this is also our opportunity to thank you for making this possible. And we will have other chances in person just to thank you because this is really transformative.

SUKYI MCMAHON: Thank you, Jeremy. This is an amazing meeting, and thank you all for being here. We'll have someone here at 5:20. We'll be back at the hotels. Six at dinner, and then 7:00 we'll start -- we'll have our short board ceremony and some words from the organizers from Durham and Raleigh. We'll have snacks upstairs. We'll bring some downstairs also for our observers.

JEREMY TRAVIS: Just to let people know that the walk to the hotel to the venue is a short one.

SUKYI MCMAHON: It's going to be a wet walk. We'll try to figure out something. It's about a block away from the hotel. The windows are closed, thankfully, so you can't see what's happening outside. It's very, very rainy. We're right under a lot of -- in case of evacuation, we have an evacuation safety plan just in case we need it. We have your safety in consideration.
(Whereupon a break was taken.)

JEREMY TRAVIS: We will start our second session in the afternoon with a call to observers. You are invited to make it meaning that it's a really short observation that we missed something -- not a speech, not a question -- what have we missed? I know that some of you already -- I am going to read one that was lift -- or she had to leave and before we do that, I didn't use all of the foundation team members was here and I graduated from Stanford. Raise your hand. Maybe you want to talk to Andre. So I'm going to read one of the -- we had given to us before we left. Dean O'Neal gave it to me. I think she's not a practicing lawyer. This happens a lot because of the storm. I have to go get my boys and we'll see you the rest of today. I want to offer based on Mr. Travis's statements earlier some feedback. The impact
of mental illness and substance abuse. We haven't really added that to our contribution on mass incarceration. Lack of enough attention to be used as treatment, especially with the children and young people. And then it talks about the issues of stigma attached to mental illness. So stigmatize and label and never able to get back and becomes rejected by those who have the stigma. That's a good contribution. Who else would like to add something to our discussions that we might have missed before? Tell us how you are.

SPEAKER: My name is Owen. I'm a criminal justice organizer. And I just wanted to say there was a question about why are white people so invested. I remember hearing somebody mention the REI Institute earlier. I said I heard somebody mention the REI Institute earlier. I can't remember who mentioned it -- the Racial Equity Institute. So I've been through REI training. One thing that you learn from that is that race itself is a construct, and it was constructed by white people. It created the caucasoid, the negroid, the mongoloid. So that could definitely help to answer why people would be so invested.

JEREMY TRAVIS: A very appropriate observation. Yes, Sebastian.

SPEAKER: I'm Sebastian. I'm just going to build on that point because I had a similar observation. A lot of people mention that a part of the reason that people are invested in this narrative is it's fear. And the fear that is inheritance that if we lose control, we will be dominated. So reframing of that question is why is it that we can't conceive of racial entrance outside of domination? Why can't there be a relationship between races that is built on mutual respect and trust? Because I just don't think that even when we talk about the browning of America, there's this implicit domination in that. So how do we create a narrative that is not about domination and not about competition?

JEREMY TRAVIS: Somebody else? Yes. Just stand up and introduce yourself.

SPEAKER: I'm Debra Williams. One of the things that I've heard a lot -- I've talked a lot about all of the pieces that have brought us to this place of mass incarceration. The one portion that we talked about, the reinvention of slavery that just reinvents itself under a different name. But what I did not hear us mention was the Law Enforcement Association Act of 1965, which was the beginning of the concentrated debate in black communities. So we jump right to the fact that we got voting rights in 1965. And then there is an increase in crime, criminal activity, but it's not that there was an increase in criminal activity. We just watched for more in these neighborhoods. And I think that goes into the narrative that's been created. Race has been created. The crime also has been a creation. The way that we address crime is a construct.

JEREMY TRAVIS: That's a Square One thought. Yes, please.

SPEAKER: I also want to build on a couple of points already made leading to the mental illness piece. My background is public health, and I think that that's one of the conversations too. In my field we have for decades gone into low-income
communities to the coloreds trying to implement health reform, programs. We've dumped a lot of money into those communities and seen no changes. And so I think that we really have to think about broadly even in public health we're not using racial lenses. We are not thinking about the history of racism, redlining, all of that. Yet, we have all these good intentions to go in and improve mental illness, substance abuse and those kinds of things. I think that another thing I observed in my work is we also -- with the power dynamic going on, we withhold information from communities that empower them to make better plans as to how they would like to deal with crime in their own communities. So we see the police departments going in and saying here are the main drivers of crime in your community. They don't talk about here is why you're calling the police department to come into your community, and how would you like to fix that? How would you like to see that issue addressed? And community members have a very hard time getting back to the data from that construction. So those are just two points that have come up.

JEREMY TRAVIS: Great. Thank you. Other comments before we're back to our agenda? Yes. I was waiting for you. I didn't know where you were sitting.

SPEAKER: My name is Pamela. And when we were looking at the hurdles, one thing that I was waiting to hear or felt was missing was the intersection of race and gender and how we need to be more intentional with respect to that as far as black women are concerned, and it appeared to be missing. If we want to re-imagine justice we can't continue to admit the voices of black women and leave women at the margin because black women are integral parts of the community, particularly in communities of color. And so I think we should be intentional about that hurdle, and it's not a one-size-fits-all.

JEREMY TRAVIS: I just have to say these are all very helpful suggestions and come under the heading of things that we haven't made yet. So thank you for that. Bruce.

BRUCE WESTERN: Can I echo a small point here, and I want to test our thinking a bit because I think you're right that there has being significant community investment through public health. I think we could tell similar stories about schools. Per-people spending has gone up a lot, and through school finance equalization it's equalized a lot, but there haven't been commensurate improvements in race caps in school achievement. And this is very challenging, I think, because of an implication of the conversation is, well, if we just make a community investment we can eliminate a lot of these inequalities. And maybe the investments we have made have been too small to be effective, but maybe something else is needed in addition. And I just want to test our thinking on that idea. The evidence that we have doesn't support the idea that dollars by itself is necessarily going to yield the improvements in themselves.
CERTIFICATE OF REPORTER
STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, Leslie Christian, the officer before whom the foregoing video conference deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing video conference deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this video conference deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action. This the 24th day of October, 2018.

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Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 1: Policing in American History

At North Carolina Central University, Durham, North Carolina
October 11th, 2018
12:33 p.m.
Reported by: Leslie Christian
PARTICIPANTS:

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Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University

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Proceedings

Jeremy Travis: We're going to turn next to the topic of policing in America, and we have a paper. A very helpful and nicely constructed paper, and on the ground are Bobby Brown, one of our hosts here. We will turn the floor over to him for a 10-minute summary of themes that we should pay attention to, and then we'll come back and open it up for everybody else.

Robert Brown: Thank you. Again, good afternoon, everyone. I hope this will be an enlightening and stimulating conversation. I do not think that I will have to talk much in order for us to engage policing issues. The police are, in many ways, the face of the criminal justice system. To many people the police are the criminal justice system. That's what they know or think they know. Popular culture makes the police accessible to us. People learn a lot about the police through popular culture, film, music, and such. And most people when they come in contact with the criminal justice system it's through a police officer. They are among us. They're the individuals that stop us at times for traffic issues. They're people that we can access who are part of the system to ask questions or ask for help. So policing is an important part of criminal justice.

The challenge that we have in the context of this conversation is, I believe, a challenge and understanding of who the police are and how we got here. Ron, you hit it right on the head with what I want to talk about. I was channeling you when I was writing this paper. The system of policing in America is not broken. It's doing exactly what it was designed to do. And part of our problem is that many people are unaware or in some sort of denial or are complicit in hiding what the police were established to do and how that is still going on today. If you were to read the conclusion of my paper, the first sentence in my conclusion is that blatant, open racial bias by the police is not tolerated as much today. But race and racism -- and Nancy, you were bringing up we do need to speak more openly and pointedly in talking about racism. That's is also present today. And in my paper I make a case for why.

One of my mentors, Lawrence Travis, wrote a book with Robert Langworthy entitled Policing: A Balance of Forces. And in that book -- and if you were to know Larry Travis and if you were one of his students -- you would learn that policing -- everything that happens in policing is a balance of multiple forces. Nothing just happens. And if you can understand the forces at play behind the phenomenons you're trying to study, you can better understand policing and you can better understand why they're organized a certain way, why they engage in certain behaviors. When it comes to the historical evolution of policing, we need to -- any good student of history would know that policing in America did not simply come about by us copying the London, England model of policing. That happened for sure.

One of the things that we do in policing is we copy and we innovate. We make small changes. And why we see so many police departments across the country look the same is because we try to do it by best practices with some little tweaks based on where that agency is and what the individuals in control of that agency think is relevant -- the local context. But policing in America was also shaped by forces outside of
the northeast, outside of your Bostons, New York, Philadelphia, Detroit, and Chicago. And I want to make sure that I come back to that. Somebody please make sure that I come back to that because we must talk about the influence of big city bias and our understanding of policing.

I would argue right now that one of the things that we receive from our northern tradition is a focus on American law enforcement through the lens of big city policing. Two other American traditions are important when we think about the evolution of policing and how they're ingrained in what we see today. Policing on the American frontier, the West, and policing in the American South. I want to go -- most of the time when people talk about this or policing scholars talk about they transition from discussing policing in the Northeast to policing in the South, and then out West. I want to save the South for last.

Policing in the frontier was unique in American society. Travis and Langworthy argue that when you want to look at the evolution of policing, you have to understand the patterns of organization, the elite interests in an area or region, why they would form the police and what the police would be designed to do, some form of organized law enforcement, what they would be doing, and what the perceptions of the criminality and disorder are. What's the threat. If you understand those three factors you understand how policing moves from being a vocation, not a job, to something that's paid for and then sponsored by the government.

In the frontier we had a challenge of settling unsettled land. Translation: Moving into land that we believe was unsettled but that was occupied by others. And that was a legitimate concern. We needed law enforcement that could handle this lawless, uncivilized, uncharted land. And we also needed forms of law enforcement that could deal with people trying to settle that land who didn't always agree on things, where rights were not always clear as far as who owned the land, and it was very difficult to enforce through government laws that might have existed. So to accomplish that, part of our frontier tradition was the acceptance of vigilantism, the acceptance of going around the law, whether they not be government officials to government officials going around the law themselves or ignoring other people circumventing the law to bring about justice. And when you talk about harsh justice, frontier justice -- I won't pick on the state of Texas, but we are, I believe, familiar with the term Texas justice, that justice is achieved through the use of force and, oftentimes, deadly force. We do not need a trial. We do not need due process. We need justice. And even if those who are the justice officials have to go above and beyond the law to bring about that justice, that's okay.

I challenge everyone to think about every film, media portrayal of some law enforcement officer, whether it's a police officer -- we'll go from a western to today's police officer to a government agent or the CIA. Anything along those lines. And why is it that we seek consistently the theme of the good guy has to do something wrong, illegal, improper? They have to break the rule in order to beat the bad guy. And in the end, that person is a hero or the anti-hero, and we like it because sometimes the ends justify the means. And I think that that legacy is important to law enforcement that we see today because I think there are instances where officers
accept bending rules, engaging in extralegal enforcement activities to reduce crime, to deal with those crime problems. Unfortunately, our current president has openly encouraged officers to be a bit heavy-handed with suspects, with bad guys, when you're putting them in the car. This tolerance that we have in American society for heavy-handed law enforcement, even law enforcement that will go above or outside of the lines is a part of our American tradition.

When it comes to what we gain from the South, it is true that we borrowed policing model from London, England; Sir Robert Peel, the Metropolitan Police Act, in ways that it has even influenced community policing that we see today. It wasn't just policing in the 1800s like Robert Peel discussed. But the American slave patrol is well recognized by historians and policing scholars as the first unique American innovation to law enforcement. We had to do something in the American South if we were going to sustain the institution of slavery. We were not operating off of an urban big-city footprint. We had to have a form of policing that could be mobile, unpredictable, where individuals on horseback could ride from plantation to plantation settlement to settlement, to be on the lookout for anything that was a threat to the institution of slavery -- runaway slaves, slave revolts, abolitionists, individuals coming from outside of that community trying to disrupt the institution of slavery. And we established slave patrols to enforce those laws.

We created a mechanism where individuals from various points in society -- they would be from the rich to the poor -- could go about and stop, detain, search, physically punish, and even execute, kill blacks who were thought to be out of place -- running, engaging in some sort of revolt. And that is something that has helped shape American policing today.

I did not write these words explicitly on paper. There are two things that I did not put in my paper. I did not explicitly write down how policing today has transformed from individuals on horseback to people in police cars still engaging in stops, searches, frisks, detentions. I purposely did not talk about racial profiling. What we call racial profiling, police engagement in traffic. I wanted to focus on two, I think, very important police actions -- arrests and use of force. Please know the behavior of law enforcement officers when it comes to stopping people, asking people questions, frisking them, detaining them, issuing citations -- those are important actions, and we should be talking about them too. But I think that for this conversation we surely need to address how policing remains racist or how racism is still a factor and how race is a factor when it comes to people being formally arrested and, therefore, being brought further into the system, and how the police -- all of our data is telling us that blacks still experience a different trigger finger.

Blacks still are at greater risk of losing their lives during encounters with police officers, even when they're unarmed, at rates that are unacceptable -- that are disproportionate and unacceptable and unexplainable by legal factors. I tried to take a typical criminological approach to writing the paper by going over the evidence. I want readers to be able to see that there's evidence to support the narratives that we have been hearing for years that we're hearing today that blacks are experiencing a different form of coercion of justice when they interact with the police,
particularly when it comes to arrests and the use of force. So I focused on data. One of the highlights of the paper -- our best research -- our best criminological research in the case that blacks are 30 percent more likely to be arrested -- black suspects to be arrested when they encounter the police even when you control -- other factors, relevant factors that criminological literature has told us over time are important factors.

Even when we statistically control for the type of offense the individual committed, their gender, the location of the encounter, we still see race. And one of the challenges that we face in the criminological community is this approach of, well, if other factors can explain it, then race is somehow not relevant. And we need to acknowledge that these two things can coexist. People can be doing illegal things and experience racial discrimination, but we at times move into this false dichotomy that, well, if they're doing this, this, and this, that explains why we're seeing a race event. And I argue that, no, we are just finding out that other factors are also relevant to race.

When it comes to the use of force -- who mentioned they have a public health background? When it comes to understanding the use of force, surprisingly, disappointingly, it's not the justice community, whether it be the professional community or the academic community that has given us our best research. When you started talking about Attorney General Reno asking you what are we doing at that point in time about individuals coming back from prison. Well, if we were to ask the question today, what do we know about the use of force when it comes to local law enforcement agencies, we shamefully shake our heads in knowing that we do not have a national database, government database, where people are required -- agencies are required to report their use of force.

We actually do not have government information -- centralized government information on the use of force. However, the journalistic community has done an outstanding job over the last three or four years of tracking and recording police shootings. Some of you are shaking your head. You're probably familiar with the Guardian and the Washington Post database and the Mapping Violence Project. Well, research using those data sources and research conducted by people in the public health arena, actually, has shown with some pretty convincing evidence that once you take into account poverty, once you take into account crime rates and other factors that are thought to be related to police actions, unarmed blacks are anywhere from two times more likely to be shot than their white counterparts up to 4.5 times more likely to be shot. And, again, it is not something that can just be explained away by, well, they were doing something wrong, had they listened to the officer. So I think our conversation about policing in America and race and racism -- I encourage us to start with how the evidence matters because to convince some others that this is a problem, we're going to need to use data, and the data is consistent with the stories, the narratives, the life experiences of so many. Thank you.

JEREMY TRAVIS: Thank you. Thank you very much. The floor is open for people who would like to respond to, comment on Dr. Brown's sweeping view of the history of
American policing and intersection with race and the frontier. That's a new way of thinking about it. I can talk longer. There we go. Bruce.

**BRUCE WESTERN:** This is just an informational question, Bobby. Is there comparative research on policing that shows things like in contemporary policing -- patrols, use of force, sort of the weak due process that you described differentiates American policing from, say, police in Western Europe or something like that? Do we have research like that?

**ROBERT BROWN:** Yes. And oftentimes people focus on the issue of, well, they're just different systems. But the first issue is armed versus unarmed. The next issue -- well, a different structure. Policing in America is not done at the national level. Or, rather, street policing, policing at the local level is not using nationalized police forces. So when there are people who will look to other countries and try to understand why do they not have the problems with violence, the problems with racial disparities or ethnic disparities when it comes to enforcement actions. And people go to, well, guns are legal here, so we have to have more guns, and they're just different populations. But I think that we have been unwilling to engage in comparative politics at a level where we would really change or thinking. It's compared to politics as this is this and that is that, in my opinion.

**JEREMY TRAVIS:** So let's -- we have Ron and Arthur and Elizabeth. I have a hope that I'll express. Today is a hope. Tomorrow it will be an expectation. Saturday morning it will be a requirement is that by the time we leave, everybody has been in the conversation. And sometimes it's not -- you don't feel comfortable because it's not your topic or you're not ready. And that includes you, Jordan, and students, in particular. I used to teach in a classroom, and I would always make sure that I got everybody engaged. That's a hope today. Tomorrow it's an expectation. Saturday morning it's a requirement. Let's start with Ron, and then Arthur, and then Elizabeth and then -- I think Nancy was next.

**RON DAVIS:** I was waiting for a second before -- as a law enforcement person, I would get off easy. I would like to because I think that would be more beneficial.

**JEREMY TRAVIS:** I respect that. That's great. Arthur.

**ARTHUR RIZER:** This is a passion of mine. I've been studying police violence for years. I'm doing a multi-year study at the University of Oxford on police violence and how they view themselves as holding the monopoly on legalized violence. And what I'm doing is I'm doing about 300 hours in police cars and interviewing them and I'm trying to capture what -- how do they view themselves as owning this monopoly on legalized violence. And the research is early, but one of the things that has struck me and I think it really has centered in is there is such this lack of transparency in the police force. I retired from the United States Army as a lieutenant colonel in the military policy corps. There's no green wall. I mean, yes, there are some things that are hidden, but the mission was always first. But in policing there's this weird cover-your-ass approach to everything first. It's referred to as the blue wall. I mean, New Orleans would not even let me do ride-alongs. Every other city has -- basically a ride-along program. New Orleans, no. LAPD wouldn't let me record
their police officers while I was interviewing them even though you're statutorily
allowed to record public officials in the state of California. And I find that to be
one of the most egregious aspects of this is that you talk about data -- and I agree
with you, but it's hard -- you can't avoid it every time you want something. Crime
is at an all-time low, but SWAT is up 1,600 percent. But crime is at an all-time
now. So the SWAT special has become quite redeemable in this country. And in
Germany they'll fire 70 bullets a year. We fire 70 bullets in one dude. And I find
that to be really central to all of that.

JEREMY TRAVIS: Can we just pause here for a second. Germany, they fire 70 bullets a
year?

ARTHUR RIZER: And, by the way, the UN ambassador of policing -- the EU ambassador
has chastised Germany for being gun-crazy, and they'll fire about 70 bullets a year.
We fire -- in New York there was one shooting, 76 bullets. In LA a couple of days
later it was, like, 82 bullets. And most of those missed. So bad shot grouping
there. I think that kind of feeds into this, and I'll close up, but all of the
training in policing revolves around ensuring your shot group is tight. Very little
of the training goes into professionalism, when to actually use your weapon. And
that is the fundamental difference that I have found between the United Kingdom,
Germany, Japan, and the United States is that we -- lieutenant colonel every single
time I was promoted I had to go through professional development school. There is
almost none of that in routine policing across the United States. I think the chief
is shaking his head yes.

JEREMY TRAVIS: Elizabeth and then Nancy.

ELIZABETH TROSCH: I think I'm going to let my thoughts percolate.

JEREMY TRAVIS: That's fine. Nancy.

NANCY LA VIGNE: I'm going to try to speak while percolating at the same time. Bear
with me. So I -- this summer I went to Stockholm to witness Herman Goldstein, who's
a policing scholar who received an award called the Stockholm Prize in Criminology.
And I've long admired his thinking. And, yet, it hasn't really picked up as much as
I think it should have. And that is just really -- we think of the role of police
now -- maybe this sounds relieved. It probably is in the context of us already
stating that policing isn't broken. It's doing what it's supposed to do. But if we
can imagine what it really should be doing, it should be focussing on prevention,
right. Preventing crimes, not the reactive approach that we see so much of.
Although, I suppose many police would argue that stopping and frisking is prevention.
I would argue differently. And what Herman Goldstein puts forth is that police are
just one part of the problem-solving process, and we need to approach all of
society's problems. They bear the burden of all these problems. We recognize that
when we talk about issues of people suffering from mental health issues. But that
they -- if they could approach their role differently they could partner with
different people to help solve the problems. They can use a lot of non-law
enforcement methods like regulatory levers to prevent crime. And there's just case
study after case study after case study of examples demonstrating that this can work, but a whole philosophical shift has to occur, and I'm not quite sure how that's going to happen.

JEREMY TRAVIS: Dasheika.

DASHEIKA RUFFIN: So I actually had a question before when I read your paper, but coming in from Georgia earlier -- I guess two days ago there was an instant where a young guy was babysitting two kids. The guy is African American, and the two kids were white. And a woman asked to talk to the two girls under the assumption that maybe they were in some sort of harm, danger, or being kidnapped. After the gentleman said no, she proceeds to follow him an hour and a half to his house and called the cops on him. And so, long story short, the guy was a family friend, but we're seeing these stories all the time. And so this whole notion of recognizing the police and using the police as fear or to, I guess, kind of show dominance over African Americans. Like, at what point does law enforcement take responsibility for what is happening because it's not going to stop on one individualized notion. Is there a -- is there a thought about how having conversations with law enforcement about how those happened -- what responsibility, what tactics are law enforcement using to stop that practice?

JEREMY TRAVIS: Can I nominate that as a question that we should not just let disappear into thin air. We talked in our previous session about taking responsibility, about reckoning, about not letting certain things happen anymore. And that, yet, is -- and your big question is an important question. I want to make sure that Susan comes in to this at some point because she's actually worked with some agencies that are -- just leave that on the counter here as a topic. It's valuable. So Ron Davis has now said -- he knows what he wants to say, and we're going to ask him to say that. Then the queue is active. Daryl, Jordan, John, Pastor Mike. There's another one that I just missed. Dean O'Neal. Great. Ron.

RON DAVIS: So I think I'm going to turn to a paper, Jeremy, that you did in the Harvard executive session. I believe you did it with Chris Stone about professionalism. I can't remember the exact title. Towards a new professionalism. And I think one of the questions I've always asked my colleagues, which I think goes to the heart of this, is in this field are we a professional or a vocation. In many ways we operate as a vocation. We don't have a national coherence. We don't have a national body of standards. We don't have national certification. We don't have malpracticing. Things that we would expect from any professionals, we don't have. There's no requirement for me to become chief other than a local jurisdiction deciding I'm the one. And if I didn't engage in my practice accountability, unless someone wants to take a suit and then you've got different issues with that. I have a lot of immunity that goes with that. But there's not the same kind of standard you expect from the legal profession, medical profession. So that's one is are we a profession or a vocation.

The other part is we still have not yet defined the role of the police in our democracy. If I asked 800,000 cops, you could get 800,000 different definitions.
One common theme would be to enforce the laws in that kind of nature. And that sets the whole machinery in motion towards the over-incarceration of people, especially people of color. Then you've got the influences that I think are significant. Three major ones that we have to discuss.

Community expectation, which is partly driven a lot by policing, the false narratives -- but it's still one that's important. Political influence is very significant. Very few police can make these decisions in a vacuum. Stop and frisk. There are a lot of programs were not just the brainchild of the commissioner. They were at the direction of the mayor who promised to reduce crime so he or she could get re-elected. So the core of the matter of the process, you can't do it, and the chief works for somebody, whether it's the city manager, an elected official or somebody like that. And then the other one I think you alluded to, Bobby, which is the current structure. When I say this I'm not advocating for a centralized structure, but the fact that we are so decentralized, 16,000 independent individual law enforcement agencies in the United States with the average being, I think, less than 50 sworn officers, which means the caliber of policing can range vastly. And so who dominates the field, how do you set the national best practices?

You said the comeback. Is it the major cities? But then when you look at the associations, they're not being led by the major police chiefs because they're too busy. So you have these conflicting and competing narratives where you have one group of organizations that will represent some very traditional views of law enforcement based on chiefs that are not from urban America or dealing with the issues of diversity. And then you have the major city chief that may be more progressive on a basic survival because the elected leadership will not allow them to engage in the kind of activity you're talking about.

So if we're going to change policing to Square One, we would have to take a look at the political influence, the expectations, and the structure itself. I mean, there's been some discussion, but put that to the side. Do we need to have 16,000 independent agencies. If we are, is their governing structure -- and I'm not assuming the federal government. I tell people we have national accountability does not always mean federal accountability, right, because that's what you have in other professions. And I think that's going to drive it before we get into everything else because the training and the programs, they're so different. I've worked in agencies all over the country, and I really saw this when I was in the cop's office just trying to advance an agenda for 16,000 agencies. Jeremy will tell you that working at the NIJ, it really is so vastly different. You have to strategically pick individual agencies, individual leaders, and hope you can go synergy based on their success.

**JEREMY TRAVIS:** Help us with a possible answer, please, to Dasheika's question. This is a Square One conversation. This is a Square One conversation about the legacy of slavery and race. Racism is applied to the police. From your vantage point is this a conversation that's alive within the policing profession? Is it something that is as advanced as your question would suggest that there's someone saying we own this problem and we own individual incidents that can only be explained as being -- the
image you gave -- it's sort of like the slave patrols are still alive, but it's -- a citizen can activate through their sort of stereotype as to what's going on can activate the power of the state in ways that are harmful, right? So do we even think that this is an active conversation or not?

My concern right now has been I think over the last 10 or 15 years. I apologize ahead of time. You saw this discussion going to a new height. You saw departments engaging in more progressive ideas national in this discussion, and the chief started seeing the return on that investment of community satisfaction and trust at the very surface level. What makes me optimistic that we can continue this is when a new administration comes in and says we can go back, we can head into cars, these are the bad guys and you can force immigration, there is initially right now holding on a major push by the field saying we're not going back. We'll take our grants and see you in court. And they're fighting.

Now, how long they can fight, how long they can do it without guidance, without a project like this, without other support from foundations is the question to me, but there is a resistance that suggests that we are primed. And I'm very optimistic to have the kind of discussion for this project to provide the kind of guidance you're seeing. You've got a program you're seeing. More programs to get to professionalism, development. It's the perfect time, but if we don't do it I think people will ultimately just cave in.

JEREMY TRAVIS: The question on the table -- let me go to Daryl just to return to this -- is whether the type of reckoning that we talked about in the last session as being necessary given American history in order to get to a new vision of what justice looks like.

RON DAVIS: Let me just close with this. I will tell you that the ICP president -- I don't know if you know this. In 2016 President Obama spoke at the ICP International Association of Chief of Police Conference. And I remember standing behind the curtain -- this is before he spoke. Myself and the attorney general were standing there while the president of the ICP spoke. Now, this represents 15 to 25 police chief majority police chief jurisdictions. He did something that we thought everyone would see. He did the acknowledgement and the apology for the historical context in which the police have operated with the regards to color in front of 7,000 police chiefs sitting there. Now, that part didn't surprise me a lot because I know that chief and he's a courageous chief. What caught me off guard and brought me to tears was the response that the crowd gave him of a loud applause. He told me later he got all kinds of mail saying you've lost your mind, you're an idiot, and all of kinds of stuff. But it said to me that there was that thirst for it.

JEREMY TRAVIS: Daryl.

JOHN CHOI: I just wanted to underscore what Brian just said, and that's what I've been really thinking about. What you said before about this culture of trying to break that within the police organizations. It is so prevalent, I think, across this country. And in order for to have a reckoning, in order for to have conversations
about race, we need to have acknowledgement, all of those things. But right now it's very difficult and I think, Ron, your story is a very helpful one. But the people that are at the IACP, those are the people that are higher ranks and above. And what I see in policing is this inability at the -- people that are on the street level to even acknowledge a lot of these things because they can't do it because even if they think it, their careers or the environment in which they operate won't allow them to be who they are, think that way, or say those things out loud or to act that way. So I think that that's one of the -- I don't want that to be lost, but in order for -- to start at Square One, we also have to start thinking about kind of what are the harmful cultures that are within these institutions. And in policing it's that kind of don't cross the blue line. It's that culture that exists. It's so real that -- I just wanted to throw that out there.

**JEREMY TRAVIS:** Daryl.

**DARYL ATKINSON:** A couple of quick thoughts. The public health model has been brought up a couple of different times. Both of my parents were public health practitioners. Racial disparities are embedded within that institution as well. My folks are also from Tuskegee, Alabama, which harkens the syphilis experiment. And to act as if public health is the panacea as the replacement to a criminal justice paradigm, I think, would not be fully appreciated, the harm that that institution has done to black folks as well. The most recent example is black people not being completely consumed in the opioid epidemic -- at least new, recent opioid addictions because doctors -- you think about the prescription pill mill to street heroin. Doctors weren't prescribing black folks pain medicine because they did not believe their pain was real.

So let's just stop for a moment and act as if any institution in this country is immune from structural racism. The question that I have for Mr. Brown looking at the focus on arrests and use of force, did the data they tell you anything about the influence of the drug war? I was incarcerated in 1996 at the height of the drug war. E-40, one of my favorite rappers had a song that said I remember when the world went crazy back in 1985. I remember when crack cocaine -- and I can remember the nature of our communities changing and the nature of policing changing as an influence of the drug war. They are stopping and frisking just because they don't like black folks. They are hunting. They're on a mission because they are operating under the presumption that black and brown people are carrying contraband at a higher rate than white folks. So they're hunting for something.

And then my last question for you, one of the perceived solutions to mitigating the racial biases within forces is diversifying the force, right. And what we experienced in Durham when we were doing our anti-racial profiling campaign where black folks were searched at predominantly higher rates than white people, this was happening under the leadership of a black mayor, predominantly black city counsel. The police chief was Puerto Rican, and the command staff was the most diverse in the state. And so what I would submit is that what we learned from that campaign is that diversity does not equal equity. And so in your research have you found that the diversification of forces produces better outcomes? And one of the things that we
found is that because it doesn't equal equity you have to do the same anti-oppression training and anti-racism training with black people because melanin does not predispose you to a structural analysis. We have not been taught structural racism. We've been taught exactly the opposite. Black people have been taught the opposite too, and we need to learn that. So I'm curious if the diversification of departments has led to better outcomes.

JEREMY TRAVIS: I'm going to ask Bobby to hold his answer to those questions. I have a long queue. People be patient --

BRUCE WESTERN: So we're having a conversation at dinner. And, again, for me it's a point of information because I don't know the policing field as well as I should. Is there a Larry Krasner of police chiefs? Ron Davis.

BRUCE WESTERN: Is there someone that's right out there on the --

JEREMY TRAVIS: We'll get there. I'm just mindful of -- the long includes Jordan, John, Mike, Susan, Bobby, Marlo, so you see the challenge I've got so far. Jordan, you're up next.

JORDAN THOMAS: Thank you, and I'll be brief. Dr. Brown, when you were opening and introducing your paper you spoke about the concept of legalized violence and how that when people of color -- when they engage in criminality they still experience racial discrimination, and that's totally possible. Speaking from the perspective as a younger person and individual, we know what's happening. We know the injustices that occur in our society. The question we have is how do we get involved? You know, we mentioned earlier in the previous segment that there has been a recent uprise in young people getting involved, but there's still not enough of it. There's not enough youth activism.

And so my question is -- well, my question, if we have time, how do we get involved? Because what I've experienced and what I've noticed to my observation is that with this lack of change and with this they want things done immediately -- with this lack of change -- with this lack of change happening in real time and with this lack of young youth activism we're becoming more and more complacent and different to the extent that we're almost accepting it so that when we hear about another young person who's lost their life due to police violence or misconduct, we say, oh, that's another one for the books. We don't really accept it for the reality that it is and that this behavior is not okay. We expect this in our communities now, and that's where we'll see true defeat when we accept that reality.

JEREMY TRAVIS: I love the question. Here's what I propose. Rather than ask any one person to answer this, I would to reserve that question for the last discussion before we break because we're about to go into a session, depending on who can make it through the storm, with young people tonight. And you have posed something that we did allude to it before. I don't know how true that is. Let's ask -- a lot of people here are academics who are teaching, and there are people who are in touch with them. I would like to leave that -- answer that question with academic
colleagues who work with youth to just help us answer Jordan's question. Not just how to, but what's going on. What's going on as you see this generation. So we're going to hold that until the end. John, I had you in the queue, but you came in with your -- was that your urgent question? Pastor Mike is next and then Elaine.

MICHAEL FINLEY: Well, one of my initial questions as I heard Bobby Brown speak is -- it triggered a conversation that I've had with Dr. John Powell over the years about why evidence is not enough and how the left or progressives, quote/unquote, are often crafting our arguments to speak to the conscious or to the intellectual side of the American public while conservatives are crafting their arguments to speak to the subconscious of the America public. And I'm curious about in our work around this roundtable are we wrestling with the implications of that investment or overinvestment and continuing to require data or intellectual arguments to carry the data or the case. Part of why I think this is critically important causes me to make a slightly quick pivot just around how the funding apparatus, what's at stake for me on the local municipality level is the way that the funding apparatus of policing cripples our communities from being able to achieve public participation because there's just not enough resources in a local municipality that funds police agencies as 30, 40, 50, 60 percent of the general fund. There's literally nothing there.

And so when we talk about who are we crafting these arguments for, who is the audience and who gets to decide. If we're saying that the arguments are being crafted for a certain audience, are they victims of police violence? Are they women? Because the way this way shows up mostly with women, according to the testimony and stuff we've heard, is sexual violence at the hands of police officers. Rape, sexual assault, molestation, forced sexual acts in custody. All these kinds of things that may still happen with some men, but that certainty is not the tip of the spear as we talk about police violence. Black youth, immigrants, poor people from the country. So I'm just wanting to lift up that -- if we're talking about race and policing in America, I think we need to at least agitate ourselves to go beyond the notion that the general audience are the regular kind of folks that have been talking about this conversation for quite some time with only intellectual data-based arguments and not kind of going a little bit deeper with different forms of conversations as well.

JEREMY TRAVIS: Finish the thought. What do you think would be a complementary argument?

MICHAEL FINLEY: So qualitative -- what is it? For us to actually use qualitative data, you know, to appreciate that there may actually be another way to tell this story that gets us closer to the desired outcome. So, again, if it is true that in a democracy only the people who participate get to determine how the ark of the conversations happen, and the privileged are the ones who are mostly being engaged based off of the way the argument is structured, could it be that more qualitative or non-traditional forms of data collection of storytelling of even --

JEREMY TRAVIS: A narrative change would add lots of things to the -- I love numbers, but the --
MICHAEL FINLEY: Right, right. And elevate it to a place of seriousness as we do quantitative data because when you do storytelling, it often is felt like -- or when you do qualitative data collection it's often made to feel like it is some cheap, cheap form of information gathering, right. It certainly is not -- and that's on the progressive side. On the conservative side that is used primarily to drive the tough on crime. We have the Willy -- all those things are not intellectually proven, but on the emotional side that carries the data for policy making in our country across the political spectrum.

JEREMY TRAVIS: So Dean wanted to get into the conversation. Dasheika, you've got a bit of an answer from Ron Davis owing up to what you identified. Maybe Susan wants to add something. I don't want to let that go unaddressed. Maybe there's something you want to add to it. Then I have after Elaine, Susan and then Marlon, and then we'll come back to Bobby, but not until we've had a little discussion about -- so that's the plan for the rest of our time together. That'll get us to a break. Elaine, what would you like to add?

ELAINE O'NEAL: In terms of talking about the narrative, I think there's only one narrative for me, and that's the truth. The truth will stand on its own. It really doesn't need a whole lot of help. And you'll know it when you hear it, and you know when it's not true. One of the things that we have to grapple with is also time. Right now for African Americans, we have 400 years of slavery followed by segregation, Jim Crow, and now we're 500 years off the back of the bus. And the criminal justice system and its law enforcement agencies have been used up until 50 years ago, my lifetime -- most of our lifetime -- to maintain white supremacy. It's been used very much to do that.

And so what else had also happened though is historically when that is threatened -- whites, conservatives, liberals or whoever they are -- have banded together and use the political process to maintain that status quo. So your mayors, your sheriffs, all of your elected officials to maintain that status quo. And that's been true. I'll never forget Jessie Helms in North Carolina. When he ran several times you could hear -- you would always hear this dialogue from the progressive white community, oh, we'll never vote for him. He's never going to make it. He went to the United States Senate until the day he decided to leave. He left when he wanted to leave. So that got me some truth telling. And I'll go back to this as well.

There was a march on Washington, D.C. where 100,000 clansmen marched down in their robes. Where are those robes now? Who's got them? You don't see them in the Junior League or in the Goodwill. Somebody has got them. And there are a lot of people who are still alive who participated in the spitting, the assault, and all of that in the 1960s. They're still walking around. They've never been held accountable for those actions. Bill Cosby went to jail at 80.

That's got to be some truth telling among white Americans because at the end of the day you're going to have to grapple with how we live in this society because you have your power, and you have to have those conversations that we'll never be invited to. In your families. When you know your grandmother, granddaughter was a klansman and
still is a clansman because that stuff is real. It's not play, play. And it permeates through law enforcement because that's how you uphold it. That's how you've been able to maintain it.

And so for those of us who have been inside and been practitioners in that arena as a black folk, that is a hard road to handle because we too are perceived as being part of the system that oppresses our very people, which is why you have that kind of behavior that you have. We don't know what to do. I have a saying sometimes -- and not a real nice saying. But you give a black person a good government job and they'll shut up. They'll have nothing to say because they need to keep a job. And when you deal with black men, in particular the ones that are allowed to be at the table, I guarantee you they have a totally different affect when they're at home because there's something about them that in this arena they have to find a way to be non-threatening in order for them to make it. Those are the truths that we have to live with every single day. And for me, this is a problem that white America is going to have to deal with and grapple with. We're going to be at the table. We can leave the process. But until you all begin to have those hard conversations about why we are where we are, it's just a conversation. That's all it is is talk.

JEREMY TRAVIS: Once again, from our dean.

SUSAN GLISSON: There's some things I probably would say more about on Saturday. I don't want to jump too far, but I agree with the dean very much that this is a conversation that white folks have got to be a part of. The problem is that white folks are illiterate about racism. They are socialized to not see its existence. It's like the joke about the two fish swimming along in the water and they pass the old fish. And the old fish says how is the water. The two little fish keeping swimming and one turns to the other and says what's water. That's white folks. And based on the kind of work that John Powell has done that Reverend Mike lifted up, we know that our brains don't actually respond to data. Our brains don't respond to facts. Our brains respond to stories. So how do you figure out how to get people ready to hear stuff that otherwise will make them shut down because they will feel shame. They'll feel fear. They'll feel defensive. And maybe they should feel all of those things, but that's not going to get them to a place where they can be open-minded to be involved in change. So we talk about, in our work, building a bridge of trust strong enough to bear the weight of the truth that we have to tell. So we get people into a space with some conversational normals and some self-reflective exercises that builds some trust and relationships so that we can talk then about the system.

JEREMY TRAVIS: As the dean was saying --

SUSAN GLISSON: This is white and black and brown folks. This is the work that we've been doing it in Mississippi for 20 years, and now we're doing it in other states. So we did it with police officers in Birmingham, Alabama and community leaders that were part of black lives matter and there were hopes to get over-policed in Birmingham in a three-week process. The first week we did that trust building,
relationship building piece we spent week two on the systems and the local history that shaped and framed introducing to the police officers their role in upholding white supremacy, and then for the state. And then thinking through together what they wanted to do, how they wanted to reframe, rethink, start over with public safety. And that group continues to meet on their own. We're going to be going on November 6th and doing training with police recruits on historical dialogue and story telling to talk about the role that the police played in white supremacy promulgation to see if we can start to imbed those things in the police recruits' DNA.

I would add that in terms of the professionalization piece one of the things we did in the second week in Birmingham -- and this is anecdotal, but this is story, right. I don't know how it is other police departments, but we asked the police officers to tell -- we asked them four things. Tell us your oath, what you have given an oath to do, tell us what you actually do in your job every day, tell us what you get evaluated on, and tell us what you get promotions for. They could not remember the oath because it was too long. They gave us a list of things -- 20 things before we finally cut them off that ranged from enforcing the law to stopping people for speeding to ghost busting to my son won't do his homework, will you please come and make him do his homework, to my neighbor's leaves are in my yard and I just raked my yard, can you make them come and get their leaves. I mean, it was that range of things. None of the things that they're evaluated on -- the evaluation and what they're given raises on, those two things are not the same list, and none of them were in alignment with what they actually do.

So in terms of the professionalization, were throwing sometimes people into an already broken system and asking them to do stuff with no sense of standards or direction or credibility or guidance at all. I would add one last thing. We got to visit with the people who came in to do the police training. They're now in charge of the police academy in Northern Ireland in the wake of the Good Friday Agreement. And here's the mission that they gave their police officers now -- the police recruits. Their job is to protect the human rights of citizens when they're violated by the state. Period. That's their job as police officers.

JEREMY TRAVIS: The transformation of policing in Northern Ireland is a remarkable story, but that's -- so, dear friends, here's where we are. We promised in our agenda for you that in 30 seconds we would wrap up this session because we have young people waiting -- wherever they are -- in some venue near the hotel. We can't do the work we have to do in 30 seconds. And I promised -- I can't quite deliver on this promise unless we get another five minutes -- think a little bit about Jordan's question, that we would give Bobby Brown an opportunity to respond to, among other things, Daryl's question, and that we would ask Bruce to wrap up. None of that can be done in 30 seconds, much less five minutes.

So here's what I propose is that we save your question until after tonight. It will be actually interesting for us to sort of go to tonight's event with your question in mind and then we start that tomorrow morning, and then we come back to Jordan's question about young people. Is there hope. We would add it to Bruce's things that might actually change. Is there a hope that we adults can have -- the next generation
might actually have some more promise of thinking Square One thoughts that than this generation, and what we're going to undertake. I don't know the answer to the question, but I love the question.

We're going to ask Bruce not to wrap up tonight because he did so well in wrapping up the first session and he has to do this at the end of everything so you'll incorporate whatever we think when we leave from here. I know that Bobby Brown has a lot to say, and now is probably the time to give him two or three minutes. Are you okay with that? Did you hear the number? Something just happened in this group. We were sort of lagging a little bit. That's where I usually bring the sugar and the cookies to get people going again. Something just happened, and I thank you for that and others. And you, in particular, Elaine. You really sort of brought this up to another level. That's where we want to end the day because we're going to think about this overnight. What always happens is when you come in the morning something happens with the subconscious. It's magic. And we'll start with some reflections on today, tomorrow morning. But we can't end the day without asking our friend and colleague and host and paper-writer to just reflect two to three minutes. The clock is ticking.

ROBERT BROWN: Thank you all for your comments and your questions. I'm sure those of you who are going to hang out this evening we will have some one-on-one and small group moments to talk about this. And I'm more than willing to give responses to the whole group. I hope that we can get more people -- Jordan, I'm actually looking at you. I hope that we can more people to become dedicated policing scholars because there is a large body of research. I heard you loud and clear about understanding different disciplines and how they too -- what they can bring to the table, good and bad.

But I tell you if you were to actually read the works of policing scholars, policing scholars for years have pointed out the problem with the role of the police, that race is a significant issue. They've driven the study in this. And there are a lot of policing professionals -- surely police executives, and I shall say, officers -- who get it. They too are caught up in a system in a structure that they find difficult to transform. I hope that we, as we advanced in this, can have deeper conversations about policing and race because I think it's also important to then have conversations about court processing and race and what we do under the guise of a correctional system and race because there are so many important things that are happening just in the realm of policing. 12 seconds left.

JEREMY TRAVIS: Did I tell you that Loraine whispered in my ear when she saw you working your magic here with your iPhone, that you would need that? That's what friends are for, right. What a wonderful day this has been. Again, we had high hopes -- you had high hopes and expectations, and I hope we've delivered where I sit. It's been a remarkable launch to a full day tomorrow. Imagine a full day of this quality tomorrow. We'll wrap up on Saturday morning.
I, Leslie Christian, the officer before whom
the foregoing video conference deposition was taken, do
hereby certify that the witness whose testimony appears
in the foregoing video conference deposition was duly
sworn by me; that the testimony of said witness was
taken by me to the best of my ability and thereafter
reduced to typewriting under my direction; that I am
neither counsel for, related to, nor employed by any of
the parties to the action in which this video
conference deposition was taken, and further that I am
not a relative or employee of any attorney or counsel
employed by the parties thereto, nor financially or
otherwise interested in the outcome of the action.
This the 24th day of October, 2018.

__________________________
LESLIE CHRISTIAN
Notary Public in and for
County of Wake
State of North Carolina
Notary Public No. 201221300088
THE SQUARE ONE PROJECT
COLUMBIA UNIVERSITY JUSTICE LAB

Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 2: Friday Welcoming Remarks

At North Carolina Central University, Durham, North Carolina
October 12, 2018
9:00 a.m. to 5:00 p.m.
Reported by: Michelle Maar, RDR, RMR, FCRR
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute

Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University

Daryl Atkinson | Founder and Co-Director, Forward Justice

Dasheika Ruffin | Southern Regional Director, ACLU National Campaign for Smart Justice

Derrick Harkins | Senior Vice President for Innovation in Public Programs, Union Theological Seminary

Elaine O’Neal | Interim Dean, North Carolina Central University School of Law

Elizabeth Trosch | District Court Judge, 26th Judicial District, North Carolina

Heather Ann Thompson | Author; Cedric J. Robinson Professor of History and African American Studies, University of Michigan

Jared Pone | JD Candidate, North Carolina Central University School of Law, Class of 2020

Jeremy Travis | Co-Founder, Square One Project; Executive Vice President of Criminal Justice, Laura and John Arnold Foundation; President Emeritus, John Jay College of Criminal Justice

John Choi | County Attorney, Ramsey County, Minnesota

Jordan Thomas | BA Candidate, Political Science with a Concentration in Theory and Pre-law, Accelerated JD Track, North Carolina Central University, Class of 2021

Katharine Huffman | Executive Director, Square One Project, Justice Lab, Columbia University; Founding Principal, The Raben Group, LLC

Kerry Haynie | Director, Center for the Study of Race, Ethnicity, and Gender; Associate Professor of Political Science and African & African American Studies, Duke University

Leah Wright Rigueur | Professor of Public Policy, Harvard Kennedy School of Government

Lorraine Taylor | Executive Director, Juvenile Justice Institute, North Carolina Central University

Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group

Michael Finley | Chief of Strategy and Implementation, W. Haywood Burns Institute

Michael McBride | National Director, Urban Strategies/ LIVE FREE Campaign

Monica Bell | Associate Professor of Law, Yale Law School

Nancy La Vigne | Vice President for Justice Policy, The Urban Institute

Robert Brown | Associate Professor and Chair of the Criminal Justice Department, North Carolina Central University

Ron Davis | Principal Consultant, 21CP Solutions

Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
JEREMY TRAVIS: Good morning, everyone. Welcome, welcome, welcome. Welcome back to the second day of The Square One Roundtable. It's great to see all of you.

LORRAINE TAYLOR: Good morning, everyone. And welcome again. I would like to say thank you to all of you who have traveled from near and far to join us today. It's really exciting to bring this type of a group to our campus. I'm the Executive Director of the Juvenile Justice Institute here. And although this event doesn't focus specifically on the juvenile justice topics, there's so much overlap. And the issues are the same in many cases. When I first was made aware of this Square One Project, the first person that I spoke to was our Dean, Dean Parker. And I was excited and said Dean Parker, there's this group from Columbia, they're trying to come here. So she looked at me very calmly and said let's make it happen. And then the second thing she said to me was call Greg Clinton and the Law School. Because of her words of wisdom and support, this event is taking place. We're very excited to have you. So welcome.

ROBERT BROWN: Good morning, everyone. On behalf of Dean Debra Parker, I want to welcome you to NCCU. And I want to thank you for allowing us to be one of your hosts. The College of Behavioral and Social Sciences is the place where we attempt to touch, influence, and enhance the human condition. We try to make a difference in people's lives in our college. The College of Behavioral and Social Sciences is home to Criminal Justice, Political Science, Psychology, Nursing, Public Health. We do Birth to Kindergarten Education. We are home to Public Administration. And we have graduate programs in all of these areas. When the Dean was approached with this opportunity, she said to Lorraine, and then to me, this is exactly what we strive to do in our college -- to bring together people, to bring together thought leaders and practitioners, to try to make sure that we not only study and talk about social conditions and issues, but that we actually strive to implement solutions. And on behalf of the Dean, she hopes that what we can accomplish here today is that NCCU and the College of Behavioral and Social Sciences can be part of the ongoing dialogue and ongoing strategies to improve the human condition here in Durham and beyond.

JEREMY TRAVIS: Thank you. Let's take a moment, if you would, to just review where we are and where we hope to be at the end of today. And this is where I ask you to pull out the agenda and take stock of what we accomplished yesterday and what we hope to do today. Yesterday -- I don't know about you, I usually sleep pretty well after things like this but I was a restless person last night. And for me, I think it was because of the power of the conversation yesterday and the sense of potential for what we might be able to do together over the next couple days. I just want to thank everybody for the contributions they made to a really remarkable discussion. And we have a lot of work to do, I think, to figure out where this takes us -- not just in the Square One context. I think it's bigger than Square One. That's what we wanted. And a number of you have said to me that it's rare -- maybe for some of us, in our professional lives, ever -- that we've had four hours, much less to be followed by another day, followed by another half-day where the main topic of discussion is race.
And so it's very important we have the rest of the day to deconstruct this problem through the justice lens and, particularly, through the Square One reframing of it.

My hope for all of us is that we're also thinking about what's next -- not just in our personal capacity -- but what else can we do to influence people and events and institutions and conversations beyond this one based on the work that we've done together. I don't have an easy answer. There's no easy answer for that. I would just, as we start today, encourage you to have this thought in mind and this obligation in mind as we go through today and tomorrow -- how do we influence people, conversations, institutions, discussions, scholarship beyond this room. Because I think we have a very powerful discussion underway.

Let's look at the agenda for today. In case you're confused, today is Friday. We know what we did yesterday. We had our welcoming remarks. Leah Wright Rigueur will be here shortly. She has made a heroic effort to get here. Her paper, which should be at your seat, is on The Progress of Black Citizenship. She's a professor from the Kennedy School. So our first topic will be to refract yesterday's discussion with the heading or through the lens of this notion of citizenship. Interestingly, this is not the first time we've talked about it. It's not only a politics issue, it's a status issue. So that's what Leah's paper will be. We then we move to the second topic of the day, to our colleague, Monica Bell, who has written another really superb paper, The Role of the Community: Witnesses, Victims, Perpetrators, Reintegrators, and Storytellers. And then we have added to what otherwise would be a fairly traditional roundtable format the really exciting idea of a focus on our host community. As Dean O'Neal said at the outset, it's important we're in Durham.

It's important that we're in a community that is deeply engaged in the throws of justice reform in a state that has its own version of justice reform. This community is distinctive and unique. And part of that is the good fortune of good timing. We're here at a time when there's an election about to happen. There will be a change in leadership in Durham in some of the key justice positions. And so we get to talk to these folks as they're thinking about what they will do as they take over their responsibilities. Daryl Atkinson will be facilitating that part of the conversation. We'll leave for lunch. And when we come back, there will be 10 more chairs around the table -- it will be a bit crowded but will make for a good conversation -- where we will invite our colleagues and friends up from Durham to have that conversation. And they'll stay here for a facilitated conversation led by Daryl. Daryl is a major spark plug in the reform work here in Durham. We hope that we can do some version of that as we go around the country. I think that that's a way to connect with local activities and can be a way of spreading the word while learning from people who are doing the hard work.

And then after our break, we'll resume our traditional format and ask Kerry Haynie to continue what he started to talk about yesterday -- which is the relationship between crime, race, and politics. And then we'll wrap up. And then tonight we have another treat in store, which is a conversation with Melissa Harris-Perry that Daryl will facilitate. You'll get logistics later in the day about how to get from here to
there. And then just so you know where we're headed, we come in tomorrow morning and talk about transitional justice.

And then we end the morning with a conversation that Nancy and her colleagues will lead on different ways of thinking about what's happening around the country. So that's the arc of the remainder of our time together. And today is our only full day. So it's going to be a day when I'm going to ask you to keep your energy up, lean in. If need be, I'll find ways to artificially stimulate some controversy or some engagement. But you already know how I facilitate. And we'll find ways to make that happen. Are there any questions about where we're headed today and tomorrow? Yes, Dasheika?

**DASHEIKA RUFFIN:** Not necessarily a question -- yesterday we talked about leaving space for Jordan's question.

**JEREMY TRAVIS:** Oh, he already knows. We've already talked. He's up next. He's up next.

**DASHEIKA RUFFIN:** Oh, okay. Perfect. Perfect.

**JEREMY TRAVIS:** Jordan is ready to get us started. Thank you for the reminder.

**DASHEIKA RUFFIN:** No problem.

**KATHARINE HUFFMAN:** And just one other thing -- actually Marlon Peterson is going to be interviewing Melissa Harris-Perry.

**JEREMY TRAVIS:** Why did I think it was Daryl? I was mistaken. Marlon, I'm sorry. You're interviewing Melissa. Sorry for the misstep. Okay. Just a quick reminder -- when you first speak just -- I'll try to call you by name -- but just say this is Vivian Nixon here, here is what I want to say so that our new recorder can figure out who is speaking. A reminder this is being broadcast and is being seen around the country. It means be on good behavior.

We have an opportunity I think again with our observers who are here to hear from them. So if you didn't get the memo yesterday, the memo today is listen carefully. If you have a question -- the things that the observers put into the conversation yesterday were so helpful. That's exactly what we hoped for. There are things that we're missing. And we'll find the time -- I'm not sure exactly when in the flow -- to invite you to lob in those things we're missing so we don't miss them. So please be ready for that invitation. And we'll do the same with twitter or anything that's coming in from social media or cyberspace. Ready to rock and roll? Ready to do it?

So as Dasheika reminded us, yesterday we put on hold -- and I think it's actually good to give it the time it deserves -- a question that I just found went right to the heart of our thinking forward, our big picture, where are we headed, what is the potential for change question. And, of course, it came from a student at the table. This is what I miss about my favorite job is being in touch with folks like Jordan.
So Jordan asked a question. I've asked him to restate the question. And I hope you all have been thinking about it in your own ways.

Some of you are educators. Some of you work with young people. All of us are observing what is happening around the country in terms of youth activism. And we want to just spend a few minutes thinking, taking Jordan's question very seriously -- because I think it is a Square One question. It is who's doing the thinking about where we could be headed in terms of the demographic changes over the next generation. So, Jordan, what is your question that you want to pose to us? And then we'll take it from there.

JORDAN THOMAS: Yes, sir. So yesterday we talked a lot about the potential for change and where that progress lies. So one of my concerns is, as a young individual, is that we're aware of the injustices that face our society and our country. But with there being little progress and change occurring at the rate that we want it to occur, I feel like, in my opinion, that younger people are becoming more indifferent by the day to the tragedies, to the shootings that we see every day on TV. And I feel like that's the worst place to be -- if we feel indifferent or numb to the situation -- because we become de-energized that way. We start becoming more apathetic to the situation. And that's how we lose our ability to be true activists. So my question before the group is with younger people becoming more and more indifferent to the issues that we see and face every day, how do we keep younger people energized and prepare them to tackle the issues that they'll have to inherit as we get older?

JEREMY TRAVIS: Who wants to think about this question on our behalf? Ron.

RON DAVIS: So I just, over the last couple years, have been working in administration and have had an opportunity to work with a lot of youth groups, Black Lives Matter and others. Initially it caught me off guard because I'm used to the traditional groups that you work with -- so as a police chief in the administration, if there's issues inside the community, there's the standard groups you go to. I saw this when I went to Ferguson. You go to the NAACP, you go to LDF, ACLU. And you usually go to the faith organizations. But we quickly learned that that was not influencing people on the ground. They did not have the -- and, quite frankly, they were struggling for their own credibility for the youth, especially the faith community, which was very interesting.

And so I think the way we can get youth to be excited about it is we have to do something that is very hard for the establishment to do -- pass the baton, pass the baton, and provide, share wisdom, experiences. But it's time to move aside and pass the baton. And then make sure that the youth leaders have access to policymakers, true access -- not superficial meetings, not check the box, I met with you but I have no intent of doing anything you told me -- but true engagement. And I think what I've seen from a lot of youth leaders -- you can correct me if I'm wrong -- is people don't want to go to meetings and be played, be used. They want authenticity. And a lot of times, they don't want to start the meeting until there's already been some step of true measure of movement. In other words, why would I meet with you while this is still occurring? I need to see something that shows me that this is for
real. So I would say as police chiefs and as leaders and sitting on the -- I think instead of meeting and making changes, we may have to start with making some of the changes that they've already shared with us, being authentic in what changes we're going to make, and then passing the baton for young people, especially from the activist point of view, to take the lead. I saw it in Ferguson and Baltimore, this clash between the youth and the establishment, as we know it, with regards to community activism and civil rights. So I think that's a very tough thing to do -- if you've worked 20, 30 years to get a certain status and now that's been turned upside down. But you have the wherewithal, the moral courage, and the desire to now pass the baton to another generation. That's got to be the number one thing that we do.

JEREMY TRAVIS: What you described was more than pass the baton -- with all due respect. And the question is whether it's also share the power. Is that --

RON DAVIS: Yes.

JEREMY TRAVIS: Pass the baton is a passive, is a one-directional act. Great.

LORRAINE TAYLOR: I would also like to offer that, you know, when somebody turns on a bright light or you flip the switch on in the morning after you've been asleep, what's the first thing that you do? Cover your eyes, shrink back. And I just think for younger folks in our modern era, with constant bombardment of all of these horrific events that are happening, you know, on the media, on the phone, 24/7 you've got access to horrors, I just think it's important for us to remember that it's a natural, protective response that young people take if they shrink back from it. That's not apathy. That's protection and trying to keep yourself from becoming emotionally and psychologically overwhelmed by the daily horrors that we see. And that's a natural response.

And I just think for many young people, because they're on their phones 24/7, we might interpret their behavior as not caring or as being apathetic. But really we can help them understand how to engage with those feelings without becoming overwhelmed and understanding that they want some direction, some pathways, how do you handle this stuff. Well, those of us who have been around for a little while might be able to offer some support. So I would just encourage us not to interpret the behavior of young people as not caring or being apathetic -- but it's protective, to keep yourself from being overwhelmed by the constant bombardment that they face.

JEREMY TRAVIS: We're going to take a break to welcome our new colleagues. Hey, Leah. You made it. We're so happy. Come take your seat. We'll just include you right in the conversation. We're talking about another topic other than your paper. Okay. So I have a queue that has Vivian in it, Pastor Mike, and Kerry.

VIVIAN NIXON: So I totally agree with everything that's been said and just want to add -- this links to some of the conversation we had yesterday -- you have to also consider that young people have not been given a proper education of the history of our country. They've been given this kind of watered-down version of history. And so the sense of urgency may not be there. And as they continue to see their peers and
people around them being abused by an unjust system, they may feel powerless to do anything about it. And powerlessness often creates kind of a stagnant — it looks like people aren't moving. But what they, what they're feeling is not only fear but powerlessness — like there is absolutely nothing I can do to fix this, so why even try?

I think our role, as people who have studied the history and know the history, is to share that history and also to work to provide a sense of empowerment that's not just about surviving the current conditions, but changing the current conditions and convincing young people that they can do that. And that's not an easy task. But it's what needs to be done.

**JEREMY TRAVIS:** So I want to point out that understandably — and this is not a criticism but it's just noteworthy — that the first three comments have all been about what adults should do. And Jordan's question was really more — it was, in part, about what should young people do. So I think we ought to make sure that we're giving him some advice as to how to think about his own peer relationships. I took that as a call for, took his question as a call for advice, as well as a statement about how we're viewing the conditions. Pastor Mike.

**PASTOR MIKE MCBRIDE:** I think this is a very important question obviously. Two things in the work that we've done, particularly since the Ferguson uprising, I think, I think we have to ask a more nuanced question even when we talk about young people. I think we need to ask which young people are we talking about. Young people, particularly urban black youth, are not monolithic obviously. But the uprisings have, at least in their beginning, usually been fueled by the poorest of the poor young folk and then the sustaining of the uprising has transitioned to middle class young folk — at least in my observation. And so I think we have to ask the question which young people are we talking about? Because they may require a targeted set of strategies to animate them.

And the second thing I'll say is I bristle a bit at this notion that young people or our elders or those in between need to step aside from one another. I think the best of our tradition has shown a deep intergenerational coalition that leverages the strengths of wisdom, energy, imagination, resources, institutions. I fear the worship of youth in this culture threatens to put young people in positions and places where they are not experienced enough to deal with the evil that is very experienced at breaking the hearts and minds of young people, thus leaving young people hopeless or feeling powerless. So my plea to young people certainly is to not pull away from the deep history of intergenerational relationships, to lean into a very intellectual rigor of studying, reading, reflecting, writing, and not allow your youthfulness, your strength to be the only muscle you exercise in a moment and a time where literally the weight of history can easily overpower our youthfulness.

**JEREMY TRAVIS:** Kerry is next.

**KERRY HAYNIE:** Great question, Jordan. I'll just be brief because Pastor Mike said most of what I was going to say. Getting prepared and doing the homework is
something that I highly encourage young folk to do. And along these lines is to
understand that the system, this political system that we have in this country is one
in which politics is incremental, change is incremental. And I see the frustration
for students that it doesn't happen tomorrow if we do something today. And my
encouragement is to understand that, take what you can get today but come back
tomorrow, tomorrow, and tomorrow. That's been the history. We can change that
system. It may be a goal that we change that system. What we have now is one in
which politics is incremental. You win some. You lose some. You take the victories
as they come. And you don't -- you come back the next day.

JEREMY TRAVIS: Susan.

SUSAN GLISSON: Thank you. Thank you, Jordan, for the great question. We're near the
birthplace of SNCC, in 1960, at Shaw University, with Ella Baker calling together all
of the sit-in students across the south. And I think it's important to remember that
history. That was students who pushed themselves into places where there was
conflict. And, in fact, Ms. Baker encouraged them to remain separate from the SCLC,
from Dr. King's organization, which wanted really to have it be a sort of student
chapter of the SCLC. She encouraged them to maintain their own leadership structures.
And there was a lot of learning and arguing, you know. For every 10 SNCC members,
there was 50 opinions -- which is awesome. So I would encourage you to really dive
into that history because it's really helpful. And, also, in Mississippi, young
people have done that.

And so, in 2010 or so, young people came to us, who were in high school, and said we
want to have an opportunity to come together as young people across the state. We
don't spend time together. We don't know each other's histories in our own state.
We want to learn more about SNCC folks. Can we create something like that? And I
said let's do it. And they really created it. They put it together. It's in its
eight year. It's called the Summer Youth Institute. It brings high school kids
from all over the state, they spend nine days learning how to become positive change
agents. They have to construct projects that they do when they get back home. And
we stay in touch with them.

But one thing that's really important about what they do -- we ask them, when they
come in this space, to put their cell phones in a box and actually help them build
trusting relationships with each other and hear from each other. We talk about
Margaret Whaley's admonition -- for every trauma, community is the answer. And they
resist it at first. But then after the first day, they really willingly put those
phones in the box. We thought after it was over, you know, we'll create a Facebook
group -- this was when young people were still on Facebook -- they'll stay in touch
via, you know, social media. But it wasn't probably six weeks after that first
session that the students said we have to get back together. You have to bring us
back together face-to-face. It wasn't enough to be, to interface through a digital
medium.

So I would really encourage you to do that. We're in a digital age. We know that
college students are now 40 percent, have 40 percent less the markers of empathy
because of a reliance on technology that they're getting from the adults in their lives. So maintaining those connections and not waiting for -- I mean learning from adults but not waiting for them to step into what you want to do. Ms. Baker always said that whatever mistakes you make, they're there for you to learn from. So you're not going to be perfect. It's going to be messy. And that's okay.

JEREMY TRAVIS: Very constructive real time advice. Marlon.

MARLON PETERSON: Yeah, Jordan. Good morning. A couple of things. One is that I think -- if there's one thing I know about young folks is that they have energy. And I don't think the issue necessarily is that young folks lack the energy. I think it's an overwhelming sense of cynicism. And that leads --

JEREMY TRAVIS: Say it again.

MARLON PETERSON: -- of cynicism, an overwhelming feeling of cynicism which leads into apathy -- so it goes into oblivion instead of our power. So I don't think -- because they are going through the things that we are here discussing, right -- they may not have the language to articulate it that way -- but they experience the things we're speaking about on a daily basis. So there's a sense of it's just the way it's going to be and I can't do nothing about it. And then cynicism takes over.

I think one of the things that we can be thinking about -- as Susan lifted in SNCC -- is that one of the things that SNCC did or the Panthers did or even Black Lives Matter did was that they created new terms of engagement and the language in a way that was relatable to them -- because they were feeling it on a day-to-day basis. For what it's worth, even as we sit at this table, we are a couple steps away from it. We're not on that street or we're not on that corner or what have you dealing with these sort of things. So it requires that you create new terms of engagement, a new language. Because the thing is that once you create that new term of language and that new term of engagement, then, you know, then you have to open up the opportunity to be able to spark that energy in the right direction. Because the energy is there. They are ready to do things in ways that some of us -- I suppose I'm somewhat young -- the way most of us no longer have the physical energy to do.

I just don't think it's -- I just want to identify I don't think the problem, if I may, Jordan, I don't think the problem is that young folks don't have the energy. I think you do. History tells us that, right? I just think it's being able to identify what the language and what the terms of engagement need to be to be able to compel young folks to move forward. And it's sort of like this -- some of these issues that we are speaking about here today, over these couple of days, there's a gap in understanding how it directly impacts them, right? There's a gap in being able to say like this directly impacts me. So I'm sure -- thinking about what was happening in the Kavanaugh hearing just a couple of weeks ago, right? Young folks, you got the average young person, they don't know who Kavanaugh was, what was happening, why should we care, right? But there are definite reasons why they should care about that process -- wherever they stood on it -- but there's reasons why they should care. But we have to be able to create the language, the terms that you know
about so that they can see that it does matter to them. I always say this with young folks -- I've done a lot of work with young folks over the years -- is that in so many ways, you have the opportunity to lead us in so many different ways. And I think that's the power that we have to sort of -- as adults, we have to empower young folks to do that. But also we have to understand and hone the power that you have and trust the power that you have.

**JEREMY TRAVIS:** Thanks, Marlon. We'll have three more contributions to this conversation -- Nancy, Michael, and Derrick. And I'm going to ask you, Jordan, just to reflect on what you've heard and what you want to take away from this that's particularly helpful in answering the question. And then we'll turn it over to Leah. Nancy.

**NANCY LA VIGNE:** So Pastor Mike made the good point that we're talking about youth as if they're all one collection, right? It's not a monolith. And it occurs to me that -- I think someone else said this as well -- we like to say that people who are the most proximate to the problem are in the best position to create solutions. But, you know, some youth are so close that they do have to develop these protective mechanisms, right? It's just, they're just too close to the problem. So then that begs the question -- what about the youth that are a little bit removed, how do we get them engaged? You know, white youth -- I hate the term ally because that sounds too passive -- but, you know, getting a larger, more diverse array of youth engaged on these topics. And to Vivian's point, I think education is key in doing that.

**JEREMY TRAVIS:** You're up.

**MICHAEL FINLEY:** I like Marlon's point -- just be careful the narrative you accept. So I just think in traveling, young people are doing things, are active. And I think -- understand as a young person -- so what happens, right, we ask a young person to speak. And everyone does the ah, thank you, you have wisdom. Right? And you do, right? You're special. But you're not unique. I think that's part of young people, right? And we need to take that energy. But this isn't new. Like when I was yelling at Benny when I was 23 about his slow butt and his lack of willingness to want change and him looking at me with different eyes, right? We all go through it. It doesn't mean don't push, right? So take that. I just want to make sure you see that because you're going to be at professional tables, they're going to look like this and be like this. And you're going to think well, there's 25 people, wow -- and there's like four people who are really ready to go. Not because they're all bad people, it's just that right -- so understand, it's never going to be a million people that will make that change.

So don't accept that narrative that young people aren't really ready to do things. And the other thing I would say is as we're talking about -- and I do this too, we use this language -- the system -- but there is no system. And I just don't -- there's not a system. There are systems. But if you think about -- when you say what do we do with young people? Educate yourself about these systems -- public health system, mental health system, justice system, education system. And understand that there are all -- even in like the justice system, there are
semi-autonomous systems. Our little joke -- we sit in rooms all day with all these systems people -- how does a case flow through the system? Nobody can -- so the judge will see it through their lens and then Probation will say that's not what happens. So just understand how these pieces work, specifically how the money works.

So at the end of the day -- the beauty of being young must be to come into these rooms sometimes and ask the questions that those of us doing this a long time really don't want you to ask. And you say well, why does 65 percent of your budget for this county go to corrections? And you can learn that when you're 12 years old. So educate yourself about how these systems work and break them apart. And you can do that. And there are folks in this room and others who have done that, right? And I think that's the power you have. And then you show up at these meetings and you can ask questions that lots of us can't always ask. And that's a power that you have -- especially when you have that real, you know, tomorrow you can start, you know, thinking about this.

JORDAN THOMAS: Thank you.

JEREMY TRAVIS: Thank you, Michael. Final words of --

DERRICK HARKINS: Sure. It's a little ironic to quote Frederick Douglass in the context of this but: "Power concedes nothing without a demand. And it never has and it never will." I'm a little more cynical about the intergenerational context here because I'm not so certain that the relinquishing of power is in the institutional makeup of a lot of the organizations that are led by those who have been in the fight for a long time. That's not to say that there's not value to be had from those interactions and relationships. Even in the midst of the frustrations of those interactions, it's valuable just because, obviously, you glean something from them. But I'm convinced -- as you spoke about SNCC and you think about Black Lives Matter -- there are a nuclei of active, engaged, energetic young people who are doing this on their own.

I can't quote James Brown like I want to but -- "Give it to me and I'll do it on my own." That's a wrecking of his -- but my point is this -- there are examples of that kind of engagement and that enthusiasm. For example, Black Lives Matter, it's been a conundrum -- and I'm very interested by way of your work in your paper -- it's been a conundrum, for example, as part of the black church that maybe the fact that they didn't come running to say we need you for validation was confusing to a lot of folk in leadership in the context of the church. But guess what? They moved forward. Now granted -- and it's a good thing that there have been steps and missteps and some of the relationships that originated by way of Black Lives Matter have suffered the same kinds of challenges that happen in other structures -- folks just don't get along viscerally or have different trajectories that they go on. That's all good. But the point is it emanated from them.

I guess the one piece of advice is to identify and focus in on those places where the work, where the focus is unfolding within millennials, young people, et cetera. And maybe some of the challenges that would normally come with trying to engage with some
of the longstanding sort of structural places -- it's valuable, again, to glean some experience from that. But don't let that be the primary purpose of gathering around that table. I guess -- so maybe, again, to -- it's about sitting at a table. But sometimes it has to be the table that you set. And there are folk out here. I mean, I'm encouraged by young people who are voicing and there's evidence of that left and right.

JEREMY TRAVIS: Thanks, Derrick. So, Jordan, again, a thank you to you for your question from yesterday. And thank you to everybody who engaged in this discussion which was pretty rich. So right in my line of sight, there's somebody who has an insistent hand up, who maybe doesn't want to wait until our, the time when we invite observers in. What's on your mind?

POET WILLIAMS: I have something I would like to add to this conversation.

JEREMY TRAVIS: Go. Go.

POET WILLIAMS: One question I want to ask, a rhetorical question -- is there anybody sitting at this table that's not straight-up making enough money to take care of themselves? Okay. So one thing that we have to remember is a lot of what directly impacted young people out here in the street is living day-to-day. One of my jobs -- again, my name is Poet. I'm a community organizer for criminal justice. I'm a Criminal Justice Fellow for Forward Justice here in Durham. One of my primary jobs has been to attempt to get young people into this work, to keep them from -- number one is young people out here trying to live and to survive.

I got plenty of people who always tell me let me know what's going on, let me know when, whatever I can do, whatever, whatever. But at the end of the day, when I really call on them realtime -- sorry, got to work, sorry, got called into work, sorry, I gotta watch my son. It's real life stuff going on. It's not that young people don't have the energy, it's just that we don't necessarily have the means to do all the things that we might necessarily want to do.

Another thing I wanted to add is -- I didn't really want to do this -- tell a part of my story. I was charged with five felonies in 2011. I wasn't able to -- I didn't have legal employment for four or five years. It wasn't until -- and that's just to say that by me being directly impacted, that gave me the push that I needed to be as involved in this work as I am. Three years ago when I started -- I just turned 28 this year -- three years ago, when I was sitting in a room like this, I was the youngest black man in the room. I'm looking around and I'm like all these people are 30s and up. And so, in a few years, they're not going to be around. They've been doing this work for the past 10, 15, 20 years, you know what I'm saying. One thing is you've got to realize that in another 10, 20 years, everybody that's sitting at this table, you might not even be in the game. And one last thing I just want to add -- I feel like it's definitely the most important because, honestly, like a lot of you all said some good things, but a lot of you all didn't answer the question. You got to ask more people what they need. You got to ask them what they want. We're the ones who are about to take this to the world. Thank you.
JEREMY TRAVIS: Thank you for those questions. Jordan, just to reflect on what you've heard. And then we'll switch gears.

JORDAN THOMAS: Yes, sir. Thank you. A lot of great points were made from everybody. I feel they were all definitely needed. I think those were great points, especially made over here when we talked about like -- because in my question, I did lump all young people together -- we have to focus on which youth we're talking about. I think that was a great point relating back to what you just shared with us because I definitely know that to be true. I mentioned earlier about some of the folks I work with at the diversion programs that we have here in North Carolina. And some of the teens I was, teenagers that I was interacting with, it was simple marijuana possession, things like that. And then you ask them why? Well, I needed money to feed myself and my siblings. And so I think it's very important that we focus on, we look at which group of young people we're talking about. So I thank you both for making that point.

Also I guess I didn't intend to suggest that there weren't young people already doing activist work. You know, we see plenty examples of that. I guess my concern was how do we reach those that didn't have to experience some level of trauma right up to their face first? How do we be a little bit more proactive? So perhaps I should have rephrased that question a little bit better. And I do appreciate you highlighting -- which I think we all agree -- that there's no lack of energy with young people. But how do we hone it and target it? And I think you all made great points about that. When we become more organized, when we get together as a collective, I think we have more power. So I thank you all for providing that feedback and making those points.

JEREMY TRAVIS: Thank you to you, Jordan, for the question and everybody for your thoughts and observations on the topic.
CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA AT LARGE, to wit:

I, Michelle Maar, RDR, RMR, FCRR, certify that I was present on October 12, 2018, at The Square One Project's Roundtable of the Future of Justice Policy, held at North Carolina Central University School of Law, and did report by stenotype to the best of my ability under the specific conditions existing at the time of the proceeding and produced a transcript of the same.

Michelle Maar, Court Reporter

Notary Public #201628400102
My Commission expires October 4, 2021
Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 2: The Progress of Black Citizenship

At North Carolina Central University, Durham, North Carolina
October 12, 2018
9:00 a.m. to 5:00 p.m.
Reported by: Michelle Maar, RDR, RMR, FCRR
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute
Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University
Daryl Atkinson | Founder and Co-Director, Forward Justice
Dasheika Ruffin | Southern Regional Director, ACLU National Campaign for Smart Justice
Derrick Harkins | Senior Vice President for Innovation in Public Programs, Union Theological Seminary
Elaine O’Neal | Interim Dean, North Carolina Central University School of Law
Elizabeth Trosch | District Court Judge, 26th Judicial District, North Carolina
Heather Ann Thompson | Author; Cedric J. Robinson Professor of History and African American Studies, University of Michigan
Jared Pone | JD Candidate, North Carolina Central University School of Law, Class of 2020
Jeremy Travis | Co-Founder, Square One Project; Executive Vice President of Criminal Justice, Laura and John Arnold Foundation; President Emeritus, John Jay College of Criminal Justice
John Choi | County Attorney, Ramsey County, Minnesota
Jordan Thomas | BA Candidate, Political Science with a Concentration in Theory and Pre-law, Accelerated JD Track, North Carolina Central University, Class of 2021
Katharine Huffman | Executive Director, Square One Project, Justice Lab, Columbia University; Founding Principal, The Raben Group, LLC
Kerry Haynie | Director, Center for the Study of Race, Ethnicity, and Gender; Associate Professor of Political Science and African & African American Studies, Duke University
Leah Wright Riguere | Professor of Public Policy, Harvard Kennedy School of Government
Lorraine Taylor | Executive Director, Juvenile Justice Institute, North Carolina Central University
Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group
Michael Finley | Chief of Strategy and Implementation, W. Haywood Burns Institute
Michael McBride | National Director, Urban Strategies/ LIVE FREE Campaign
Monica Bell | Associate Professor of Law, Yale Law School
Nancy La Vigne | Vice President for Justice Policy, The Urban Institute
Robert Brown | Associate Professor and Chair of the Criminal Justice Department, North Carolina Central University
Ron Davis | Principal Consultant, 21CP Solutions
Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
LEAH WRIGHT RIGUEUR: Okay. Can everyone hear me first of all? Great. Thank you. And thank you all for -- as the sound of sirens backs me up. Thank you all for your patience. I literally just landed at 8:30. So I'm coming straight from the airport. And I really appreciate it. I hope all of you had a chance to at least scan the paper. I'm not going to go into depth. I have actually hundreds of facts and figures and charts -- if anyone wants further clarification or further examples or further anecdotes. And I'm happy to talk about that now or later on.

What I thought I would focus just my 10 minutes on is the general overview and a couple of points, four points coming out of this idea of the history and progress of black citizenship. I think I want to start with the most, what feels like the most controversial to me and then work down and then come back to that main point. And the first controversial point is the limits of political representation, public policy, and politics more generally. So I mention that towards the end of the paper in terms of talking about this kind of reliance on law, on public policy, and social policy in changing the status and the citizenship and granting African-Americans, black people in this country access or pushing for full equality. And how even after integration or the desegregation of legislatures, law, every aspect, every industry, including politics, that we continue to see the same kinds of patterns. So even after we've had comprehensive, significant, often radical policy and politics and solutions -- or what we think of or imagine as these kinds of policies and solutions -- we're still not seeing the kind of equality that we imagine when we think about full citizenship or full inclusion for African-Americans.

So that brings me to my second point -- which is that black people have been excluded or at the margins of citizenship since they first arrived in this country by force. And so we've had watershed moments and we've had watershed events, transformative events that have moved African-Americans from the margins to the mainstream, have afforded them the rights and the privileges of citizenship. And, yet, even today, as we look at this broad overview of the history of citizenship or the recent history of citizenship, we see that, in 2018, African-Americans still exist as second class citizens in the United States. That was probably the thing, the pull-out of this, you know, writing this entire paper that was most alarming to me -- which is that there are any number of ways that you can twist the data, that you can look at this, that you can break this down. And what we see is that even in moments of progress --
because there clearly has been progress. This is not the 1960s. Even though we're in this Make American Great Again moment, it's not 1954. It is not 1967. There has been a tremendous amount of progress. But that progress is slow. It's stagnant. In some places, it has regressed completely. We are actually looking at numbers that do look like 1954 or 1968. We're looking at numbers that are worse than 1954 or 1967, that kind of thing.

To me, that is one of the ideas that we really should be talking about -- how do we deal with this? How do we address this? And, again, I'm happy to give kind of breakdowns in different areas -- whether it be economics, education, criminal justice -- I know you had this really robust conversation yesterday about criminal justice reform, voting rights, things like that.

The other thing is that we now have kind of a paradoxical moment in 2018. So even as black people exist as second class citizens, because of this history of, this uneven history of progress and the surface level illustrations of progress -- the biggest example of this is that we had a black president for eight years -- there's now been a reimagining of what full citizenship means for African-Americans. And it is increasingly divided along racially polarized lines -- meaning that racial minorities in this country have one vision of what full citizenship should look like and everyone else has a very different vision.

Part of this -- you know, we can put terminology onto it. We can call it the Obama Effect. You might call it the Oprah Effect. You know, Paul Robeson, in the 1940s, called it the Paul Robeson Effect. But this idea that there are superficial markers of progress and that because we have had significant legislation, transformative legislation -- the 1964 Civil Rights Act, 1965 Voting Rights Act, Affirmative Action -- that everything is fine.

And, therefore, we don't need to do anything. And so there's really been this shift. And you can actually track it historically over the course of the 1970s and into the 1980s and 1990s, this shift away from the social welfare state and into kind of ideas of individualism and meritocracy and kind of pull yourself up by your bootstraps -- so a moving away from the idea that the state should be involved in the day-to-day lives of African-Americans in terms of their citizenship. And so what has this come down to? It means that when African-Americans fail, it is seen as a moral failing, it is a moral failing of their own making.

That is a real problem because it's not just public opinion, it's not just pervasive across this racial polarized line. But it also has worked its way into public policy, federal policy, state policy, local policy and is showing up in the kind of laws and in the kind of programs and politics that we see. And it's not just restricted to one political party. It's actually across ideological lines. And so this is something I think that we really have to wrestle with. And so what I said is kind of this idea of hardening, the hardening of individual and personal responsibility, ideas of individual and personal responsibility as opposed to institutional or structural solutions in addition to those ideas of what can communities do to help. The other point that I just wanted to make here is that this
exclusion has also created something that I call kind of a culture of -- some of you mentioned survival -- a culture of survival and a culture of resistance.

So we see it in the 1960s with lots of these grassroots movements, in particular around ideas of economics and politics and political rights -- although I would put in an emphasis here that there's been an overreliance on political representation as a solution to second class citizenship. But we've also seen other solutions, other kind of creative ideas, including African-Americans borrowing ideas that have started off as, say, racist or exclusionary -- like school vouchers or charter schools. We've seen an explosion of Freedom Schools and these various kind of -- you know, the Panthers called them survival programs and solutions. They're immediate as opposed to long term. So we see an explosion of these over the course of the '60s, '70s, and into the '80s. A lot of you may know that even as the charter school movement is intensely political on the national level, that African-Americans have very mixed attitudes towards -- increasingly favorable attitudes -- towards the charter school movement. But the point that I want to emphasize is that these have all been about survival and resilience and they've also resulted in very mixed results.

Even as we see things like an increase in, say, Afrocentric charter schools -- which many black parents see as a really viable solution to their educational woes -- we're also seeing, we're seeing that they're not having the kinds of impact overall, across the board on how, on African-Americans moving into full equality. It's also not -- along with these other historical and federal policies -- it's not comprehensive enough to actually solve the problem. So I'll give you just another example. Affirmative Action in the Philadelphia Plan, 1969, Arthur Fletcher revised a program that comes out of liberal democracy and it really is a liberal idea about the role of the state.

The state should have a role in economics. Affirmative Action in the Philadelphia Plan, when we look at it over a 10-year period, between 1969 and 1979, is supposed to have the effect of pulling African-Americans out of poverty. So that the poverty rates are equivalent to those of white people, right, proportional. Instead, what we see is it's not comprehensive enough. It does not help African-Americans in poverty. And instead the beneficiaries are African-Americans, a small amount of African-Americans who are already in the black middle class.

So we do see these moments of, again, progress, right? Deregulation is great for somebody like Bob Johnson or Oprah Winfrey or people who are already cash rich. It's not good for African-Americans who live under the poverty line, who, in, say, 1984, are about 30 percent of the overwhelming group. Again, so these things aren't comprehensive. These individual grassroots programs, although they are about survival and resilience, are also not comprehensive enough to do the kind of work that is necessary.

I'm going to stop there. I'm happy to open it up -- I do have some information in the paper too about the role of generational issues, also about gender -- and ask I think the broader group, what does all of this mean? We've seen this kind of, you know, we've seen this surface level, superficial progress. But we've also seen moments of
backsliding or stagnant change and moments where we have seen an explosive or really successful, a lot of success. Voting, for example -- African-Americans, in the 2012 election, had the highest voter turnout of any racial group. They actually outpaced white voting demographics. And they were responsible for Barack Obama's reelection victory. But even in those moments, even in moments where black women are becoming the backbone of the Democratic Party, we're not actually seeing any returns, any significant returns that are putting African-Americans back into the mainstream of citizenship. So what does that mean for how we think about justice, how we think about transformative policy or organizing or movement forward in the present day?

JEREMY TRAVIS: Thank you, Leah, for your bravura contribution and your heroic effort to get here. As is our tradition, the floor is open for people who would like to offer their observation -- unless you have a clarifying question. And there's lots of very strong sort of data-based observations that Leah just made. If you have a clarifying question, you can do that. Or just jump right in. Kerry.

KERRY HAYNIE: Thank you for the paper. I have a couple of observations -- when we talk about the limits of politics and law. And then one question that's for the group and for you, Leah -- are we looking at a low enough horizon, a time frame, right? Someone mentioned yesterday 50 years, we're just 50 years out from the back of the bus, something to that effect -- Dean. So when you look in terms of the scope of history, is the scope wide enough?

I would challenge this notion of superficial changes and superficial advances in the context of the short scope of history in this regard. Because if it's just superficial, look at the reaction that some of these so-called superficial changes are garnering, right? So you elect Barack Obama. The world didn't change for black folk after that. But look at what the reaction is -- voter ID laws, changing the rules of the game of all types. When Dan Blue became the Speaker of the House in North Carolina, the first black speaker, and others around the country in state legislatures and in Congress, as black people and women began to get seniority and assume leadership positions. That was the custom and the practice, right? As long as you're there, you move into the seat. That began to happen. Ron Dellums became Chairman of the Armed Services Committee -- oh, hell no. We can't have this guy. So the rules of the game began to change. So look at the reactions that some of these so-called superficial changes are garnering, right? And they don't look so superficial. If they were meaningless, you wouldn't be seeing this rollback, this pushback. You wouldn't see Donald John Trump and this whole movement as a reaction.

JEREMY TRAVIS: Bruce.

BRUCE WESTERN: I want to sort of put on the table for us a question -- and you've raised it, Leah -- and I just want to try and sharpen it a bit. And, you know, the question is as a matter of public policy, how do you reduce inequality? And we seem to have two kinds of strategies. One is we try to focus our efforts on the disadvantaged group. And so Affirmative Action is one version, one version of that. And there's a parallel discussion I think in anti-poverty policy as well. You know, do we focus our efforts just on the poor in trying to promote social mobility or
something like that? Or should we be thinking about a universalistic policy to try and establish an equal status for everyone -- which means lifting up, lifting up everyone. And inequality is reduced as a consequence of this universalistic approach.

It's a really open, open question in my mind, you know, to what extent should public policy be race-based in order to reduce, reduce racial inequalities. And I think in our setting, in the criminal justice setting, it's incredibly challenging. We have massive racial disparities in the system. And we struggle enormously with how to reduce disparities. It's a much easier public policy question of how do we reduce the scale of the system, that's a much easier question, than how do we reduce racial disparities. Because in social policy, we can think about race-based policies in employment, education, housing, and so on. In criminal justice, a race-based policy -- I mean, that seems to have the potential for a whole variety of enormous, frightening effects that may have all sorts of unintended consequences. And, yeah, so I didn't -- that's a totally rambling, incoherent set of thoughts. But that's what is going through my head in response to Leah's --

**JEREMY TRAVIS:** If that was rambling and incoherent, Bruce, because it was so insightful, I don't know what coherent and unrambling means. We will think about that. What does race-based policy look like, if at all, in the criminal justice context? In essence, that's the question today. Judge Trosch.

**ELIZABETH TROSCH:** So actually I think the answer is yes. And we have to stop talking about equality and start talking about equity. Because, you know, everything we've been talking about -- the paper, some of what we talked about yesterday-- our understanding of structural racism comes down to the fact that an entire group of people were intentionally left behind. And I think it was here at North Carolina Central that a professor engaged in this activity with other professors, a Monopoly game. And so she gathered her colleagues together and had all of the African-American colleagues start to play the game of Monopoly, while the white colleagues sat behind and watched. And after they played for about an hour, the white colleagues were allowed to join the game. And they did. But, see, the property had already been purchased. Hotels had been built.

And so after about 30 minutes of trying to get into the game, the white professors just decided to go to jail -- so they didn't have to pay the rent, right, every time they landed on the property that had the hotels. And I think the point of that story is what could those white professors who joined the game an hour later have ever done? What could they have done to really participate? Not a darn thing, right?

We have to recognize the fact that we're here. And so something has to change. Either we've got to put some stuff under here to lift people up so they are on a par. Or, frankly, we're going to give something up, right? I mean, that's what has to happen. We have to figure out how do we change the structure -- yes, Bruce -- with an eye toward acknowledging race as the problem and that race has to be part, one of, the primary factor in the solution. I mean, you know, this whole -- as a judge, frankly, every day, these are the people I interact with. I interact with poor black
people every day. That's who I interact with. Poor black kids and poor black families, that's who I interact with. And to the point that was made earlier -- they are living in the tyranny of the moment. And there's not an awareness of a history of structural exclusion. That hasn't been taught. And, frankly, there's not a lot of space. But they're experiencing it every day.

They're experiencing it every day when they're showing up at school and being sent home because they looked at somebody the wrong way. They're experiencing it every day when being late to school results in a 10-day suspension. They're experiencing it every day when parents are trying to figure out how to help a son or a daughter who is emotionally, frankly, dysregulated because of the trauma of racism, for one thing, in addition to the trauma that comes with living in poverty and chronic stress and violence. And what do we do? We send services into the community. And then we diagnose all these black and brown children with disorders so that we can justify our Medicaid-funded interventions that don't do anything to get at the core issue here -- which is this is a group of people that have been structurally excluded and are very clear in their own experience that there is no pathway to opportunity.

In Charlotte, we were ranked 50 out of 50 of the largest cities in economic opportunity. Now, do you think a single kid or parent that comes into my courtroom has any idea about that study? No. Do they know that there's an Opportunity Task Force in Charlotte that was studying, you know, the drivers of economic opportunity? No. But they know. They know. They know nobody wants them at school or thinks they're ever going to succeed. They know that their only opportunities for economic participation are at McDonalds and Burger King and probably, frankly, maybe sometimes slingling, you know, some weed on the streets. And that is the problem. We have to think about how do we make race part of a race, a solution to a race problem. How do we -- and it has to not be what we do, where we come in and we say oh, you have a problem, I have a solution, let me put my solution on your problem.

It has to be an approach that says you are disenfranchised, disempowered, and have no access to any resources to change your situation. And so how do we empower and strengthen your capacity to participate in school? How do we change us so that there is a meaningful access? And I don't -- you know, I think -- I think there's a lot to, you know, around that. I think it does mean that, as a matter of public policy, we would have to think about, we have to acknowledge, you know, structural exclusion and that our systems are designed to harm people of color and to benefit white folks. And I think it means that we have to, you know, think about how -- I mean, it's big stuff and little stuff that we have to do. I mean, when I sit in criminal court and I have an African-American man come in and plead guilty to possession of marijuana -- for which you can't even get a lawyer in North Carolina to defend you -- and -- that this doesn't have for him the impact of being disqualifying for employment, disqualified from public housing, disqualified from financial aid. You know, I think that's what it is. It's about setting it right. It's about really being intentional about pulling, putting, empowering, strengthening, pulling people up in a way that's empowering and not another form of control -- because welfare is control. How does welfare help anybody actually have a sense of autonomy? Have a sense of agency in their lives?
JEREMY TRAVIS: Thank you. That was wonderfully compassionate. The last minute there, you said how do we set it right? That's the question. Vivian.

VIVIAN NIXON: So I am going to ramble -- but I'm thinking about this idea of black citizenship and trying to define, you know, what we consider to be citizenship regardless of race. Right? And that is the right to participate in the political process, the right to the protections of the law, property ownership, and other benefits of citizenship.

So I'm not sure that there's a disconnect between what we all believe citizenship is, but there is a disconnect between what certain people, who certain people think have the right to be citizens. So while technically being born in this country makes you a citizen, there is a faction in this country that says no, it depends on other things. It doesn't just depend on whether you were born here. It depends on what you look like. Right? It depends on who your ancestors are. And because of that, we have put a lot of power into a lot of institutions. And we've put a lot of power in the states. So that even if I am technically a citizen, a county in Texas can decide, since it's almost 80 percent white, that it would be problematic for the 10,000 black students at Prairie U to vote.

So they, decade after decade, can find a way to make it really difficult for those students to vote in that county. Or a governor in Georgia can decide he's going to monitor his own election because the Board of Elections chair is there fair at the time. That kind of power will not go away without some kind of demand that makes it go away. So there's a responsibility here of our government to say folks have got to give some stuff up. We've got to take a look at our tax structure.

We've got to figure out why it's okay to pass down more money than your family will ever need and not pay taxes on it. We've got to ask why it's okay for Ivy League institutions to grandfather legacy people in who can't, who would never get in otherwise, when there may be qualified poor and African-American students who worked really hard to qualify. Those are the things people have to think about giving up in order to make citizenship real for black people. The resources to provide the equity that Elizabeth was talking about have to come from somewhere. People have to give something up. And that is a hard thing. Because the thing about privilege is that it's addictive. And to surrender your own privilege is not easy for any of us. And, as Poet said, everybody in this room is privileged in some way because we all know where we're going to sleep tonight. And we all know where our next meal is coming from.

JEREMY TRAVIS: Keeping the queue here, John, Ron, Leah, and Marlon -- Leah, our practice is to allow the paper presenter to be the closing, provide a closing observation. So think about what you've heard and want to react to in whatever way. John, you're next.

JOHN CHOI: One of the things I want to -- and it's kind of in line with just this conversation that's happening right now -- and, Bruce, I think you started this by
posing this question about -- and, Judge, you talked about equity versus equality. And I think one of the things that we -- like equality is not good enough. And I think that notion isn't wholly understood by the rest of the country. I mean, I think we've, as a nation, come to believe that somehow if we could have fair opportunities and equal laws, that somehow that is like what the American dream is all about. But the reality is that I think the nation isn't thinking about something more important, which is the outcomes or the equity of kind of what needs to happen.

So I think in the context of, like, in my world, in the criminal justice system, when I think about people who enforce the law in the executive branch, one of the tenants of, and also judges, is that we're supposed to treat people equally. Right? So I have the seal of our office. And it's Lady Justice with the blindfold on. And she's got the scales of justice. And somehow everything is supposed to balance out. But I really believe -- and, in fact, in my next term, when we do the seal, we'll take the blindfold off. Because I think that we need to recognize kind of what our system is today. And it's incredibly -- in terms of the outcome -- racist. And so in order to change that, race has to be a part of everything that we're thinking about as part of the solution.

It starts with listening to impacted communities. Many of those communities are communities of color. Right? Whether it's immigrant communities or whether it's an African-American community that has been over-criminalized, over-policed, et cetera. The solution is charged, number one, with listening. I think a perfect example of our failures in that area is that, you know, with respect to those individuals who come into the system with respect to some domestic violence situations, spousal abuse, battery, I believe there are programs that could be developed to maybe change that behavior or to do something that could work. But I think the way that we've built those intervention programs for the past decades, it was built by white, middle class individuals who were putting that lens to kind of what would work. So I think in some of the ways, we've figured out what could work in terms of interventions with these communities. But I think if we had more culturally specific interventions, we could do better. And so that's an example I think of the way that we need to change our thinking. Otherwise, we're going to continue on the path that we're on. And it's not good.

**JEREMY TRAVIS:** To the extent possible -- I don't want to constrain a very robust conversation -- I'd like us, through the rest of the day, to keep this conversation in mind -- and we've each put it a different way -- if we start with the statement, acknowledgment of the racial harm caused by the criminal justice system, to what extent does the response to that acknowledgment require the race as a factor, as a consideration, listening as a start. Bruce posed it in terms of, in essence, an affirmative recognition that leads to some sort of remedial action, a different way of thinking about things. And the judge was saying that the equity versus equality frame requires a different framing of our response. If we could end the day with some more wisdom on that question, we will have linked yesterday to today. So that's my hope -- without constraining your robust conversation -- because that's important -- that would be a valuable outcome. Ron Davis is next.
RON DAVIS: So I'm coming from a little bit different angle -- I agree with what people are saying today, so I won't go over that issue. But if I want to reimagine justice, criminal justice systems -- for the sake of the reimagining, let's take away racial animus, bias, implicit, explicit, across the board. I think we all agree that even if we took away the harsh intent of racism and even implicit bias, our current systems are designed that you're still going to have the racial disparities -- what I think you're getting to. And so I'm wondering even if we change people's hearts and their minds and their souls about racism, am I now, still as an operator in the criminal justice system, do I become an unwitting accomplice to racial inequities just by doing the very job that I'm supposed to do? So how do we change the structures from making me an unwitting accomplice to a conscious warrior for justice, to where then I can factor race, I can look at historical contexts, and that the systems themselves will make the kind of changes necessary even if I come to the job with racial animus.

I was asking John last night about your pin -- I would say, I would recommend you keep it. I think historically, at one point, Lady Justice did not have a blindfold. There's versions where she does not. And what I say is, I tell a lot of trainees in the academy is that our motto is not justice is blindfolded or blind, blindfolded, it's that justice is blind. So the question would be why does a blind person needed to be blindfolded? So I think what it suggests is that justice has perfect 20/20 vision. It can see that I'm a black male. It can see around the table and see everything. We have to build the systems that serve as the blindfold to filter out race in making these so-called objective decisions. So I think the blindfold in many ways is not a false hope of being naive that we would never see race -- as much as it is the commitment to make sure that we have the structures, the systems, the policies, to make sure that we're blindfolded, that I don't become an unwitting accomplice.

I would imagine most cops have no idea, at the stage that they're cops, that their arrests -- because our system is so siloed -- I have no idea that the arrest that I made for something as silly as marijuana can take away this person's voting rights, their economic opportunities, can destroy their families. All I was told to do is take away, to stop all these kids from hanging out on the corner. And if I knew that that linked to a whole disenfranchisement of a community, would I make the same step even if I did not have the racial animus? Would I argue about how this is for public safety when I'm destroying neighborhoods as I'm doing that? I think back to the 1990s when I was a street cop. During the crack epidemic, we took thousands upon thousands of young men of color to jail. And if you had come to me at that time, I would have told you I was doing God's work because crack was killing the community. And black elected leaders, we passed legislation -- look at James Forman's book on doing so. So I would have been literally a passionate, committed, unwitting accomplice to racial inequities. And it took that education -- as someone mentioned down here -- for me to renew my education on my history, why I'm here. And, quite frankly, sometimes the significant event that shakes you is personal. Someone discriminates against you and it slaps you like whoa, I almost forgot I'm black for a moment. You just reminded me. Thank you.
My high paid job does not relieve me of that privilege and that burden. So I just want to make sure when we talk about these systems, if we want to reimage -- for a second, let's take away the -- we would still have these problems and outcomes even if we convince white America and all of America that we need to reconcile, that we need to repent, and we need to basically restore -- I don't think the systems are designed to do that. And I would think that our criminal justice system is so siloed -- we were talking with the judge this morning -- that imagine if there was one funding source for the criminal justice systems, somebody who was responsible for funding it, man, it would look like a different system.

Right now, as a police chief, I can make decisions that would clog your courts up, that would drive you crazy as a prosecutor. And there's no accountability that you can do to me to make me not do that. I can say to my guys and ladies take 100 people to jail and that would have an impact on the entire system. And I have no accountability to that other than if the community gets mad about the stops. But if the funding, if I had responsibility for the funding or contributed to it, I think I would have a different outcome.

JEREMY TRAVIS: Bobby Brown -- I assume that you have some reaction you want to share with us before we go to the Dean?

ROBERT BROWN: And I will be brief. I agree with everything you said. And I think we have to recognize that we do not have these comprehensive systems or a comprehensive system, we have a lot of subsystems and processes. And while I do believe that education and awareness is an important piece as far as being an unwitting accomplice, I have encountered too many people working in the system who, one, believe that it's not their problem. They are aware. They do know what is happening. And they hide behind their role as I'm just responsible for this part. It's bigger than me. What can I do?

Young people are not the only ones thinking about what can they do. And until we stop people from being able to hide behind my job is to push this button, somebody told me to push this button. What happens after this button is pushed, that's above my pay grade. Until we deal with that and find a way to get those individuals to take some accountability in what happens when they push their part of the button, when they do their function, until we address that, they're going to be accomplices, unwitting or not.

JEREMY TRAVIS: So this notion of the unwitting accomplice -- yesterday, Ron, you said the system is actually working exactly as intended, right? So everybody is an unwitting accomplice on some level -- no matter how aware they might be. They're an accomplice. The unwitting becomes a sort of matter of degree, right?

RON DAVIS: Right.

JEREMY TRAVIS: Complicated stuff. But, fortunately, Dean O'Neal is going to make sense of it all for us -- as a good dean and judge should always do.
ELAINE O'NEAL: First of all, I do agree that justice is not blind. It very well sees. And it's very intentional in its actions. Because for every person that enters into the criminal justice system, there's a judge that opens the door. So that's intentional, a lot of it, and a part of the job. However, I always go back to the historical aspect of it, in that we are pretty much 50 years out of being allowed to be off the back of the bus. And so how does a majority culture oppress over 400 years plus? Each successive generation that comes into power, there has to be some type of agreement that this goes on -- whether you're doing it by design or not by design. I would say that for 400 years of it being done, it has to be intentional.

It's by design. And there have been some changes. But they have been changes that have come from the white community pretty much helping those changes to come after we had pushed. Slavery was abolished because you had a lot of whites who drew on that effort and said this is unconscionable, let's do away with that. You see it when you had all of the voting rights issues in the south, whites came from the north, went in, and some things happened. There have got to be some things that happen within the white community. You all have got to deal with your relatives, the people that we can never get to to convince.

These institutions are made up of individuals. It is not just this thing that appears. It's not subtle. It's individuals who collectively come together to keep these things in place. There are people behind that.

So it is one at a time. It's a heart issue. For me it's a heart issue. It's a heart issue. Where is your heart at. Because you cannot say that, you know, we need to help young people and young people need to come and be a part of the solution if you have no young people in your lives that don't look like you or are not your own.

That's one problem that I have with the faith community is that you have a lot of stuff going on in your groups, in your church. But it's just for your church. You don't see people that come in our courtrooms or my courtroom that look like the folk that we're seeing in your churches or in your neighborhoods. You might have two black neighbors. So, at some point, there has to be -- and behind that, though, is the underlying issue of money. Because when you have a 400-year head start on affirmative action -- because there is very well affirmative action going on. It's always gone on. But it's for white folk. And there's been a money push behind that. So you have to begin to take that into consideration that we could never catch up. We can't catch up with that. How do you catch up with Harvard and Yale? And look at Central, you know, compared to Carolina Law School. We're one of five HBCUs that have a law school in the nation. And we still struggle with keeping African-American men in this building because of testing and all that. So there has to be some intentionality that comes with money.

And that's where the rub is. That's why I say -- you know, when you talk about reimagining and re-inventing, when you get to the point where you talk about we're going to open up these systems and we're going to allow people to come in and what does that system look like and how you're going to help us -- that's going to cost money for us to catch up. Our kids are not being educated the way that they have to
be. And you can look at the resources they get in the inner city schools. This is not rocket science stuff. These are very human conditions. It's conditions of the heart -- will you help us to be free? And most people that I know who come into our courts, they don't require a 2000 square foot house to live in and three cars in a cul-de-sac neighborhood. They just want to survive. They want to eat every night and be able to have a job and be safe. Money is the new god. And people don't want to hear it. And at the end of the day, it's individuals who come together collectively to keep this thing going for 400 and some odd years.

JEREMY TRAVIS: Thank you, Dean. Marlon.

MARLON PETERSON: In response to Bobby Kennedy's thought that in 40 years we'll have a black president, James Baldwin had said that I'm less concerned about this, I'm less concerned about the time when we'll have a negro president, I'm more concerned with the type of country we will be when we have that president. And I bring that into the conversation because I think when we think about black citizenship -- definitely in the layered context -- one is be careful with that term because when you think of the political aspect, one, just citizen, you have to be a citizen to vote in the state, in elections. In this time and age, we know that citizenship is much more complex than that.

But I'm less concerned about race-based policy and more concerned to white backlash to race-based policy. And that's why I brought in the Baldwin quote. Because if you think -- like in Colorado, for example, where, you know, one of the first states to legalize marijuana, some of the people that they left out of that economy, which is a part of citizenship, were people who were formerly incarcerated. They left those folks out of that economy, to engage in that economy. And even still, you know, in many states where marijuana has now become legalized or is in the process of getting into that space, it's the same people who are criminalized more, right? So in Colorado, black folks are disproportionately arrested for possession and cultivation even of marijuana.

Think about that. I'm really concerned about what sort of protective barriers, mechanisms can be built in for race-based policies against white backlash. Because white backlash showed up and voted for Donald Trump, right? And as a result of that backlash, we look at the DOJ, they are in the process of rolling back a lot of these race-based policies that were implemented in the previous administration. And that's the history of this country, right, where -- I think you alluded to it yesterday, Ron -- when there's this very progressive opportunity, right after that progressive opportunity is a rollback, right? And that goes for many race-based policies, even Affirmative Action. That's just my observation about this conversation -- what sort of mechanisms can be built in against white backlash when we do have race-based policies? Because race-based policy is not a new thing.

JEREMY TRAVIS: Dasheika.

DASHEIKA RUFFIN: Thank you. I just wanted to go back to this notion of giving up something to achieve true black citizenship. Guys, we're asking for black citizenship
from an institution and systems that don't even see us as human. So that's never going to work. And so if that decision was left up solely to the people in this room, I think we would all gladly work ourselves out of a job, right? Right. So it's not just about asking for it. I'm under the guise that it's about demanding. So we have, we have these elections. So you talked about the electoral process. So we have these elections. And so, you know, each party, not just the Democratic Party, knows that black women are the backbone of the new voting base. So it's not just about getting certain people elected -- and that's great. It's about what happens after that. So we treat elected officials as these like mythical unicorns. We get them elected and it's just like okay, go represent us.

But there's no follow-up. There's no accountability. And so until we have that accountability piece factored into all the decision making -- whether it's elected officials or appointed officials -- we're not going to see the change that we want. So it's about the intentionality of who we're elected but also the accountability piece. Going back to Marlon's point about the built-in factor of the backlash. So that comes into the race-based policy also.

So that's being intentional about the policies that you're creating and actually having real conversations about what policies are being enacted. So I have to leave you guys early tonight so won't be here tonight -- but I have to go to Florida, where we have a ballot issue, Amendment 4, to restore voting rights of 1.4 million people living with felony records. Ask yourselves why is that even a law? Like why are we still fighting that right now in 2018 -- where we have this premise of once you pay your debt to society, your debt is paid, right? But having -- we label people.

There's this term -- formerly incarcerated. I hate that term. We don't have labels like if you went through bankruptcy, formerly bankruptcy or formerly in bankruptcy or formerly, you know, removed to society. It's creating those labels that continue on. There's no such statement like once your debt to society is paid, that we continue having this fight where individuals are continually living with policies that were put on them that they had no bearing on. So that's -- I'm rambling at this point. But being intentional about the policies we're adopting but also being surgically precise to include racial disparities in those policies. Same thing with marijuana possession. So there's a big push for bail reform and decriminalization of marijuana. So we know if we have these flat-out positions where marijuana now is a ticketable offense, so what happens where a police officer -- and I'm not saying all -- where a police officer is given discretion of whether to arrest or to provide a ticket? Who do you think is still getting arrested? Who do you think is getting the tickets? So having those conversations, keeping that in the background. Same thing with bail reform -- and, I'm sorry, I'm rambling because I could go on and on about this -- but bail reform, right now bail reform is very sexy on both sides. So you have conservative organizations that are talking about bail reform but they're talking about it in a different way. They're talking about risk assessment. Well, who do you think those risk assessments will affect? And so just being intentional about the policies we're adopting and the conversation so we're not increasing racial disparities.
JEREMY TRAVIS: Thanks, Dasheika. Leah, what have you heard that you want to, in a few short minutes, just give some reflections on, what you took in?

LEAH WRIGHT RIGUEUR: Sure. I took a lot in -- especially I think the point about equity versus equality. And thinking about -- and I think this is really, really important -- and I do want to re-stress actually Bruce's point about are we talking about something that is universal or Elizabeth's point about are we talking about something that has to be very deliberately race-based -- because this is rooted in a race problem, a problem that emerged out of racial exclusion. And I think it's really, really hard -- especially because of what -- I'm sorry, is it Dasheika?

DASHEIKA RUFFIN: Uh-huh.

LEAH WRIGHT RIGUEUR: -- what Dasheika just said-- which is that you're not -- realistically, right, we're talking about or what we imagine as radical transformation but we're talking about a country that has never been ready for radical transformation. And so in moments -- there have been moments -- and I mention in my paper one in particular where I think you see a nation that is on the verge of something massive and comprehensive -- the Kerner Commission Report, when it comes out in '68. If you haven't read it, I encourage you to read all 800 plus pages of it because it's something so different-- Ron, to your point -- something that says you cannot create or treat criminal justice without talking about economics, without talking about housing, without talking about reparation. The idea of talking about reparations in 1968 with a panel that's almost all white men, sitting there saying well, no, actually this is the root of the problem, right?

Which comes to this point -- and, Dean O'Neal, I wanted to ask you but I didn't want to butt in -- are you talking about reparations? Because that is actually something that is radically different, is something, you know -- there's that great Audre Lorde poem that everyone loves, which says you can't dismantle the master's house with the master's tools. And so I think that, you know, as we're trying to think through these things, we have to think in ways, we have to make a decision about are we thinking in ways that are calling for a radical overhaul, something that hasn't been done before? Because it hasn't been done. Kerry, to your point in the beginning, I wasn't saying that we hadn't made progress or that progress and surface-level issues aren't mutually exclusive, that they can actually coexist. But a lot of times what we're talking about is changing of influence.

I think in the last session, Derrick, you mentioned having a seat at the table as opposed to real power and real change. And what we have not seen is real power and real change. Just to kind of summarize -- because I think we're still kind of dancing around the same framework that we've always kind of danced around or used or employed -- still thinking that we can work through the federal level, we can work through Congress, we can work through grassroots, we can work through the church, that kind of thing. I think maybe another way of thinking about it is are we talking about survival mode, which is what do we need to do to see gradual and incremental change because that's the only thing that's going to move in an environment like this? Or
are we thinking of something much bigger, much more comprehensive, much more outward facing and restorative? And if so, if that's the vision, then how do you get to that point in a system that is not designed and has put up every imaginable barricade to prevent that from happening?

And I'll just bring it back to the point of -- two things. One, if you know the history of the Kerner Commission, you know that this report that comes out was shocking because they lay the blame at systemic, you know, inequality and white supremacy. They actually say that in the report. And what ends up happening, the president, Lyndon Johnson, says whoa, whoa, whoa, this is just too much. And, in fact, the only things that we're going to put into effect are some of the housing recommendations because those are already in the 1968 Civil Rights Act -- even though they're being watered down by the Kramer anti-riot provision. But we're also going to put into effect some of these criminal justice reform efforts, including increasing the amount of policing that goes on in these neighborhoods in urban environments -- which actually, we know, has draconian effect in the opposite direction.

So we have that, right, which is we have this really big moment and then not great things come from it. And then the other point is with something like reparations -- which really takes off in the 1970s, again is revived in the 1990s and 2000s -- what we actually find -- back to Dasheika's point -- there is an overwhelming amount of enthusiasm for reparations among communities of color. But among people in power, among white citizens almost universally -- we say do you believe in the concept of race -- not even the concept, I'm sorry -- do you think we should have a commission to study whether or not it is necessary to have race-based reparations? It's something like 96 percent believe no. If you change it -- going back to Bruce's point -- if you change it to universal terms though, if you say do you believe that people who historically have been wronged, institutionally excluded based on race, gender, or class, all of a sudden those numbers change. So it brings up I think problems that really we should be wrestling with, right? Which, you know -- again, to bring it back to this point -- are we talking about equity? Are we talking about equality? And then what are the kinds of solutions that feasibly can work in these various visions.

**JEREMY TRAVIS:** Thank you. We took a little extra time -- if you notice the agenda -- to start out our conversation and to let this discussion breathe because this is the foundation for the rest of the day. And thanks again to Leah and to others for giving us such a robust set of challenges and framings that will soon follow on with Monica's paper and Kerry's later in the day and then the Justice in Durham in the middle -- which will make it quite real. So thank you for getting us off to a great start.
CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA AT LARGE, to wit:

I, Michelle Maar, RDR, RMR, FCRR, certify that I was present on October 12, 2018, at The Square One Project's Roundtable of the Future of Justice Policy, held at North Carolina Central University School of Law, and did report by stenotype to the best of my ability under the specific conditions existing at the time of the proceeding and produced a transcript of the same.

Michelle Maar, Court Reporter

Notary Public #201628400102
My Commission expires October 4, 2021
Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 2: The Role of the Community: Witnesses, Victims, Perpetrators, Reintegrators, and Storytellers

At North Carolina Central University, Durham, North Carolina
October 12, 2018
9:00 a.m. to 5:00 p.m.
Reported by: Michelle Maar, RDR, RMR, FCRR
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute

Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University

Daryl Atkinson | Founder and Co-Director, Forward Justice

Dasheika Ruffin | Southern Regional Director, ACLU National Campaign for Smart Justice

Derrick Harkins | Senior Vice President for Innovation in Public Programs, Union Theological Seminary

Elaine O’Neal | Interim Dean, North Carolina Central University School of Law

Elizabeth Trosch | District Court Judge, 26th Judicial District, North Carolina

Heather Ann Thompson | Author; Cedric J. Robinson Professor of History and African American Studies, University of Michigan

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Jeremy Travis | Co-Founder, Square One Project; Executive Vice President of Criminal Justice, Laura and John Arnold Foundation; President Emeritus, John Jay College of Criminal Justice

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Leah Wright Rigueur | Professor of Public Policy, Harvard Kennedy School of Government

Lorraine Taylor | Executive Director, Juvenile Justice Institute, North Carolina Central University

Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group

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Ron Davis | Principal Consultant, 21CP Solutions

Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
PROCEEDINGS

JEREMY TRAVIS: Welcome back, everybody. The feedback that I'm getting from you is that the morning discussion -- thanks again to Leah for getting it started -- very rich, very fulsome, expansive, but still helps set the foundation for what we'll do for the rest of the day, tomorrow, and I think is very important for the work we did yesterday. So I'm quite energized by what you all are doing. It's really impressive and highly productive and valuable. And I hope at the end of the day tomorrow and the end of the day today, that you feel that our time together has challenged your thinking and also given us the language, a way of talking about going toward. So speaking of being given a language to talk about what we are wrestling with here, we want to ask Monica Bell, who is a Professor at Yale Law School, to give us a 10 minute summary of the paper that she's provided. And we'll take it from there.

MONICA BELL: So what I want to do with my 10 minutes, it will probably be less than 10, is to give a quick overview of the paper that I circulated and to tie in maybe a little bit with some of the conversation that we've had already in the hopes of generating some more conversation. So what my paper tries to do is to summarize a number of different modalities I've seen and that are talked about in the literature but also the activists, in terms of how community -- and I'm going to be specific maybe because of the context we're in -- how particularly African-American communities with a long history of marginalization in the criminal justice system or systems, how like modalities of engagement. And there are two axes that I present in my paper. One is focused on agency.

So we've heard the question of agency arise a lot in conversation. I think often because the criminal justice system serves as a coordinating system in the lives of many African-Americans and African-American communities, we don't talk enough about possibilities for agency and where those arise. So one axis is that one. The second is -- as I was developing the idea, the label changed a lot, but social respect is what I sort of settled on -- which is how outsiders I guess see the value of particular types of engagement. Let me be a little bit more specific. So the first modality I talk about is the modality of subordination -- so the idea that people who live in occupied, marginalized identities are subjected by the system. That's probably our main frame.

And I think that makes sense, right, because of the history that we've discussed pretty extensively thus far. But in terms of how individuals and communities interact with the system, that's not the whole story -- even though I think sometimes we pretend that it is. So a second modality that is more socially respected but still sort of a non-agentic type of interaction is consumption of the system. And I call it consumption of the system, to rely on the system, to call 911 -- we heard yesterday somebody talking about how people call 911 like crazy in low income communities. And I don't know if it's like crazy, but it's certainly a mode of engagement.

A lot of times in reform conversation, there's an assumption that there aren't those people who are calling the police -- not just because of violence, because violence is one thing -- but often even to sort of deal with other sorts of problems, you
know, for a lot of reasons. One thing to think about in the consumption framework is
how other systems suggest to people that they should be calling the police, right?
So how social services systems -- basically the entanglement of systems often drives
people to be consumers of the system. But I think a lot of times in our reform
context, we only think of privileged people as being those who would call the police.

The other two modalities are more, more focused on how people can engage more
tangentially with the system. One is resistance. So moments when people, on an
individual level, express their resilience through resisting the kind of, the
intensity of the system on their lives. And I think one of the challenges with
thinking about resistance as a modality in community engagement with the criminal
justice system is we're not actually sure if we want resistance. Part of the point of
criminal law I guess I should say is to bring people into law-abidingness. And one
of the issues with resistance is it sometimes entails not listening to authorities
and not abiding by the law in the traditional sense. And so one conversation,
particularly with law enforcement officials, et cetera, like if the goal is to have
people be more law abiding, then it's not clear where the space for resistance is.

So I think we need to have a serious conversation about how much we want people to be
resisting the system and how and what it all means. And the fourth and I think maybe
the most important in terms of moving our conversation forward is transformation. And
so in the paper, I kind of identified this as a collective source of engagement with
the system by and large. So, I mean, I think this brings us back to Jordan's question
about engaging young people. Well, one thing is that engaging young -- there has to
be collective action. It isn't just a number of individual actions. It's not just
resistance that's the possibility of transformation. The other idea I raise in the
paper, that might be somewhat provocative given some of the conversation that was
raised yesterday about the place of people who are, the role of diversification of
systems as a mode of transformation of systems.

One could argue that diversification of systems is important because it is often
communities of color that are most marginalized by aspects of the system. And so
maybe we just haven't had enough of a critical mass or something like that of people
within the system to transform it. But, of course, another way of thinking -- and
this is a point that Daryl raised yesterday -- we haven't seen that actually work.
And I love the point about how being a person of color does not dispose you to a
structural analysis. So in some settings I'm in, people want to talk a lot about
diversification as a way of transforming the system. In other settings -- you know,
according to the research, it's really not clear that diversification does a whole
lot. So I think that's a serious question to put on the table in terms of a mode of
community engagement. And then I'll finally close out with a number of broader points
of even engaging in a conversation about modalities. So first is I'm hoping that a
modality framework like this, that looks not at the roles people occupy in the
system, so not witnesses, defendants, you know, et cetera, et cetera, so not those
roles, but instead how people engage can make us, can move us away from a static
conception of community. So often we have these conversations about what the
community thinks about X and listening to communities. But it's not clear what that
means. It's not clear the specific ways the communities are interacting with the system.

One question moving forward is what practices are we going to adopt to make sure that the full spectrum of what communities think about and want and need from the criminal justice system are being heard. And not just relative elites, so not just kind of the minister of X church or the community leader and Y place but instead a broader conception. And so second -- this also, the goal is also to highlight the multiple and interlocking roles. So thinking about -- getting back to our very opening conversation that Dean O'Neal invited us to think about is like well, people occupy many different roles in this system all the time, constantly interacting with each other. And so to imagine the conception of community doesn't really take that into account. You know, we often talk all the time about the way people are both perpetrators and victims of violence at the same time.

That's another thing to really keep on the table and to use to inform our historical analysis. And then, finally, I wanted to think about this framework to help imagine a more forward thinking way of engaging communities in whatever we, in the reimagination of the justice project. So it's not good enough to say over and over again communities distrust the criminal justice system or communities are subordinated by police and the criminal justice system all the time. Where does that take us? I think if we try to envision ways to understand community in a more agentic way, in a way that is more kind of socially esteemed, then that would take us to a transformation framework and imagining not just possibilities for small scale sort of justice initiatives and things like that, but a broader scale, multiple types of transformative engagement. I'll stop there.

JEREMY TRAVIS: Thank you. Are there any clarifying questions that anybody has to pose to Monica? Things that might not have come across clearly? Not hearing any, the floor is open.

BRUCE WESTERN: I've got a tiny one. There's like a footnote in the paper, there's this implication in the discussion of resistance that the crime in some contexts has a political dimension.

MONICA BELL: Right.

BRUCE WESTERN: And that reminded me of the old 1970s criminology where there was that idea as well. Could you just say something about that in the context of resistance and sort of what was meant by that?

MONICA BELL: Yeah. Yeah. So I'm not saying this is the right way to understand -- but I think you could put maybe Poet's point together earlier with this point about crime and resistance and thinking about if you don't have other opportunities and there are ways in which survival can be achieved that are criminal -- so maybe, maybe it's like okay, I'm just trying to survive so I'm doing all I can to survive. But that is also, in some ways, a political statement about the lack of opportunity that people have had. And to be more specific, having a racial framework, I guess specific
people who have been routinely denied opportunities -- and people are aware of this. So it's not -- like I don't want to make it sound overly agentic. Like it's certainly structurally created. But there is a political dimension to that. And that's what I wanted to highlight in this framework. It's actually hard for us to deal within a context. We want to view people as not having a lot of agency and, therefore, they need to be served better or something.

JEREMY TRAVIS: Thanks. The floor is open for comments. Susan.

SUSAN GLISSON: I want to build on that conversation that you're having. Your paper really resonated with me -- which I told you yesterday. One of the ways it's making me think about resistance is -- even if it's not necessarily a conscious political act, right, if, as a community, people interested in reformation or transformation, starting to keep databases of patterns of the ways that people resist can be a comment upon where the gaps in the system are, right? There may not be a one size fits all -- one community may have figured out some economic stuff that another community hadn't even had a thought about.

So I like the sort of -- we use in our work this work by a psychologist -- emotional agility, she talks about our emotions are there to give us information about ways to move forward. And I'm sort of writing that on your paper, partly about the resistance piece, sort of what is the information that the resistance is giving us to help us make more specific and tailored and effective remedies. So I really, I really like that idea of yours. And I appreciate that.

JEREMY TRAVIS: Pastor Mike.

PASTOR MIKE MCBRIDE: I love your work. I saw you at Yale. I thought you were great. I'm curious about a couple things. You know, our work is largely about community organizing as a strategy for building community power to respond to structural inequality. And I do, I do wonder, as we tell the story of the crack epidemic years, where we really shrink and caricature the response of political and community and faith leaders, as if to suggest the only thing we were asking for were more cops. When, in reality, we were asking for a whole host of things. And as Michelle Alexander says, the only thing the black community usually gets an abundance of when we ask are cops and jails. When we ask for education, we ask for jobs, we ask for health services, there's never enough money. And part of our response has been perhaps what we lack when we ask those things is power.

And so what has been the role of our work is really investing in community organizing projects that are about building power among the most impacted, rather than advocates who have an aversion to institutional-based organizing efforts.

In the rise of say, you know, this current iteration of resistance, quote/unquote, it is a form of celebrity-driven, social-media based resistance that may not actually build institutional power to transform systems. It's like, you know, rather, you get access for one person and the whole rest of the community is left very much unengaged.
So I'm curious about that. And then, you know, the other piece that I was curious about is in our work, we often learn that there's a very thin line between a perpetrator and a victim, particularly in the community. Many of us enter the perpetrator's life long after they've been a victim. And they've never had the opportunity to be treated as a victim by the community. And so by the time they are seen, they are already labeled -- as my dear sister Dasheika says -- as a problem. And that label follows them throughout the whole navigation of the community and system. And they're never seen as someone who has actually been victimized. Most people we work with through our active firearm offenders have bullet holes in their bodies literally, right? But no one has ever attended to the wounds in their body, much less their spirit as a community.

I do think it's really important for us to keep imagining, as we talk about all of these different roles in our community, how do we slow some of the processes down so we can actually give people a chance to be held no matter where they are in this kind of cycle of victimization, perpetrator, healer, advocate -- that we're actually giving people a chance to be seen in the fulsomeness of their experience.

JEREMY TRAVIS: Bobby Brown.

ROBERT BROWN: In the last part of your paper, Monica, you were talking about transformative engagement. And one of the things you talked about in that section was diversifying the criminal justice profession, policing, and the need or the perceived need for a critical mass of more black officers in order for change to happen. And I think this is related to one of the questions we left on the table yesterday about diversity in policing and what does that mean, what do we know about non-white officers and such. It happens to be an area that I specialize in, the behavioral differences between black and white police officers.

Without a doubt, qualitative research, quantitative research has let us know that minority officers, non-white officers think differently than their white counterparts. They tend to be more pro community policing. They tend to be more pro community. They acknowledge, as police officers, that policing treats the poor differently, poor communities differently, citizens who are poor, non-white citizens differently. So we've definitely heard over the years voices from officers in blue who are not white that there are problems in policing. And that's pretty powerful. That's something we need to highlight more, we need to share more. When it comes to being black or blue, black officers are still telling us that there are problems. And they are trained. They are part of the culture.

But the research also shows us that there are behavioral differences, that we do have evidence of behavioral differences. And those behavioral differences are not always favorable to black citizens. The little bit of research that's out there shows that black officers, when a citizen encounters a police officer, they're more likely to be arrested by being a non-white citizen but that arrest, likelihood of that arrest significantly increases if the officer is black. And in talking about that, if you remember the film "Boyz n the Hood" and the infamous scene where Cuba Gooding, Jr.
was put on the hood of the car and was seriously abused, that was at the hands of a black officer. And that resonated with so many people because we have asked historically as a community for good policing. And we have known that good policing does not necessarily mean an officer who looks like us. Because someone who looks like you can still beat you, stop you, harass you, mistreat you.

And there's this complex relationship between the rhetoric, the philosophies of community policing, and how non-white officers are very much supportive of that. But when we talk about the coercive aspects of policing, non-white officers are just as much a part of that and might even be more likely to engage in overly coercive actions because those overly coercive actions are oftentimes triggered by feelings of disrespect. And black officers have to deal with the question of double marginality.

We had a conversation earlier this morning before we started about black female officers experiencing triple marginality. And when officers do not feel respected, regardless of their demographic characteristics, they respond by gaining respect from force. So I would love to hear some other thoughts about how diversity in policing may matter. And I think it's also relevant to, Jordan, the conversation that was had with you because we have to talk to young people about whether they should try to enter this profession. And everything that I talk about in policing, we can talk about in the role of black prosecutors, we can talk about in the role of black correctional officers, et cetera, et cetera, et cetera, and what is the future going to look like when it comes to encouraging people to enter those professions.

JEREMY TRAVIS: Daryl.

DARYL ATKINSON: I want to make sure that I put a little finer point on the point about diversity not necessarily translating to equity yesterday. I don't want folks to leave with the impression that it doesn't matter, that it's not important -- let me say it that way -- that we don't hire people of color and black folks in these various institutions. It's important. But it reminds me of the old law school adage -- it's necessary but not sufficient. It's not sufficient in itself to produce different outcomes when we're talking about institutions and structures. So I just wanted to make sure that folks didn't leave with the impression like we can just go hire white folks then because it just doesn't matter because it's going to produce the same. So I want to be clear on that.

The resistance conversation I found interesting, particularly in this -- you know, kind of building on Bruce's point -- I remember when I was inside, reading a lot of George Jackson. And part of, some of his theory that he was propounding is that criminality, the criminal act in itself, that choice to break the social compact, in some ways could be seen as resistance in itself -- even though folks may not be overly conscious of it. And one of his aims was to kind of flip that switch with people inside, to make sure that they didn't just stay there, that you got more politically, overtly politically evolved and sharpened. I know that's what happened for me during my prison experience. I'm curious, Monica, on -- you know, you talked about the witnesses, the victims, perpetrators, reintegrators, storytellers -- all of that lives in this one body.
You know, I was robbed at gunpoint, pistol-whipped, kidnapped, all of that stuff, never saw myself as a survivor. You know, I thought it just came with the drug trade and that's what I signed up for. But I'm curious if the modalities -- being that you have that fluidity with people and that they can occupy more than one identity -- are the modalities equally as fluid? Because when I look at the communities that I'm often in organizing, those communities are subordinate, they're consuming the system because they are calling 911 because they ain't got no one else to call. They're resisting in their own forms. So when police come knocking heads all the time -- you know, I'm reminded, we were doing this listening session. And, you know, I was talking about -- this was when LEAD had first come out. And we were talking about Law Enforcement Assisted Diversion. And we were in the community. And this grandmother stood up and said all of that sounds fine, whatever. She was like tell me how this is going to make my life better.

I am the caretaker of a 17 year-old and a 5 year-old. And I'm their caretaker because their mom is drug-addicted, in and out of prison. Dad long ago died because of his addiction. And she said I want a safe place to play for my 5 year-old, where she's not riding her bike, running over hypodermic needles and crack pipes, and the 17 year-old, I don't want him jacked up on the sidewalk every day when I send him to the corner market. Right? And to me it was emblematic of our -- you know, we're both over-policed and under-protected, right? And so yes, they are calling 911 because they ain't got no one else to call. And then they're trying to transform as well. So I was curious if the modalities are equally as fluid for communities, just like the roles are for people. And then lastly -- I'm kind of stacking these, sorry -- lastly, where do healing modalities come into play with regard to transformation, stuff like generative somatics, things of that nature.

We, in the formerly incarcerated community, we're starting to become much more aware that we have to engage in some self-healing to ultimately be more effective as leaders in this quest for liberation. Because all of the hurt and pain comes up and shows out. I remember, Vivian, when we were in Charlotte, and brother said it -- and it was like he smacked my face when he said it -- he said prison hurts you in the place you can't touch. And unless you go through some kind of healing process to try to deal with that and try to deal with the trauma that you incurred, you're not nearly going to be as effective at transforming the system. There's this leadership development program that I went through called BOLD. And the biggest take-away was if we want to transform the world, we've got to transform ourselves. There's no way you can transform the world if you haven't gone through self-transformation. So I'm curious about those healing modalities and how that can usher in transformation.

**JEREMY TRAVIS:** Thank you. I'm going to switch our script a little bit and ask Ron Davis just to hold his desire to get into the conversation. I've been struck by how many of the observations or questions or comments have been directed at Monica, really prompted by her paper. We didn't quite call them clarifying questions but that's really -- a lot of people are turning to you to say help me understand something. We usually wait until the end for you to react to what you've heard. It strikes me it would be really useful to, right now, ask you to process for us some of
the questions and observations that have been made here just briefly. And then we'll go back. And I think it would be constructive assistance that you can provide for us.

MONICA BELL: Yeah, I'll say a few quick things. Again, I don't want to make this so much about modalities and categories. The point is to generate a broader conversation about community relationships with the criminal justice system or systems. Specifically on -- so I'll kind of work backwards from what I have notes on thus far. With respect to where healing modalities fit, I think healing modalities to some degree -- so I was envisioning this transformation modality as being quite broad. And we often think about transformation in a narrow way. So it means using very specific types of community involvement. But I think healing is critical. And it's really critical I think for people who have been in prison. But it's also really critical for people who have not been in prison but who have been subordinated by the criminal justice system for a very long time. And I think -- so there are two flaws, though, that emerge sometimes when I'm having conversations about healing and trauma in the context of communities and the criminal justice system.

It often becomes too sort of individualized and therapeutic instead of structural. So one of the things I hoped would come out of a new framework is thinking how to make those, kind of dealing with the history in a structural way and thinking about community healing at a much larger policy and equal level. So using that framework for law is going to be critical to the process of transformation. With respect to other specific questions -- I won't take up too much time -- this issue about institutional power and slowing down processes, kind of taking into account the fullness of people's experience -- and this relates actually to the are the modalities fluid. Yeah, I think the whole point is fluidity. And the whole point is really making that fluidity clear.

I've heard often, increasingly often, you know, people talk about perpetrators and victims are the same person, yes. Lives in the same body, yes. And all these other things, witnesses, people who work in the system -- it's all the same people but we still use these kind of role terms. And so one of the things I want to do is highlight that fluidity as a way of thinking constructively about mobilization -- which relates to the final point, which is creating institutional power and the role of institutions to transform the systems. I think you're absolutely right that often, right now, the celebration of who is active in the community, it's not really tied to institutional power and change. One of the things I want to do with the structure is to delineate between resistance and transformation because resistance is very important. I tried to highlight that. But there's something that is more powerful -- coming back to the question of capacity and power -- there's something that's more powerful about creating and reimagining institutions to take real, kind of systemic account of what people are trying to individually achieve through projects of resistance. And so that's exactly what I'm trying to highlight. And I hope our conversation can be geared at the community in a capacity-building orientation, recognizing the harm that, you know, many, many years and centuries of subordination using the criminal justice system have done.
JEREMY TRAVIS: We had a truncated conversation yesterday on the uses of the concept of abolition as part of the current discussion. Either now or later, I would love to hear your thoughts on that. And the other thing I would love to hear your thoughts on now or later is this question you left us to ponder which is can we imagine the community as agentic, what does that mean, is that realistic. So let's continue our queue with Ron.

RON DAVIS: I think Dr. Brown would probably know this phrase -- we have a phrase in policing that culture eats policy for lunch. I want to add one -- culture eats diversity for dinner. So I think you're right in the sense that there's value in diversity. And I'm glad you clarified that because there is value. The greatest value is not one that's -- I think you need a critical mass to overcome the culture. You have to change the outset because the formal indoctrination process of the department will change the officer's color. And it's a constant theme -- we're all blue. At some point, you have to start realizing -- my colleagues say we're all blue, you just happen to be black. And I have to correct them, actually I'm black and I happen to wear blue. There's a distinct difference -- that I can stop wearing the blue but I can't stop being black. And that brings value to that. But it takes a critical mass to change that culture so they can push back -- and more than just entry. The real value of diversity is as it starts going up through the organization and starts contributing to the policies, the decisions, the programs, and the outcomes. And it's an amazing thing.

When I went to Ferguson, I sat with a bunch of chiefs from Ferguson to St. Louis County. And the amount of ignorance of racial issues was staggeringly high. There was no one in their chain of command to say you know what, Chief, just something to think about, I don't think bringing dogs out on a race riot is probably a good idea in 2014. You may want to go a different route. Pastor McBride was out there. And they were doing things that if they had at least one person of color to advise them, that they would have known better. Now, it could have been that they did know better but did it anyway. But there is some value to diversity. But I would say the greatest impact we're seeing with diversity is not racial, it's gender. That has had a measurable I think outcome in reducing misconduct and use of force. And so I would like to understand why that is more. I think intuitively we know why. But what does the evidence show. And then lastly -- you might have mentioned this -- I think that interplay between being a perpetrator and a victim really highlights the need to treat violence on the public health model. I turn to Andy Papachristos for the social network analysis and how this degree of separation in the social network of violence is that the person that's a victim today, if intervention is not provided, follow-up and healing is not provided, that person can be, out of survival, be a perpetrator the next day just to be able to survive because he has been shot. And so I think that's one of the things we're looking at at Square One -- how we fight violence is, how we decide to fight crime contributes greatly to some of the things you're talking about.

JEREMY TRAVIS: Thank you. Jordan.
JORDAN THOMAS: So just from the last few comments that were made, it got me to thinking about where does this resistance come from. And, Dr. Haynie -- you correct me if I'm wrong -- but the essence of social contract theory is that we give up certain rights and freedoms in exchange for protection from the government and that, you know, law enforcement, they're an extension of the government. They enforce the law. And so if we're giving up certain executive power to defend ourselves and our property and we rely on law enforcement for that protection -- but, yet, these are the same law enforcement, not all, but there are just enough that they send a message, that are beating us down, that are beating down the people that look like us -- then where is the trust?

And so like you were mentioning earlier, Dr. Brown, about how we have these black officers and how there's an even increased rate of their, leading to an arrest, then there's no trust. And you have the citizens that are already on edge because they're seeing them and the people that look like them get beat down, get shot down. And then you have the officers that have that in mind -- whether they're trigger happy or not. Now you have two people on edge in a tense situation. And with that mind, with those thoughts in mind and that psychology in place, then that only leads to a greater, you know, tense situation. And so my thing is when we're talking about the roles, the different roles that we serve in in our community, what factors the community plays, how do we build back that trust? With the social contract theory in mind, how do we build back that trust between the community and law enforcement?

JEREMY TRAVIS: Bruce and Vivian. And we'll start to wind up. Bruce.

BRUCE WESTERN: I want to sort of pick up a similar theme to Jordan but take a slightly different cut at it. As I listen to this discussion and read Monica's paper, I think you're sort of putting a new criterion on the table for us as we think about, as we think about policy and politics. And this sort of echoes Pastor Mike in some way. And that criterion is what are the consequences of policy for the capacity of communities for organizing, for collective action, for social solidarity? And we don't think about policies that way. And if you sort of run through the whole list of what is on the criminal justice reform table at the moment -- from LEAD to bail reform to problem solving in courts -- what are the consequences of all of those different things for social solidarity in the community, the capacity of the community to mobilize, the capacity of people to trust each other and to work together for shared goals.

I think we don't often bring that lens to public policy. And it suggests to me that there's some kind of virtuous circle here where organization can lead to policy can lead to organization. And the other thing you made me think of, and Daryl too, is that often the capacity of communities to organize and mobilize on their own behalf is compromised because all of the weight of social and economic disadvantage that the community is laboring under. And I'm not sure what we do with that.

But I think, at a minimum, it makes this criterion of social solidarity and mobilizing capacity of policy to be really important. We need to sort of elevate it as a, elevate it as a criterion. And in light of the morning's discussion, where we
were thinking about well, what kinds of public policy can be equalizing, you know, I think we're putting a different kind of criterion on the table and thinking about policy as having a mobilizing capacity. And just one last tiny thing -- I think one of the most powerfully mobilizing public policies in sort of our modern time has been Social Security. Elderly people are a potent political force in our community. And so much of that has to do with Social Security -- which is our biggest and most robust social policy intervention. And that, you know, so what would Social Security look like in the communities we care about?

JEREMY TRAVIS: Vivian.

VIVIAN NIXON: Yeah, I just want to connect some of the thoughts I've heard today with something Daryl mentioned yesterday. So, you know, we're having this conversation about the different roles people play and whether or not certain issues in the community should be addressed in certain systems. But I want to remind us what Daryl explained to us yesterday is that each of these systems within the community, the systems that make up education, health, housing, justice, even recreation systems are all replete with systemic racism. So stop referring us to systems that are just as racist as the justice system. It just doesn't work. Right?

And we need a kind of unified narrative that doesn't just tell the story of all the different roles we each play in our community but tells the story about how all of the systems -- justice systems, education systems, health systems, recreation systems, housing systems, employment systems -- do not serve us well. And the reasons they don't serve us well are because of the structural racism and patriarchy built into those systems. We need to develop a unified story where we can talk about all those things at the same time in a sustained way. I know, Jeremy, this is great that we're taking a whole, you know, a little over two full days to stall and have a conversation about race.

But you cannot get there in two and a half days or two days. A sustained conversation about structural racism and patriarchy is going to require an investment that is beyond this one roundtable. And I think we need to acknowledge that. Because if we think we're going to walk away from here tomorrow at 2:00 o'clock having solved structural racism, you know, we have drunk the Kool-aid.

JEREMY TRAVIS: Kerry asked to make a quick observation.

KERRY HAYNIE: A quick point -- to tie something you said yesterday, Bruce, or this morning to what you just said about Social Security and the success of a policy may be related to the universality you talked about earlier, I guess, a program that's universal, that ties those two things together.

JEREMY TRAVIS: Katharine and then I'll ask Monica for some final thoughts. Katharine.

KATHARINE HUFFMAN: Just a really brief follow on to Vivian's point. Just to state the obvious -- that takes us back to the conversation we had right before our break,
that this is -- not only are each of those systems replete with systemic racism, but they're all standing on that foundation. And until we really start to grapple with the protection of white centers of power, the protections that those centers of power have built for themselves, and figure out pathways in through individuals and also through some of the other ways that we can demand changes there, that we will not be able to deal with that.

RON DAVIS: If I could ask Vivian a question?

JEREMY TRAVIS: Yes, you may.

RON DAVIS: So I agree with you about the referrals. But I'm cautious of that. What I mean by that is I think we should make sure we don't have false expectations. But I still think you want to make the referral because you don't want mouses in your business. I have more of a damaging impact than a recreation role, than a mental health role. And so even as a part -- you talk about right now, the immediacy of it, the urgency of it, the survival part would suggest can we find a way to get the police out of business that we should not be in. Because we have the biggest hammer in all of the systems. If all you have is a hammer, everything looks like a nail. So although the other systems are flawed, let's not step away from the idea of getting me and my colleagues out of there because we're not the better solution. So this is -- unfortunately, you're 1000 percent right. But we may have to accept the lesser of all evils until we can build a new foundation. Because the harm that's being done by not even putting a band-aid on it right now is too devastating. It's just too crippling to ignore it. Does that make sense?

VIVIAN NIXON: Yeah, it makes sense. Thank you. I concede that point.

JEREMY TRAVIS: Monica.

MONICA BELL: Okay. So I'm just going to tie up with three points that I hope are somewhat responsive. So as to Vivian's point about all the systems interacting and needing a unified narrative for that, I 100 percent agree. So this paper focuses on multiple capacities of community engagement, not to lessen the powerful role the systems are playing in structuring all of those. But instead to think about the capacities of communities to, I guess, change and to react in a productive way in the context of those systems and to ultimately weaken whatever the unified narrative is of systemic racism and structural racism and patriarchy. So I hope that -- I think one of the things that often happens in a lot of conversations like this is we just focus only on systems. And the community, the community is this sort of amorphous, completely disempowered set of actors that never actually act and never actually have power in any specific way.

Anyway, I hope that we can develop a unified narrative of that sort. As you said, it's going to take a lot longer than two and a half days. Second, in reaction to, engaging with Bruce's point about the consequences of politics and organizing -- in some of the other work I do, I talk a lot about this concept of legal estrangement -- which is actually to try to reflect the way multiple systems interact in people's
lives and their sort of experience and knowledge about the way those systems are socially excluding them in multiple ways. And one of the arguments of that work is that we need to be thinking about inclusion and social solidarity as an outcome of what we do in policy and reform.

So I was trying to tether it to something specific. One of the concerns is often in conversations about criminal justice, the outcome variables of preference are law-abidingness, whether someone is going to cooperate, whether people trust, you know, how people, whether they trust the system or not. I don't think that's the right question. I mean, it's not, those aren't the only questions. I'm much more interested in thinking about law and policy as tools of building social solidarity. And then one of the things I am trying to push with this transformation idea is social solidarity also being social action. And so I think one of the things we in this room can do is be pushing lawmakers and legal interpreters to have a broader range of criteria that they take into account.

Finally, responding to Jeremy's point or question about abolition -- one thing I hope that Square One does, I think the conversation we're trying to have is to think about putting new sorts of systems in place. Abolition is a conversation that is really important I think for pushing the reimagination of the justice system. I think it's a really, really important conversation to have. At the same time, there has to be a lot of focus on thinking about what comes after -- if you were to, like what is the ideal I guess is the question. And a conversation about ideals, a really grounded conversation about ideals is important. It actually reminds me of Jordan's point about the social contract.

So one of the things that I find troubling sometimes when I'm in conversation with people who identify pretty strongly as abolitionist is, it's like well, this system has never been set up for us. It's like so is the alternative a system or a situation in which government doesn't respond when, it doesn't provide the set of goods that people are entitled to because they bought into the social contract in some sort of broad way? Are we going to have inequality? Are we going to say okay, well, white people get police and then like black people just don't get anything. And what are the alternatives.

I think in our conversation of pushing past abolition framework -- part of the abolition framework or part of any of our reform framework has to be what are we all entitled to as citizens or as community members. And so that's why I haven't fully signed onto that project because I think the conversation is (inaudible).

**JEREMY TRAVIS:** Thank you.
CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA AT LARGE, to wit:

I, Michelle Maar, RDR, RMR, FCRR, certify that I was present on October 12, 2018, at The Square One Project's Roundtable of the Future of Justice Policy, held at North Carolina Central University School of Law, and did report by stenotype to the best of my ability under the specific conditions existing at the time of the proceeding and produced a transcript of the same.

Michelle Maar, Court Reporter

Notary Public #201628400102
My Commission expires October 4, 2021
Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 2: Justice in Durham

At North Carolina Central University, Durham, North Carolina
October 12, 2018
9:00 a.m. to 5:00 p.m.
Reported by: Michelle Maar, RDR, RMR, FCRR
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute
Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University
Daryl Atkinson | Founder and Co-Director, Forward Justice
Dasheika Ruffin | Southern Regional Director, ACLU National Campaign for Smart Justice
Derrick Harkins | Senior Vice President for Innovation in Public Programs, Union Theological Seminary
Elaine O’Neal | Interim Dean, North Carolina Central University School of Law
Elizabeth Trosch | District Court Judge, 26th Judicial District, North Carolina
Heather Ann Thompson | Author; Cedric J. Robinson Professor of History and African American Studies, University of Michigan
Jared Pone | JD Candidate, North Carolina Central University School of Law, Class of 2020
Jeremy Travis | Co-Founder, Square One Project; Executive Vice President of Criminal Justice, Laura and John Arnold Foundation; President Emeritus, John Jay College of Criminal Justice
John Choi | County Attorney, Ramsey County, Minnesota
Jordan Thomas | BA Candidate, Political Science with a Concentration in Theory and Pre-law, Accelerated JD Track, North Carolina Central University, Class of 2021
Katharine Huffman | Executive Director, Square One Project, Justice Lab, Columbia University; Founding Principal, The Raben Group, LLC
Kerry Haynie | Director, Center for the Study of Race, Ethnicity, and Gender; Associate Professor of Political Science and African & African American Studies, Duke University
Leah Wright Rigueur | Professor of Public Policy, Harvard Kennedy School of Government
Lorraine Taylor | Executive Director, Juvenile Justice Institute, North Carolina Central University
Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group
Michael Finley | Chief of Strategy and Implementation, W. Haywood Burns Institute
Michael McBride | National Director, Urban Strategies/ LIVE FREE Campaign
Monica Bell | Associate Professor of Law, Yale Law School
Nancy La Vigne | Vice President for Justice Policy, The Urban Institute
Robert Brown | Associate Professor and Chair of the Criminal Justice Department, North Carolina Central University
Ron Davis | Principal Consultant, 21CP Solutions
Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
It's just been a spectacular opportunity for us to feel like the discussion we're having is grounded in the university, grounded in HBCU, grounded in the work that you're doing here in Durham. And it's a perfect marriage for us to have this time together. So what is the Square One Project? It's hard to have the proverbial elevator speech for what the Square One project is but I'm going to try my best. Square One Project represents a three-year effort -- we hope will extend beyond three years -- to bring together people from different perspectives, whether academic or community organizing or working in different policy organizations or practitioners, are willing to work together to reimagine justice.

That's our tagline. Our tagline is reimagine justice. Or the one that we've given it since we've been here is #we don't tinker. We're not looking only to fix the current system -- because we think the current system is inherently flawed, damaging, and infused with the nation's history of dealing imperfectly with issues of race. So the Square One Project starts with that big idea -- which is we would like to work on behalf of our country, on behalf of the communities and participants represented around the table to reimagine justice. So how are we going to do that?

We have two methodologies underway. One is an executive session. If you know that format, it comes out of the Kennedy School of Harvard. It's a three-year, closed-door discussion with about two dozen plus people who are working at a pretty deep level of developing new ideas that are then published in papers and hopefully are transformative. That's the hope. And my colleague in this work, Bruce Western -- who has just come to Columbia from the Kennedy School and has facilitated a number of executive sessions, I have been part of some myself -- when we started, when we sat down and thought about the Square One Project and we thought oh, executive session, we know how to do that, we immediately said yes -- but we need something much bigger than that. Because the goal is to be transformative not just informative. It's to really help change people's ways of thinking about what is possible. So we have now married an executive session with a roundtable. Roundtable, as you see, is an outward-facing, public-engaging, now twitter-friendly process of taking on some of the issues that are consistent with our ambition of reimagining justice.

We have identified a number of hurdles that we think have to be grappled with in order for us to do the work of reimagining justice. And depending on how you count, there are three or four. The first one we're talking about today is the legacy of slavery and race and white supremacy in our country as it impacts our ability to think creatively about different ways to respond when something goes wrong, that thing that we call a crime, and reimage ways that would respond that are healing, respecting the dignity of all involved, that are diagnostic in the sense of trying to figure out why did this happen, and that use state power sparingly. So we have to get through the legacy of slavery -- not through it, we can never get through it -- but we have to come to grips with it. That's what we're doing these three days. We also recognize we have to take on the issue of poverty and the ways in which the communities that are of concern to us are also struggling with poverty and services that don't work. We also want to take on the issue of violence. That will be one of
our roundtables we'll come to at some point when we have worked out our schedule. And we also recognize that we need to come to grips with the inadequacies of our current legal construct. We created a system to respond to crime called the criminal justice system that is both inadequate and damaging.

Another way of talking about this is we have, we live in an era of punitive excess -- when we punish too much, too hard, and disproportionately to whatever was the harm caused. So those four big issues we want to take on over the next three years, think about them, bring people together, write about them, and engage a wider and wider community to help reimagine justice. The final thing I'll say before turning it over to Daryl is that we do this, recognizing this is the time in our nation's history when this idea actually has legs, as they say. We're not alone. There are a lot of people around the country who are doing similar work. We want to reconnect with them. Some of them are around this table. We know also that there's a robust criminal justice reform movement underway that operates at all levels of policymaking and at the sort of ground troop level, community level.

There's also a very robust movement that is challenging the basic assumptions of what we have constructed. So this seems to be the right time to do this work. And that's why Bruce and I and Katharine Huffman, who the Executive Director of the Square One Project -- and our team with Sukyi and Anamika, the two of them are helping us with this project. So as we move the roundtable around the country, we're trying for the first time to think about what we're about to do -- which is to look out beyond our roles and you people who are doing the hard work, you're about to do really hard work, and hoping that we can learn from what is happening here in Durham. So that's who we are. That's why we're here. And we're delighted to have you here. And I'm particularly delighted to turn the floor, microphone, whatever it is, over to Daryl.

DARYL ATKINSON: Thanks, Jeremy. You know, when I was privileged enough to be part of the executive session, when they announced that the first roundtable was coming to Durham, I lobbied pretty aggressively for this session to happen -- because I was cognizant of the conditions that currently exist right now in Durham and conditions that many of you around the table have been working for for a long time. I'm looking at Judge O'Neal and Judge Hudson and I don't know whether to call you Judge Morey or Legislator or Representative Morey. I don't know which one. But I know you all have been working on this stuff for a long time. And we currently have conditions in place where the key institutional stakeholders that run the various components that really kind of drive mass criminalization, those stakeholders are thinking about doing stuff radically different. And so we've been having a conversation for the last day and a half about some really heavy, raw, theoretical concepts.

Now, how do we operationalize that on the ground? How do we make starting anew from Square One a reality with stakeholders who have an appetite for reform, who have an appetite right now for innovation and experimentation? How do we make Square One a reality? That's the container that I hope to create. In no way, shape, or form am I, you know, in any way some expert on what justice in Durham is going to look like. We're going to kind of co-create that together.
And we've got various components here from law enforcement, from judiciary, from the prosecutor's office, as well as political components that helped create the conditions that we now have with, you know, a pretty progressive mayor and city council, as well as these various components in our system, our criminal justice system. I'm going to go quickly down our list -- so our people who may not know you all as well as I do, they can get to know you a little bit better -- name, rank, serial number. And then we'll probably get into some more in-depth about the work that's currently been happening and how Durham has stood out as a progressive beacon of reform in the state of North Carolina. And then I hope that we can then transition, based on the foundation that has been built, what do we want to do now?

You know, I was talking to Alyson Grine -- who I know from cutting my teeth at IDS in the Indigent Defense world, I'm a recovering public defender -- and knowing her and the work that she did in that realm and now she's going to be joining the leadership -- we were talking about like wow, the table is set. The things that we talked about eight, six years ago, we now really have the opportunity to do. And so I hope the next part of that conversation, we can then talk about what does operationalizing Square One look like? How can we then take these steps towards radical transformation? Because we do not tinker, hash tag we do not tinker. I'm just going to go down the participant list and if folks could introduce themselves. And then we'll proceed forward. Judge Maris.

**AMANDA MARIS:** Hi, everybody. Good afternoon. I want to thank the Square One Project for inviting me. I'm very honored to be here. And I think this a laudable and overdue effort. I am one of your judges. I'm your newest judge here in Durham. I've been a judge since I was appointed by the governor last year to fill the vacant seat of now Representative Morey. So I'm just happy to be here among you and to listen. Thank you.

**DARYL ATKINSON:** Captain Addison.

**DAVID ADDISON:** Good afternoon, everyone. My name is David Addison. I'm also a graduate of the North Carolina Central University School of Law. I've been a captain with the Durham City Police Department for over 20 years, so I'm invested in this community.

**DARYL ATKINSON:** Magan Gonzales-Smith.

**MAGAN GONZALES-SMITH:** Hi, everyone. I'm Magan Gonzales-Smith. I'm co-President of Durham People's Alliance, which is a grassroots political activism and advocacy group in Durham. It's about 42 years old. I'm also a co-founder of a new organization in Durham, the Durham Public Schools Foundation, working on more equitable outcomes for our public school students in Durham.

**DARYL ATKINSON:** Thank you. Marcia Morey.

**MARCIA MOREY:** Welcome to Durham, everyone. And thank you so much for this. This is great. I was a District Court judge for 18 years, Assistant DA in Juvenile Law here in Durham, and left the bench to now become known as the Lady from Durham -- who
has to beg to speak. So I'm in the State House, brand new -- but it's great to be here.

DARYL ATKINSON: Marion Johnson.

MARION JOHNSON: Hi, everyone. I'm Marion Johnson. I am a consultant for Frontline Solutions, which is a black-owned social justice consulting firm. I'm also co-President with Magan of the Durham People's Alliance and recently -- really excited about this -- recently appointed to Durham's new Participatory Budgeting Steering Committee. And I'm very excited to be here and to learn from you all.

DARYL ATKINSON: Omar Beasley.

OMAR BEASLEY: Good afternoon, everyone. I'm Omar Beasley. I'm the Chairman of the Durham Committee on the Affairs of Black People. And I'm going to go ahead and throw a bulls eye on my back now -- I'm a bail bondsman, been a bail bondsman here in this community for over 27 years. And I'm happy to be here. And thank you for inviting me. It's the first opportunity to be at a conversation like this from the field I sit in.

DARYL ATKINSON: I appreciate that Omar. And what Omar modeled is something that I want us all to embrace -- lean into discomfort. So I appreciate you modeling that for us, Omar. Mr. Orlando Hudson.

ORLANDO HUDSON: Yes, I'm Judge Hudson. I'm the Senior Resident Superior Court Judge in Durham, been a judge for 34 years. I'm a recovering public defender, a recovering prosecutor, a recovering district court judge. I can't wait for Prosecutor Deberry to come in with some new plans. We're going to try to work with you, Omar. There are going to be some real changes in Durham.

DARYL ATKINSON: Thank you for that, Judge. Peggy Nicholson.

PEGGY NICHOLSON: I'm Peggy. I'm one of the co-Directors of the Youth Justice Project, which is part of the Southern Coalition for Social Justice based here in Durham. The Youth Justice Project works on a lot of issues impacting youth, including the School to Prison Pipeline and the criminalization of young people by our education and criminal systems.

DARYL ATKINSON: Ms. Satana Deberry.

SATANA DEBERRY: I'm Satana Deberry. I'm a candidate for District Attorney in Durham County. Actually I'm the only candidate right now for district attorney.

DARYL ATKINSON: Care to predict the outcome?

SATANA DEBERRY: As my grandma would say -- the good lord willing and the creek don't rise.
DARYL ATKINSON: Mr. Scott Holmes, Professor Holmes.

SCOTT HOLMES: Well, Scott, please. I'm Scott Holmes. I'm a local lawyer, Quaker, unofficial troublemaker in Durham. And I have -- my concerns are with poor folks, people of color, protestors. I defend lots of protestors. And I've just been in the community a long time working on these issues. I'm glad to be a part of the conversation.

DARYL ATKINSON: Judge O'Neal, I know folks have heard from you. But it would feel improper to have a discussion about Durham and justice and not give you words.

ELAINE O'NEAL: Welcome to Durham, everybody.

DARYL ATKINSON: So I'm going to point out at least a couple of benchmarks that, for me, indicate some of the conditions that we're talking about and the time that it took us to get to this point. So Durham was the first city to ban the box in the State of North Carolina in 2010. We were probably the first city to institute mandatory written consent. And that happened about 2013, 2014. And that requires police officers, when they're asking for consent to search, they have to give a written form for people to sign away their constitutional rights. Judge Morey, through her advocacy, started the Misdemeanor Diversion Project -- because North Carolina was one of the outliers in the country in continuing to prosecute 16 and 17 year-olds, children, as adults. And to interrupt that, we started the Misdemeanor Diversion Project to try to relieve that burden on folks.

And I'm sure there are many other things that we could point to, but I'm just naming a few. And now we're on the cusp of electing a reform-minded district attorney, as well as a reform-minded sheriff. So in many ways, what we've been doing in the advocacy we've been doing both internally -- because I know advocacy happens both inside the system and outside the system -- have set the conditions for what we have right now, to engage in some experimentation and to begin to think about doing something radically different. I'll pause right there for any other important benchmarks that we may need to put on the table for folks who aren't from Durham, that point to areas of progressive reform that we've been working towards for a long time. And I'm asking my Durham co-conspirators to interject -- things that I might have left out that point to why Durham is the absolute place, the right place to begin experimentation at the local level.

SCOTT HOLMES: Folks around the table have worked on some of these things, so I feel weird being, to note them. But another thing that happened was that we started -- there was a time when we were citing panhandlers to court and to jail. And Judge Morey redirected the efforts to prosecute poor people for begging toward a Community Life Court. And that evolved into a traffic ticket forgiveness program that also has assisted folks. So there was a concern in our District Courts for criminalization of poverty. And the judges around the table and the prosecutor who is currently there began small and have moved that progressively bigger to try to help both with traffic tickets and things like, you know, impeding traffic, solicitation, begging, and that
sort of thing. So there have been some efforts to reduce the criminalization of poverty in our courts.

**DARYL ATKINSON:** Yes, sir.

**KERRY HAYNIE:** I'm struggling now to remember the name of a program that I encountered last spring, a program that helped folks who were incarcerated, once they leave, be connected to services that would help them stay out of jail and get back into the community. I forget the name of the program. It was folks downtown who are innovating in that regard.

**SCOTT HOLMES:** The Criminal Justice Resource Center downtown worked in coalition with the Religious Coalition for Nonviolent Durham, to create circles of support for people coming out of prison. And they have volunteer churches that create faith teams which are groups of people who volunteer to journey with people coming out of prison in order to help with the re-entry process. One of the things that I helped start was kind of an advanced version of that called COSA, Circles of Support and Accountability for sex offenders.

What we did in that program was identify the folks who were the highest risk of repeat offense and have specialty trained volunteers to form a circle around them and then have an outer circle with professionals, probation officers, psychiatrists, and that sort of, a lawyer. And what we learned about that was that that reduced the risk of recidivism by 70 percent. We learned that from a Canadian model, where they implemented those circles of support for sex offenders.

And so Durham is a leader in circles of support for people coming out of prison, both through the faith team program and the Circles of Support and Accountability that's in coalition between the Religious Coalition for Nonviolent Durham and the Criminal Justice Resource Center.

**DARYL ATKINSON:** I appreciate you, Scott, bringing the Religious Coalition for Nonviolent Durham into the space. Because they've been working on restorative justice kind of models and practices. I remember even before we had any formal restorative justice programs, one of the most powerful moments in court was in Judge O'Neal's court. It was that really, really horrific case where someone was driving drunk and had killed someone on I-40. And those two families had come together. No prison time -- and they came to this agreement themselves through the help of stakeholders. But it was a remarkable moment to see restorative justice in practice. Judge O'Neal, I don't know if you have any reflections about that particular case or that day and how we can maybe operationalize that to scale.

**ELAINE O'NEAL:** I think restorative justice is one of those areas that we've had a footprint in Durham. Right before I left the bench, I took the first felony plea as a part of restorative justice in Durham County. And, basically, the work for me was really easy. It was a standard plea. It was the things that had happened beforehand that made it unique, where you had the Religious Coalition coming together, along with the victim and the defendant. And they came up with a plan of action, he still
went on probation. But a lot of it centered around restoring the community and making sure that the community felt safe and, most importantly, the child -- it was a child victim. That child was given an opportunity to sit down with the young man. And they had dinner. He brought gifts. It was just a wonderful time. And for the young man, he was held accountable, but there was also that healing element for him as a defendant. So restorative justice is one of the places that I think that if we can operationalize that on a wider scale, that it definitely has ramifications, good ramifications, around re-inventing what justice looks like.

SCOTT HOLMES: And I've been working with restorative justice, I teach it here at Central. But we've also been working with Marcia Owen and the Religious Coalition for about five years to try to bring restorative justice to Durham and implement it in the courts. If the question is how you reimagine justice that's a good place to begin. Because instead of a hammer and nail, crime and punishment, guilt and sentence, restorative justice first asks the question who has been harmed. And that's not the question the criminal justice system first asks -- it's who done it. But if you ask the question who has been harmed and then you ask how do we heal that harm and that's how you define what a crime is, then many of the things that we're putting people in jail for are not crimes. They're failures of our mental health system. They're failures of our employment system. They're failures of our education system.

But the first question is who has been harmed and how do we help. And the second question goes to the person who caused the harm and it's why did you do it and can you accept responsibility and be accountable to the person you harmed. And then the third question is how do we get the community members, the stakeholders who have also been harmed by this, involved in the process that resolves the conflict -- so the conflict stays in the hands of the people who are most directly impacted by it and it's not taken over by the state. And the way that looks in practice are circle processes -- a pre-conference meeting with the person who has been harmed to ask them how they've been harmed by a facilitator. A meeting with the person who caused the harm separately to figure out how they can be held accountable and why they did it. Meeting with community members in pre-conferencing to figure out how they've been impacted and how they might be willing to help these folks.

And, finally, a circle process that brings all those people together to, in a guided facilitation, address how the harm occurred, how it could be healed, how the person can be accountable, and how the community can participate in that accountability. And then an agreement that comes out of that that, then, people can follow up on and then take to a court. And that process of reimagining both the process of crime and the outcomes as built around the idea that we're interrelated, that no one is dispensable, that nobody can be kicked out of our community, and that the goal of the criminal justice system is not to identify who done it and put them in prison, but is to empower the people who have been harmed by that to have a process in which they can heal that harm in the community.

MARION JOHNSON: I would like to, I would like to jump in and say the questions that you say we should be asking I think are really crucial questions -- who has been harmed, why did you do it, and will you be held accountable for it. But I don't
believe the criminal justice system has any incentives to be asking those questions first. I think we're operating in a capitalist structure that really incentivizes punishment. And that's especially true when we have systems like we have in North Carolina, where we keep on, the state government keeps on cutting taxes to the point that instead of getting all of our funding in Durham from taxes, we're getting it from fines, fees, and punishment. So doing things that seem completely neutral, like cutting taxes, is actually falling disproportionately hard on people who are already involved in the criminal justice system anyway. And it's disproportionately black and brown people. And so these completely neutral-seeming policies that don't seem connected to everyday people at all and don't seem connected to the criminal justice system are actually having direct and really harmful effects on us. And it's making it hard for the system to ask the questions that need to be asked.

DARYL ATKINSON: Thank you for bringing that in, Marion. I want to get Judge Hudson in the conversation because most recently, maybe a year or two ago, the General Assembly passed a law that required both Superior and District Court judges to make written findings of when they wanted to waive or remit fees, right, to almost create a chilling effect so you don't waive or remit fees because we are using poor people as a regressive tax to fund the courts. In your position on the bench, has that proven to be true? Has it created a chilling effect for judges to actually remit fees and not really assess people's ability to pay?

ORLANDO HUDSON: Well, it creates a chilling effect for people who believe it's constitutional. But most of us don't believe it's constitutional and we don't do it. So the next step is what kind of punishment are they going to impose on judges who fail to follow it? And there could be some punishment. I don't know. The republican-led legislature, they could come up with any kind of ideas to do this. Make it a criminal offense?

ELIZABETH TROSCH: Well, can I just chime in there for a second? I think the punishment we've seen just is what happened in Wake County and Mecklenburg County -- we'll just redistrict you if we're dissatisfied with your refusal to abide by our legislation that requires you to collect money from poor people to go into the general fund. But I think, but I agree with Judge Hudson that I haven't seen -- I think that actually across the state and it's clear in our conferences that this is not having a chilling effect on exercising our constitutional responsibility to determine the ability to pay, to not impose costs and fines that people cannot afford, and to not jail people as a result of their inability to pay as some kind of punishment.

DARYL ATKINSON: Judge Morey, I saw you chomping at the bit, ready to get in.

MARCIA MOREY: Now I'm part of the other side. And, Daryl, you're right -- and this is -- things are systematic. If you look at the history with these fines and fees -- first, we could do it, we could waive it. All you did is waive the costs if you found just cause. And then you had to write for just cause. And then the AOC started keeping a scorecard or a shame card on judges. And it would give the percent -- Judge Morey waived, you know, 82 percent of all costs and fines. You know, some
judge in some other county waived 15 percent. And then the most recent law, which was passed last year, you had to give notice to every governmental agency that would be affected if you waived a traffic cost or a fine to the school board. There's like 180 some entities in the state you have to give notice and letter that you're thinking about waiving a fine or a fee before you do it. It's a train wreck. So I think judges, chief judges have written administrative orders to get around it. But there is real animus in our General Assembly towards our court system, the redistricting, the judicial constitutional amendment coming on. And we have to repair that and allow local communities, judges to have discretion -- which is what being a judge is all about.

JEREMY TRAVIS: Can I just ask if someone is drafting a constitutional challenge to --

SCOTT HOLMES: Yeah, I've already challenged it. But the challenge is actually interesting and kind of connects it to education. Because under our North Carolina Constitution, any money that is a penalty is supposed to go to the schools. But if you look at our court cost statute, it's sending the money to things like the Sheriffs Retirement Fund and technology in court and that sort of thing. And so once we get a hearing on it -- which we've had a challenge getting it in front of a court -- but the constitution is pretty clear that all of the court cost money and these fines money that are currently supporting and paying for our court system on the backs of poor people, that money is actually supposed to go to schools. And it's then supposed to separately fund our courts -- not on the backs of poor people who are brought to court.

DARYL ATKINSON: I want to bring Magan into the conversation. And, particularly, I was struck by something Judge Morey said, that she had an 80 percent waiver rate. And I want to talk about some of PAs' work in helping educate the community, to where that 80 percent waiver rate isn't a shield, it's a sword, right -- where you can actually go to the community and say judges like Judge Morey are not extracting wealth from poor and black and brown communities, through community education, to then empower folks to make different electoral choices.

MAGAN GONZALES-SMITH: Yes, exactly. So that is exactly one of the conversations we are having in PA right now -- as a grassroots community group, how do we do exactly that, how can we be educating a community and lifting up our judges that waive fines and fees as something that we celebrate and use that to build public support for them. And also to educate the community about what this means, what are these fines and fees, how are they disproportionately affecting people of color, people in poverty in our community, and where are we seeing our judges use their discretion in a way that we really want to celebrate. So it's really one of our top priorities in PA right now, one of the things we're talking about and talking with other organizations in the community that we partner with. We have our really first event very targeted on this conversation next week. So Representative Morey will be there, our DA-elect will be there, talking, beginning to educate the community about what this means. But it's certainly something that we want to be in an ongoing conversation with the folks around this table about how we can educate and build
really grassroots support among voters and use this as a way to build support for our judges for doing this.

DARYL ATKINSON: And, Judge Maris, you've been doing some work around trying to address the fee and fine situation from a different posture. Because very often, people will get a relatively benign driving without a seat belt, they fall into the driving while license suspended, driving while license revoked spiral, right? And in a jurisdiction like this that doesn't have good transportation, your ability to drive is a lifeline. Can you talk a little bit about some of the work that you're pioneering in trying to help restore people's ability to drive so they can access opportunities?

AMANDA MARIS: All right. Thanks, Daryl. So, first of all, as a judge, our roles are very specific in what we can do. And so what I have done since January is convened stakeholders in this community that are invested in issues that have to do with driver's license restoration, that have to do with expunction access, and certificates of relief. I think the fundamental question that everybody is talking about here -- and I'm sure you've been talking about the past day and a half that I missed -- is if you don't understand the system to be inherently flawed, if you don't understand -- I'm going to step back just a little bit. If you don't understand that we have, next year, the 200-year anniversary of our Supreme Court -- yet 200 years ago, there was only one among us that was considered a full citizen. And that is the system that we are still operating in today. And so what are we celebrating next year? And where have we come from?

And so all of these questions that are being talked about -- and there are a few other really compelling projects that have happened in Durham that haven't been mentioned yet -- like Mental Health Court and CJRC, the Criminal Justice Resource Center, just this week got a huge grant to expand re-entry services around mental health. And Bull City United, which deals with empowering people in the community to be violence interrupters, to anticipate gang violence. And instead of having law enforcement involved in that component, the violence interrupters go and meet with people and say before you retaliate, can we work out a truce?

There are so many very compelling innovative things happening in Durham. So that brings me to your question, Daryl -- which is last year, before I convened parties, the DA's Office was working with North Carolina. So as a judge, we receive cases that come before us. We cannot say that we would blanketly remit costs for every case. That would be improper. We cannot say that we would give a certain ruling on any case. That would be improper. What we can say is that we will evaluate every motion before us -- if it is a motion to remit fees -- based on what the laws allows, rests in the constitution, rests in Bearden vs. Georgia, that says we have to consider ability to pay an imposition of fine. And so with respect to driver's licenses, I don't think it takes much thought to realize if you don't have access to a driver's license, you don't have access to the fundamental things in life.

In a place like North Carolina, we've had problems with mass transit, you will have access with employment. And we are talking about not just one individual, but all
their loved ones that rely on them for income, their families. We're talking about perpetuating generational poverty. And so the driver's license itself is symbolic. And inherent to this issue is how do we see people and how does the justice system treat people in the system? Do we strictly construe the law in the sentencing fashion? Or do we construe the law in the constitutional sense to empower everyone to have equal access to the system? So we convened parties in January to look at how could we come up with a court referral program to identify parties who are eligible for expunctions and certificates of relief and also to provide driver's license restoration mechanisms. We have been meeting since January. This program will be launching in Durham with financial support of the City of Durham. It will be called the Durham Expunction Restoration Program.

And we will be, for the first time in the state, finding people in the courtroom, when they are eligible, their charges dismissed, and sending them to the office to be processed, to have their expunctions processed. And there will also be initiatives to bring immense motions to remit monies to all judges to hear on a case by case basis and to try and get people back on equal footing in a system that did not start out on equal footing. And until we start taking innovative measures to address that, in my opinion, we are not the justice system.

What is the justice system? We have in Durham right now over 14,000 people who don't have a license. And that is due to failure to pay a fine. And I believe that the figures were at least over 60 percent were African-Americans. And so when you start talking about that and you start looking at those figures and the statistics, you know why you've got to start taking innovative measures. That's what we're trying to do. We're trying to create a program that will be in place. It's the product of multiple partners. It's a product of partners here at NCCU Law School. It's a product of partners at Duke Law School. It is a product of Equal Access to Justice Commission. It's a product of working with community partners we are still developing, potentially with All of Us or None, which Daryl is a part of, and For Justice. There are countless other partners. But this is what we're trying to do -- is say justice doesn't stop. When your case ends, it doesn't stop in this courthouse. When the courtroom doors close, we've got to bring you access to relief that removes the stain and gets you back to work and equals the playing field.

DARYL ATKINSON: Thank you, Judge Maris. So for the folks who aren't Durhamites, you've gotten a taste of the milieu of innovations that's happening in the jurisdiction. I want to kind of pivot now to -- that's what we've done -- what do we want to do? If you had no restrictions, right, if we had the ability to do whatever we wanted to do, what would that be? Would we end money bail? Would we rapidly, radically expand diversion? 85 percent of the case types that come into District Court, misdemeanors and traffic. You factor in the bottom two felony classes, you're at 94 percent of the case types. If we took all of that noise out of the system, what could we really do with our court resources to go deep on some of these cases that really, really matter to people when it comes to public safety? So I'm going to shift to you now, Ms. Deberry, on how, what are you thinking about doing as far as interrupting some of the status quo in the system?
SATANA DEBERRY: Yes, I don't even know where to start. So we know that culture has to change around criminal justice. We live here in Durham County. There's 100 years of black political power. And yet our criminal justice outcomes look exactly the same as they do anywhere else in this country. And why is that? Because if you go right now down to the Durham County Courthouse and you walk into a courtroom, it is likely that the judge is black, the prosecutor is black, the defense counsel is black, the victims are black, defendants are black, bailiffs are black, arresting officers, everybody in this situation is a black person. And I guarantee you that when you take each one of those people out of their uniform, out of their suit, you take them outside of the courthouse, every one of them will tell you the system is messed up.

Yet when we go back into our own, into the actors that we are in the system, we perpetuate the system. Why is that? And so what we want to do in the DA's Office is think about how do we change the way we look at the system. As probably, perhaps, as Judge Maris says, judges are restricted by what they can hear, right? They have a box within which they have to live. Law enforcement has a box within which they have to live. The only actors in the system who don't really have a box in which they have to live are prosecutors. So how do we, as prosecutors, lead change? How do we think about who we prosecute, why we prosecute them, and how we prosecute? Do we just accept cases from law enforcement without any evaluation? Or are we an office that's committed to evaluating each case, working with law enforcement around investigations, really understand what we are doing? I think as we get further into this transition, one of the things that we're learning is that there is not -- the system moves very quickly and very slowly.

So it moves very quickly to prosecute the least of us and very slowly in prosecuting those people who we really don't want to hold accountable in our community. And so you can't have it both ways. We either say we don't have the time or we do have the time. So we want to do that. Daryl mentioned Alyson Grine. I'll give Alyson a shout-out. She's here. She's actually my first hire -- although, technically, I cannot hire anybody. So Alyson and I and some other folks have been volunteering with people in Durham County and thinking about what we're going to do. One of the reasons that Alyson was one of my, one of the first people who agreed to join my team is because we really want to think about the equity in the work that we do. Alyson literally wrote the book on implicit bias. And so our idea was that as a District Attorney's Office, we look at our bias in how we prosecute, who we prosecute, and how we look at power and equity within our office. It is not lost on me that the most junior people in the current prosecutor's office are women. And the most junior and most low paid people in the current office are black women. And so what does it mean in the system where the people with the least, even the least amount of prosecutorial power look the same as the people in court.

What's it going to mean -- our leadership team is currently scheduling equity training for ourselves. Because it is one thing for folks to be justice-minded and say yes, Satana, I'm all in on your vision and then have to come today, come to work every day and work for a black woman. Right? You can say you can do that. But you don't know what you don't know about yourself. And, you know, I have a team
leadership style. We're working together. We're working with members of this community. But at the end of the day, right, Mr. Choi, I'm elected. So I have to make the decisions. And so what is that going to mean when that person with that power in our community is black? And how do we talk about that? So we're about data, knowing what we do, we're about cultural change, and we're about being more visible in this community around the work that we do.

DARYL ATKINSON: Thank you for that. Judge Hudson, coming back to you, the issue of money bail has gained national traction. And I want to give a special shout-out -- because we have a strong SONG affiliate in Durham, Southerners on New Ground. I think they have done tremendous work in helping to change the narrative in how we talk about people who are held in pretrial detention. And what I'm referring to is the Black Mama's Bail Outs. And the reason, culturally, that that was so significant -- if you looked at the number of women who were bailed out and you looked at the impact on the one-day snapshot of the 750,000 people who are held in city and county facilities, and you looked at the impact that way, you would be missing it, right?

But if you look at the change in vernacular that we use -- we're calling them Black Mamas. We're not calling them pretrial detainees. We're not calling them, you know, convicts or defendants. We're calling them mothers. And that was a huge narrative and cultural shift that has helped usher in some of the prominence around this money bail issue. But, Judge Hudson, the Senior Resident controls the bond schedule. What are your thoughts around money bail and any potential changes that may be afoot in that regard?

ORLANDO HUDSON: Well, there has to be a cultural change. And that's what is going to happen in Durham. You pointed out that Durham has a history of having a black DA. Ms. Deberry won't be the first black DA.

SATANA DEBERRY: I won't even be the second.

ORLANDO HUDSON: I've been the Senior Resident Judge for 25 years. What's going to happen is there has to be a cultural change. I looked at the proposed bond policy that Ms. Deberry is going to institute. You know what? She really doesn't need it. Because all it does is point out what the North Carolina law already is. The problem is the law is not practiced the way it should be. And so we're going to practice it the way it should be. And we'll see how it comes out. Now, one of the things I think Ms. Johnson talked about is how you go about committing change. We got black judges, black prosecutors elected but they got to stay elected. And, see, some of you are not from North Carolina, maybe you don't know it, but all our judges are elected officials. And when we make decisions that some people don't like, we are the subject of TV commercials -- which all you got to do is turn on your television now, even in Durham, and some judge's picture is on a commercial for making an improper, someone thinks, decision. So we need the People's Alliance. We need Omar, who is head of the Durham Committee, another organization very much involved in supporting candidates, to point out what it is that we need. We need support. We need elective support.
DARYL ATKINSON: I think that's a critical point, Judge Hudson. It's something that we absolutely have to build into the implementation of Square One. If we're going to usher in this environment to encourage elected judges and prosecutors to take risks, we have to have the political insulation for them to protect them when they do take risks. Because we all know that just like any other business, there are going to be some bad outcomes, right? People are going to remember the one person who was let out who does something, not the 99 that you let out who didn't do something. So how do we build the political insulation? I think that has to be a key component of starting from Square One, to protect stakeholders who are willing to take risks. I think that's a key part of it. Captain Addison, I want to pull you in on your perspective of DPD and some of the things that the police department wants to do. Police serve as, in many instances, as first contact with getting people potentially either involved in the system or not involved in the system. What is DPD thinking about doing to usher in, to ride this wave of reform?

DAVID ADDISON: To talk about what we're going to do, we have to look back at our past. You know, we look at law enforcement, it has been infused with people with agendas, whether they be racial, whatever bias they've had. Every now and then, you have to stand at the gate. We have an exodus in law enforcement now where people don't want to do this job. This is not the sexy fireman job. I have to go places where people don't want to go. So in order to make change, you have to be a part of that change. If not, you're giving me lip service. I need more people to become police officers. Just like we need more people to become district attorneys and we need more people to become judges. It starts at the very bottom.

What we've done at the Durham Police Department is every opportunity we've had to make a difference, to try to level the playing field, we have. At the Misdemeanor Diversion Project -- where I'm going to when I get done with this meeting -- I'll speak with juveniles about having that second shot. We want to make sure we understand that the system is not set up for black and brown children to succeed. So we're trying to give every opportunity we can. So when these programs come about that we know are going to level the playing field -- not giving one person an advantage over another -- but to level the playing field -- because I believe if we can just level the playing field, everything else will work itself out. If you start 500 yards behind someone else, you have to catch up first, it's never fair -- even if you win. So every program that we have an opportunity to participate in, to make sure that we're leveling the playing field to give our kids a chance, a better shot, we do.

DARYL ATKINSON: So I'm going to lean into the discomfort a little bit and bring up a topic at least that I know during my time in Durham has been a source of police and community tensions. And it involves officer uses of force. I think over the past eight years, we've had maybe 10 officer-involved killings. And that's not to mention the officer-involved uses of force. I can remember the John Hill case -- that Scott litigated in front of Judge Morey. I saw John maybe a few weeks ago. He's still scuffling a little bit. But thinking about those most, I guess, potentially inflammatory instances that can really be divisive moments, right, between police and community -- my wife always tells me Daryl, you need to put something in the bank for when something bad happens so I got some currency to draw on when I'm thinking about
you. How do the police put something in the bank with the community so they have some currency to draw on when that bad thing happens, so we don't have these really frayed community and police relationships?

DAVID ADDISON: A very good question. That investment that we're talking about requires you to go into the community when there's not something to enforce, when you're there just to be present, to get to know the community. One thing I applaud Chief Davis for is that we're infused in the community. We try. Now, can we go through every door? Some doors we're not able to. Some people don't want us to. And we respect and we understand that. But every opportunity we have, we try to. Because when people see you when you're not doing law enforcement activity and you get to understand the officer, the individual, the officer that participates in PAL, the one that shows up at the community meetings, that plays with kids, gets out of the car and talks to the community, that's that investment you're talking about in the bank. So, unfortunately, when we have to go in there to enforce the law, to make an arrest, they see the person not just the badge.

DARYL ATKINSON: Thank you for that. One of the things we discussed earlier and we were talking about diversity and how diversity can potentially be a tool to transform the system. I reflected on some of our alternative drug enforcement work and some of the anti-racial-profiling work that we were doing in the community and how black folks were being searched at much higher rates than whites incident to a routine traffic stop. And this was happening when we had a black mayor, black, predominantly black city council, Puerto Rican police chief, command staff probably the most diverse in the state. And so my point is diversity doesn't necessarily translate to equity. Can you all talk about some of the steps that your institutions are taking to address racial equity within your various institution? And I'll leave that open for anyone who wants to take it on.

AMANDA MARIS: I can speak to that for a minute. I met Chief Davis at a race equity training. And I want to commend the Durham County Government for paying for it, for multiple department heads and the people that they wanted to send. I was able to go because the public defender, the one that I worked for -- I was a public defender for over 10 years before I became a judge -- he had already been so he allowed me to go. So I spent about two and a half days with Chief Davis. We sat together at the lunch table and we talked about -- it was at the very beginning of her coming to Durham -- and we had some frank discussions about some of the challenges that she would face to bring together the community, the things that you're speaking to, Daryl. And I want to say that these issues that I'm sure you've been discussing here, you know, we're still at the very beginning, in my opinion, of trying to really break open the conversations we need to have. But it does start with all of the key actors -- and not just the department heads, but the officers on the street, the public defenders in the courtroom, which is what I was at the time. And you cannot make assumptions that just because you're a public defender, for example, that you understand race equity -- especially if you're a white female public defender and even African-American.
I think that we've all been, to a large extent, brainwashed, so to speak, about the system that we live in, the systems our society is built on, they're all connected. We learn that in race equity. So I want to commend Chief Davis because she was there and she participated. And I was really struck by her honesty and what I thought were her genuine intentions for law enforcement on these issues. And so I did say to her over the lunch, I said well, you know, we need every officer here. And I believe that it cost for one person to do the race equity training a few hundred dollars per person I think. And so we haven't revisited that conversation. I was just a public defender then. But I think it's all the mentality, right?

Most of the people in this room know what we're talking about, right? But we also have places to grow. I have places to grow, enormous places to grow. So I want to commend Chief Davis. But I think it starts with the mental framework -- which the easiest option to go to for that is race equity training. That's what we all go to. But there's other places for that. Our group started a book group for a while, to read more books and educate ourselves and have discussions. So it starts with the training. But it starts with -- like in Drug Treatment Court, you can't go if you don't want to go. You can't be sent to go to Drug Treatment Court as a participant if you don't want to go. If you don't want to go there in your mind, you can show up at race equity training and it may not even have the desired effect. So it has to start with all of us saying lean into the discomfort forever -- because it's not just when you go to training. It's forever. So we go, we talk. And I think Satana is going to bring that to the courthouse. And I hope that some of the training she's going to bring to the prosecutor's office we can have spread out all throughout the court system. Because that's what we need -- every actor, every actor.

DAVID ADDISON: I think part of it also is the hard conversations you have to have. Before I was ever an officer, before I was ever an attorney, I was a black man. So when an officer pulls up behind me, I get the same angst that everyone else in this room gets -- unless I'm in Durham. But if I'm somewhere else, I feel that same way. And I don't say that like I get special treatment. I just try not to do anything to get stopped. But still you get that same feeling. But that conversation you have to have with your peers. Because, right now, in law enforcement, you know, we're being looked at through a microscope.

So we have to have this conversation with the younger officers to explain to them. The body cam is a wonderful thing. Some people like it, some people don't. I love it -- because now there's no he said/she said. Let's play the video. Let's see what transpired. And we're holding people accountable if they don't turn them on when they're supposed to. That investment that we made I think was well worth it. But we have to stand at the gate -- not just the Durham Police Department -- departments all across the nation, someone has to stand at that gate and say okay, this can't happen anymore. Because unless you're internal to that organization, you only see what's on the news. Somebody has to stand there and say no more is this going to happen -- not on my watch. And that's where that conversation begins -- internally.

PEGGY NICHOLSON: I think it also has to happen across systems -- because we're here talking about the criminal justice system. But I know for the young people we work
with, the education and criminal justice system are one in a lot of respects, given
that there are officers in their schools and they're interacting with police and the
court system for school-based offenses, as well as getting suspended. And I know that
education folks in Durham Public Schools are looking at equity and doing racial
equity student training. And I know that Judge Trosch in Charlotte has had a lot of
success and done a lot of pulling across system stakeholders together to talk about
the school to prison pipeline, how do we keep kids in school and deal with behaviors
that way. And the mental health system plays a role in that. So I would also just
put, to add on to that wish list that Daryl asked about earlier -- what Durham could
be even stronger in is that kind of process conversation.

DARYL ATKINSON: Peggy, I'm going to go back to you because I hate we don't have, we
didn't get representation from the Sheriff's Department. You brought up school-based
offenses in young people. If I'm correct, Captain Addison, DPD took all of their SROs
out of, took all of your officers as SROs out of the school, is that correct?

DAVID ADDISON: I think they're slated. I'm not quite sure --

DARYL ATKINSON: But they're slated to be removed?

DAVID ADDISON: I think that's --

DARYL ATKINSON: The Sheriff's Department then would be completely responsible for
SROs. What is your thought on the role of the SROs in the schools and their
appropriate function?

PEGGY NICHOLSON: My personal thought is they shouldn't be there right now because we
have no information on what their impact is. They don't keep data. For the
Sheriff's Office, there's no kind of accountability, evaluation mechanism in place.
The Durham Police Department does, at least, have a written document with the school
system that kind of spells out what type of offenses School Resource Officers from
their department should be involved in and have some data accountability related to
that. But they only control three to five schools. This school year, it's only
three. And the rest is the Sheriff's Department -- which has no such document, so no
guidance, no data accountability. We don't know how many, which officers are high
flyers. We don't know how many black students, white students are getting referred.
So a short-term goal for me would be to have the same type of data-based approach to
school policing that Satana is going to bring to the DA's Office and that we ask our
educators to have. We have principals, their suspension rates are being held in their
faces every day. And they're being held accountable for that. Teachers, their test
scores. Students, obviously. So why not the same for law enforcement in schools? If
theirs is a program that's supposed to promote safety, let's have some evidence that
shows that it does.

SATANA DEBERRY: My wish list would be -- just to piggyback on the data piece, right
-- the District Attorney's Office is a historically black office. During the
campaign, I kind of consistently said who works there? Right? Who works in the DA's
Office? Where is the website? What are you tracking. And that was never addressed. I
would say okay, we're over-prosecuting people who are black and brown and poor. And the incumbent would say I've never prosecuted anybody because they were black or brown or poor. And because we don't have any data, he's absolutely right. Right?

Even though we go in every day and we see what is occurring -- because we don't have that data. And so while equity training is important and we are building it into our structure, we also need to know what we're doing. And we have not historically even had the tools to do that.

You know, we can -- I can do more in Google right now than the DA's Office can do with its files, its case management. Right? You're asking young attorneys who come in, who, at this point, they are half my age and have spent their whole lives in a technical environment, and you ask them to come back in and use a paper file.

And so we would like to have more ability to develop data, case management systems -- we would like to run like a modern law office. I can walk into any small law office in this county and have better systems than I have in the District Attorney's Office. And I am responsible for the safety of this community. What is more important than me knowing what I'm doing? Right? So that would be -- I know how to do race equity training. I know how to manage people. But unless I know what I'm managing them around, we're just shooting in the dark. We don't tinker. #we don't tinker.

DARYL ATKINSON: I've got Scott in the queue. And then I'm going to ask one last question of Omar. Because I want to open it up to the rest of the roundtable participants to be able to ask folks some questions. Scott.

SCOTT HOLMES: One question I have and one challenge that I see is that what is really driving mass incarceration in Durham and country-wide is the war on drugs and the way police departments are structured to get drug arrests. And we look at Durham Police budgets and how many drug officers they have and how they're using resources to set up stings and undercover sales in Eastern Durham but not at Duke University, that what we see is the war on drugs is what is driving mass incarceration. And so the problem I foresee is that it's going to be really hard -- you know, the police can go to every kind of event and put on the best face they can and be good community cooperators and participants.

But if their mission is fundamentally the same -- which is to lock up poor people of color for drug crimes -- then that is not going to change the long-term direction of mass incarceration. And if the DA's Office doesn't have a relationship with the police department where they're on the same page about decriminalizing drugs and doing race equity analysis on drug enforcement, then there's going to be a collision that is huge. Because not only is the Durham Police and other police committed to the war on drugs and have raised several generations of police on the war on drugs, but a lot of their funding in terms of civil forfeitures and money they collect out of drug enforcement funds their ability to get the equipment they need. So my question for revolutionary change is how do we declare an end to the war on drugs in a context where we have built on that for centuries or at least 50 years?
ORLANDO HUDSON:  Well, Scott, it's more than just drugs. Mass incarceration starts with a failed bond policy -- because the people who are in power are happy when a defendant cannot make bond. And then the prosecutor's office historically views that as being okay -- because if the defendant is guilty, then he can just use the fact that he can't get out of jail toward his sentence. He gets jail credit for it. When you're talking about not drugs but crimes, the victims love it when the defendant can't get out of jail. And so it starts with the fact that throughout this entire policy of prosecuting people -- I had a case the other day, the defendant had been in jail 689 days.

SCOTT HOLMES:  I got one with 700 days right now.

ORLANDO HUDSON:  I mean, that's the worst cases. We've seen them all, they're worst cases. But you've got to get people out of jail so that they can deal with their cases. As you very well know, the fact that you even have a bond system at all -- the public doesn't understand -- is inconsistent with due process. It's inconsistent with the presumption of innocence. The public does not understand.

ELIZABETH TROSCH:  Not to mention the fact that there's no evidence in the research that money bond increases appearance rates or reduces recidivism. Not to mention the fact that the evidence is clear that when low risk folks are sent to jail and are ordered to pay a money bond, that first 24 hours in jail increases their risk of recidivism by -- what is it, Arthur?

ARTHUR RIZER:  After 24 hours, it's 16 percent. But after three or four days, it goes up, in most cities like Durham, within that category, up to 60 percent -- smaller crimes, but still we're forcing people into tunnels that they don't have the opportunity -- because everybody in this room could miss a couple days of work and be fine. When you work at McDonalds or TJ Maxx, that is not the case. And that is what happens to people.

DARYL ATKINSON:  I couldn't have asked for a better segue to my last question to Omar. And we talked about, a little bit earlier, some of the potential financial incentives that are embedded within the system that could potentially make starting from square one really, really hard because people are defending their economic positions. And so, Omar, we've been talking about this issue of money bail. You are a bondsman. From your perspective as a bondsman, how does reform around money bail, what does that look like for you?

OMAR BEASLEY:  It could be detrimental but I don't see it that way. I've been in this business for 27 years. And my perspective is that I help people. I've gotten calls from Scott Holmes, from protestors -- Omar, I need your help. Come get these people out. And I would get them out at discounted rates. I've gotten calls from SONG -- Omar, we need your help. And I will come get people out at discounted rates. So there is a benefit right now. Some people may not see it that way.

But I do help people. I reunite families. I reunite people when they don't have the money to get out, let's say, on a 10,000 dollar bond where it may cost them 1500. I
could get them out for 400 to 500 dollars and give them their freedom. That is one thing that I can do that some systems that they have -- like in Ohio or New Jersey, where they have a system that's set up -- if it's a 10,000 dollar fee, that's what they got to pay. The personal touch that I offer as a bondsman is unique and it's different than what any system that I've heard thus far that can replace what I do. The money bail system is -- it needs to be reformed. The judicial system, it needs to be reformed.

But the question that I've had -- and I've said for the past few years since this conversation has been brewing up -- what does it look like? What does it look like? Getting some good information in here and I like what you said earlier is that we got to reimagine it. But, again, what does it look like? And I'm open, I'm willing to put the information and knowledge that I have and experience that I have in this conversation -- because it definitely needs to change. But where do we go? Where do we start? Because magistrates, judges -- I seen them all set bonds based on racial biases and prejudices.

**ORLANDO HUDSON:** We're going to take care of the magistrates.

**OMAR BEASLEY:** I hope so.

**DARYL ATKINSON:** So I want to open it up to other roundtable participants, to be able to ask the Durham delegation specific questions or offer insights on what you've heard.

**ELIZABETH TROSCH:** Can I say something about where we go if we don't have money bail? Because that's what we're doing in Mecklenburg -- although we're trying to keep it a little bit on the down low so we don't get too much resistance from the legislature. But because we've been successful in implementing -- I know there's some, there's opportunity for meaningful discussion about the value of risk assessments. But because we have implemented the Public Safety Assessment -- which does assess risk of recidivism and failure to appear using objective criteria and two validation studies have shown that it's very predictive of those risks. And, two, there are a lot of people we could just cut loose without any conditions of pretrial release. And the two rounds of validation have shown that there's no disproportionality at all in that decision point. So when the judge makes the release or detain decision using that as a guide, we are not exacerbating disproportional detention of people of color. So now back to the equity conversation -- but anyway -- that has led us to be able to say -- like money bond is totally irrational.

Why is it that because -- I don't know -- Katharine can post 10,000 dollars on an assault with a deadly weapon, I feel great about the fact that she's out in the community. And the fact that Jared couldn't post a 500 dollar bond for the same offense, right? So the answer is we implement a continuum of alternatives to the use of bond to be released and we just release people. We just say you know what? There are certain things, like Class 3 Misdemeanors, you can't go to jail if you're convicted, you don't go to jail pretrial. The end. Not doing it. You say low risk,
see you. We'll get you a text message to remind you of your court date. See you in a couple of months.

JEREMY TRAVIS: If I could ask us to open up the conversation -- what we're doing now is we're shifting gears for members of the roundtable, we're listening, learning, getting a sense of all the amazing energy here in Durham to pose some questions -- not so much observations but really sort of let's help learn, help us, all of us, learn from some of our colleagues in Durham.

LEAH WRIGHT RIGUEUR: Thank you. Thank you for this wonderful -- for me I would call it a little bit more than an introduction to Durham and to what you guys are doing here. And I would love to hear more about -- and please don't take this the wrong way -- I would love to hear more about what has failed. And I say that because you guys have given this really impressive list of things that have gone for, you know, for all purposes, have gone right. But I do think one of the things we haven't talked so much about in the discussions so far yet, just in general, has been failure. And I do think that failure is useful in thinking about pathways forward, right? So looking and analyzing and saying why didn't this work? What could we do differently, you know, what pathway? The other thing I'm really curious about is that -- for all I know, you guys could all have the same political affiliation. You could all be -- you're in different areas operating but seem to have this very cooperative sense or common goal. I'm really interested in how you have taken the politics out of policy and reform and how that functions in Durham and also how it functions much more largely in North Carolina.

JEREMY TRAVIS: So rather than ask for a specific -- let's see if there's any commonality between these four folks who want to ask questions. And then we'll stack them up and see what sort of responses we get from our Durham colleagues -- just in the interest of time and efficiency, so we can get as many voices in as we can. Bruce.

BRUCE WESTERN: I have a separate issue.

JEREMY TRAVIS: I would like to hear what people would like to know from our Durham colleagues and ask them to -- however they want to organize their answers, they will organize their answers. Let's get all the questions from the room at the same time.

BRUCE WESTERN: We've talked a lot over the last couple of days about the importance of having some sort of historical reckoning, some sort of settling accounts with the past as a pre-condition for more fundamental reform moving forward. And I heard Judge Maris touch on this a little bit. I wonder if that sort of process has been any part of all the different reform activity that you have described, how important is it, what did it look like to you if you did it?

JEREMY TRAVIS: You asked two questions -- what has failed and what does the spirit of cooperation look like in Durham? Is there a need for reckoning with the past? Marlon, what do you want to add?
MARLON PETERSON: First of all, this is very feeling, I have to admit it's extremely feeling. So I want to really just sort of affirm all the folk from Durham who are doing this amazing work. I'm really feeling it. And with that, the thought that comes to my head is -- one of the articles that was furnished to us was an article about the rising gun violence in Durham from last year, right? And his opportunity to marry some of the practical from some of the theories. So one of the papers that we read -- it may be in your packets -- is from Heather Ann Thompson, speaks to saying that rising crime does not explain the advent of high rates of incarceration because the historical record is replete with cases when crime rose was not followed by creative legislation or a national campaign. Right? When the question was asked about innovations and we went around the room and folks told us about innovations, we heard specifics around what community folks are doing in the space. And when the question arose, when Captain Addison -- I don't know, I feel, I felt a little bit as if the question was not necessarily as to what the innovations were.

I think police diversity is not an innovation. And I think that if we are having -- here's an interesting opportunity. We have a space where we have folks who are doing amazing work -- from sexual offenses, which is one of the hardest places to make any sort of inroads, right, to violent offenses in the restorative justice space. Is this a moment here in Durham when we can say -- in that same article that I referred to about the violence, there was a person who spoke of divestment from law enforcement. We're in a space where we have these amazing things that are happening in the cooperative space from the judiciary to community to, from lawyers and whatnot. Could we even imagine an opportunity here in Durham where we would be able to divest from law enforcement? And I think this is leaning into a difficult conversation but we have models that are working here. We have models that are working here and there are innovations here. How can we -- what would it look like if Durham reimagined divestment from a model that is a little bit lacking in innovation to models that are innovating?

JEREMY TRAVIS: Great. Nancy.

NANCY LA VIGNE: My question is somewhat related. I was intrigued by, Marion, your mentioning of serving on a participatory budgeting working group. And I'm interested in hearing more about that from you and others and how you see that relating to your efforts to promote racial equity in the justice system here in Durham.

JEREMY TRAVIS: Just by way of background, Marion, we've had a number of discussions here about where the money goes. And it's a version of Marlon's question -- which is what is the different ordering of activities supported by the government. Next in the queue we have Art Rizer and then Ron Davis.

ARTHUR RIZER: My question also relates to something that Marion said. You know, as maybe one of the only conservatives here, I find one of the most oppressive aspects of the criminal justice regime is the fines and fees aspect. It truly is a government program that has run amok and deserves to be drowned in a bathtub. But yet, yet we talk about it -- and everybody here has anecdotes about why it's horrible. But what do we actually do about it? And is there any real effort here in Durham or in the
state -- because this is really going to have to be a state issue -- to build right/left coalitions to take this on. Because that's -- from my experience and I've worked mostly in red states -- the only way is when someone like Nancy and I just start hammering this through op-eds, through empirical research. Is there something happening here in North Carolina like we're seeing in Georgia and Texas are doing? And actually Louisiana, funny enough, is actually doing some things on fines and fees through coalitions.

**Jeremy Travis:** Ron Davis.

**Ron Davis:** A question about reconciliation, three points. One, what is the follow-up to the racial equity training? I mean, we've developed a lot of training over the years -- impartial policing, impartial bias to racial equity. What's the follow-up to make sure if goes from the training classroom to operational? What is the reconciliation between, interestingly, Captain, your community engagement and partnerships to Scott's community concern about how you fight crime dictates the relationship more so than any individual or program, how do these get reconciled? And if it's true that your crime fighting measures are focused on drugs, then how does that align with the new district attorney's priorities and the criminal justice system so that you don't have these colliding ideas or concepts? Because as part of a police department, we know that the operational structure and priorities will set the culture. Everything else is just distraction and noise.

So how you fight crime, once your priorities have been set, will determine whether or not this is adopted at the rank and file level. So how are you guys reconciling these institutional, these norms that most departments are engaged in? What's your idea of really trying to push -- you can feel the idea of community engagement and co-production of public safety. But how do you get to that true co-production?

**Jeremy Travis:** Excellent. Dasheika gets the last question. And then we'll see where we are and we'll listen to our folks from Durham.

**Dasheika Ruffin:** Bringing the conversation back to bail -- so one of the major criticisms or two of the major criticisms of the current cash bail system is not only does it create a two-tiered, wealth-based system, but it also completely ignores the presumption of innocence. So, you know, when we're talking about bail, we're talking about pretrial. So these people haven't been convicted of a crime yet. And so if there's no scientific evidence to show that bail is used to secure attendance at a hearing or that it reduces recidivism, is there a conversation happening in Durham as far as bringing the presumption of innocence back into the cash bail conversation? I'm just curious to hear what that is.

**Jeremy Travis:** So here's the smorgasbord that I'm going to invite people to participate in, our friends from Durham. We had questions about -- this wonderful starting question -- okay, it's all nice the stuff we heard, but what hasn't worked? I assume you mean what has been tried that hasn't worked. And what have you learned from that failure? That's Leah. As well as what's the culture of cooperation, struck by good behavior, just getting along well -- are there fault lines in the reform
coalition here? And others have asked about something we're struggling with and talking about -- can reform happen absent some sort of process of reconciliation, recognition of harm caused over time? Is that important or not? And is that on the agenda here? And then Marlon sort of moved that conversation -- and I'll wind it in with Nancy's question -- is there an active conversation about a reduction of reliance on current systems, particularly law enforcement -- you called it divest from -- such that there would be other responses that could be built up perhaps. Nancy put that more in a budgeting context -- does participatory budgeting take on the issues of where the money goes and how the justice system is supported financially such that the government structure might take responsibility for realigning resources in ways that might be more effective, recognizing a lot of those would be at the state level. And Art says let's start with fines and fees.

There's something where we know the system is being supported by the imposition of financial penalties on the backs of poor people. And why not start there and recognize that. I was fascinated, parenthetically, by this conversation about judges in essence withdrawing from the requirement to acknowledge when you don't impose a fine and notice to the agencies that otherwise would be supported -- that's just bizarre -- editorial comment -- if not obscene -- editorial comment. How do you start with the fines and fees? It's a constitutional question. It's a budgeting question. It's a transparency question. And it's an equity question. Is that -- how far along is that. And then Ron Davis is pulling us back to the racial equity, really an operational question -- how does racial equity training lead to anything besides the awareness of those who are trained -- and put that into the context of a police department. But I assume that applies as well to judges who have been through it. And maybe Judge Trosch can help us with that. But also there was this really interesting question that Ron, wearing his chief hat, really asked the DA, as well as the captain here -- how do you envision this new alignment? Do we have to prosecute everything that comes in our front door? That's really a question between you and law enforcement agencies. And is that an active conversation here as well? And then Dasheika brings us back to this fundamental question of presumption of innocence in the bail reform discussion. That's at the core of everything we're doing. So there's the smorgasbord. I'll make sure every dish gets sampled by somebody.

AMANDA MARIS: So I think the fines and fees subject is also a failure. So I think we can bring some of these together. And it's also systemic, it's the institutional issues. So I have here a bench card that was created by Jamie Markum at the UNC School of Government. This chart, I'll go slowly so you can see it, these are all the fees and fines, all the different types. And without getting in the weeds about the history of the legislative changes that Representative Morey talked about, it's a complex maze for judges to navigate.

ELAINE O'NEAL: It's not just those two pages.

AMANDA MARIS: These are the fines. These are the explanations. Okay? It is just this page for the types of fines. But your point is well-taken. And that takes me to what we're doing in Durham about it. And is Judge Trosch still there? Yes. Okay. I haven't met Judge Trosch yet. But I've heard a lot about her and what the judges in
her jurisdiction did to develop two bench cards on fees and fines. So here in Durham, there are two main groups that deal with a lot of issues that have to do with the justice system, represent different department heads from different agencies -- including the Durham Crime Cabinet. And I do lament we don't have a lot of our local leaders here from city council or from our county commissioners. But we have the Durham Crime Cabinet and we have the Criminal Justice Advisory Counsel. And so I've been attending the Crime Cabinet meetings, I did on behalf of the Public Defender's Office for about 10 years and I continue to go as a judge.

And they asked me to chair a committee to look at fines and fees here in Durham in light of legislative changes and this sort of concern -- as Judge Hudson said there isn't one -- but a concern from government leaders about what would happen if judges felt constricted about remitting fees and fines. So we took it upon ourselves to meet. We're in the very beginning. The one thing that I hope -- and I can't speak for everyone in Durham -- is that we get something that is condensed. We've talked to Jamie Markum about a one-page, back and front bench card. Because the issue is education. And it speaks to the failure. The law has been there, the law has been there about what you have to do under due process before you incarcerate someone for failure to pay money. That was not happening in my early days as a public defender in the sense that -- I like call them the bench hearing -- where someone would come to court, they were arrested -- which that also needs to stop. There needs to be an order to show cause not an order for arrest when you fail to pay your money --

JEREMY TRAVIS: I didn't do my hand signals when we began but --

AMANDA MARIS: Too long. Okay. The bottom line is we failed. We haven't been following the procedures. We're hoping to get the procedures loud and clear in black and white for judges and lawyers. I talked to Satana about this a little bit. Hopefully that will be a big step in the right direction.

JEREMY TRAVIS: I think there are a number of people around the table who would like to offer assistance or some perspective, national perspective on some of these issues in this active conversation. Let me switch to Marion. Nancy asked you a question about the participatory budgeting exercise and does that incorporate Marlon's question about where does the criminal justice dollar go and does it incorporate or embrace this issue of what extent are these operations funded by poor people paying fines and fees.

MARION JOHNSON: How much time do I have?

JEREMY TRAVIS: I'm sorry?

MARION JOHNSON: How much time do I have before you do the --

JEREMY TRAVIS: Oh, 90 seconds. Go ahead. It could be a yes/no answer.

MARION JOHNSON: I guess no. To the participatory budgeting question -- we are in super early days. Like tomorrow is the first two 8-hour trainings to just like learn
how do we actually budget participatory. But I will say the amount of money that was allocated to us in the city budget is 2.4 million out of a 644 million dollar budget. So we are not --

JEREMY TRAVIS: Allocated for distribution through the budgeting process?

MARION JOHNSON: Yes. So we are not like taking on the whole system. So we can't fix anything that we're talking about right now. But I'm extremely excited just because the process of choosing who was on the budgeting committee was very thoughtful. And it was with a thought to people who have like budget experience. I used to work at the North Carolina Budget and Tax Center. So that's part of my experience there. People who are just community members and who, you know, maybe have been advocates on issues like ending cash bail. And so the idea was to get as many different sorts of people and people who have their arms around different parts of the problem in the same room. So we can all learn how to do this process together. I'm really excited. This is not in and of itself the revolution but I think it can be a step towards dismantling some of the structures that we have in place and some of the funding structures that we have in place.

JEREMY TRAVIS: Marion, I'm going to take that as your answer only in the interest of time. I know. I know. There's a lot more to say. I do want to ask, switch a little bit to the question -- which is a version of Marlon's question, Chief Davis's question -- about the relationship you envision with the department represented by Captain Addison in terms of the flow of cases and arrest policy -- will this change under your, once you're in office?

SATANA DEBERRY: I hope so. You know, so we -- we're working right now on our prosecutorial policy. Like to Marlon's example or Scott's example -- decriminalization of drug offenses, right, we know that decriminalization of drug offenses works in Durham County because if you go over to Duke and talk to the Duke Police Chief, he will tell you that the prosecution, that that is a low prosecutorial priority for him. And he leaves that to the student justice system and the employee system. So those are the kind of things that we do need to have a discussion about. Chief Davis I think has been very public about the decriminalization of marijuana in this community -- based on who she is and her experience as not just a law enforcement officer but as a black person and a member of this community, right, and being the sister of someone who has been arrested, and things like that.

And so we'll certainly have a different relationship with the police department than the current district attorney. I don't know if you know anything about the history of the District Attorney's Office in Durham, but it has been troubled at best. And one of our goals is to restore some integrity to that office and create some openness and transparency. And some of that is about having a relationship with the DPD and with the Sheriff's Office, where we are on the same page, where we do conduct investigations together, we do understand, they understand what our priorities are and we understand what their priorities are. Is that a move towards disinvestment in law enforcement?
That is a whole bigger conversation for us. We're also in the middle of a community that is rapidly gentrifying and looking very much different than it has for the last 50 years and the demands that that puts on local elected officials, certainly around protection of property and the understanding of whose property is important and whose property is not. So this divest is a whole lot to unpack that I can't do in 90 seconds.

**RON DAVIS:** Jeremy, I've just got to make this one comment. Chief Davis is not related to me but I've known CJ for about a decade. You guys have a very good chief.

**SATANA DEBERRY:** Absolutely.

**RON DAVIS:** If it's going to work, it definitely will work here.

**SATANA DEBERRY:** And to talk about the participatory budgeting piece -- and Daryl can speak to this because Daryl works in the community with folks -- we got a brand new police headquarters that was supposed to open up last night. The hurricane stopped that. There's been a lot of discussion in this community about the amount of money that we put into that police department -- as opposed to putting it into affordable housing, as opposed to putting it into economic development, as opposed to putting it into neighborhood revitalization. And, you know, Chief Davis came for an interview and got stuck in the elevators three times at police headquarters. So everybody in our community deserves safety. We've got to think about how we do it.

**JEREMY TRAVIS:** So I want to take on as our last topic before we break -- I'm hoping that we have a little bit more time with this one -- this is really for the roundtable, but any of you who are thinking about the issues of reckoning that was raised at the outset, a version of the racial equity training question that Chief Davis, this Chief Davis raised. So is that a conversation that's underway within Durham at all about what's the overhang of history -- there's all sorts of metaphors -- the footprint of the justice system, the harm caused by excessive punishment -- is that something you want to talk to us about, these live conversation, as seen as related to the reform objective?

**ELAINE O'NEAL:** Well, I'll sort of hit at it a little bit. Over the last couple of years, our county manager decided to bring in the Racial Equity Institute for training for all of the county employees that wanted to go. He also included the judiciary, the public defenders. He included a lot of the state players. So a lot of us that sit at the governmental seats have been involved in those trainings -- I think probably more so than any other city in the state. There are a lot -- and I was a part of that. Recently, I was just named -- as a matter of fact, I got an e-mail from the mayor this morning -- I've been named as the Chair of the new Racial Equity Task Force in Durham that is going to be convened. And we will sit together for a year. And there will be a number of community players that are involved in that effort where we're going to probably, I think, address some of those issues.

**JEREMY TRAVIS:** Anyone else want to add to this?
SCOTT HOLMES: About a year ago, some clients of mine yanked down the confederate monument in downtown Durham and launched Durham into a national debate about the history of racism in our country. And then recently, some folks yanked down Silent Sam. And I'm representing them. And in my conversations with the district attorneys about this, there has been this interesting moment where the prosecutors want to talk about we just want to focus this in on the elements, this is just about a property crime, and we just want to have a trial about the elements. I'm like well, no, actually I want to have a trial about the hate speech that's represented by this government monument. And I want to litigate the whole history. And I want to bring in a historian. I've got my witness list. And then one of them today was like well, we'll stipulate to, that it's a confederate monument and that it meets -- and I'm like okay, that sounds good -- because -- will you also stipulate that it has to do with slavery and that it has to do with race and white supremacy. How far are we going to go on this?

And suddenly there was this well, hold on now, I don't know if we can stipulate to all that. And I'm like here we are, in this day and age, and the State of North Carolina is afraid to stipulate to what the meaning of a confederate monument is. And so in our courts and in our city and in our in our fabric of our being, we are still wrestling with that as we speak. And our courts happen to be a place where we're litigating that at this time.

SATANA DEBERRY: Can I speak real quickly to the cohesion question that you asked? So this is Durham County, a democratic county. We're not all the same kind of democrat though.

SCOTT HOLMES: We've got some Communist democrats. Revolutionary democrats.

SATANA DEBERRY: I guess you would say we are progressive but we're not all the same kind of progressive. Some of us are more progressive. Some of us are conservative progressives. Some of us are whatever. And so, you know, I am sitting here now, you know, kind of people are genuflecting to me. But there are a lot of people in this community who did not support me, did not support what I ran on and were very vocal about it. So to say that we have uniformity in how we're moving forward is only because you've asked the right questions. On the ground, there will, I think there will be different outcomes and different conversations that we'll have. But what we all are is committed to Durham. Right? And I think we all have a vision of what, how we want our -- you know, I said this a lot during the campaign, forgive me if you've heard it before -- but I'm a black mother of black children in this community. And so it is very important to me that the least among us in this community have an opportunity to thrive. And I think that's true for all of us.

JEREMY TRAVIS: Well, on behalf of the Square One Roundtable, I want to thank all of you for your contributions to our thinking and our understanding and our general level of knowledge about what you're doing, but really so impressively the top-issue tackling, the journey you're on, people who will follow and watch with interest. I'll turn it over to Daryl to wind up. But there's people here who would be eager to work with you, support you, connect you with others who may be doing similar work. You are
not alone. There are lots of interesting people around the country, newly elected prosecutors, wrestling with very similar issues. We wish you every success. And we'll watch with interest. Thank you.

DARYL ATKINSON: I want to thank everyone for giving up their time. I know you got plenty of other important stuff to do. And I also want to own that we probably ran out of time. And the intellectual tension in the room was rising. And we hate to truncate the conversation. And, you know, blame it on your moderator that we didn't have enough time to explore all these issues. And we're here and this conversation doesn't have to end. And so I'm legally trained but I'm also trained as an organizer. And any organizer worth his salt is going to make an ask. So my ask to the Durhamites is that we continue to convene this multi-stakeholder body, to continue to plan on operationalize Square One. We have a litany of resources around the table that we can avail ourselves to to continue down this path. So I guess what I'm asking for is a commitment to do that. Everybody on board?cAwesome.

JEREMY TRAVIS: Congratulations to all of you.
CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA AT LARGE, to wit:

I, Michelle Maar, RDR, RMR, FCRR, certify that I was present on October 12, 2018, at The Square One Project's Roundtable of the Future of Justice Policy, held at North Carolina Central University School of Law, and did report by stenotype to the best of my ability under the specific conditions existing at the time of the proceeding and produced a transcript of the same.

Michelle Maar, Court Reporter

Notary Public #201628400102
My Commission expires October 4, 2021
THE SQUARE ONE PROJECT
COLUMBIA UNIVERSITY JUSTICE LAB

Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 2: Politics, Race and Crime

At North Carolina Central University, Durham, North Carolina
October 12, 2018
9:00 a.m. to 5:00 p.m.
Reported by: Michelle Maar, RDR, RMR, FCRR
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute

Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University

Daryl Atkinson | Founder and Co-Director, Forward Justice

Dasheika Ruffin | Southern Regional Director, ACLU National Campaign for Smart Justice

Derrick Harkins | Senior Vice President for Innovation in Public Programs, Union Theological Seminary

Elaine O’Neal | Interim Dean, North Carolina Central University School of Law

Elizabeth Trosch | District Court Judge, 26th Judicial District, North Carolina

Heather Ann Thompson | Author; Cedric J. Robinson Professor of History and African American Studies, University of Michigan

Jared Pone | JD Candidate, North Carolina Central University School of Law, Class of 2020

Jeremy Travis | Co-Founder, Square One Project; Executive Vice President of Criminal Justice, Laura and John Arnold Foundation; President Emeritus, John Jay College of Criminal Justice

John Choi | County Attorney, Ramsey County, Minnesota

Jordan Thomas | BA Candidate, Political Science with a Concentration in Theory and Pre-law, Accelerated JD Track, North Carolina Central University, Class of 2021

Katharine Huffman | Executive Director, Square One Project, Justice Lab, Columbia University; Founding Principal, The Raben Group, LLC

Kerry Haynie | Director, Center for the Study of Race, Ethnicity, and Gender; Associate Professor of Political Science and African & African American Studies, Duke University

Leah Wright Rigueur | Professor of Public Policy, Harvard Kennedy School of Government

Lorraine Taylor | Executive Director, Juvenile Justice Institute, North Carolina Central University

Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group

Michael Finley | Chief of Strategy and Implementation, W. Haywood Burns Institute

Michael McBride | National Director, Urban Strategies/ LIVE FREE Campaign

Monica Bell | Associate Professor of Law, Yale Law School

Nancy La Vigne | Vice President for Justice Policy, The Urban Institute

Robert Brown | Associate Professor and Chair of the Criminal Justice Department, North Carolina Central University

Ron Davis | Principal Consultant, 21CP Solutions

Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
So here we are in the homestretch for the day. The title of our next segment -- we're a little behind schedule -- is "Politics, Race, and Crime." Kerry, in some ways, gave a preview for his paper yesterday. But we want to give him the full 10 minutes today to talk about the way he's framed these issues with the criminal justice lens -- which is very informative. And then we'll open up the conversation and see how we can start to integrate some of our themes around this big question of politics and power. Kerry.

Thank you. Let me apologize in advance -- I also have to leave for South Africa and will miss tomorrow's session. So I apologize in advance. Let me thank again, Daryl, for the previous session and making sure that that was part of the lineup. And it set up perfectly what it is I'm going to talk about. And, in fact, that's my conclusion, what we just saw is the conclusion of -- at least what I was attempting to do in this paper -- and that is reimagining a different type of policy making and political decision making and that there's the potential for this to happen, given some change in dynamics in this country.

One of the things that Donald Trump says that he's right about, when he says -- and he says it often -- that the democrats should not have lost 2016, the presidential race in 2016. He's correct when he says that. There's some electoral dynamics over the past couple decades that -- if you look at the Electoral College map, it should be very difficult for republicans to win at the presidential level. Take, for example, President Obama. When he won in 2008, he won in states like Colorado, Iowa, New Mexico, Virginia, Ohio. When he won in North Carolina, it was the first time that a democrat had won since Jimmy Carter. He won in Virginia. No other southern states had the democrats won in many election cycles. Obama won without winning a state in the deep south. That's a path to victory for the democrats at the national level that doesn't involve the south at all. You can win the presidency for democrats without winning any southern states, including Florida, North Carolina, and Virginia.

Obama won all of those in 2008. Had he lost those three, he still would have beaten McCain by 50, 55 Electoral College votes. One of the changes that has happened over the past two decades has been the changing demographic underneath the national level, as I talk about, at the state level. This is extremely important in certain states. The ones I mentioned -- Colorado, Iowa, New Mexico, Virginia, Ohio are now on the table for democratic victories. And Obama demonstrated that with his election in 2008, that he could win in those states. One of the reasons that those states have become competitive for democrats -- and now in a couple of those cases safe democratic states it might appear -- is the change in population of those states, including the increasing Latino populations. And as you see in the paper, I talk about these state populations.

And there's 20 states -- if you combine the black and Latino population, there are 20 states in which the combined population of blacks and Latinos make up between 25 and 52 percent of the state's total population. These states have a combined 312 Electoral College votes -- 42 more than necessary to win the presidency. And it has
the potential to significantly change politics as we know it. These states also, as you know, 40 U.S. Senate seats, there are 272 U.S. House of Representative seats, 2956 state legislative seats. And I didn't even compute what we saw here -- the number of city council, county commission, judgeships, DA, school board seats in these states in which the black and brown population is increasing and has the potential to be a dominant force in politics and lead to outcomes like what we saw and what we see in Durham. I think the DA mentioned -- you know, Durham has a 100 year history of black political influence, significant influence. That's only increased over time -- due to some of the dynamics kind of like what I described in the paper.

So one main point is that we see the potential to have a different set of policymakers and a different policy agenda if this potential electoral power can be brought to bear. Now, there's some impediments to this potential power that are out there. And there are some well-known impediments that folks in this room -- Professor Joyner -- when we talk about the gerrymandering, racial and partisan gerrymandering, right, has been used as an attempt to dilute the black vote and disenfranchise black voters, much studied. Voter I.D. laws are now in fashion as an attempt to limit the power of the black and brown vote.

The argument I make in the paper is that we should pay more attention to mass incarceration and felony disenfranchisement. This has been talked about quite a bit. It's not a new call. It's out there. But what I attempted to do in the paper was to put some concrete examples and follow some direct consequences of this potential impediment -- not a potential -- a real impediment to black and brown political power. It's another tool to limit the black and brown vote. The exercise I do with my students in class, I had a State Politics class, I asked the student to go and do research, I assigned them each a state, 26 students in the class, and to look up voter I.D. laws in their assigned state. And I asked them when it was first placed on the legislative agenda, when it was first debated, who introduced it, which party introduced it.

Now, a significant percentage of these came after the election of Barack Hussein Obama to the White House. All of a sudden, it became fashionable and concern that the integrity of the electoral process. Why not in 2004? 2000? 1996? Nothing changed in terms of evidence of problems with the process -- other than Obama being elected. The republicans undertook what they called an autopsy after losing in 2012. And one of the outcomes was the recognition that they had to be more competitive with these black and brown voters if they were going to win at the presidential level. So they saw and understood and recognized this demographic change leading to political change. Now, I would submit that rather than going full force and trying to recruit black and brown supporters to the party, that they doubled down on the things that we've seen in the past with voter I.D., trying to limit the rights of folks to vote and the opportunity of folks to participate in the process.

I don't think it's a coincidence that mass incarceration and felony disenfranchisement is the issue that it is. If you look, as I mentioned in the paper, at the states that have the highest proportion of their population incarcerated,
particularly the black and brown population, these same states are where you see the
greatest potential for political power. These states where you see the demographics
changing and the potential for black and brown folks to have any voice in the
political process unlike ever before, those are the states that also have the
greatest percentage of black and brown folks in prison and disenfranchised.

Coincidental? Perhaps. I don't think so. So just to conclude with a couple other
points that I wanted to make in the paper, that perhaps we're looking for change in
some of the wrong places. Most of our attention is on national level politics. The
levels of government that are most consequential for how we live are sub-national,
how we live on a day-to-day basis, decisions made by the state capital, state
legislature, and local ordinances and decisions made at the local level. Most of the
attention in this regard is on national politics. And I'm going to draw some
attention to the importance of the sub-national level. Another point to be raised in
this analysis is that -- you know, leaving felony disenfranchisement aside -- if we
mobilize the black and brown voters who are not connected to the criminal justice
system, that potential power would be more than potential.

One of the lessons of 2016 is that Hillary Clinton didn't mobilize and turn out the
voters who might have been natural supporters had she asked. In this state -- I
remember an NPR reporter did a series and I was interviewed and I said to her -- my
barbershop down the street here, that there was not one sign -- this was in October
-- not one sign of Hillary Clinton in the barbershop. And I compared that to 2008
and 2012 for Obama. And so she said why is that? And I said I don't know. It was a
lack of presence, my point was a lack of presence in this county in general. She had
me call the barber and ask. He said no one asked. He said the Obama people brought
this stuff in every week, sometimes twice a week bringing these leaflets. No one from
the Clinton campaign ever asked.

The potential power is there if it's mobilized. And I think given the topic of
reimagining justice, we talk about some of the same folk who are often the victims of
the injustices. And this potential to involve or to get folks involved in the
process, mobilize these folks to become voters has potential to change politics and
public policy as we know it in areas like criminal justice, health, education, and
social welfare. And the example of what we just saw going on in Durham -- because
these are folks who have been elected by citizens of Durham. And they know that we
have their back, right, that there's a coalition that has their back.

So you can have the chief judge sit here and say some of the things he said and not
feel threatened electorally. And he's right, there have been ads on about these
judges. But there's a coalition in Durham where these folks have their backs, we
have their backs, and they have support from a coalition of voters and that makes a
difference. I'll leave with one, close with one question that we toss around a lot --
particularly this morning. And that is, you know, we can't assume and it's not a
given that electing more black and brown folk to elected positions will necessarily
and automatically end up in the kinds of policies that the folks on the panel are
discussing. It's not a given. And I always ask my students -- can you expect
different outcomes by simply changing the players of a game and keeping the same
rules of the game? So same rules, different players -- can we expect a different outcome? That's a larger question for us to consider as we go.

**JEREMY TRAVIS:** Excellent. Thank you, Kerry. So there's nice linkage actually in these three papers in terms of participation in civic life and to what extent does that create a possibility for change. To use Monica's framing of it -- the agentic power that can be expressed politically or expressed in lots of other ways. So anyone who wants to help us draw the threads through the morning and the afternoon and to weave Durham into our discussion, that's a facilitator's gold star. So just asking who -- just seeing threads that make sense to you to make sure we see them as well. So with that hope and expectation, the floor is open. Pastor Mike.

**PASTOR MIKE MCBRIDE:** I have to leave as well. So I won't be with everyone tomorrow. Throughout the whole morning and this afternoon, I am compelled by a couple of things that I think continue to be deeply frustrating for me as an organizer at the local, state, and federal level. And I call it the powerlessness of the powerful. You talk to people who are executives at the local, state, and federal level. And I have heard so many times that my hands are tied and I can't do anything -- whether I'm sitting in the White House -- never with Ron, Ron never told me that. At the state level, at the local level, it continues to -- my dear brother Art mentioned this when you were talking about Jared asking, you know, can you help me get the attorney general -- it's like, you know, the guy is the president. So it seems to me either people who are powerful politically and situated in the system do not know how to wield their power on behalf of the oppressed or they're just not interested in doing so in a way that risks their proximity or access to power.

Now, depending on who you ask from the movement space, everybody will have a very strong opinion about people's intentions and et cetera, et cetera. What I would like to just lift up is if we are talking about reimagining justice, I think we need to attend to this kind of dilemma of the balance of powers in the way bureaucracy limits powerful people from making broad decisions that will help stand this up or the lack of political courage powerful leaders have in being able to accelerate these truisms and principles when they are elected or appointed or serve in these roles.

And the great impact of that to me is when -- again, in Ferguson, Baltimore, Oakland, Baton Rouge, none of those were Trump republicans that had control of the local government -- quote/unquote. Right. They were all democrats. They were all progressives. They all would claim to be the champions of poor people, black people. And yet when black folks turned out on the streets, they unleashed the militarized police force on all of our heads. And/or when you go into the daily jail systems -- to the district attorney's point earlier -- and the whole system is led by black folks and yet we get the exact same outcomes, I just, I just think we have to continue to ask a different kind of question about power, about governance, and about how we are negotiating that part of the conversation in this circle.

**JEREMY TRAVIS:** So, Mike, just help us -- your answer to your question, particularly from your experience as a community organizer, and how does that answer help us think about what is possible in the reimagining justice space? I was also struck and I
gather you were by the observation about Durham as having the long history of blacks in power and the reformist movement -- that is not enough. So in your experience, what moves the powerful who are powerless seen from a community organizing point of view or any other perspective you think we should hold onto as we think about the reimagining justice imperative?

PASTOR MIKE MCBRIDE: Certainly if they're elected, the threat of them losing their election would move folks but then we wrestle with the limit that Kerry just raised -- they're systematically trying to limit our access to the ballot. The interruption of capital historically has been -- you think of Operation Breadbasket and the things that, you know, King and Jesse Jackson and all these folks are doing all across the country right before the assassination of Dr. King -- the interruption of capital seems to help people grow a brain about, you know, equal access. But I do think what is most limiting -- if I take imagination seriously -- is people who are participating in the systems broadly have not seen another system work at scale.

And so I think there is this sense of what would it look like -- I'm going to be putting out a proposal to work on this -- to find cities on the hill across the country that we can create, smaller cities, rural cities where the politics may not be as much of a barrier to scale up all of these aspirations where folks can actually see that you can cut a police budget by 30 percent and directly re-invest that into certain parts of the underfunded innovations that are happening. And it won't make crime go through the roof. It won't turn the whole city council upside down. The politics won't blow up.

What would it look like for us to spend more time creating wholesale, city-wide expressions of something different so people's imaginations can be catalyzed? Again, many of the police chiefs who we work with love the innovations around gun violence reduction strategies. The police chiefs who have moved to other cities after working in a city that does those innovations are much easier to work with. Because they've seen it done. And it's like I don't have to go here and convince you. I did procedural justice in my former city. I've sat with street outreach workers. I've seen that this actually makes police officers' lives safer. And so if we create cities on a hill, we can create a pipeline of legislators, of executives that can help recreate and replicate that to scale.

JEREMY TRAVIS: Leah, join in the conversation please.

LEAH WRIGHT RIGUER: I have a lot of thoughts -- I'm going to hold them for right now. I don't, I don't think you can answer Pastor Mike's question without tackling Kerry's concept of this new, you know, to borrow a phrase, this new majority, this potential new majority. And I was struck by something you said, Kerry, when you were talking about, I think you said your barbershop said nobody has asked, I don't know because nobody has asked me. I actually worked at a project during the summer of 2016 doing exactly that -- going around and asking focus groups about why aren't you, why don't you have the same level of enthusiasm that you had in 2008 or even 2012 -- when there were drop-offs in enthusiasm among black millennials. And many of them pointed back to exactly what Pastor Mike -- in fact, almost all of them pointed back to that.
So it wasn't simply about well, you know, people coming into my neighborhood, nobody has reached out to me.

But there was a real anger -- and I know we talked about it during the break -- there was a real anger that I don't necessarily know that we are recognizing on an institutional level with voters, black and brown voters, about how they feel they have been shorted by the system. And until we begin to even address that -- addressing it not just in terms of voter suppression, gerrymandering, voter I.D. laws, mass incarceration -- but also addressing these people who have been left out or behind in a system that by all outward appearances have these markers of progress, right? Hey, black unemployment, right, record lows. Why are people still angry? Why are they still dissatisfied with the political process? I interviewed one person from Ferguson, a young woman in her mid 20s who had been on the ground the day Mike Brown died. And she said you know, I expected all of these leaders that I had -- I've been a democrat my entire life, all these people I helped elect. You know, my parents said we're democrats, this is what we do. I expected them to stand up and say something. And they said nothing.

PASTOR MIKE MCBRIDE: Or the wrong thing.

LEAH WRIGHT RIGUEUR: Right. Or the wrong thing. This young woman in particular was furious that, she said the first person who stood up was Rand Paul. And she said I've been told this my whole life -- I said does this mean you'll support Rand Paul? She said no. It probably means I'm either going to be asking really hard questions of these people who have expected my vote and my support or I'm not going to vote. And that was I think something that you can only tap into by actually going out and interviewing and talking to people who are considered unlikely voters, non-voters, right, groups that have traditionally been left behind. The other thing I want to say is that there was a level of anger that we also saw from Latino communities in the build-up to the 2016 election that was not addressed. And so part of, you know, part of what we have dancing around is this idea of what do we have to do internally within these coalitions that we have built, that we assume have our best interest in mind, what do we do within those groups to hold them accountable and say it's not enough that the other side is bad, right, that you're the lesser of two evils, that's not going to work anymore. What are you going to do for us and then how do you make that happen? I think this is a real dilemma.

JEREMY TRAVIS: A clarifying question for you. Is the anger that you're describing a change in a level of anger over time, 2012 to 2016, when you did your focus groups? Is it more acute anger? Or has there always been anger and we haven't addressed it?

LEAH WRIGHT RIGUEUR: It's almost a difficult anger to tease out because it co-exists with warmth, partisan warmth towards particular ideas and parties. On the one hand, you would get people who say I love Barack Obama. I have a shrine to him in my living room. And everything that he's ever given me in life -- congratulations on your wedding -- is framed. At the same time, I am very angry at the party because I haven't seen the types of things that they promised me that I would get -- and so,
you know, whether that be the state, the local, municipal, whatever level. So trying to reconcile those things and also noticing that the drop-off -- so the statistical drop-off starts in roughly 2012. But actually we see it much earlier. We see it with kind of the explosion of Occupy Wall Street and the rebirth of the labor movement and this push. But we really see it in Black Lives Matter and the explosion that happens in Black Lives Matter. That should have been a sign that something was deeply off.

**JEREMY TRAVIS:** Thanks. I think one of the questions for us, as we think about the reimagining justice opportunity, is there an anger that can be tapped for change about the current state of mass incarceration that would be analogous to the Black Lives Matter anger -- if we want to call it that -- about the system, the way the system works? And if so, how might that can be channeled in ways that would produce real change -- whatever real change looks like. And, of course, the question we always come back to -- what are the obstacles, how deeply entrenched is the power structure. Is this a fool's errand? Are we thinking this might be possible when it's not?

And this gets back to Pastor Mike's hopeful observation -- by actually thinking about and testing some ideas, things might be quite different. Is that enough to, over time, build a demand for something quite different? And what does that demand look like? What does that demand ask for from a power structure that is not likely to give it? What does that demand look like for something quite different than around the edges? If we don't tinker, right, around the edges -- that's simple. That's easy. We can feel good about it. But we're talking about very deep changes in the way the justice system works, where there's lots of entrenched interests. Not to be a downer at the end of the day -- can we imagine that? Kerry, I'll ask you to wait a little bit. John Choi.

**JOHN CHOI:** I think this is a really critical conversation. Because if we ever want to change the things that we desperately want to see differently to be ultimately sustained beyond a particular individual or person, I think that we have to be really strategic about all these things. And I think there's lessons to be learned right now. I think right now, in this moment in time, we are in some massive change. I'm feeling it as a Chief Prosecutor as it relates to criminal justice reform. But it was done throughout this country in a very strategic way. And it still is today. And now we even have groups who are infusing money into the electoral process. Remember, criminal justice reform actually started in the south, in many of the communities where they were over-incarcerating people -- despite leaps and bounds.

I come from a very low incarceration state. But there are many states that are clearly, clearly over-incarcerated. So those states are controlled by conservative republicans. But people figured out -- and I think the work that you've been doing and also Right On Crime, to engage the people that were in, people that are in power, their thoughts about some of the things they care about.

So what the conservatives in the south didn't like is they were spending massive amounts of money and they weren't getting the return -- they were convinced that the
return coming back with respect to public safety, right, wasn't yielding that investment. And so you saw a number of things happen in some southern states. And now you've got justice re-investment happening. You've got prosecutors who were very much invisible but now, today, they're not. I mean, they have to be thinking about -- especially if you're in an urban jurisdiction -- you have to be thinking about what your community is wanting you to do. And I think some of the frustration that might exist from advocates is I think -- and there is a sense of urgency. There really is. I mean, there has to be among all of us and people in power. But I think the hesitation sometimes is that when you're in the seat of governing and you've got responsibilities from an ethical standpoint, making sure that whatever is happening is legitimate in the eyes of all -- not just the people with the loudest voices -- but all people, that it's legitimate.

And that's where the opportunities are. And so I think as we think about how to build that, we can't just speak to the choir and just talk to ourselves. We have to think about how do we convince other people to recognize that it's in their interest to re-define public safety, to say that if we continue with this path of incarcerating people and we're not thinking about who really should be incarcerated and who doesn't need to be incarcerated, we're actually diminishing public safety. We're making everybody less safe. We're doing more harm by caging people who don't need to be there. So those types of messages, as they're being developed and kind of trickled into the political environment, I actually see it kind of working. But I think we just need to continue to be really thoughtful, strategic, thinking about who ultimately has that power and really thinking about how to craft those messages.

Because right now, the way I see it is that criminal justice reform is a bipartisan issue. It's not a left/right thing at all. In fact, I know many, many conservatives who have, very much believe that we need to change our current paradigms. And also, too, for the people in power, in order for us to have legitimacy in the eyes of the people who would actually do the work and to have legitimacy with the people who aren't thinking about these issues, we have to be thoughtful about how we go about this particular change. As somebody who is the Chief Prosecutor in my community, I'm actually really grateful that we're having this, more attention paid to some of these justice reform issues. Because when I came in as an elected official back in 2010, I actually ran on the justice reform agenda. But nobody was really thinking about it or talking about it. So I was back then talking about treatment as far as diversion.

But today, that's standard stuff that we're doing today. And that's expanding. And I think a part of this too is that I have also have come to the conclusion -- because we've done some great things around juvenile detention alternative initiatives. We used to have over 100 kids locked up waiting resolution of their case. Today, we have, one day this year, we had 13 kids in detention. But the disparities have gotten worse. And I still see the issues, underlying issues that -- we're just nibbling at the edges, right? And so this is one of the reasons why I think this whole Square One Project is so critical to think about everything that we've kind of baked into our psyche and our cultures and our systems to say that we need to do something different.
JEREMY TRAVIS: At some point, I would like to invite you and Judge Trosch back into the conversation. Talk to us as politicians. As you run for office, what's it like? Our democracy can be a great driver of change. And I think that's what John is alluding to. That's why I'm fascinated by these progressive prosecutors -- nice little discussion with Satana here. But what is the platform? What are you accountable for when you run for reelection? And what risks are you willing to take in the public eye? And, Elizabeth, we talked about it a little bit but we didn't push you on it before -- but I'm just fascinated by how much you're doing so publicly so differently, reflecting your deep understanding of the structural problems of our justice system. So I want to come back to that as a political question. But Michael Finley is going to help us first with whatever he would like to add.

MICHAEL FINLEY: You said help? I think I'm a little low on brain power, so I'm a little unclear on what question to answer.

JEREMY TRAVIS: I just nominated for later discussion, whenever I feel it's right, what's it like to run for office.

MICHAEL FINLEY: No, I wasn't referring to that. I was saying big picture, this discussion -- because these are conversations that are somewhat -- there's a mix, right, there's academic, there's theory, and then there's sort of practice. So it's my own introspection saying, I'm sort of hearing -- and I get everything that's being said. So I'm thinking now Square One, it's kind of vast, what could we be doing, right? And I think part of this is -- at some point, we will have to define what the "it" is. And I think trying to be thoughtful about that. Because when we have a room of a lot of people, really smart people in the room, the "it" can sometimes become -- and that's huge. I'm not saying that's not what we should do. But it's how do you do that in a structured, organized way. That's what I'm trying to work through.

So when I think about reimagining justice -- yesterday when Marlon brought up abolition and then the divestment piece today, Vivian talking about we need to be thinking about these systems. Like these systems are screwed up. Several people have said that. So to me, looking at reimagining -- part of this is really -- that this should look totally different, that this should be an opportunity to really re-think this stuff in a way that isn't based in the current structure. Like there's a thing that's going to work -- if you're in court and there's kids going through and everybody knows, you can read the fact pattern, and everybody in the room knows, we know what's going to happen to that child, they're going to get this and they'll bomb out of it in two weeks. Everybody in the room knows, has agreed -- this will be the future of this child in this program.

We know it's going to happen. And we let it happen, right? So we're not being thinking adults. And I think as we sit here and my struggle is we're saying right, these systems, we're all agreeing, weren't meant for us, are designed to be screwy and messed up. Yet we're going to try to figure -- and this is the part where I want to work -- where we struggle with harm reduction versus really going all the way to a different space. So I think trying to figure out this continuum that today, right, we work for harm reduction, try to figure out -- but this is an opportunity to really
re-think and experiment. So when we say hey, in Durham there's some things going on -- whether you look at particular places and really uplifting those examples so everybody in this field knows these things are happening and how to sort of do that.

**KERRY HAYNIE:** Just quickly, in terms of the reimagining, I think in the Square One piece, is education -- we talked a lot about this throughout the last couple days -- education, particularly civic education. Some of that anger -- I looked at some focus group data and survey data -- that folks are angry and upset. It's often misplaced, right? They have expectations of one elected official and the person has no authority to act on the issues that they're concerned about. And folks just don't know the system. When you asked the question about your electoral experience -- I'd like to know how many votes you got out of how many were cast. Because we drop down off of -- we all know, right -- you vote for governor and then those other offices drop off. You vote for president and those other offices drop off.

In the midterms, coming up, right, at the top of the ticket, there will be big turnout numbers. For the judges, nobody votes. Folks just don't know. I have a hard time -- I have to get the ballot and study the ballot -- this is what I do for a living, right -- to figure out the ballot. So civic education, the piece about Square One going back to educating folks about the system. That potential is not going to ever be realized if folks don't know how to put that power to use.

**JEREMY TRAVIS:** We'll ask Art to make his observation. John and Elizabeth to talk a bit about politics. I'll make a closing metaphor. Bruce will help us understand where we've been over a long day. I can't wait -- where we've been. And Judge O'Neal would like to get in there.

**ARTHUR RIZER:** A shameless plug -- I wrote an article in The Guardian called "The Conservative Case for Criminal Justice Reform." So you can read all these next things I'm going to say there in full detail. I want to echo a little bit what Kerry was talking about at the beginning -- but on the other side. Because this is something that is right in the face -- and also you mentioned something about Right on Crime in Texas. Trump gained about 8 percent of the black vote. Reagan got about 9 percent of the black vote. Trump got about 28 percent of the Hispanic vote. And Reagan got 35 percent of the Hispanic vote. Now, while black population has not really risen in the United States, Hispanic population in 1980 was 6.5 percent. Today it's 17 percent. By 2050, it's going to be 33 percent.

Now, if you don't think that the center right is thinking about these numbers, you're wrong. And if you don't think the reason that the south has pushed criminal justice reform -- and part of it is saving money, part of it is because of a new understanding of limited government and being suspicious of government, but part of it is they are terrified of the shift. And I do not think you're going to see huge outreaches in barbershops across the United States. It's not going to happen. But where you might see a big push is in Latino communities. Like Compton now has become a Latino community. I was there recently and I saw like republican offices and stuff in Compton. I said what the hell is that doing there? I never would have saw that 15, 20 years ago. So I'm not a republican.
I consider myself a classical liberal. I use the word conservative because nobody knows what a classical liberal is. Every time I say that -- so you're a democrat? No. Just call me a libertarian or whatever. I do think it is on the tip of the spear -- and especially if you go to churches where a lot of conservatives are, it is a big part of what they're preaching today. You know, quite frankly, Jesus had a really tough time in the criminal justice system. And they talk about that routinely. And it is becoming part of the mantra on the center right. And I'm not saying this is from evil forces -- I am on the center right. But it is definitely -- everything that you're thinking about, sir, they're thinking about.

KERRY HAYNIE: Along with building the wall and all that?

ARTHUR RIZER: Yeah. But the funny thing is -- many, many Hispanics that are actually voting Hispanics, they don't poll the same for those kind of questions as other individuals. It's actually kind of a weird statistic.

LEAH WRIGHT RIGUEUR: It's actually -- sorry to interrupt -- it's based on national origin. So Dominicans poll very different than Cubans than El Salvadoreans.

ARTHUR RIZER: And a lot of the polling has been done by the center right.

PASTOR MIKE MCBRIDE: Which is why race is such a conundrum in this conversation because black folk have 400 years of experience with the goodwill of white folk. Immigrants don't. And many immigrants we work with, even within our network, tell me Pastor Mike, I'm not the bad immigrant, I'm the good immigrant. And I tell them it does not matter what you think you are because the powers that be -- however you see them -- don't believe you're white. Now, you can think you're white. But you will not be treated with the privileges of whiteness. Now, that analysis is lost on almost everyone who is not black. And even some who are black reach for whiteness thinking that it will save them until it doesn't. So I do think -- this is why the race conversation, even within conservative, right-to-center places that we're having it is critical. We cannot underestimate the way race plays in the background as an ad that is always running but never attended to. And then we watch the demographics shift and we now have white Latinos, white black folk. And the melanin don't change but your racial analysis is so deficient that you get the same outcomes that we have for years.

JEREMY TRAVIS: So Dean O'Neal.

ELAINE O'NEAL: I want to say thank you all for allowing North Carolina Central University School of Law to host this very important work. I think we've just begun. I also think that the conversations that we are having are necessary. And I hope that it will continue. The only last thing that I would like to add to the conversation is that while we are talking about the Square One Project and what that means to reimagine justice, I do think that, at some point, we have to consider that there needs to be some parallel conversations that happen with other groups outside of the room.
And I'll just take the black experience for a second. Within the black community, there are lots of things that we need to deal with in order for us to come together on some issues. That will help us to define, as a people, to the extent we can, what justice looks like when it is reimagined. And those conversations have to take place within the black community. I also think that it has to happen in the white community. As I've often said, you've heard me say over the couple days, you all hold the power, have held the power, and you continue to utilize that power for over 450 years. There's a process by which that is done. And you're going to have to talk to your relatives about how we are going to be integrated, those outside of your culture into this melting pot. America is changing. It's going to change. And we have to be intentional about how we change together and positively. So thank you all.

JEREMY TRAVIS: Thank you again for both your hospitality but more for your contributions to our discussion, really rich. Elizabeth, when you run for office, do you put on a different face from the face you have here? In the public? How are you perceived? And just a quick answer. I'll ask the same question of John. We need a little political reality here about how this works in the electoral process.

ELIZABETH TROSC: So everybody who knows me knows I'm not capable of putting on a different face. It is what it is. But I think that actually the dynamics -- so where we run -- district court judges run locally. And so the local politics really, you know, drive what that ends up looking like and what those dynamics are. And they have really changed a lot in my district over the last 15 years. So 15 years ago, I think people were feeling the impact of crime and their feeling of even the relevance of the criminal justice system very differently. Fifteen years ago, white people, white upper middle class people were having their homes broken into, their cars broken into. And they -- so they felt, you know, some, that what was happening in the justice system was relevant to their lives.

And, frankly, they pretty much rose up and marched on town hall kind of thing, demanding, you know, a response. And I think that for the most part, policy and practice in the justice system were developed to serve the needs of the white, upper middle class -- which has kind of been the case, right, forever. It's only I think in these last, I don't know, 8 to 10, maybe 8 years -- that one, you know, we know crime is generally at an all time low. In my community, whites aren't really feeling the impact of crime. Most of the victims of crime that are crimes involving victims are people of color. And so now what we have is a dynamic in which people of color are pretty angry and frustrated with a feeling of a system that is not treating them and their communities fairly, with dignity, and responding to their needs in meaningful ways. And so now that call is what I think is starting to drive policy and practice around criminal justice.

JEREMY TRAVIS: John, we started our time together here being somewhat surprised that you're running for office but you're here. So I'm not sure what that means about your electoral prospects -- either they're very good or they're awful. But how, what's it like on the campaign trail?
JOHN CHOI: Well, I mean, back to when I started in 2010, I was probably the product of, I guess, the democratic machine and all of the powers and interests that were behind that. So labor unions, the Police Federation, African-American community -- strong support. And, interestingly, I got 54 percent of the vote. In 2010, it was a contested election. The incumbent had run for governor. Interestingly, all my votes came from the geographic area, the western part of the county. I won predominantly where it's high education and very liberal. And then where the African-American communities, very high there. And then when you get out to the suburbs where the demographics there are much older, I didn't do so well. So since that time, you know, I think as the elected County Attorney, I'm managing politics a lot. A lot of it is with a small p. I have a unionized staff. So I can't, I have to, I can't -- I can have policies, I can say certain things. But, ultimately, if my staff doesn't want to do it -- they're we-bes I call them -- we be here longer than you, just a matter of time before you're gone, you know. So that's -- to manage that --

JEREMY TRAVIS: That's the powerlessness of the powerful, right?

JOHN CHOI: But it's a challenge to manage that. And so I have to think about how to make change make sense to them, right? And then I've got -- in my community, I've got kind of a wide diversity of interests, politics. There are some conservative locations and then also very progressive areas. But just trying to have everything that we're doing make sense --

JEREMY TRAVIS: So the reform agenda that you've articulated and embody, is that an issue or is that --

JOHN CHOI: No -- the majority of my population is progressive. There are people on the right who think that I'm just a softy on crime. We have the St. Paul Pioneer Press. They allow people to comment. There's all these racist things they say about me or they say that I'm just, you know, letting out sex offenders or whatever it might be. But actually I embrace that because one of the things I'm trying to be more intentional about in my leadership, most recently is I've come to the conclusion that after listening to Bryan Stevenson and reading his Just Mercy, I think that prosecutors really need to be talking more about those situations in which we're actually exercising our mercy. We're giving a second chance. We never talk about that. We were bred to not talk about that. We were bred to pound our chest and say I just got a 40 year sentence on a murderer. Aren't I great? And the people would say yes, right? And so I think that branding too is kind of evident. This process has kind of shifted that a little bit.

JEREMY TRAVIS: Thank you for that. Thank you for that, Elizabeth, also.
STATE OF NORTH CAROLINA AT LARGE, to wit:

I, Michelle Maar, RDR, RMR, FCRR, certify that I was present on October 12, 2018, at The Square One Project's Roundtable of the Future of Justice Policy, held at North Carolina Central University School of Law, and did report by stenotype to the best of my ability under the specific conditions existing at the time of the proceeding and produced a transcript of the same.

Michelle Maar, Court Reporter

Notary Public #201628400102
My Commission expires October 4, 2021
Day 2: Friday Observer Comments

At North Carolina Central University, Durham, North Carolina
October 12, 2018
9:00 a.m. to 5:00 p.m.
Reported by: Michelle Maar, RDR, RMR, FCRR
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute
Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University
Daryl Atkinson | Founder and Co-Director, Forward Justice
Dasheika Ruffin | Southern Regional Director, ACLU National Campaign for Smart Justice
Derrick Harkins | Senior Vice President for Innovation in Public Programs, Union Theological Seminary
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Michael McBride | National Director, Urban Strategies/ LIVE FREE Campaign
Monica Bell | Associate Professor of Law, Yale Law School
Nancy La Vigne | Vice President for Justice Policy, The Urban Institute
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PROCEEDINGS

JEREMY TRAVIS: Okay. This is the time that we have provided for observers to make some observations about what we've been talking about in the form of a suggestion of something that we should consider that we haven't yet considered. It could be in the form of a question. But we won't answer it right now, we'll just put it into our conversation. And the challenge today at this moment is to be precise if you have things that you would like to say. And just so we continue to get to know each other, your name and affiliation, if you would. So who would like to make sure that we think about something we haven't thought about yet who is in the outer ring? Yes. Just stand up and remind us who you are and your affiliation.

PAMELA, ROUNDTABLE OBSERVER: Very quickly, Pamela, my affiliation is the University of Pennsylvania, the first HBCU. But I just wanted to say I appreciate everybody in the room. But my observation was who may not be in the room. And one of the things is that I wear a number of hats. And I appreciate Dean O'Neal and Bobby Brown sharing their experiences. But one of the experiences or one of the hats that I also wear is a mother who has lost her son to violence. And I think that we can't reimagine justice without including those individuals who have been harmed. And the question was, you know, who has been harmed. And also, you know, when I think about prosecutors and we look at the state versus -- and so we have the states stepping in as proxies for those individuals who have been harmed. When we reimagine justice, I think it's important that we make sure that we hear from those individuals who have been impacted -- not just directly by the criminal justice system but also by, impacted by harm. So that's what I would like to bring to the space.

JEREMY TRAVIS: Thank you. Thank you so much. Duly noted and something we discussed in planning the roll-out of the roundtable over time. Who else would like to make -- yes. Please say who you are. (Leah Sicalla, Roundtable Observer, spoke to the roundtable.)

JEREMY TRAVIS: Thank you, Leah. We'll hear more from you tomorrow. Good to hear your voice today. Yes, please. (Phillip Graham, Roundtable Observer, spoke to the roundtable.)

JEREMY TRAVIS: Another really great observation.

ROUNDTABLE OBSERVER: I had a couple observations, stemming from the --

JEREMY TRAVIS: And you are? Just so --

ROUNDTABLE OBSERVER: (Inaudible). This morning, Jordan, you know, posed the question. One of the responses that I heard was that youth need to organize more. And I just wanted to respectfully disagree with that simply because in my work with youth in Mecklenburg County, when I was the Criminal Justice Planning Manager there, when I got linked to the right people, they were able to bring lots of young people to the table. They were extremely organized. Throughout Charlotte, there are pockets of very organized young people -- but they lack access to information. And so
I recognized my role in government at that time, I was a gatekeeper to data and information. And once we got together and they accessed in real time what's going on within their communities, not only can they call the police, asking the police to come into their communities, they can go to the magistrate's office and seek a warrant. So once we sat down with that data and had conversations, there were several -- maybe we can do this with our community, with our churches, with our non-profits. Rather than the government coming in and inserting itself, we've got the resources to solve the problem.

So I really think that as stakeholders -- and we're all gatekeepers in our systems -- that's something that we're really going to have to challenge people to reimagine -- is that everyone has a role of gatekeeper. The other piece that I wanted to speak to was just, you know, the power -- so the goal for that whole effort was to move power from law enforcement to the communities. And I would say that through that experience, I witnessed for myself and for others that it's not only healing for people of color to get that power back, it's healing for white people to let it go -- who were never intended to have this level of power and haven't been able to deal with it. And so I think that when we talk about healing -- which I think Daryl mentioned this morning -- it's really important to think about even as systems reform, there's going to be healing built into that for both parties.

JEREMY TRAVIS: Thank you. Any other comments, questions from the observers who are here? I see none. Okay. As I said, we're in the homestretch. That means that there's a very good possibility that some of our members might be leaving. One of them is Daryl. And as we're talking about reimagining justice -- I would ask you to take 90 seconds or so to tell people why you have to leave early and where you're going.

DARYL ATKINSON: Well, Arthur and I --

JEREMY TRAVIS: Arthur too -- I'm sorry.

DARYL ATKINSON: We're not going to talk about my circuitous route and his direct route -- but anyway, we were fortunate enough to be part of a delegation that will be going to Germany and Norway to meet with some of the criminal justice practitioners, visit some prisons there -- because they do things radically different. This will be my second experiential learning opportunity. The first one, I went to Portugal. And Portugal decriminalized drugs, all drugs in 2001. And it was a really amazing experience to be able to go and see something different, to be able to imagine something different.

JEREMY TRAVIS: On that theme, Arthur, you want to -- just your anticipation of what you'll see?

ARTHUR RIZER: Everybody I know that's gone on this trip -- which includes yourself and John Malcolm, one of the most conservative human beings I have ever met -- has said it was life-changing, that they walked away with a new, not only new ideas but a new way of perceiving the world, which I'm looking forward to.
JEREMY TRAVIS: Sometimes reimagine justice isn't just in the mind. And really seeing other things, other cultures, countries, jurisdictions, people that just allow us to say what is possible. Susan and I had a great discussion over lunch today about an interest that we share about Northern Ireland. Police reform in Northern Ireland under a concept of human dignity is a sight to behold. It's just quite remarkable. And going to Germany, where -- I've done this myself -- you really reflect on the experience of the Holocaust, providing a different framing for the legal structure in Germany that oversees their prisons under a constitutional provision judicially enforced of human dignity.

The first article of their constitution is the State must respect the human dignity of all people. That's enforced by the federal courts. Prisons are very different for that reason. Bryan Stevenson talks a lot about the importance of what the Germans have done to recognize, name, talk about the harms caused out of the Holocaust and, likewise, South Africa. So just to have a frame, as you will have, for not just how does the system operate differently, but how did the society get there, and recognize that that's possible for us as well. I know you'll both bring that back to the executive session. We want to thank you in advance. Feel free to just slip out without any fanfare. We're just really grateful for your contributions.
CERTIFICATE OF REPORTER

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Michelle Maar, Court Reporter

Notary Public #201628400102
My Commission expires October 4, 2021
Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 2: Friday Wrap Up

At North Carolina Central University, Durham, North Carolina
October 12, 2018
9:00 a.m. to 5:00 p.m.
Reported by: Michelle Maar, RDR, RMR, FCRR
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute
Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University
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**JEREMY TRAVIS:** Bruce, we turn to you at the end of a long day in a long room to help us think about the distance we've traveled.

**BRUCE WESTERN:** So I heard today -- it was an incredibly wide-ranging discussion. If we think back to where we started with actually not with Leah but with Jordan and the role of young people in the justice reform process. So I heard the overarching question that was being posed today, has emerged over the course of a long program, is where is power, where is power in this whole world in which we're operating. And there were at least two ideas about where is power. One answer is it exists in agencies. And it exists in police departments and prosecutors offices and courtrooms and departments of correction.

And so we had a discussion of well, how important is it who is in leadership, who are the chiefs, who are the DAs, who are the judges? And there was a consensus around the room that, by itself, it wasn't enough that communities of color be represented in positions of leadership in those, in those agencies. And partly I think the answer is because the American criminal justice system is extraordinarily decentralized. There are many little locuses of power. And so the control, the level of control of any one leader in any one agency is limited. I think this is one reason you get the answer my hands are tied. Power is widely dispersed.

We heard something of the frustration about that situation when Elizabeth said this morning -- who I thought was an absolute rock star this morning -- when Elizabeth said how do we set it right and Ron said how do I be a conscious warrior for justice. And one answer is, that I think that emerged, how can, how can these leaders be empowered. I think we heard there are large reservoirs of discretion, in fact, in these agencies and that are held by leadership that are often not fully utilized, that are often dormant. They're accompanied by political risk. But that discretion exists.

So there is, there is real power there. And when I hear John talking about Bryan Stevenson, I hear you say I'm investigating how I can use my discretion in a different way, tap into that discretion and use it in a different way and make the choice for mercy with, with my powers of prosecution. One of the things I took away from the Justice in Durham meeting, in the setting where power is very, very dispersed and decentralized, there's enormous importance in coordination. And when different agencies, different actors are in conversation with each other, then much more can be done than by acting alone. And it seems like in a community like this, there is at least a reasonable level of coordination that's beginning to emerge, a rather pretty fundamental justice reform agenda actually -- so tapping into reservoirs of discretion, coordinating across agencies. So that's one idea of where is power -- it exists in agencies. And then we had Monica's panel.

And the other place in which power exists is in communities. And the community -- she was urging us to think of the community as potentially a political actor. It's not always a political actor. But it is potentially an agentic participant in processes.
of transformation. And that's not normally how we think about communities. We normally think about communities as sources of punitive sentiment, right? We normally think about communities as constraints on the discretion of leaders of agencies. But I took Monica's discussion as a much more open-ended idea of what community power could be -- something very much more than just a source of punitive sentiment that constrains all the goodwill of progressive agency leaders. And racial justice is a very important, potentially, counterweight to all of the punitive sentiment that pushes communities towards a status quo and in the direction of punishment.

A community mobilized by racial justice, it seems, has enormous progressive potential. I thought the big implication coming out of the discussion around Monica's paper was that we should be thinking about criminal justice policy for its effects on social cohesion, the mobilization potential, the organizing potential of communities. And, again, that struck me as a new idea. We typically don't think about -- we don't assess criminal justice policy in those sorts of terms. We think about what's the effect going to be on recidivism, what's the effect going to be on crime rates, what's the effect going to be on incarceration. But thinking about the effects of public policy, criminal justice policy specifically on the social cohesion of communities, the power to mobilize, organize, share interest, be a political actor struck me as a really, really important idea.

Third and final thing -- H.D. Lasswell -- I'm channeling Kerry -- I'm sharing with you the sum total of my political science knowledge -- he said politics is about who gets what, when, and how. But when it comes to race politics, that is not an adequate definition -- because the entire political context around race in America is a contest about citizenship and the fundamental rules of the game and who is in the political community, who gets to be a member of the political community that has voice and gets to influence political decisionmaking. And at some level, we thought that battle was over.

We thought that battle was over in the 1960s and it was won. But it's not. And voting rights is a live front in the political contest over race in America. And in my thinking, there's a direct connection here to the discussion about criminal justice policy. Because who gets to be in the political community is fundamentally a political conversation about dehumanization and humanization and who is, whose humanity is sufficiently present that they get to be in the political community with all of us. And that is the same conversation that's underneath the criminal justice reform conversation. And it sort of feels unfair, the battle over voting rights to us, for those on the progressive side, feels unfair. Because that battle was meant to have been won 50 years ago. But that is, that is the depth of racial injustice in this country. History hangs so heavily on this. We're still, we're still engaged in an active political contest over who gets to be in the political community. And now this is -- I mean, this is really an unresolved point in which to leave the conversation but I think it's where Kerry has left us.

Two final thoughts by way of conclusion. We've not talked a ton about two really fundamental political ideas. One is organization -- like how does organization actually happen on the ground and what does that look like. And I wonder if we need
to be talking about that more in pretty granular detail. And the other thought is coalitions, organizations, coalitions -- this is the bread and butter of politics. And we've talked about coalitions a little bit. And when it comes up, we always look to Art. He is our reliable coalition partner.

ARTHUR RIZER: Yeah, a coalition of one.

BRUCE WESTERN: Right. Exactly. We talk about left/right coalitions. Maybe we also ought to be talking about black/white coalitions -- which we have not talked about enough in this conversation. So that's my wrap-up of a very wide-ranging day. And so I think we're free to go to the bar now.

JEREMY TRAVIS: You've earned time at the bar. (The agenda for Saturday was discussed.)

I'm going to leave you with this totally self-serving idea. I once had a conversation -- this is after Bruce and I did the Incarceration Report, I was presenting on it at a panel -- and Nicholas Turner from Vera was there -- and we were just like this is just so big, where do we start with mass incarceration? We were talking about the scale of the number of people in prison and the amount of money we were spending. And so Nicholas and I lived in Brooklyn.

So in the taxi home, we came up with this devilish idea -- which has now found its way into the participatory justice movement. I said we can just secede from the state. We'll take Brooklyn. Here's how much money is being spent in Brooklyn for the incarceration of people that are from Brooklyn. Oh, yeah, they committed crimes in Brooklyn. And it's a gazillion dollars. So we're going to organize our political leaders and our community folks and we're just going to announce that we are no longer part of New York State for criminal justice purposes. And guess what? We want all that money home because we want to start spending it in Brooklyn, for communities in Brooklyn, to do things differently in Brooklyn. We never quite had the guts to do it. But there's a way to sort of think big about -- starting with let's take some money back where it belongs. So that's something we'll talk about tomorrow.

But that's food for thought as we leave.
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Roundtable on the Future of Justice Policy
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Day 3: Reflections on Thursday and Friday (October 11 and 12, 2018)

At North Carolina Central University, Durham, North Carolina
October 13, 2018
9:00 a.m. to 1:30 p.m.
 Reported by: Victoria Pittman
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute
Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University
Daryl Atkinson | Founder and Co-Director, Forward Justice
Dasheika Ruffin | Southern Regional Director, ACLU National Campaign for Smart Justice
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Ron Davis | Principal Consultant, 21CP Solutions
Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
Good morning, everyone. Here we are on a Saturday morning nearing the end of our time together, and it's understandable that at this point the energy level is maybe a little lower than it was on the first day, and maybe a little bit lower than it was on the second day. And I'm here to ask you to ramp it up and find what I know is there, which is some excitement and energy and ideas and creativity as we move into our last half day. It's just a challenge of group process is to try to make sure that we're still bringing our full selves to the discussions. So I ask for your help on that.

I'm going to make the slight change in our programming for the day, and I want to explain it. We had on the agenda talked about and your assignment overnight was to come this morning with some reflections on the last two days. I'm going to twist a little bit because I'd like to encourage a discussion about what's next. A number of you -- and particularly those who left yesterday -- came to me before they left or came to Bruce or Katharine or some other members of our team and said, "I want to stay involved. This is too important to let it drop."

How do we keep some forward momentum? Is there a plan? What are you guys thinking about? We're really grateful for this discussion and this opportunity. And we get the big Square One picture, but we want to stay involved." So that's an assignment that we're taking seriously from people who asked us to think about it, and -- but I'd like to make it a collective project this morning as to what you would like to see happen. To start it off, I'll ask Katharine to talk a bit about what she, as the director of the Square One project, has in mind, what the -- so we have a picture of the -- of the architecture of the project going forward and particularly some of the communication strategies. And that's only the platform that we want to describe.

I'm going to ask you to come up with some other ideas about what might be added to that over Time. We decided to move this to the front of the day -- the day's program rather than the end because some people will be leaving in the last half hour. We don't want to leave -- lose those insights. And it's also a good way for us just to reaffirm our commitment to the enterprise this morning. So that's your assignment, slight revision of what you got yesterday, just to help us think about what's next, but it's really about what you would like to see done next or what you hope to do next. And Katharine is going to get us started.

Great. Thank you, Jeremy. So we really appreciate all of the time that you-all have put into this over the last couple of days. And to say that it exceeded our imagination is an understatement. So thank you all for that. Because of that -- no good deed goes unpunished -- we are here to -- we really are thinking about where we go from here with this conversation. There are some things that we -- we have been planning. As you all know, this entire proceedings has been live-streamed and thereby also captured on video. We're going to be working with our communications team, with the videographers who have been here doing interviews as well, to put together sort of a video summary of this. Give people -- it will -- as
we all are surely aware, it will be more about giving people a flavor and highlighting some of the themes than about being able to capture the entire team, but -- the entire event, but we want to make some of the ideas and some of the discussions that have happened here available to a broader audience in a lot of different ways. So we'll be using all of those tools -- using social media, using outreach with different media platforms to think that through.

What we'd also like to do is to reach out to each of you-all and hopefully schedule time for a short phone conversation to talk about your experience, to get your advice and your input, and to think -- to think with you about where you might want to go from here with some of these ideas. How is it going to be part of your work going forward, if it is? What -- are there ways that we could partner together? And we can think about providing support to that. We are very, very open in that this is something that -- we are sensing that there is more potential here and more of a need for this conversation than we had even realized, and so we're really interested in getting your thoughts and input. So you can think about that today as we're having this conversation. If you have ideas right now, we'd love to hear them right now. But also just know that we'll be reaching out to you to have a one-on-one conversation to talk more about it, getting your feedback, getting your advice. To be clear, that includes we want your criticism as well as your advice and thoughts about what can be done as we go forward from here and also as we lead to the next roundtable and the other components of the Square One project. So with that …

JEREMY. TRAVIS: Before go any further, then I'll open up the floor, I want to welcome Leah Sakala to the table, who will be a co-presenter with Nancy on our last paper of the session. So welcome. And a special acknowledgment of Marlon's role last night in the really stunning interview. Actually, I don't know who interviewed whom last night. That was sort of the magic of it, actually, as it unfolded, and what you did with Melissa was -- the fact that that's captured on tape is really very powerful, and you brought something very special to that interview and I think all of us in the audience watching that happen have new respect for you and just a sense of we were watching something very unique and powerful and, as you said, modeling a way to engage at a level of vulnerability that is not the way we usually talk to each other. So just thank you for that. We're all very grateful. It was a great contribution.

MARLON PETERSON: Thank you.

JEREMY TRAVIS: So, Ron, are you first in?

RON DAVIS: I am. Just because I want to get in before the individual comments that I look forward to -- is just a recommendation now would be I think the structure that you're using with the executive session -- and, Jeremy -- I've already shared this with Jeremy. The executive sessions in a roundtable is unique, and I think it's one of the better processes I've seen than just a group of 24 people meeting, for two years or whatever it is and meeting, becoming a think-tank for the country. I think as you -- since this is public and you may be releasing the videos, I would maybe -- sometimes I'm a visual person, is if you haven't already, is to chart out how this
feeds into each other and where you're heading with it so that a person knows that if you think that these are just standalone roundtables, then the outcome -- you may be disappointed in the outcome. If you know that it's a feeder mechanism into a larger session that has a larger goal, then this was an extremely successful roundtable.

JEREMY TRAVIS: Right.

RON DAVIS: The other part I will say is stay in touch with us because, as this process moves forward, at the end of it you have three, four, whatever number roundtables you're now getting to 75, 100 people -- I think we can help in being validators and helping put the message out of the process in our respective disciplines and fields and use our platform to promote it. So I mean, I think that's one of the obligations that we would have. So I would just say definitely keep in touch in that sense, but I think the power of it is that you are going to -- this executive session will have access to the top-thinking minds and experts in each specific area that you're looking in. So that's a lot of people to get a lot of information from, that's a lot of stakeholders, and that's not like most executive sessions where you kind of close the door and 24 smart people think a lot of stuff.

So I would definitely try to map it out so when of people look at these sessions, they really understand what the purpose is and why it's going this way. Because someone said something yesterday, which is a great question, but it suggested we need clarity, which is we can't resolve this in two and a half days. Of course not. And we probably shouldn't try. But what came out of it to me today is that you can answer the basic question, is you can't reimagine justice until you start with some basic truths and understand how this is going to impact everything we do. And so in that sense, it almost assures this -- when you reimagine justice, that you at least start with a -- have a good starting point. Otherwise, you get two years down the process and figure out race was not addressed properly and it keeps coming up. So I think it's -- so it's a brilliant -- I think it's a brilliant strategy. Like I say, I think sometimes you may have to share some ideas or clarity so that everyone else can see the brilliance. Otherwise, it may not make sense.

JEREMY TRAVIS: Yeah. Thank you.

NANCY LaVIGNE: That's very helpful. Thanks. TRAVIS: Other thoughts or ideas about where we go from here? I would encourage you to continue to include the voice of youth and young people and -- and lots of kinds of young people. We often think about youth as people under 21, but there's this kind of middle level of emerging leaders that I think should have more of a voice around the table.

JEREMY TRAVIS: Yeah. I think we've benefited a lot from being on a college campus. We've benefited a lot from having students here. But when you start to think about how that idea could be built upon much bigger than what we've done here, it almost feels like -- it's not an afterthought, but it's like a little piece rather than -- it could be much more central. I agree. Other thoughts? Yeah?
ROBERT BROWN: Good morning, everyone. Please accept my apologies for being late. I'm glad that this meeting is happening on a college campus. The reason why I'm late this morning is I -- for the last hour and a half, I've been talking to high school students looking for a college, looking for a program. And I can tell you that in the last hour or so, I've had several conversations with students who are interested in issues of law, race, social justice, and they were asking me as a representative of a Criminal Justice Department what would they get if they were to major in criminal justice, if they wanted to pursue careers related to -- through a criminal justice degree. And over the last two days, I've been thinking about what should be the role of academic programs when it comes to tackling these issues. What should be the role in regard to what are we teaching future justice professionals, future citizens?

We surely have access to a certain segment of our youth population, and what are we doing to impact and empower that group. There are other ways in which a university can engage in outreach to its local community, to get to students and people who will never take a college course. I encourage us -- I can tell you what I am going to be doing after this, my part of reimagining justice. How can an academic program like the one we have here make a real impact on this? That it's not just rhetorical discussions about justice and race and poverty? How can we actually empower people to go forward and be the next group of trained advocates? How can we empower people to understand what they need to do to reach out into communities? How can we help young people understand, okay, what's the next degree, internship, job placement that's going to put you in a position where you could be at a table like this, doing things? So I hope that I can get your help in finding a way to get academic programs to be a role player this.

JEREMY TRAVIS: It's so interesting you mentioned that -- I'll put on my Jeremy hat for a second. I was thinking yesterday during Monica's presentation how different -- we had a little discussion about metrics afterwards, where you said, "Why do we use the same metrics of recidivism?" Even the new metric of, you know, the structure of the rule of law and procedural justice? And my mind went to how problematic is the traditional criminal justice curriculum, which starts with, you know, my -- my thing, if you've ever had this discussion about what I call the funnel -- this number of crimes, this number of arrests, this number -- you know, that's the way we think about criminal justice, is this machinery that's been created coming out of, unfortunately, the President's Commission back in the '60s. And that's often the way criminal justice is taught. And so the enterprise of actually designing a curriculum that could be sort of adopted by people who have a different vision of how to think about this very narrow discipline -- this very sort of constrained discipline would be an interesting project for academics to take on as a matter of developing a curriculum for students to just open things up in a different way.

ROBERT BROWN: We need to reimagine criminal justice education.

JEREMY TRAVIS: Yeah. There you go. Okay. Other ideas?
JARED PONE: I do think that it was a fantastic idea, partnering with Virtual Justice. I think that we can definitely capitalize on this and bring a lot of academic programs we have here and keep this conversation going in a virtual platform to reach more people. I think it's particularly important that we have students like Jordan here, and I think that if each one of us -- each one reach one, we each reach a Jordan and bring them back to the table beside us, that that will start to bring up a new generation of folks who can really help us get to square one. They're boots on the ground. They're experiencing things a little bit differently than I am, and I'm more close to their generation. So I think that that's something we can definitely capitalize on, kind of redeeming this technology and utilizing it. It's here. We can broadcast to infinite number of places. And I think that we're on to something, using technology, using social media -- Twitter, Facebook, YouTube Live videos, having those recorded. I think that that's truly pioneering when it comes to reaching the younger generation.

JEREMY TRAVIS: Yeah. I think we've just scratched the surface on what social media could do to advance this work, and have to think about that some more. We have a Podcast guru in our midst, and there are lots of ways -- and reference was made to your TED talk last night -- lots of ways to curate a lot of info that's available -- virtually available on this topic. John?

JOHN CHOI: I wanted to just talk a little bit about, like, to operationalize.

JEREMY TRAVIS: Yeah.

JOHN CHOI: And it's really kind of -- it's dramatically shrinking or -- but then you have to have an alternative place. But I think in order for all of this to happen, and it's not going to happen tomorrow or in the short term. But in the long term, I think the best strategy would be to think about also how this work kind of connects with the broader public. Because without the public will, it's never going to happen. So you mentioned social media, but if there's ways that this work can also be thinking about how it connects to move public opinion around some of these issues and talking about the concepts that were talked about in a way that could be embraced and understood by just the general public, I actually think there's capacity for that. And then with broader recognition and understanding and then more definition about then what is the alternative, right, or what would be the -- what we do in -- if we're not going to do something, how would we build something new --

JEREMY TRAVIS: Right.

JOHN CHOI: -- right?

JEREMY TRAVIS: Yeah. Square One is not less of what we're doing.

JOHN CHOI: Yeah.

JEREMY TRAVIS: Square One is something else.
JOHN CHOI: Yeah. It's totally different; right?

JEREMY TRAVIS: Which may result in less of what we're doing.

JOHN CHOI: And so I think from my perspective, if -- like as somebody who actually has some ability to make some of these things happen, you know, just getting that -- a public infrastructure, thinking about, talking about these things -- we actually have a project right now that we're doing in the office. This is in our juvenile delinquency work, but we asked all of the attorneys to reimagine kind of the work that they do in the delinquency system, and if you could just start all over -- very similar to this --

JEREMY TRAVIS: Yeah.

JOHN CHOI: And interestingly, a lot of them, you know, questioned why we spend so much time and effort trying to prove that a child was delinquent, and there are ways that maybe you could change that.

JEREMY TRAVIS: There's a good place to start. Marlon?

MARLON PETERSON: I recall -- I remember when I was still inside and helped organize -- we called it a resource fit inside. So we brought in service providers, folks from educational academic institutions. And one of the things we shared was the services they had, but there was also, like, a roundtable discussion for men who were, you know, incarcerated men and all of these folks from outside. And so kind of thinking about what else can be done is how can we think about engineering these sort of conversations behind the walls with women and men and kids currently incarcerated. And also, I think, on the first day, somebody had suggested it or said it -- it had came up, even soliciting papers from folks who are currently inside.

JEREMY TRAVIS: Yeah.

MARLON PETERSON: I think that would be a way to really engage at a level that, in some ways, is unprecedented.

JEREMY TRAVIS: Somebody, I forget who it was -- and I apologize if it's somebody at the table -- made a suggestion that we hold one of the roundtable meetings inside a prison. Bruce?

BRUCE WESTERN: Just for Marlon, I think that is going to be a plan coming up, is a paper competition much like we had for the students for this meeting -- have some sort of paper competition for people on the inside and, you know, we will have that work.

NANCY LaVIGNE: There's another effort -- the Center for American Progress is sponsoring a similar competition for an edited and volume that Darryl Atkinson and Vivian; right, will be coediting?
BRUCE WESTERN: So we should talk to you about that because I -- the statistical challenge.

VIVIAN NIXON: Well, this is actually going to be an anthology. It's going to be a book. So I think what we're suggesting here is something a little different, like a paper directly focused on the idea of Square One.

JEREMY TRAVIS: Right.

VIVIAN NIXON: We're not -- you know, it would be a different solicitation. But, yeah, I'm happy to have a conversation.

JEREMY TRAVIS: Yeah.

BRUCE WESTERN: Just as I was listening to John about engaging the public -- so I hadn't thought about this before, but we're going into a new election cycle after the mid-terms, and I wonder if there is a role that we can play providing a forum for candidates, engaging candidates in Square One discussions as a way of getting to public.

JEREMY TRAVIS: Yeah. What else have we got?

ELIZABETH TROSCH: I think Bruce has a point --

JEREMY TRAVIS: This is Elizabeth. We have a new recorder.

ELIZABETH TROSCH: -- of trying to think about how to engage policymakers in the Square One conversation.

JEREMY TRAVIS: Expand on that?

ELIZABETH TROSCH: Well, I think that -- trying to think about how policymakers, the people who are --

JEREMY TRAVIS: Right.

ELIZABETH TROSCH: -- you know, frankly, making policy by funding decisions in some kind of Square One conversation would be very valuable to helping in connect, I guess, some of these ideas. And, frankly, that's going to be a critical part of being able to elevate these ideas to a place where they can be implemented.

JEREMY TRAVIS: Vivian, did I see you about to get in?

VIVIAN NIXON: Yeah. So I just want to be clear that you are just asking for moving-forward comments now? Or are you asking for reflections from yesterday? Because mine --
JEREMY TRAVIS: If you want to build a moving forward comment on a reflection, I'm not going to stop you.

VIVIAN NIXON: Well, I'm --

JEREMY TRAVIS: But if you want to also make a comment on a reflection, I think that's fine.

VIVIAN NIXON: Yeah, because it kind of all runs together for me.


VIVIAN NIXON: All right. Thanks. I've been thinking a lot since yesterday, and especially after last night, and wanting us to take a deep breath and slow down and realize that we're going to have to be comfortable with being uncomfortable for sustained periods of time. I think what we tend to do is, the moment we fill a little uncomfortable or things get a little bit too -- too in the -- you know, where we can't touch or feel a solution in the near, like, in our grasp, we pull back and we revert to what we know, right? And what we know is, "Okay. So what policies can we change? You know, what curriculums can we develop? What politicians can we talk to?" This is what already do, right? And we have to be comfortable with not doing what we already do and perpetuating those same models of thinking.

We have to stop having the same agenda with a different title. It's very tempting because it takes us back to what we know how to do. We have to get out of our -- these are the thoughts, you know, that are just randomly coming to me. We have to get out of our heads and into our hearts as was so powerfully modeled last night. We cannot get to the other side of this huge chasm without having some uncomfortable moments. Policies and politics all come a very visceral place. That visceral place is really hard to get to. And I think going forward, we need to be thinking about really innovative ways of engaging multiple stakeholders in conversations that touch that visceral place in a very different way than the head conversations which would lead to business as usual. And I'm hoping that we can figure out some innovative ways to do that and bringing in different types of expertise who know how to do that and do it well because that makes people feel safe having these difficult conversations and exploring ways of resolving these issues or coming to terms with these issues that we haven't felt comfortable using before.

JEREMY TRAVIS: Okay. Yes.

MICHAEL FINLEY: Were you finished?

VIVIAN NIXON: I'm done.

MICHAEL FINLEY: Because I literally wrote -- like, I was writing before you talked, "uncomfortable." So in reality, like Bruce and Jeremy particularly like, you know, like, you have this platform, this whole -- like the Justice Lab. The whole piece.
You have a very unique platform. And I've been around long enough that I've seen different iterations of these. See how powerful I was about that? (Laughter.)

So here -- I mean, Vivian, that hit me. I mean, it's -- we've all been in rooms where there's roundtables of smart people and good thinking, and it feels good. That's hilarious, you're on the ground right now. (Laughter.)

And that this is just really a unique opportunity that you -- that, three years from now, it could just be, "This is cool, we met people, we got new networks, we keep our professional careers going." I'm struck by it, and we're going to keep pushing. Like when Marlon brought up the language "abolition," there needs to be a real conversation of people who are sort of mainstream practitioners or policy folks about that, right. When poet talked to us yesterday about, "Y'all ain't going to be around in 10 to 15" -- what does this looks like?

I mean, to really struggle with that and that uncomfortable tension that we all talk about our professional lives, our personal lives -- this is people's profession. Someone, you know -- are you working yourself out of a job, like, really struggling through those things that we talked about, these big policies. And see, I think for me, it's just encouraging us to that uncomfortable space Vivian talked about to use this platform. Because otherwise, honestly, look, you're funded by who you're funded by. There's things you're going to feel uncomfortable with. This could just become very much a nice, three-year thing that we'll all be able to reference and say we were part of.

But I have been through that show before. All of use have been through that show before, and I just think this is a unique time to -- and I wanted to -- just a last thing, because we keep saying it's this unique moment and it's this thing, and -- like we have to force ourselves to be in that really uncomfortable space. The dean yesterday and two days ago was speaking about like these -- white folk have to have some uncomfortable conversations. There's a whole -- like, there's side conversations here about, "You know, I hear you what you said but" -- you know, like, we need to get that stuff out, about what this field looks like, like who's pushing this, right, and to get all that out if you want to get to this place that we all sort of say we do. Because, you know, as I'm sitting on these conference words, like these were all our children and this all their -- no, it's not. And we need to struggle through all of those sort of tense things that we have the side conversations about. That is as important, at least to me, as the actual policies and practices we're trying to, you know, address.

JEREMY TRAVIS: Just stick with thought, and same to Vivian, so we have -- you know, Bruce and I and others have designed the process that Ron described. We laid it out at the beginning. It has a logic to it. You know, Ron said it's different from other things. He used the word "brilliant." That was nice. But my feeling is that it's inadequate to the task, this process of roundtables leading into an executive session. And it will be good, we'll make it really good, but I just wonder if there's something else in addition to what has been created here in this architecture
of roundtable, executive session, media strategy -- those are sort of the three legs of our three-legged stool.

And I'm just open to using this forum, before we go on our way at the end of the day, for suggestions about not just what's next here, but what's next, which is where Vivian and Michael are going, is -- is there something else that this group wants to -- it's not that we have to do it. Imagine as necessary to get to the rethinking justice. And maybe it's not necessary, but I think it is. And I'm just -- that's what I was wrestling with last night when our little group convened. I said, "There is something beyond what we're doing that this group wants to imagine, and it's along the lines, I think, about what Vivian and Michael said -- but I'm not sure what it is. And maybe we can't do it. This group can -- Vivian was first.

VIVIAN NIXON: So, I mean, I do have some ideas, but I tend to sit on my ideas for awhile before I share them, but I'm fine sharing them now. I think that what we are doing now is kind of gathering enough information to identify the struggle. I think the missing leg of that three-legged stool and what would make it more sturdy -- a more sturdy four-legged stool is an action that involves multiple stakeholders in a setting that is all about values and narratives and a conversation about healing, right, a conversation about acknowledging our common humanity.

I mean, I imagine having very different types of gatherings that start with some type of narrative, whether it is a conversation with a directly impacted person or persons or a documentary film that powerfully illustrates the problems that we are discussing in a way that people feel it and see it and can touch it and can identify with it, and then some type of formal exercise to get people's hearts to change. Hearts can change. And I was thinking this morning, "Wow, here I am doing this, but 20 years ago, I didn't think the same way I think now. I didn't feel the same way I feel now. I didn't know the things I know now." So -- but it's taken 20 years to get here. We have to make that type of investment. So what happens after we identify what the struggle is? Then we have to engage in the struggle. And I think that's the part that's missing. I think this is a perfect way to identify the struggle.

JEREMY TRAVIS: Right, right.

VIVIAN NIXON: But the engagement is what I think is missing.

JEREMY TRAVIS: Very importantly, our actual next topic is that process. And we'll turn to Susan in a second. And we're not going to be able to tie a ribbon around some of these thoughts, but I wanted to get them in the air before we started our day. And this is exactly what I hoped for. So thank you to Michael and Vivian. We can do the -- whatever you called it, the comfortable stuff, which is all important. Maybe it wouldn't get done without us here. Maybe this process has helped identify some of those things. But I think our ambition is bigger than the comfortable stuff, and I had that thought yesterday with the Justice in Durham folks. Who is here -- no one here actually from Durham, North Carolina. And that felt to me like -- I've heard all those ideas before. It's nice they're all happening in one place and it's nice that there's some momentum in Durham.
But, you know, Bruce asked the question that didn't answered, which is are these reformist ideas being couched in the terms of some process of reckoning with the history of -- let's take Durham? And that's a hard place -- it sort of like maybe it was an unfair question because that's really hard work to do. But we're hoping that the reform -- that the stuff that's easy, let's set up a diversion program, right, yay, is -- if we do it or if somebody does it, it's in the context of this bigger ambition and this bigger process of what you're describing. Ron, you'll get the last word, and then we're going to talk about --

RON DAVIS: And, I'm sorry, I'm going to -- I think I would caution us right now that I think the first step is to reimagine. I think we're going to have to accept that that is -- that will require a paradigm shift of the entire -- all the systems we operate in. I'm going to do something -- and I find myself guilty of this, wanting to immediately as an operator, to start messing with my systems, start figuring out what I can do, and the phrase that Jeremy uses, "tinkering around the edges." That would be counterproductive to the process. I think you have to first reimagine, change the thought process, then you can reshape justice, where you actually get into the how. And I think, Vivian, to your point, bringing the stakeholders together to actually make it, to turn it into action.

If we bring the operational side into it too soon, the tendency -- and I'm guilty as charged -- is to start tinkering with it, playing with it, and then it's not reimagining; it's just putting a few Band-Aids on parts of the system that we want to do. So I think the task -- if you can walk away from this project in two or three years and have the fields, our respective fields starting to rethink and starting to question the very systems and challenging and saying, "Something has got to change," that will be the business -- biggest success of the last 40 years because then there will be the will to reshape, and that's when you get the political body to support that. So I'm always cautious about, as Dr. King said, the tranquilizing drug of gradualism, just don't keep pushing things off and take your time, but this has to be strategic, which means this three-year investment may be just about changing, to Vivian's point, hearts and minds. And then you can get into actually changing structures and systems and bodies.

JEREMY TRAVIS: Right.

RON DAVIS: So I would just caution, by my own experience, that if we bring that in too soon, that fourth leg, it may hurt the other three.

ELIZABETH TROSCH: Jeremy, I just want to say one of the things I'm struck by is, you know, and Leah brought up the Kerner Commission report, which identified a lot of things that we're still talking about today.

JEREMY TRAVIS: Right.

ELIZABETH TROSCH: And made recommendations and had big ideas, some of which have come up in our conversations. And I think that the opportunity of the Square One
project that really needs to be better probably excavated is to learn from why that report landed with a thud and really didn't transform criminal justice. And I think it does have to do with the transformation of hearts and minds, with really engaging people in these -- in this learning process and in this reckoning process. And I think that's the opportunity for Square One, is to figure out how do we take this conversation -- these conversations out into the bigger public in a way that people can connect with the humanity, the people who are impacted, you know, in a way that people can hear this reimagining and buy into it --

JEREMY TRAVIS: Right.

ELIZABETH TROSC: -- right, and bring it into their own space, wherever it is that they're working. And I don't know -- you know, I think that takes some unpacking and maybe some of that is through individual conversations.

JEREMY TRAVIS: Yeah.

ELIZABETH TROSC: But I really think that that is one thing that the Square One project can do. Maybe it's not so much, like, "Here's how you're going to do this in this community," but more, "Here's how we can create the tools, the resources that can be deployed in communities all across the United States to facilitate that engagement, facilitate that thinking and that dialogue."

BRUCE WESTERN: I think this is a really important history to be reflective about, actually, and we have a very concrete way in which we can address it because we have papers on the table that are precisely examining that history. And as we go through our editorial process, I think that has to be a question that this collective volume that is going to be one of the immediate deliverables out of this meeting has to address.

ELIZABETH TROSC: I would challenge us to think beyond papers and think about podcasts and TED talks and things that can reach an even broader audience. Because, you know, a podcast, well-developed -- I could share it with prosecutors and public defenders and police officers, right, and can be used in the field to engage people in this reimagining process.

JEREMY TRAVIS: Yeah. Just want to say, I second that motion and -- what's been going through my head, we've -- as I'm sure all of us have been, but certainly, the team -- the steering committee has been taking notes and marking the time in the transcript when some one of you has said something that is absolutely brilliant and -- or just beautifully phrased or maybe it's not an original idea, but you put it in a new way. And I've just been struck by -- over the last two days by the, you know, passion in the room and the experiences being brought to the table and the -- just to put it in a really sort of technical sense, this is all podcastable, right, that the things -- I mean, just listen to what Vivian just said. I mean, it's just like -- you know, and she knows I adore her, and she just -- as soon as she said, "I was thinking about this overnight," I just said, "Okay. Sit back, here it comes." But that's -- it's podcastable or TED talkable, whatever is the right word. So I'm just
imagining a way of taking the -- and shaping -- this is where Marlon can really help us -- sort of shaping some of these discussions into a format that we could use to quickly amplify, spread, share, and stimulate lots of discussion that -- ultimately, it's to John's point, the public has to want this or at least not resist it.

And the lesson of Carol Anderson's book on white rage is that you do a little -- take a couple steps forward and you get slapped backwards. So we -- there has to be, at some point, some public understanding so that our democracy can be quite different in the future. And I think that's the ultimate goal, is to get to that public so that there's a sense of, "Yeah, we could -- this could be different, this could be better," and that we have a history we have overcome. And I think that the podcast, TED talk, social media, building on the intellectual content of the papers but also the experiences around the table will make us -- help us get there. That's my way of segueing to Susan. Did you notice how artfully I did that?

SUSAN GLISSON: It was beautiful.

JEREMY TRAVIS: Because I know that we have -- I don't want to artificially stop this conversation, but what's next -- we'll return to it a little bit at the end before we leave. So keep thinking about actually what's next here with Square One, but what could -- if we're in the reimagination business, what could be next, that where -- particularly where your organizations could help or your personal platforms could help. Because we want to amplify what we're doing and maybe there is something else that, as Vivian said, is there some other process that needs to be undertaken in order for the "what's next" to be authentic and real and powerful?
CERTIFICATE

I, Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M, do hereby certify that the foregoing roundtable meeting was reported by me in voice shorthand, resulting in the foregoing pages in the above-styled matter, and that they were prepared by computer-assisted transcription under my personal supervision and constitute a true and accurate record of the roundtable discussion, to the best of my ability;
I further certify that I am not an attorney or counsel of any participants, nor a relative or employee of any facilitator or entity connected with this project, nor financially interested in the project;
WITNESS my hand in the Town of Wake Forest, County of Wake, North Carolina.

Victoria L. Pittman, Freelance Court Reporter and Notary Public (No. 19972060075) in and for Wake County, North Carolina and the State at large.
My Notarial commission expires: 7/31/22.
Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 3: Transitional Justice Policy

At North Carolina Central University, Durham, North Carolina
October 13, 2018
9:00 a.m. to 1:30 p.m.
Reported by: Victoria Pittman
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Leah Wright Rigueur | Professor of Public Policy, Harvard Kennedy School of Government

Lorraine Taylor | Executive Director, Juvenile Justice Institute, North Carolina Central University

Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group

Michael Finley | Chief of Strategy and Implementation, W. Haywood Burns Institute

Michael McBride | National Director, Urban Strategies/ LIVE FREE Campaign

Monica Bell | Associate Professor of Law, Yale Law School

Nancy La Vigne | Vice President for Justice Policy, The Urban Institute

Robert Brown | Associate Professor and Chair of the Criminal Justice Department, North Carolina Central University

Ron Davis | Principal Consultant, 21CP Solutions

Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
Jeremy TRAVIS: So we are going to segue. And with thanks to Martha Minnow, who's not here but -- couldn't make it, but has produced a paper that is in the materials that was distributed to us in advance and will become part of our publication series, we want to think about this big concept of -- as titled, I suppose, and you'll help us, Susan, "Transitional Justice" or process of reconciliation and what would that look like and how does it relate to what we're talking about today? We're so fortunate that you have joined us and you're going to -- you're not channeling Martha. That would be unfair and disrespectful of your experience, but you help us from your experience to understand what this topic looks like. So the floor is yours.

SUSAN GLISSON: Thank you, Jeremy, very much. Thank you for that discussion. And I would like to take you at your word, that you want to do something different. And I'd like to do something a little different than you may do at other conferences or roundtables. I'd like to ask us to take a moment and actually take some deep breaths. I'd like to ask you to put your feet on the floor. I'd like you to ask you to close your eyes. Place your hand over your heart. As you're taking some deep breaths, I'd like you to think about something that you're grateful for -- a person who believed in you, a child, a moment. Bring that -- bring that gratitude into your heart. Just take several deep breaths. Bring that gratitude into this space. Bring your heart into this space. Now open your eyes. When we stop and take a breath, we actually stimulate the vagus nerve, which is the nerve that connects our brain to our heart to our gut. It is the center of relaxation in our body. And when we can stop and take a breath and pause, we can cut off the amygdala that might be reacting in fear and begin to prompt higher order thinking. So every circle that we begin in this work that we do, we start with breath and we start with gratitude and we start with a poem.

So I'm going to read a poem. It's from of Marge Piercy. It's called Blessing the Day. "We will try to be holy. We will try to repair the world given to us to hand on. Precious is this treasure of words and knowledge and deeds that moves inside of us. Holy is the hand that works for peace and for justice. Holy is the mouth that speaks for goodness. Holy is the foot that walks toward mercy." We bring poems into our work because they help us get into a heart space. And as Vivian said so beautifully, healing comes from the heart space. The work that my friends and
partners and I do is about changing hearts and minds, and it's literally about changing hearts in order to change mindsets so that there can be new thinking. I can get really, really granular. I don't want to do that. I want to give you an overview, sort of, of how we do that. You've experienced a little bit of it. And I know it's artificial because ordinarily we would be in a circle. There would not be tables and chairs separating us. We would be all able to see each other's faces and understand that there is a leader in every chair and every voice is valued and valuable. We would begin with stories after sharing some conversational norms -- you did that for us on the first day when you talked about the rules of the welcome table. We talk about guideposts for the work that we do that are ways to create -- ways for people to create a container that will enable people to be vulnerable, to move past fear, to engage in self-reflection, and to begin to built trust. Our guideposts are -- have -- there are 10 of them. I can share them with you.

Many people have, you know, similar sorts of conversational norms that include things like being present, extending and presuming welcome, respecting silence. My favorite is "When things get difficult, turn to wonder." When someone says something and you feel yourself shutting down, turn to wonder. "I wonder what that person experienced that brought them to that place. I wonder what my reaction teaches me." Trust the circle. Whatever it is that the group needs to do, the circle has the gifts to do what needs to be done. The process that we use came from what I will share a little bit of, which is, I would say, the origin story of my work, which happened in Philadelphia, Mississippi, Neshoba County.

Y'all may have seen a movie about it, "Mississippi Burning." You know the history of James Chaney, Andrew Goodman, and Michael Schwerner who were murdered there in June of 1965. It's a community that knew what happened there, largely knew who the murderers were. Edgar Ray Killen ate breakfast on Main Street at Dot's every morning, but no one in the community was held accountable by the State of Mississippi for 40 years. It was a secret that the community knew but nobody talked about. And children grew up not being taught it. They left Mississippi often, as a lot of children leave Mississippi do, and were shocked to find out from other people outside the state what had happened in their own hometowns.

In 2004, it was the 40th anniversary of the murders, and a group of emerging leaders who had kind of grown up in integrated schools for the first time decided that they
wanted to do something different. They knew that the cameras would come at the beginning of the anniversary and say, "Not much has changed in Philadelphia, Mississippi." As the New York Times editor put it, "There is no marker at the murder site where these three young men were killed." And they asked me to come, and we sat in a room like this at first, and we started planning. We went straight to action. We talked about what they might do -- this was February. The anniversary was coming up in June. A white guy raised his hand and said, "I think we should have a proclamation." And black folks rolled their eyes but didn't say anything because we are real polite in Mississippi.

You could sort of sense the tension, right? Kept talking, and a black gentleman said, "Well, you know what? Why don't we have a march? We could march up to the courthouse." Well, the white folks got paler, but nobody said anything because we are real polite in Mississippi. Basically, there was no consensus at that first meeting. Everybody smiled and said they'd come back to another meeting. Everybody left but the two central friends who had called the meeting together and myself -- Jim Prince and Leroy Clemons. And because they knew each other, because they had a relationship, they could ask that side question, right, that question on the outside of the meeting. And what we found out was that when the black folks suggested that there be a march, somehow the white folks immediately went to Jesse Jackson and Al Sharpton and Birmingham somehow, dogs, and fire hoses. That was what they thought when they heard "march." That's what Jim said. And Leroy said, "I had no idea. And the dogs were turned to us. How did y'all even ..." Okay. And so Jim was like, "Well, while we're at it, what was the problem with the proclamation?" "Well, a proclamation is just words on a page. We've gotten lots of proclamations. There was even one called the Emancipation Proclamation, and they never do anything much for us. And if you want to ask our Choctaw friends who were in the room about the Treaty of Dancing Rabbit Creek, they could tell you what they got out of that proclamation."

So it was very clear that they were using the same language, but they were not having the same meanings. And they didn't know each other well enough to even have a conversation about action. So the next meeting, we stopped planning. We spent the next week -- next several months, every week I drove down two hours one way to Philadelphia through the back roads of Mississippi, east Mississippi -- Klan country in Mississippi. And we just got people in the room in a circle and we started sharing stories. They started telling who they were and why they were there and why
they felt passionate about this case and how -- and how frightened they still were to live in their community if they were black or how guilty and ashamed they felt if they were white.

And through that process, they began to dispel some myths that they had about each other. Jewel Rush McDonald, whose mother and brother were beaten by the Klan the night the church was burned, became friends with Debra Posey, whose relative was one of the trigger-men that killed three civil rights workers. Debra apologized on behalf of her family to Jewel for the fear that her family felt. And somewhere in that process, they offered up -- decided to offer up a call for justice in the case, which they then -- they wrote up, they called a press conference, they issued the call for justice. They then invited the local DA, who, by the way, his grandfather had been on the witness -- the suspect list of -- all three suspect lists of the murders. That was the local DA. They invited the Attorney General. They invited Carolyn Goodman and David Goodman, Andy's mother and brother. And they shared their stories with the Attorney General and the local DA. That was within six months of the process. And the DA and the AG said, "We're going to reopen the case." And they did. And within -- well, I like to say on the day of Epiphany in the Christian calendar, January 6, 2005, they convened a grand jury, a local grand jury, which then indicted Edgar Ray Killen for the murders. He was arrested that night.

On June 21, one year to the day of the initial call for justice from the civil rights murders by the Philadelphia Coalition, as they called themselves, Edgar Ray Killen was convicted by a jury of his peers on three counts of manslaughter, and he died in prison. The community said, "If all we ever do is put an 80-year-old man in jail, we will have failed our community. If we don't teach our children how to engage in nonviolent communication and justice, we will have failed our community." And let me say that Mississippi, you know, is the scapegoat for the country, right. I was raised in Georgia. We said, "Thank God for Mississippi. If it weren't for them, we'd be last." Well, Neshoba is sort of Mississippi for Mississippi. I mean, people warned me from all other parts of the state, "Be careful about going over to Neshoba." So once Neshoba was able to make this transformation, all these other communities said, "Well, we could -- could we do that too?" So McCallum, which was the bombing capital of Freedom Summer, asked to be a part of a process.
We engaged in a two-year process that led to a public ceremony to offer diplomas to the young black people who had been kicked out of school in 1961 because they walked out in protest of segregation. In Tallahatchie County, it took two years of monthly conversations and side conversations, but that community came together in front of the Sumner courthouse, and two -- Simeon Wright and Wheeler Parker, who were in the bed that Emmett Till was snatched from and murdered, they apologized for the miscarriage of justice in the courthouses that was right behind them. So we learned from all of them about -- about how to try to do this kind of work. But I can't tell you how many times I have been told in the last 22 years that talk is cheap.

And I -- I mean, I'm emotional sitting here hearing the amazing conversation that y'all just had about the need to be uncomfortable and the need for meaningful dialogue because I did not hear that 20 years ago or 10 years ago. I didn't hear it when we started working in New Orleans. I'm overjoyed and amazed and grateful. Humanify -- what you did last night is what is -- we think -- what I think is needed in order to have these kinds of conversations. So I want to tell you how we took all of that and went into Birmingham, Alabama, at the invitation of the National Initiative with the DOJ's support, and we spent three weeks in a space with rank-and-file police officers and Black Lives Matter leadership and other black community members who live in neighborhoods that are overpoliced. And I'm sorry. I'm --

JEREMY TRAVIS: It's okay. You've got a couple minutes.

SUSAN GLISSON: Okay. We were there for three weeks. And by the time we got there, of course, we had developed a curriculum, a scaffolded series of exercises through a three-phased effort, sort of relationship building, trust building, truth telling, and then action. Who are we, how did we get here, what are we going to do about it are the three phases that we do. So we distilled that down into -- with a public safety lens into Birmingham. The first night we walked into the room, I had never walked into a space where I felt such hostility between the folks. It's the first time I've ever seen a circle segregate itself. The police officers sat on one side and the community leaders sat on another and they left empty chairs in between. One police officer did go ask to sit next a Black Lives Matter leader and she said no.
So when Chief Roper came in and said, "All right. Thank y'all. Be good," and he left, I was like, "Oh, don't leave us here." But we -- we asked people to breathe, we introduced the guideposts, and we started asking them to share stories about their names, their communities, their gifts, the ancestors who had shaped them. We had them write a poem about where they were from and share it. And by the end of that first evening, they were laughing and they were saying, "We" -- "If this is going to be like this, we'll come back." We built on that. We took them down to Montgomery to the Equal Justice Institute. We sat in the room with those jars of dirt. We talked about how in this country we teach that Rosa sat down, Martin stood up and everybody's free and how that was a lie. And we told the accurate history that's accessible that teaches us how to be an organizer. And then we came back and we -- I told y'all earlier about, you know, asking the police to share these different lists -- what do we do, what do you get evaluated on, what do you get raises on. There was no alignment.

We then asked them, at the end of that second week, "Go home and do some homework, and here are the questions: How do you define public safety? What are you as a community leader or a police officer willing to do to achieve that vision of public safety? And what do you need from each other to achieve that vision?" I just want to read you the few little things they said they needed from each other. One person -- one quote about what public safety is, "Public safety looks like trust." Here's what they said they needed from each other: Love, leadership, patience, empathy, communication, responsibility, accountability, trust, consistency, stay the course, stop using "if," be purposeful, transparency, a lot of activists are about a show. We are looking for real change. In order for that change to happen, you have to come to the table together and talk. Be proactive instead of reactive. We have to start here in our community. We can't start off by trying to fix a world issue. The small victories create the larger change. We must not take the path of least resistance. So now when people tell me that talk is cheap, I tell them only cheap talk is cheap. (10:14 a.m.)

JEREMY TRAVIS: We thank you for bringing us to another place, reframing, I think, our work here, and for being an inspiration. That's awesome. Thank you so much. So with that opening to our day, I want to see who would like to -- we, at this moment, had this been a more traditional paper presentation, I would say, "Are there clarifying questions?" So I want to leave open that opportunity because I think there
are probably lots of questions that you'd like to ask Susan about her work and that story, but I do also want to pivot and make sure that we make this, our conversation, informed by but different from and bigger than in a certain way -- though it's hard to be bigger than that, these conversations. So who has questions of Susan that you would like to, just because you're curious, you want to know something? Monica?

**MONICA BELL:** I was curious as to the last chunk of the words that you talked about was the policy change. And I was curious, out of the example that you just told us about, have there been particular changes that they agreed on after their meeting?

**SUSAN GLISSON:** In Birmingham?

**MONICA BELL:** Yeah.

**SUSAN GLISSON:** Yes. So they formed a group in the third week of our time together. That group has met every week since October of 2016 to continue to build relationships. They decided to start to go out and do community walks together.

**JEREMY TRAVIS:** Thank you to John Choi, who has got to go back and do the People's work.

**JOHN CHOI:** Bye, everybody.

**JEREMY TRAVIS:** Keep up the good work that you're doing, John. We really value it.

**SUSAN GLISSON:** They now go into high schools and try to facilitate some conversations with young people. And then the main thing is that they decided they wanted to make sure to begin to teach young police recruits the history of Birmingham and the role of the police in upholding and reinforcing white supremacy. So we have been planning for that for the last several months, and on November 6, we're going to go and have our first day of training with 40 police recruits. We're going to do some trust building so that they can then hear some history. The main thing is to help them reset those relationships and own the burden that the police department has. And if that pilot does well, we're scheduled to then do that with the next three classes of recruits next year, and they hope to grow that work.
JEREMY TRAVIS: Any other questions of Susan as to what she's done, how she's done it, what the reaction has been? How it's being amplified? Yes, Elizabeth.

ELIZABETH TROSCH: I feel like the experience that we just heard answers Bruce's question from yesterday that a reckoning is absolutely --

JEREMY TRAVIS: Speak up a little bit.

ELIZABETH TROSCH: That I think that what we just heard answered Bruce's question from yesterday --

JEREMY TRAVIS: Yeah.

ELIZABETH TROSCH: -- that a reckoning is absolutely part of and foundational to a reimagination of justice. And that a reckoning -- I think we got a better idea, frankly, of what that means and what that looks like.

JEREMY TRAVIS: Vivian, I'm curious what you're hearing from Susan's story as it relates to the way you framed your questions at the beginning of today. Does that --

VIVIAN NIXON: Well, if I'd known she was going to say all that, I wouldn't have had any questions. No, really. It's -- I'm astonished and it's work I wish I knew about. I think, for me, that's exactly what I'm envisioning as a tool for making this conversation palpable to many communities across the country so that we can then go to the next step of, you know, talking about abolition or talking about reparations. But -- because we can't have those conversations until this happens, until people kind of let down their guards and understand each other's perspectives and don't have any fear that this -- you know, "This is about attacking me" or "It's about taking something from me." No, it's about building stronger, safer communities. And when I say "safe," I'm not talking from a perspective of crime but "safe" to me means, you know, education and employment and, you know, just what communities need. So I'm thinking that this is a model that we might be thinking about as the action part of our work. You know, how do we -- I hate the word "bring to scale" -- but how do we make this the norm in communities around the country? And not just in the Deep South -- please understand that there are racial problems in big northern cities on the East Coast.
JEREMY TRAVIS: Yes.

VIVIAN NIXON: So yeah -- how do we do that? And one of my questions for you would be have you ever done this in an area that wasn't Deep South but had other racial tensions?

SUSAN GLISSON: Yes.

JEREMY TRAVIS: Yeah.

SUSAN GLISSON: So two quick examples. Thank you for all of your kind words and thank you for the encouragement to be open -- as open as I could be here. We’ve been in 12 states now that we’ve done some part of this process. And they’ve been all over the country. So in Iowa, we started with the same -- you know, guideposts, breathing, names, and gifts. And when we got to a place where we could begin to talk about sort of how did we get here, a gentleman said, "You know, y'all seem real nice, and I get why Mississippi needs this work, but we don't have any racial problems here in Iowa." And I said, "You are absolutely right. Mississippi earned every -- every bad thing you can say about it, it's earned it." And I said, "It was so bad, you know, most per capita lynchings of any state in the country. I could go on with the stats, but," I said, "you know, it was so bad that over almost a million black folks left the state from, you know, the 19-teens into the 1940s to try to escape how bad it was. And they went to places like Detroit and Philadelphia and Oakland." I said, "They tried to come to Iowa but y'all had 22 towns that passed sundown town laws. And so the reason you don't have racial problems is because you didn't let black folks come here."

JEREMY TRAVIS: Good for you.

SUSAN GLISSON: And he said, "What?" He went home and he asked his grandfather that story, "Was that true?" And his grandfather said yes. And he came back the next day and he said, "I'm sorry." In Oregon, we did a similar process. In that instance, we had a -- we were able to find a film that showed the Klan marching down Broad Street I think it's called in Portland -- somebody would know -- the main drag in Portland. You know, Portland is like, you know, West Coast Austin. It's funky and hip and
cool. There was never a Klan there. And we -- but we didn't show that film until we had done the trust building. And so the response was, "I had no idea of this history. And now we're doing the same thing to LatinX folks that are coming into our state that we did to black folks." Oregon was a sundown state -- not just towns, a state. And one guy said, "I've got to go to my school and make sure they're teaching my daughter this." So we were nervous to go to those places because we -- we're used to storytelling at home. But it seemed to have some resonance in other places.

VIVIAN NIXON: I know Bruce is writing this down, but this is like a direct connection to what we said on day one, that history -- knowing history is really important to this work.

JEREMY TRAVIS: Right. Exactly.

VIVIAN NIXON: Thank you.

JEREMY TRAVIS: Bruce wanted to get in. I've invited Michael Finley, since you and him sort of set up the ambition for what might be possible. I'd love your reaction to this.

BRUCE WESTERN: Yeah. And thanks, Susan. I think this is really helping us think through some of the answers to the questions that we put on the table at the start of this morning. I am struck by how -- how intimate this process is. And the scale of it. And this seems very different from the sorts of things we often talk about, and we just talked about them a few minutes ago -- the importance of social media, how can we project out to an international platform and so on. And how do we -- how do we bridge that gap?

SUSAN GLISSON: I think that is a conversation that all of us need to have. We have -- we've worked as hard as we can to use social media some but we -- you know, over the years, a lot of this work has had -- a lot of our work has been covered in the New York Times. You know, it's been on CNN.

JEREMY TRAVIS: I think Bruce was asking a slightly different question.

SUSAN GLISSON: Okay.
JEREMY TRAVIS: Not has your work --

SUSAN GLISSON: I may not have understood.

JEREMY TRAVIS: It's okay. Not has your work gotten visibility, but there -- what do you think about the strategy that social media-based as distinct from your strategy which you described as more intimate and not necessarily meant for wide distribution. If I'm framing it wrong, let me know --

SUSAN GLISSON: Right.

BRUCE WESTERN: It's a strategic question.

SUSAN GLISSON: Right, right. But I was -- I'm sorry. I was going around it the bend to get to -- try to get to that.

JEREMY TRAVIS: No, no. Yep.

SUSAN GLISSON: We have tried to tell the story of what we do in various places because we know we can't host meetings of 30 people or less all over the country. There are several people that do this work that are great. So we've tried to use ways to tell the story, but I don't know that those ways have been necessarily effective. You asked me, I think, the other night if we record these sessions. It is very hard to do that because when the camera turns on, vulnerability goes down. We've had sometimes recorders in the space. We did have a recorder for the Birmingham stuff to record it, but the scale of it -- so I wrote, you know, how to scale. I mean, that's the question. I think that there are talented filmmakers and people with Marlon's expertise that could help figure out how to tell the story to the people that can't get into a circle with 30 people, but I don't -- that's not my expertise. And I would love to be a part of a conversation to figure that out. The New York Times documentaries, those wonderful documentaries that they're doing now, you know, the conversation one especially -- that might be a way to do it. But I would have to have tons of help to figure, you know -- to be a part of a conversation about that.
JEREMY TRAVIS: So let's -- Michael, if you're willing, I'm calling on you if you have something to add to this. And I'd love to have Marlon's thoughts since we're sort of entering your domain of expertise. What do you -- what's your reaction to --

MICHAEL FINLEY: Susan and I talked the first day we were here, and I was like -- so it's amazing. And I think the scale question -- so that's where we go right away. It's like -- and I get it, right. It's like, how do you replicate this. But I think -- I was thinking of an analogy like parenting. Like, you can have a nanny for you child -- and it makes me all (indiscernible) it's cool. But are these people that have nannies that are really raising their child. It's still parenting, but it's not the same as you having direct one-on-one. Like, there is something -- so when we think about reimagining -- even in my office, we've got to, like, "Well, we don't have to be there every month. We'll be there by ..." But there's something about the intimacy that matters, right, there's something about when you actually hug someone or you touch them, you talk to them.

And so when we think of scale, like your point, there are people who do this work, and I think it's how do we get the message about this is happening? Because first I was going to ask, "Well, how do you measure success?" Because that's what foundations are always saying to us. Like, yeah, we get that you made these people -- what's the success measure, right? And we talked about that. And I think it's not necessarily bending to the traditional measures of success, but redefining that. And so I think there's -- so part of what -- scaling up is the stories, how you talk about it, how you reframe it and not getting too lost in the -- do we have to make this happen with you in these 25 different places. But it's amazing transformative work, and I think, in this field, it's very easy to sort of just get away from that.

It's funny, when you did the whole breathe thing -- we do that in our office, we first started doing it, I was like, "Oh, why do we got to -- I don't want to close my eyes and I don't want to -- no. I just want to get to the agenda." And it's like but it actually is a human thing. Like, when I hug my son, it's different than in that, right, and we have to get -- and I was did the morning joke, the first thing, the touchy-feely stuff, but it's really -- it's human. And why -- when we become professionals, somehow that becomes lost in us. And so, to me, that is the -- so Square One, reimagining, that is the stuff that we need to scale up and reframe how people think about this. It's not odd. You know, it's not like, "Oh, this is --
she's coming in and that's the lady -- oh, God, she's doing that stuff." It's actually normal stuff that we actually do in our homes with your children and your family and your partner; so …

**JEREMY TRAVIS:** Marlon, what are your thoughts about this discussion?

**MARLON PETERSON:** I think -- I don't know who came up with the term but, you know, a play on intimacy, the term intimacy is "into me you see." And what we're talking about is creating spaces of intimacy. And so like what we did last night was definitely not -- not planned. But somehow, we created a place of intimacy that, although there was a bunch of people watching us, it was really just us -- it was us. Right? And so the varying forms of storytelling -- whatever mode it is, whether it's audio, visual -- we're trying figure out how to create the space of intimacy. That's one thing. And there's various, like, mediums to do that. And I wanted to just sort of add that, as you're talking about scaling up, there is that tendency -- Ron went into it too -- there is a tendency to go into the mechanics of scaling. And when you go into the mechanics of scaling, you're going on a precedent that you've already -- that's already there. And we're actually trying not to follow a precedent, right, we're trying to create the precedents over and over again. So if you look at what happened yesterday, I became uncomfortable, right, because, like, I'm the interviewer here, you know, this is -- no, don't flip this on me, right? (Laughter.) (Indiscernible comments.)

Well, she leaned in, I was like, "Oh, God". But for me it was like, "Okay, this is -- I've got to stop controlling it."

**JEREMY TRAVIS:** Right.

**MARLON PETERSON:** "I have got to stop trying to control this right now." And so control, that is -- that's my job. I had a job to do last night, and for me, it was like, I needed to do the job as to actually trying to get to the point of doing what we -- creating a space of intimacy. We've got to let that go. So I just wanted to say that. So some of this stuff has to be very unconventional. We started off, you know, breathing and that sort of somatic sort of thing. The other thing I want to say, this other part, and just sort of like an air of caution, I think. Spent -- you know, over the last year, spent a good amount of time in South Africa and, you know,
various communities. One of the things that Truth and Reconciliation Commission that happened during, you know, the '90s, did a lot of good but it didn't do as much good as we think it did. And part of it was that there was no real shifts. So I said, "You did that wrong, you're bad, you killed my family -- all right. Let me go right back to what I'm doing now."

And I think -- but it was powerful, though. It was a powerful thing to do, right? I think there has to be a process of giving up of what I think Vivian had alluded to that probably in one of her comments over the last couple of days, but once -- creating these spaces of intimacy is not the end game. That's not the end. That's the start. And it's hard to do that thing -- it's very hard to do that, and you do that differently depending on the personal situation -- the city, the state, the community. That looks differently in cultures. But that can't be -- like, there has to be something that shifts after it because then we're just going to continue in the same old, as -- look at South Africa now. There's a bunch of things that's pretty much the same -- a lot that's the same, worse in some of the situations in that community -- in that country. So I mean, that's my two points, I think, just basically creating the intimacy but it can't be the end game.

JEREMY TRAVIS: I'm reminded of Darryl's observation yesterday, necessary but not on Monica's question. And then what happened, right? And so we all hope for something that is lasting and different in ways that are different, but not just on the surface level. I'm struck, Susan, by the two stories you told. One was a community story about an event within a community that was not acknowledged, was not -- there was no reconciliation about the event, there was no legal accountability, there was no governmental taking responsibility for what to do about it, and the shame and hurt, that was all submerged -- story one. Story two, in Birmingham, was more an institutional setting of the police department and the authorization by the agency head to let some -- maybe there were stories -- I'm sure there were stories embedded in Birmingham. You talked about it, and the history lessons come to the surface.

And I'd just like you to reflect a little bit on this difference. You know, Elizabeth said before their agency leaders need to do some things, need to take responsibility for doing things differently. So I assume you're thinking of your own role as you have reflected in this discussion. So just reflect a little bit on the different starting points and the different framings of the two stories you told and
then do they lead to different types of actual changes, outcomes. Is there anything as ambitious as what Marlon is doing, we talked about, which is sharing of power or acknowledgment that they have got to give up something, as the person that has the power. Just -- I'm just struck by the different settings when you were invited different -- maybe you were invited by different hosts to do this work, but what does that mean about the work itself and the impact, where it goes, and maybe some of the limitations? Does being invited by the police chief make a difference? I assume it does.

SUSAN GLISSON: It does. And Chief Roper preceded our session by offering and apology, in fact, over the course of two nights, to the Foot Soldiers -- is the name of the civil rights veterans in Birmingham, to the LGBTQ community, to Black Lives Matter leadership, and to young black people because of the harms, past and present, that the --

JEREMY TRAVIS: Tell us more. How did that come about? How did that happen?

SUSAN GLISSON: So when the planning with David Kennedy and the group, one of the things we talked about was the sort of -- in some of the places that we've worked, there has been an apology by an official person that acknowledges past wrongs as a way to create a sort of rhetorical space to start to try to create the container of intimacy. And so where the chief was receptive to beginning the process that way and he -- and Chief Roper was ready to go. So that's why Birmingham became the first pilot site for the listening session. So he did the apology over two nights in August of 2016, and then they recruited rank-and-file officers and community leaders to come and be in the process in October. So it depends -- so we -- I only go to places where we're invited because there is a sense of -- there's then at least some readiness to engage in a process. There are some folks who will go where there may -- you know, people are made to come into a thing, and those -- if you're really ready to go, it's great; but if you are made to go and you're resistant, then you -- nothing happens. May get to plant the seeds later, but that's hard to quantify or qualify.

So whether it's a community group that invites us and then we maintain a connection with them -- I'm still connected to Philadelphia and Tallahatchie -- who can then build on that initial work over a series of the years, and I -- you know, I could really bore y'all with things that are happening in all of those communities. I'm
really deeply proud of them. In a space like Birmingham, it's more complicated just
because there's sort of different institutional stakeholders, and some of those
institutional stakeholders didn't go through the process; so maybe the community --
the group itself is farther beyond than the leadership. And so -- so when we went
into New Orleans -- I know I'm jumping around, but we went into New Orleans to work
-- Mayor Landrieu invited us in, but the first thing we did was have sort of focus
groups with lots of different constituencies to see if we should do something and if
he should use his political capital as his -- in his first term of office in the
first year for this work. And everybody said yes. And he made some sort of
statement of acknowledgment that he then kept amplifying. So that was an important --
he was an important institutional partner to give us entree into the city. We chose
to work in circles where -- places where gun violence was the highest, murder rates
were highest and gun violence -- I didn't say that right. I'm not making a lot of
sense, I don't think.

JEREMY TRAVIS: Nancy has asked to be recognized, but I want to -- before we move any
further, in a different way, recognize the role that Ron Davis -- I'll use him as
representative the Obama Justice Department -- for being open to this idea that David
Kennedy, Tracey Meares, Phil Goff, Tom Tyler, and I bought to you and your
colleagues, just to say that this work didn't happen by accident. It was funded by
the Justice Department after the President's speech.

So we have a different justice department these days on (indiscernible) -- and Ron's
office put in some of the money, and the Urban Institute has done some of the work
that's flowed from that, and I know you'll be reporting on that later. So I couldn't
recognize you without recognizing you and referencing the work of our other
colleagues which has laid the groundwork, I think.

RON DAVIS: That's the thing. You have to say thanks on behalf of the big team that
you mentioned, especially Carol, because she twisted my hand and said give me a
million dollars, literally, to make it run.

JEREMY TRAVIS: Yeah. That's why I'm saying thank you.

(Laughter)

Without you, she twisted your arm, and you said --
RON DAVIS: She didn't have to twist --

JEREMY TRAVIS: And you did the right thing.

RON DAVIS: It was the right thing to do. I think Carol's passion drove that.

JEREMY TRAVIS: Yeah. Carol Mason (indiscernible) made that happen. Absolutely.

RON DAVIS: Absolutely.

JEREMY TRAVIS: Nancy?

NANCY LaVIGNE: That's actually a perfect segue to my question, which is about this tension between will and resources when it comes to doing this work, and -- I don't know? Would this have happened in Birmingham and the other national initiative sites had Department of Justice not funded this and to what degree is it still happening now that that funding is gone. And I heard you say, Susan, that you can't just impose it on a community, on the one hand; on the other hand, it's hard work, it takes time and money. It takes time because you're trying to expose people to these concepts and -- so they're not doing their jobs and there's misuse of overtime. It really must be facilitated by a trained outsider, in my assessment. You may disagree, but I suspect you agree. And then what, like, strategically if we view this as an important foundation for reimagining justice, how do we disseminate this? How do we encourage take-up? Does it take money? What else does it take?

SUSAN GLISSON: It takes money. I mean, in the 20 years that I was at the University of Mississippi, I raised the money that the Winter Institute had. We never charged a community. But that was I believed that the University owed it to the state because of its past lack of leadership in racial Issues. We left because I got tired of Ole Miss telling me I was a troublemaker, and now we go where, you know, folks will pay us for our time to come and do it. But I think -- what we love to do and what we're doing in one place, which is the University of South Carolina -- they actually reached out to us after the Charleston massacre. They've created an initiative called The South Carolina Collaborative on Race and something something -- I'm sorry. It's a long name. But we've been going there since May of 2016, and we're training
local leaders and students and staff to try to do what we do so they can start to spread out across South Carolina.

So that is a scale question that, to me, is more meaningful because it builds community capacity. As those communities start to work together, which is what's happened in Mississippi -- there's coalition building, to Bruce's great question yesterday. So one of the things that happened in Philadelphia -- after Philadelphia was that then McCallum did a thing and then Tallahatchie did a thing. And then we were able to get a bill passed in the state legislature that mandates teaching civil rights and human rights history in all Mississippi classrooms. And it was sponsored by the senators from each of those places. So -- but it has to have support.

**JEREMY TRAVIS:** So I -- just reading the room, and it's not because it's Saturday morning, it's just because this has been very thought-provoking -- why do you look like that?

**SUSAN GLISSON:** I hope it's okay. (Laughter.)

**JEREMY TRAVIS:** It's more than okay. That's what I'm saying. It was perfect. I just think we need a little bit of a break to connect with each other to absorb -- take some breaths to absorb these lessons from the field, as it were. But just in terms of the that work we're doing here in Durham and the days we've spent together, we had high hopes for this time in the program as we mapped it out, that this would be a time when we could become both more concrete and more audacious at the same time. And just to thank you, Susan, and by extension, your colleagues and the people you've worked with around the country for bringing that experience into the room. So we'll take a 15-minute break. We'll be back at 11:00. And we'll bring another experience -- set of experiences in the room, which I think will be equally inspirational, I know. So will you join me in applause for Susan and her work? (Applause.)

Okay. See you at 11:00 o'clock. (Recess taken, 10:45 to 11:04 a.m.)
CERTIFICATE

I, Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M, do hereby certify that the foregoing roundtable meeting was reported by me in voice shorthand, resulting in the foregoing pages in the above-styled matter, and that they were prepared by computer-assisted transcription under my personal supervision and constitute a true and accurate record of the roundtable discussion, to the best of my ability;

I further certify that I am not an attorney or counsel of any participants, nor a relative or employee of any facilitator or entity connected with this project, nor financially interested in the project;

WITNESS my hand in the Town of Wake Forest, County of Wake, North Carolina.

_________________________________________________
Victoria L. Pittman, Freelance Court Reporter
and Notary Public (No. 19972060075) in and for Wake County, North Carolina and the State at large.
My Notarial commission expires: 7/31/22.
Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 3: Models and Aspirations

At North Carolina Central University, Durham, North Carolina
October 13, 2018
9:00 a.m. to 1:30 p.m.
Reported by: Victoria Pittman
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute

Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University

Daryl Atkinson | Founder and Co-Director, Forward Justice

Dasheika Ruffin | Southern Regional Director, ACLU National Campaign for Smart Justice

Derrick Harkins | Senior Vice President for Innovation in Public Programs, Union Theological Seminary

Elaine O’Neal | Interim Dean, North Carolina Central University School of Law

Elizabeth Trosch | District Court Judge, 26th Judicial District, North Carolina

Heather Ann Thompson | Author; Cedric J. Robinson Professor of History and African American Studies, University of Michigan

Jared Pone | JD Candidate, North Carolina Central University School of Law, Class of 2020

Jeremy Travis | Co-Founder, Square One Project; Executive Vice President of Criminal Justice, Laura and John Arnold Foundation; President Emeritus, John Jay College of Criminal Justice

John Choi | County Attorney, Ramsey County, Minnesota

Jordan Thomas | BA Candidate, Political Science with a Concentration in Theory and Pre-law, Accelerated JD Track, North Carolina Central University, Class of 2021

Katharine Huffman | Executive Director, Square One Project, Justice Lab, Columbia University; Founding Principal, The Raben Group, LLC

Kerry Haynie | Director, Center for the Study of Race, Ethnicity, and Gender; Associate Professor of Political Science and African & African American Studies, Duke University

Leah Wright Rigueur | Professor of Public Policy, Harvard Kennedy School of Government

Lorraine Taylor | Executive Director, Juvenile Justice Institute, North Carolina Central University

Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group

Michael Finley | Chief of Strategy and Implementation, W. Haywood Burns Institute

Michael McBride | National Director, Urban Strategies/ LIVE FREE Campaign

Monica Bell | Associate Professor of Law, Yale Law School

Nancy La Vigne | Vice President for Justice Policy, The Urban Institute

Robert Brown | Associate Professor and Chair of the Criminal Justice Department, North Carolina Central University

Ron Davis | Principal Consultant, 21CP Solutions

Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
PROCEDINGS

JEREMY TRAVIS: Okay. Let's, folks, find our seats. We are now about to switch gears in away, but actually continue this last conversation about what's possible, not just in an abstract sense, but by looking at some examples of change on the ground. Just to give everybody a sense of where we are agenda-wise, we'll do this discussion for 45 minutes, an hour plus -- yeah, hour and a half. Sorry. And then we're going to spend some time at the end, before we say farewell, with a closing discussion that Bruce will lead trying to pull together some of the themes, some of the ideas that have been generated over our time together, and just challenge people to help all of us think about the ultimate goal here, which is what might justice look like. So that's a tall order at the end of a long time together, but we think it would be perfectly appropriate for us to end on that very high note.

You'll note that there are box lunches that are out there on the table in the hallway, and I encourage people to take one if you want something on the road when you leave, but I think, given our desire to have communion, as it were, why don't we take it back to the table here and just continue talking to each other at the end of the program at 1:30, just to make it -- to end our time together with a meal, which would be appropriate, I think. So our next session is going to be led by Leah Sakala and Nancy LaVigne from the Urban Institute. The title is "Community Driven Models for Safety and Justice." It is a very exciting and beautifully organized paper that has come along with this presentation but we'll turn it over to them.

So our next session is going to be led by Leah Sakala and Nancy LaVigne from the Urban Institute. The title is "Community Driven Models for Safety and Justice." It is a very exciting and beautifully organized paper that has come along with this presentation but we'll turn it over to them. (11:07 a.m.)

NANCY LaVIGNE: Thank you, Jeremy. I am reminded of a murder mystery that my siblings and I used to watch years ago called "And Then There Were None." I think it was Agatha Christie. And it started out with ten guests at some destination, and one by one, they fell off. So I want to thank those who remain here.

BRUCE WESTERN: Who have survived.

NANCY LaVIGNE: They're still alive, members of this collection. So this has been a tremendous couple of days. I feel so honored to have been a part of this conversation and the rich discussions that we've had about the history -- this history -- our country's horrible history of conquest, of genocide, of patriarchy, of white supremacy, or enslavement, and of very, very deeply embedded racism, and of its tremendous economic and social inequalities that are a part of the systems that exist and perpetuate them and how the criminal justice system, indeed, is doing exactly what it intended to do.

We've heard about the fluid roles of communities, that -- how they take on different roles in different contexts and how understanding them better can help us more authentically engage them. And we've discussed the many ways that structural racism
in this country has stifled political voice and political power of people of color. And we also saw the beacon of hope and reform that is in the city of Durham and the surrounding area and the promise and the limitations of Durham in terms of its now mostly black-led institutions and the seeds of innovation that have been planted here. And we know that Square One is about reimagining justice from a blank sheet of paper.

And our task was not to start with a blank sheet of paper; so I just want to recognize that at the outset. Our task was to identify similar types of seeds that are starting to be planted around the country that represent new ways of thinking about justice and ways of thinking that are led by the community and for the community. Our paper draws from many sources, including partnerships and knowledge that's been developed by many people in this room who are not necessarily at this table.

So most of you know Sukyi McMahon. Most of you know Sukyi as the manager of the Square One roundtables. But I know her as the woman behind the Austin Justice Coalition in partnership with Chas Moore, with whom we partnered on a community-based participatory research project called Community Voices which was around elevating the voices of people in heavily policed hostile communities, around how they're experiencing policing and using that data to inform reform efforts. And most of you have also come to know Anamika Dwivedi, who is sitting over here, as the manager of the Square One executive session, but we know her as a former colleague and as the project manager of that same project that's highlighted in this paper. And Nkechi Erondo, who I hope you had an opportunity to meet, was a part of the team on that Community Voices project as well. And then also want to recognize Chelsea Thompson in this room -- Chelsea, raise your hand -- who wrote a brief on Colorado's experience with community reinvestment that Leah will be describing.

So I just want to recognize that, you know, when we talk about these things, it's more than just the two of us and it's more than just, you know, the folks who get to do the writing and get to be here around the table, and I want to invite you all, during the period, if the time is appropriate -- and Jeremy will let us know when -- if we miss something, if we get it wrong, please feel free to contribute. So with that -- oh, does that count towards my 10 minutes? I had my timer --

**JEREMY TRAVIS:** No, it doesn't.

**NANCY LaVIGNE:** -- but I forgot to start it. (Laughter.)

**JEREMY TRAVIS:** Nancy, you get special thanks as a talent scout, talent identifier and mentor for the folks that are now working on behalf of Square One. So thank you.

**NANCY LaVIGNE:** Yes. It's an honor. So you have the paper in front of you. The time doesn't permit for us to go into it in a lot of details. What you will know is that we described five main elements of what we have extracted out based on the examples of community-led justice initiatives. And so we're going to go through them one by one, and I'm going to turn it over to Leah to describe the first element.
LEAH SAKALA: Thanks, Nancy. So the first point is something that's come up several times over the course of the past couple of --

JEREMY TRAVIS: I'm going to interrupt not because you're speaking, but we've all been asked to speak up because it's apparently a Saturday morning phenomenon that I'm guilty of, and some others, with sort of the energy being low, and that it means that our reporter can't hear us and that what's being live streamed is not as clearly audible as it would be otherwise. So all of us are encouraged to -- would that help? Good. Okay. So yes.

LEAH SAKALA: Great. Thank you. So I'm going to start with a point that has come up several times over the past couple of days but I think is -- merits reiterating at this point, and that is that when we talk about a community-driven justice and public safety initiatives, "community" is not one thing, and I would push us now and moving forward with this work that, every time we use that word, we use it really specifically and really intentionally. If we're talking about geography, a neighborhood, an identity, a language, a faith affiliation -- all of these platforms can be powerful forces to unite people around problem-solving and social change, but I think it's important to recognize that nuance when we use that word. Throughout this paper, though, the word "community" is referred in many different contexts, but the common thread here is proximity. And so when we talk about community-driven change, as we've said before in the past couple of days, all of it refers to a proximity to the problem and how that is a distinct advantage and actually moral imperative to driving solutions. And, of course, the structure of how we define that community determines the process for the change-making process.

NANCY LaVIGNE: Great. So that was principle number 1.

LEAH SAKALA: Yes.

NANCY LaVIGNE: Yes. And that's putting community members in the driver's seat and knowing who those are and engaging them appropriately. The second element is that community-driven efforts need an organizing structure and a process to engage residents and identify priorities. So we run through the different ways that these organizing efforts develop. Some are very grassroots-oriented; others come from organizing structures that benefit from intermediaries. Either way, there is a lot of tensions that exist, and there's a bit of a balancing act, right, because you also need processes to ensure that everyone is heard. You need democratic processes, right, but you need some structure to ensure that decision-making actually happens. In some cases, that decision-making is timed out.

So, for example, a grassroots-driven model like the No Cop Academy in Chicago, a great example of how community members came to learn of a $95 million plan to build a new police academy in their neighborhood and just recognition of that fundamental mismatch of that expenditure versus the investments that that community felt it really needs and how that led to a collection of advocates in an effort to combat
that plan. That's a grassroots-driven effort, but there's other efforts that percolate up through the benefit of intermediaries.

We mentioned participatory budgeting yesterday. That's one such example. There's also an emerging close cousin called participatory justice. It's a seed of an idea that's beginning to grow, and that is designed to support residents most affected by the heavy hammer of the justice system through a democratic process to develop alternative strategies for delivering safety and justice. So both of those -- participatory justice, like other examples of community-led efforts that we have identified, relies on data to help guide the understanding of the problem, understanding of the status quo, and to elevate up what's wrong with the status quo, right, and to develop new models of justice as well.

On Thursday, we talked about how we don't need data so much as we need narratives. And what we've observed is that we really actually need both. I'll reference again the Community Voices project that we partnered with the Austin Justice Coalition in Austin to deliver. We started out going to the community with a map that showed where use of force was happening and we presented the idea of working in partnership with them to develop a survey where they -- they create the questions. You know, what should police -- what should we be asking you as residents that police need to know about how you're experiencing crime and safety and policing in your community.

And at first what we heard was "We don't need any more data. We know the issues. We know the problems. We have our stories." But as we continued to talk, we came to recognize that, while that's absolutely true, the people in power respond to data; they respond to numbers. So what we did was we partnered with those community members. We trained residents in survey administration. We administered that survey. And we documented what everyone around this room knows to be true, and that's that residents in these high-crime, very heavily policed communities have an acute distrust of the police. Sukyi and Chas Moore, the director of the Austin Justice Coalition, used these data to persuade the one holdout on the city council to vote against renewal of the police union contract.

And so now they're back to the drawing board and they're pushing more on training for deescalation, more transparency in data, and a lot of other community priorities. So that Community Voices example wasn't just about engaging residents. We also engaged the police department. So I want to turn it back to Leah and to talk about the importance of that type of stakeholder engagement.

LEAH SAKALA: Thanks, Nancy. So the fourth principle that we talk about in this paper is really the who and on what terms of engagement. And we start by pointing out that this engagement doesn't necessarily have to happen with people immediately outside the directly impacted kind of nucleus of community members, and we highlight the example of Reverend Jeffrey Brown from the Boston TenPoint Coalition. Many of you may have seen his very well known TED talk that he gave. And, actually, like, I believe Pastor Mike mentioned the other day, he was drawn to this work as a local faith leader who was really compelled to address the violence because he had buried so many of the young people in his own community.
But the way he started with that was by realizing that there was a lot that he didn't know about the people who were most impacted by gun violence. And so what he did was, with his fellow faith leader colleagues, started doing these night walks to really engage people who were out at night, who were most at risk of both perpetuating and being the victims of this violence to understand their expertise and their understanding of the problem before he turned to solutions. Now, that's one example of engagement within a community, but, of course, many of these examples that we've talked about and we talk about in the paper really do involve engaging the players who have traditionally led public safety initiatives and who are traditional justice system players.

So one of the examples that I think is really important to uplift is the story of Colorado's experience with developing a model really driven by the advocacy community of implementing a program that shares Department of Corrections dollars through an intermediary with local reentry service providers that are led by folks with direct experience in the system that accomplishes the dual purpose of establishing the expertise of these people who know that experience, who can speak to it, and who can best support their colleagues and also really support the local infrastructure and support grassroots leadership in Colorado communities. And the success of that program -- and, actually, the initial investment of relationship building and energy and really doing the support necessary to create that infrastructure in that cohort has led to two more subsequent programs, one of which gives grant money directly to community coalitions that are tasked with developing their own priorities for their neighborhoods, and then -- there's an RFP that's based off of those.

And then a second one that is designed to provide services to victims of violence, and particularly young men and people of color in those communities. And so that has just been a snowball effect of building off initial successes that are really founded in putting the time in to really engage with folks who have traditionally been in the system and trying to shift the narrative and also the resources attached to that. And so that brings me to the fifth point that we talk about in this paper, which are the needs that have been recognized among folks doing this work. And we've talked with a lot of people who have been doing community-driven work on a state and local level around the country, and, of course, there are -- it is a very long list of ways to support this kind of work, but I wanted to highlight three that have come out as particularly salient.

And the first one is this question of resources because this work is hard, it takes a lot of time, it takes a lot of people, and it really involves shifting this framework to bring people to the forefront who have lived in communities that have traditionally been divested from it, and so in some ways, it's kind of a reparations argument and it's a very pragmatic one because these are the people who need to be driving the change.

We actually have an upcoming paper in a few weeks that looks at the broad range of ways that this kind of investment can happen and the -- there's ways of resource shifting in really creative ways, and it ranges from mechanisms within some
traditional structures such as the Justice Reinvestment Initiative, to take savings from reform and find ways to channel some of those who do work going on ground to straight-up up-front investment like Measure Y&Z (phonetic) in Oakland, California, where they passed a whole new ballot initiative to fund violence prevention work going on in the community and support grassroots leadership, to really, the invest/divest framework that's more in line with the No Cop Academy that Nancy mentioned that says, "This is not -- this is not a question of simply sort of finding money from somewhere, but it needs to be a taking money from systems that have been harmful and inserting them in services and infrastructure and organizing and leadership that's more in line with the community priorities," and so we're really excited to share that in a few weeks.

The second primary need that folks have identified is actually something we were just talking about this morning, and it's public opinion research, messaging work, and really being strategic about recognizing that, if we are going to undertake a project with as big a paradigm shift as really flipping the nucleus of power and the impetus for engaging in public safety and justice work, we need to find ways to broaden the circle beyond the folks who are in this room, beyond our immediate communities to garner larger public buy-in. And so we have the privilege, actually, of working on some initial polling work, we were the research partner, to really test out these ideas in focus groups and a national poll about what it takes for -- to message for receptivity to putting the community in the driver's seat.

And so we have had a whole bunch of different messages focusing on this idea of "Well, are you -- how do you feel about this idea of taking some public safety money and really directing it to community-led initiatives?" And we were encouraged that a lot of messages did seem to resonate and actually people seemed pretty open with the idea that prisons and jails may be weren't doing quite what we want them to do and so taking some money out of corrections and giving it into communities seemed like a good idea. But when we asked about law enforcement, the reaction was a lot more skeptical. And I think that really signals to me the work that we need to do to imagine these alternative versions of public safety that are in people's backyards and in people's streets and in people's communities so that they have a vision of what it might look like to construct a community of safety that's broader and that is more focused on strengths and prevention.

So there's a lot there, and I think there's a lot of room for more work. And then the third point, just to wrap up quickly, is the need for more research and evaluation to really document the work that's going, to help propel it forward, and to offer what it might look like to kind of broaden this out in a way to learn from these examples because, of course, each community example needs to be specific to the place in which it exists, but really put it forward as a valid and legitimate and, in many ways, preferable public safety and justice option.

NANCY LaVIGNE: So closing it like a couple of researchers -- calling for the need for more research, right? But in this case, I think it's well justified. So just to conclude, this is -- again, it's not Square One thinking; it's still working within existing systems. But I think that a lot of these examples point to opportunities
that could be further developed and implemented on a wider scale. So we welcome your thoughts.

LEAH SAKALA: Thank you.

JEREMY TRAVIS: I would say it is Square One thinking, just in that sense that it helps to imagine the seedlings of a different way of thinking about -- about things. So the floor is open. Bruce is first.

BRUCE WESTERN: Yeah.

JEREMY TRAVIS: And let me just say -- and, Nancy, you'll decide if you want to call on anybody who's on your team to answer a question, feel free to do that, and when we do observers, which we'll do soon, anybody who wants to comment on the discussion can do that as well. So …

BRUCE WESTERN: Yeah. I really appreciated this paper and we sort of went to you to ask you to, you know, share with us the expertise you're acquiring in this field. And I sort of want to push you on a few things and get your read on a few things. So there's a ton of reform activity going on at the moment, and it seems to me most of it is not community-focused. It's very -- it's very system-focused. And I think about, you know, what's dominating those reform conversations on the ground, and I think our conversation -- we need to figure this out a bit too. So, you know, a lot of focus on the front end of the system, how risk assessment can be used, how electronic monitoring might be used -- proliferating different kinds of problem-solving courts, expanding the police function to, you know, different kinds of social provision and so on. Can -- is there, behind here, an argument that "That's great, that system-focused stuff, but that is -- that attention is misplaced, and we really need to be focusing on community actors and organizations as a more important site of justice reform?" Is that kind of the underlying argument that's still --

NANCY LaVIGNE: It's absolutely the argument.

BRUCE WESTERN: So how do we -- so I want to hear that argument, why that and not risk assessment, electronic monitoring and that -- so that's one question. The second is what is the "community" here? And when we say -- and I'll pick a safe example that I think makes the point vividly. In indigenous communities in Australia, one of the really, really big problems -- particularly in remote areas -- that those communities can be struggling with is family violence. And violence against women and children is a big problem in those communities. The local -- and there is a great demand for more autonomy and self-determination in those communities. But the local power structure of those communities is completely male dominated, and that -- that's a very difficult -- creates very difficult challenges for empowering the community, and there's a risk of simply reproducing the local power structure in enhancing community power in which there are clear winners and losers and patterns of oppression and exploitation. So how do we deal with that? And then the third thing -- and I'm really glad you engaged it, is, like, the whole politics of JRI, you know, and --
NANCY LaVIGNE: That stands for Justice Reinvestment Initiative, it's a nationally funded -- well, public-private partner effort to promote state-level criminal justice reform, just for those who don't know the acronym.

BRUCE WESTERN: And when you talk to the leaders of that effort, to -- at CSG and Pew, they say, "Yeah, we could -- we did get some justice reforms that were able to shrink the system, we could do a little bit with sentencing, we could do a little bit with community corrections and revocations" and so on. The really difficult ting politically, which I'm not sure they ever adequately solved, was converting savings on correctional budgets, for example, into investment into communities, and that was just a very hard political trick to solve at the state level. And I'm not sure publics actually were too important to that political process in the nuts and bolts of wrangling changes in budget priorities. There were so many vested interests around those dollars that that was the hardest for them to do as a political matter, diverting criminal justice dollars into social investments, into communities, and -- because of all the economic interest.

JEREMY TRAVIS: There at least three questions there, and I'm going to -- they were more than clarifying questions so I want to just hold --

BRUCE WESTERN: Yeah. They were not clarifying questions.

JEREMY TRAVIS: So, Nancy, we'll get some other ones that we'll ask you and your team to respond to. I'd like other reactions to -- oh, Bobby Brown has got his tent up -- to the framing of the community-led reform initiatives. I mean, this is a thing in our world, is -- is for the community to be, you know, up front in a leadership position, not always waiting to be invited. I mean, that's at least the language of the day. And, you know, Nancy and her colleagues have -- and I'll say Leah and her colleagues have presented a framework, and I just want people to sort of engage the -- this idea as to what it means and what's the potential of it. And we had this little back-and-forth about is this a Square One idea or is this seedlings or is this -- and, you know, Vivian, at the outset this morning, said, "We know where we're comfortable." Is this is another example of where we're comfortable or is this actually -- does this feel like, you know, pretty fundamental rethinking or the beginnings of a fundamental rethinking?

So that's where I want us to go. We can have some of Bruce's questions answered in a second, but I knew if I waited long enough, I could get Ron Davis to raise his hand. So -- but let's start with Bobby Brown. What's the potential risk, downside of this way of thinking about getting to square one?

ROBERT BROWN: I'm not sure if my thought speaks exactly to that.

JEREMY TRAVIS: That's okay.

ROBERT BROWN: I was intrigued when you talked about data and the different consumers of data, that community members, individuals particularly affected by these issues have narratives to share, but those in power use numbers. Are you suggesting that
people like us need to find a way to make sure that, regardless of the form of data -- whether we're talking about hard numbers, surveys and such, or what people would call narratives being qualitative information -- that we need to find ways to make sure that it's understood by multiple stakeholders? I got the sense that that is what you were --

JEREMY TRAVIS: So we'll call that a clarifying question. So what are your thoughts on that question?

NANCY LaVIGNE: Oh. So I can answer that?

JEREMY TRAVIS: Yeah.

NANCY LaVIGNE: I think it's a little complicated because it's -- I think we have a few messages in there. One is that you need a variety of types of data, right, you need the narrative, the lived experience, but you also need some of the hard numbers. But another one that's not -- it's kind of implied in the paper is that not all data are created equal -- and I could have done a whole paper that, right. When you're looking at the source of the data, I'm thinking about -- I think we had a conversation about -- maybe it was you. Maybe it was all of us -- about predictive policing, and it's basically perpetuating police going to the same places they were always going to rather than where the community might define crime problem. Similarly, surveys of residents on their views of the police tend to be what we call police satisfaction surveys that are administered by mail or online or opt-in by e-mail, and woefully underrepresent of the residents who are in the highest crime, most heavily policed communities -- so thinking about more authentic ways to represent their views and experiences. So there's just a lot of different ways that you can think about data, and we'd encourage you to think about all of those different ways.

JEREMY TRAVIS: Ron, your thoughts on the idea of community-led change?

RON DAVIS: Actually, it was a question. So -- and I see this a lot around the country. When you say "community-led," do you consider political body as part of the community? Do you see that as being separate from that? So, for example, you mentioned that Austin, getting a council not to contract -- and I hear this a lot when people talk about, like, civilian oversight, and I'm always curious on why they think if you have a council which supposed to be community members that are elected to represent the people, why you would need another civilian oversight body that then you're asking a council to appoint. So it's almost like secondary -- I mean, in other words, what role does the elected leadership play in driving the community? Are they to stand by and wait for the community to give them recommendations? You know, they're -- I just don't -- what is the interplay between the politics of the elected leaders that are supposed to be community members and the community itself or did you guys separate that?
JEREMY TRAVIS: I'm going to designate that more than clarifying so it's going to get on the Bruce Western list of big things that we want Nancy to respond to. Let me bring in Vivian, who's --

VIVIAN NIXON: Yes. Who's still thinking.

JEREMY TRAVIS: You want us to go -- no, seriously. Do you want me to come back to you?

VIVIAN NIXON: No, I'm good. I'm good. So I want us to stay in this place of discussing data, but in the context of the tension around data because, you know, we started out today talking about saying, you know, we're living in that uncomfortable space, right. So data kind of got us here. So, you know, 20, 30 years ago's numbers coming out, this many of these people in these communities are doing these things, and it's horrible, and they're uneducated and they don't have jobs and they, dot dot. And that data said -- you know, everybody was like, "Okay. Then we have to react to that, we have to react all of those numbers because this is horrible that all of these people are, you know, uneducated and unemployed and committing crimes and these communities are going downhill. We have to fix that."

And we still hear it 30 years later. The President of the United States from his bully pulpit says, "Your communities are a mess. We got to come in and fix that," right, because all the data shows they're a mess. So I want us to have a conversation about data that honors in a qualitative way but also honors this idea that we're going to live in this space of tension, and even though power structures and people on power respond to data, rather than forcing the community in these excellent five, you know, prongs of response, to adjust theirselves to respond to the power, have the power to adjust themselves to respond to the community. (Applause.)

I'm done.

JEREMY TRAVIS: And you got applause. That's the first time that's happened, except for Susan's collective applause.

SUSAN GLISSON: (Indiscernible.)

JEREMY TRAVIS: Yeah, I know. I noticed. So we have a couple of themes at work here, and then let's see if we can name them. One is the question of how -- let me get this right. How is the community story told by whom using what methodology? For what purpose? And what is the counter narrative to that story? Which is sort of the way we were talking about -- it's really not a data question, it's the -- that's a methodology for telling stories, for describing something. And who controls it for what purpose and what's the directionality of it? And what Vivian is suggesting is that a community-led initiative should also control the data, should also control the narrative, should also control the demand, right? And the -- I think the question for us is is that a way that -- in these vignettes that the Urban Institute team have described, is that a way that we are seeing the beginning of a power shift? Or is it a first -- and maybe it's a first step in that direction, or is what you're seeing on
the ground something that looks like, you know, tinkering, right? So I'm just -- on this question of if it's a Square One conversation, do we have a methodology that you're seeing emerging more closely aligned with what Vivian and Bobby are describing that would be something quite powerful that could contain lots of different issues and could be a way of advancing -- the sun is shining. (Laughter.)

I don't know that just happened. That will be a mystery to people on the live stream as to what just happened. So do you see a methodology emerging that has all of the elements that we're talking about here that -- voice, through different, you know, data narrative, and activism that could lay a demand at the doorstep of those in power that would actually open the way towards what we're talking about as Square One. So that's a -- I'll put it back on Leah and Nancy's end of the table here, but I really -- I think that's what we've just framed up, is what does that look like? Susan started us off by really describing a methodology for -- in some cases, it was a direct demand that those in power to do something, but it was also a way of developing community voicing and empowerment. But was it methodology? My guess is you used very few numbers in all that.

NANCY LaVIGNE: Very few.

JEREMY TRAVIS: Yeah. So -- but that's an open question. What works? And Nancy said numbers actually can be persuasive or can help in the persuasion.

NANCY LaVIGNE: But how are those numbers generated and by whom, right? That's the question.

JEREMY TRAVIS: Right.

NANCY LaVIGNE: So, you know, I keep pulling up the Community Voices example because I know it well, but that was our effort to life up the experiences of people who don't participate in the police satisfaction surveys for a whole host of reasons. It required door-to-door interviews in English and Spanish by residents that we cotrained in survey administration. Another example of the community owning data and generating their own data is the work Samuel Sinyangwe and the Mapping Police Violence effort, where, if the data doesn't exist, you, you know, figure out ways to generate it yourself. I think that those types of efforts to create data that represents authentic experiences of community members is -- you know, that's the most powerful way to proceed with this work. I feel like I'm hogging all the answers though; so I want to invite Leah and any other members of our team to weigh in.

JEREMY TRAVIS: Let's ask members of your team. I know -- I can't see. Is Sukyi here? Good. Hiding behind the photographer. And you also identified Anamika.

NANCY LaVIGNE: Anamika.

JEREMY TRAVIS: How -- what do we --

SUKYI McMAHON: It's hard to hear down here.
JEREMY TRAVIS: What would you add to those? Anamika, if you want to grab a chair, come on up and join us if you want to. And there are two other colleagues in the back.

ANAMIKA DWIVEDI: Sure.

JEREMY TRAVIS: Come up. What's your experience with some of these issues?

SUKYI McMAHON: Great. So you asked about our elected officials. Not all of them -- mostly, they were not elected because they were running on our issues, and we found in Austin that they were uninformed or uninterested. And throughout the police contract negotiation, it took us reporting to them and getting their involvement. So -- and taking the data that we collected from that community especially to show them, convince them that the community is interested and that they are beholden to that community. So we found that -- we would take all the data that was possible to have -- qualitative, quantitative, and make it really palatable for either the community or the elected individuals and anyone in between. So the Community Voices -- because it was a community-led effort, we did a data walk and got policy recommendations that impacted the final conclusion, decision for the police contract as well as de-escalation training and (indiscernible) bias training. It was remarkable and necessary for our community to be a part of that, and it was a collective effort. There was buy-in from this community group from Austin Justice Coalition, when Urban Institute approached and said, "Do you -- would you welcome us into your community? Do you find that this would be useful?" And we immediately said yes. And Nancy's right, there was some pushback from other community members who said, "No, we don't need more information. We've done this. What's the purpose?" And we said, "We're going to use it. We invite you to use it too. But we're not going to let it sit there on the shelf." And that's also a benefit of this convening too, is whatever comes out of it, community groups like mine will take it and use it regardless of what happens. I look forward -- that's why I'm taking notes, because I can take this directly back and make an impact.

JEREMY TRAVIS: Anamika? Did you want to add your thoughts?

ANAMIKA DWIVEDI: Sure. So one of the things that I learned during this project with Sukyi and Nancy and our other colleagues is that because -- we used that community-based participatory approach, which involved recruiting members from the community who we had identified using police data that experienced intensive policing. And so -- AJC was this intermediary for that. And so there were a number of times which we went -- we were in Austin and meeting people from these neighborhoods to devise this survey instrument. And we then went right back into those communities and interviewed about, you know, almost 100 people. And then we asked them to come back and provide their feedback on that data and interpret it and kind of build a shared analysis about what do these numbers mean to you. And I remember feeling really frustrated at this stage in the process because this -- this recruitment process of people from the community and bringing them at the numbers
stage in the process was difficult to do, and we had a lot of the right stakeholders in place to do it, but it was really, really challenging.

And so I felt like it -- it was challenging to bring people out to devise the instrument and to share their input on the data once it was collected -- so after the reports and the figures were made. And those were two challenging parts of the project. Folks came out, we did develop a shared analysis. It did happen but it was difficult and it wasn't as many folks that I had wanted. And then I sat there debriefing with Sukyi and Chas and the field interviewing team, and we talked a lot about this, and one of the interviewers told me, he said, "Part of this process" -- and I was out knocking on doors too, and I'm not from Austin -- he said, "Part of this process that was really humanizing was just that people had a chance to speak to questions that they cared about." Like, literally the process of interviewing people on their perceptions of police was important. It gave voice. It was empowering.

And here I am with, like, my researcher hat, my community-based participatory research hat, and I'm like, "No, like, this process has to happen in this way and the readout of its success is the number of people coming to the table." And if we didn't have all those different types of stakeholders at the table, I would never have learned that even the data collection process can be a very humanizing experience, and there are many reasons for why people weren't necessarily coming out to these forums with police officers to share their analyses on what questions should be part of that instrument and their analyses on, you know, what that data meant. There were reasons why people weren't coming out to that that this person, with all of my -- my own background, I didn't understand. And I think that it takes a lot of engagement and relationship building and going back to and -- to really build that level of trust that then gets the engagement that you want. It doesn't just happen the first time. So.

**JEREMY TRAVIS:** So -- in part because I know -- give me a sec -- from our short conversation at break that Monica's absorbing all of this and in part because was a version of -- this is a version of her paper yesterday, and I want to make sure that we ask you for your thoughts on what you're hearing. But first, Marlon got in. So you have a little more time to think about that. Just -- I'm trying to integrate, you know, our multiple conversations over the couple of days and use this as a focal point to make sure that we are benefiting from this work in terms of our larger conversation. Marlon.

**MARLON PETERSON:** Yeah. This is more of a clarifying question. Which segment of the police were you -- did you speak with? So was it the officers? Was it the captains? The administrative? That plays a big role in what sort of communication did you get.

**SUKYI McMAHON:** Right. So the police chief, Art Acevedo at the time was the person who okayed the work, the collaboration between the APB and the community group. He's the person who recommended the Austin Justice Coalition because of our work together previously. And he handed it off, when he left for Houston, to Brian Manley, who also endorsed it. But the people that we worked with to build the survey were the
line cops. They came out to all of these community meetings because they were from -- they were the police officers who were policing these communities. So we felt like that rapport had to be built and we needed to have these community members sit across or sit with -- in this room. And as we had these community meetings, they grew closer in collaboration. The first one was tenuous, to say the least. The second one, they saw this product, they saw this survey that they built together, and then they went through and kind of really finely tuned it. And then that process just -- I think that they were fully proud, fully invested in this process. And then we went out and hired people to go and do this survey, and the people that we hired were teams of -- a bilingual speaker, a Spanish speaker and an English speaker to go door to door. And when we returned, we took that survey back to the police chief and to the brass and also to those -- it was disseminated to those kind of rank-and-file police officers. So it was kind of an all-encompassing effort between police and the community organizers and the community.

NNCY LaVIGNE: One of the most astounding findings was that not one survey respondent could name the officer who was assigned as their community policing officer.

ANAMIKA DWIVEDI: Right. Which is a question that the police officers wanted answered. They said that they wanted to know if people knew who they were, and they did not.

SU KYI McMAHON: And that's why they were in the room, we wanted to be sure that the questions were fair, not only, you know, "Do you trust the police?" But "Do you know the police? Do you engage in these programs?" There were 40 new programs in Austin, and the only one they knew of was Operation Blue Santa.

JEREMY TRAVIS: Was what?

SU KYI McMAHON: National Night Out. And, you know, there was this -- we could tell there was this overwhelming sense that the community just weren't engaged, they didn't want to be engaged, but they also felt like they were being policed for the wrong reasons in their communities. You know, they weren't worried about -- they were more worried about the stop-and-frisk-types of, you know, things that were happening and, you know, the misdemeanor crimes that they were being stopped for. And so we got a good sense -- it felt like a genuine and authentic read on this community, and it's still fueling a lot of what we're doing in Austin.

JEREMY TRAVIS: So I want to look at this case study from outside in and frame it in a context that we've been developing, which is what does community engagement look like, and what's the community engagement that might have sort of Square One purposes, and does this -- what does this say to us about that bigger question? So I want to make sure that we get Monica's view on this and I am hoping that Michael Finley will also reflect on what you've heard, have you got, your -- your version of this work. And then we'll talk a little bit with our people who have held governmental positions, like Ron and Elizabeth in particular. So does this make -- is this going more to those in power, right? What's going to change the dynamics.
That's the big question here, but what might change the dynamics. So, Monica, what's your reflection on what you're hearing?

MONICA BELL: Yeah. I mean, so what stands out to me about the paper and particularly the case study we just sort of got in more detail, are two things. So one is there's a question about how -- how communities are engaged that's really important to the process of doing research, you talked a lot about doing participatory research, and that structure is really important because it -- not because the process itself is important for developing political energy in order to speak to people in power, right, so one of the things that made this project possible was having the Austin Justice Coalition --

NANCY LaVIGNE: That's right.

MONICA BELL: -- like having an Austin Justice Coalition, but a lot of places don't have organizations like that, and one of the reasons they don't exist is that people just don't feel a sense of control. I mean, the thing is -- and there are lots of organizations that do exist that don't have resources or -- and no one's paying attention to them. So I would like the idea of thinking about research as an opportunity to engage in organization which we oftentimes, in research circles, don't think through in a full way. So that side to me is particularly important. And it is also the what are the metrics. And so there's the how and the what, like the substance part. One thing that -- like, I have a lot of community interviews in my time, and I completely have experienced is asking someone to talk about their experiences is really -- like, if I came into it worried about exploitation, but I actually think the empowering work that qualitative research can do is really important, and -- but the substance of the interviews in terms of what people are concerned about is often not reflected in the survey -- so the types of things that people measure in surveys about police satisfaction. And so one thing I thought was particularly important is to not just have narratives, but then also make sure that those narratives fit back into the metrics that are used in surveys. Because if you have people who are in power, so to speak, who only respond to numbers, having hard metrics, so to speak, that incorporate what people are actually concerned about is critical.

JEREMY TRAVIS: Right.

MONICA BELL: And so not just having just that top-down model of collecting quantitative -- so I really appreciated that.

JEREMY TRAVIS: Sort of what numbers designed by whom --

MONICA BELL: Right.

JEREMY TRAVIS: -- and reflecting what experiences.

MONICA BELL: Exactly. (Overlapping speakers.)
And developing processes for that, not just like --

**JEREMY TRAVIS:** Right. We have a -- we had an interesting conversation, without disclosing details, at the first meeting of the executive session about the power of participatory research.

**MONICA BELL:** Yeah.

**JEREMY TRAVIS:** And I would say that -- maybe you would agree or not -- but it's more developed, better developed, more sophisticated in the public health arena than, certainly, criminal justice, but what is being described here by the Urban Institute team, I think, is really cutting edge of an important evolution in our discipline. Michael, what are you hearing? And how would you comment on these case studies?

**MICHAEL FINLEY:** No, I mean, they're -- they're amazing. And I was thinking so -- I'm going back to the human piece of it, right, so it's just also, like, add on so it's never let the great get in the way of the good of it. So I think, again, in this work, you can, right -- the language, right, participatory research -- and that's -- I get it. I'm a lawyer. I went to law school. But I don't do math. Research -- it's like I need you-all to help with it, right? And so the place where we work is just also simplify it, right, because what you're saying -- we talk to people, and I don't mean that in a patronizing way -- we talk, and we don't do that. So part of this for us is at every point we try to figure out how do we get input from folks who live in communities who are impacted on any piece that we're trying to do -- and it's not always perfect, it's a struggle -- and to understand that folks who operate systems who are people who don't usually live in these neighborhoods are actually often just afraid of it, right, and so we get the question of, like, "Well, we invited them and they didn't come. They didn't come." Well, we're like, "Who is the 'they'?" Those -- you know, "We sent a letter to the pastor, and we thought he'd make them all come."

**JEREMY TRAVIS:** Right.

**MICHAEL FINLEY:** And so it's just trying to get -- sometimes simplifying it to like, "Yeah, it's uncomfortable," like, literally having -- go meet them in the city. You know, we joke about MLK Drive, wherever MLK Drive is, that's where we go to meet somewhere and break bread with them, right? "Oh, we don't like to go over there." So this is great. And I think part, again, for me is the thing of the reimagining, the scaling up, is to tell these stories. Because I don't think people in the field -- we just don't know all these stories and how to take the research and the high keys and simplify it so we all have a language to -- because what you're saying is, "We went and talked to people and they told us their story and they felt empowered." So I think that's just critical.

**NANCY LaVIGNE:** And if I can make a point. We recognize that when you invite people to come, you're getting a certain kind of person --

**MICHAEL FINLEY:** Uh-huh.
NANCY LaVIGNE: -- even they reside in the community. And it's not to say that their views aren't valid, but they tend to be a certain type of view. So it's -- for example, we recognize that some of the older members of the community might respond favorably to a statement about whether they need more police, right, and yet the younger residents who don't often show up to the community meetings are not represented unless you go to them.

JEREMY TRAVIS: Right. I'm going to turn to Jared in a second, but here's a plug for Bruce's book, which I've plugged on many, many places. And if you want a wonderful discussion of the limits of our current methodologies for describing and capturing -- this is a book on reentry. So it's capturing the experience of people getting out of prison. Read Chapter 2, and your response is great, but just to put it in a simple metric, because you went to people and talked to them in the Dunkin Donuts and like, what was it -- 80 percent?

BRUCE WESTERN: 94 percent.

JEREMY TRAVIS: 94 percent. Unheard of. And the people who are missed in the other surveys that don't -- that -- don't do what his team did. Those people who are missed are the ones, arguably, of the greatest interest, right? So just like you're saying about the young people, Nancy, talk to the police and you get people who are not representing that experience, the data then become totally -- if that's the data upon which policy is based -- totally misleading. So Chapter 2. You'll sell two more books because of that and I get my copy. Jared, what do you want to add to this?

JARED PONE: This conversation really excites me. I love community organizing. That's kind of where my heart is. In working in the community, I realize that this is really Square One thinking. Whenever you bring people who feel as if they don't have a voice to be able to voice their voice for the first time, a lot of times, whether it's a survey, whether it's taking them to a city council meeting to voice their opinion, that's powerful. But the question is what happens after that? Do you just leave them there? No. You move forward with them. So at least here in Durham we were able to do this in the Southside neighborhood. We were able to create a neighborhood association for folks once they were able to identify, "Hey, we're getting overpoliced." We're going through justification. We're able to help them establish a 501(c)(3). So now they're out there with their own staff, they're out there making change in their own communities. We're giving them -- helping to build capacitors for these neighborhoods. So that's truly Square One thinking. So I applaud you guys for your work. It's more than just a survey. It's really Square One thinking. It's really a people thing; so I applaud you. You really touch my heart.

JEREMY TRAVIS: Thank you, Jared.

JARED PONE: And those stories turn into dollars.

SUKYI McMAHON: May I add to that, Jeremy?
**JEREMY TRAVIS:** May you answer that?

**SUKYI McMAHON:** May I add to that?

**JEREMY TRAVIS:** You may add to that. That is one of the things of -- yeah.

**SUKYI McMAHON:** Just real quickly. I appreciate that, as a community person. My other full-time job is at the Austin Justice Coalition, and the Community Voices project was so intentional, always front-loading community voices. At that first meeting, with the community and police, it felt like they thought it was an opportunity to air grievances right to the people who police their areas. And so they would have, you know, a rant for five minutes and then Anamika and I, through active listening, would say, "I hear five questions. Do the police live here? Do they know what our issues are here?" and so on, and that translated into the survey. And then we hired people from the community so when they open the door, they said, "Hey, I actually know this person" or "I immediately have a rapport with them," it just all translated into this is a real thing. And then when we first asked the first question, we said, "We're going to record this verbatim. What do you think the priorities of police should be in this community?" And there was a moment where they're like, "You are seriously going to ask me about policing? And this is -- I've never been asked this before." So it was just fully intentional, and that's why we bought into it as well. And I applaud this pilot in Austin. It was -- I feel like it was the right place and we were very happy to be a part of it.

**JEREMY TRAVIS:** Vivian, I'm going to -- I said I wanted to go to Ron and Elizabeth, but you get to make -- say whatever you'd like to say, and then -- how is this being heard positions of a judge and a police chief? Katharine? You want to wait till --

**KATHARINE HUFFMAN:** I can wait.

**JEREMY TRAVIS:** You can wait? Okay.

**VIVIAN NIXON:** I'm going to be really quick. So I really appreciate the fuller explanation of how the research was conducted. And -- but I'm always concerned when anything is framed as "We're doing this in order to please the people in power." So I guess, you know, to flip that around made all the difference. I'm curious to know whether or not you thought you were going to learn a whole bunch of new stuff about why people in these communities don't trust the police or whether you were just going to confirm what we've already heard from people like W.E.B. Beach DuBois (phonetic), who talked about why we distrust the police years and years ago. And this is my -- the tension for me is that we keep finding out the same things over and over, and it seems like it's almost like an effort to not fix them. Let's just keep finding them out, right? And so it's just -- you know, it seems like we get stuck in that cycle.

**SUKYI McMAHON:** Right. I fully intended to --
Jeremy Travis: Marlon needs to get in. I want you to sort of stack up some questions here, which is fine. So we'll stack up Vivian's, Marlon.

Marlon Peterson: Only use it one time. Now, I want to underscore Vivian. When I asked a question of Katherine Addison (phonetic) yesterday, I didn't expect an answer, right, about -- I didn't really expect an answer. But the reason why I prefaced it with, like, a little bit of research that says, hey, more crime, doesn't precipitate to why -- you know, it doesn't work this way, I wanted to get that argument out of the way if research has said more crime doesn't mean more police. That doesn't work. So throw that out of the way and I'll say, "Oh, shoot -- y'all can be sitting right next to us that's doing some new stuff, right, and that's -- there's some really good stuff, innovative stuff here in this city. And so you got a project here. Let's -- how about we take some of your money and put it over there, right? And one -- never answered it, but I'm just talking about when we do these -- when we do these sort of revalue -- do this sort of research about policing, which is not new, what exactly changes from it, right? Is there -- at the end of it, is there something that, like, foundationally changes?

So it's sort of like how can we -- it seems like the end result is how can we build a better police/community relation? And I'm not saying that's not a thing that we should not strive for but that is not a new thing. You know, that has been a thing that we've been doing over and over again. How can we go police in the community -- how can we do this over again. And the community is telling us over and over again, "Well, I don't trust them." They've been telling us that for about a hundred years now, right, but we haven't shifted anything fundamentally about how to rephrase these question. So even if one of the questions may be -- I think you just started out -- alluded to something, Sukyi, in your question about -- I don't remember exactly what you said about the question regarding policing, but what is it that the community needs? Not so much what does the community need from police, right, because we know that as a -- I mean, I'm just saying that's not a new question. What does the community need from police? We need you to -- we need to know who the officers are. That's not a new thing. Who is the beat cop?

That is not a new thing. We need you to be able to respond in a faster time period. That is not a new thing. We need less stop-and-frisk. Like, these are not new things. And ultimately, like, are we actually listening to the research? Like are we listening to the research that's been telling us over and over again, you know, there's fundamentally a problem -- it's like if I have a partner -- you know, but I'm just saying, like, if you have a partner and they keep saying, "I don't trust my partner, I don't trust my partner," we keep saying, "Well, how can we make your partnership better?" If I don't trust my partner, then nothing needs to -- we probably don't need to be partners anymore. (Laughter.)

And this is not a conversation about being radical, right, I mean, to be clear, I need to do this part this thing that we all do. This is not about the eradication of law enforcement or police. This is not what I'm saying. I'm saying how can we radically shift these questions and actually listen to what the community is saying?
JEREMY TRAVIS: So we're going to ask two people in positions where that demand could be made to them in this -- I'm not saying just precisely this methodology, but it this way generally speaking. Does this move -- does this type of engagement move the -- what Vivian would say would be the sort of the power -- same old, same old power structure or not? Or do we need something else? So I'm going to ask that of our two government officials -- you still qualify.

RON DAVIS: Eight years as a chief, but I'm going to speak from my -- I spent about a year as a city manager. And here's where I think this comes into play. This is meaningful stuff but you need to understand your governance structure of your community and when things happen. In other words, the city council sets goals and priorities. The budget is financed toward those goals. Performance measures are developed based on those goals, which means I have to report -- I expect my department heads to report every quarter on those goals. Once I staff and fund to that -- 85 percent of most departments are personnel -- there is no money to share. I've got personnel, I've got contract costs -- there's not a slush fund that says, "Let me share some of the budget," which means if you don't convince and use this information at the right time of the process -- and most budgeting processes start -- if your fiscal year's in June, you're talking about come January, February, you're already starting your series of activities to build a budget with your city council. And if you don't know when that is -- like I say, if you don't know when the union contract is and if you don't know where the strategic retreat is being held and when they're setting the priorities, then you have -- as a department head, I would have a set of priorities, and I'm reporting back to the council how many community meetings I went to.

Some of these priorities are ridiculous, and that's when the communities can weigh in, and that's not a priority for us to the council. That's why I ask what role is this elected body? Otherwise, you will have the community swirling around over here, the elected leadership is over here. The money is going to go towards what the elected leadership wants. And at some point, the first time you do it, the people feel empowered. The second time, "Nothing has changed, you're wasting my time again," the door will be closed. And the only way you can move -- from a city management point of view, I do need data. I need to make sure what you're asking for is sound because I'm supposed to be a manager now, and not -- emotions matter but it can't make decisions. I need to be able to turn that and operationalize that into performance measures, but the main thing I need to do is to get six, seven, or eight, nine council members on board to make it their priorities because everything trickles down from that.

So when you teach the community, they -- those meetings -- the strategic planning meetings, those goal settings, the retreats, the budget are the least attended things that I've ever seen as a city manager. Have a bad videotape? It's so hot you can't breathe because it's packed. But then everybody leaves after they voice their anger, and no one shows up at the next meeting where someone is trying to determine where $100 million is going to go for the city. And so I would say -- so I think this could be extraordinarily valuable because if you change the council, the council will change the structure. And instead of financing for 100 cops, which is 85 percent of
the department's budget, I may freeze those vacancies that already exist and then reinvest that. But once I fund it and I fill it, you can convince me from here to eternity but I cannot divest it unless I now fire or lay off a bunch of people which, politically, is not going to happen.

JEREMY TRAVIS: This is a partial answer to Bruce's question about justice reinvestment, that -- how difficult it is to move money around. Elizabeth, how does this form of community engagement influence your thinking as an elected official as -- you know, in the minister of justice in your courtroom and also, as the way the courts operate? Does this have any bearing on how courts mete out what we call justice, do you think? To know, from a community perspective, what it feels like, you know, what the perceptions are of the way the courts operate?

ELIZABETH TROSCH: So I'm going to -- everything that Ron said in terms of, like, the fact that this all happens -- has to happen -- to some degree through a sausage-making machine, it's very political.

JEREMY TRAVIS: Yep.

ELIZABETH TROSCH: And in my community -- I'll say a couple of things, and I don't know how coherent this though is now. One, our community has been harmed by two now shootings of unarmed black men that resulted in protests that resulted in a lot of people in our community kind of going, "What, Charlotte?"

JEREMY TRAVIS: Speak up a little bit.

BRUCE WESTERN: Yes, please.

ELIZABETH TROSCH: That resulted in a lot of people in our community kind of going -- people who look like me going, "What? Charlotte? I don't understand. What's all this anger?" And so in response to that, our police department had some community engagement meetings which were more like forums, right, where maybe people could say some things and then the police could say some things about how hard their job is and how they're trying, and they really do care about the community. And, you know, there were some other public forums and public conversations, but there wasn't engagement like this, right. So then, I guess sort of concurrently with all of that -- we are a McArthur Foundation Safety and Justice fully-funded site. They've given us $2 million to do some stuff with. We've got seven strategies. One of them is community engagement, and this -- but, you know, what Nancy has described and that we've heard about today, that's what we conceived of, was a -- Melissa was one of the people who was trying to drive it. But that is not how it went down. The community -- first of all, the people who were trying to go -- like, it was the opposite thing, where the institutional people are like going, "Hi, who's the community? Will you talk to me? Will you talk to me? Are you the community?" You know, and spent, like, six months at least --

JEREMY TRAVIS: That's a very good imitation, by the way.

(Laughter.)
ELIZABETH TROSCH: Spent six months doing that and still didn't really get to true creating a space -- well, one, identifying and inviting the right -- the community -- and a diverse representation of communities impacted, and never really, I think, had an opportunity to hear what, frankly, I think we were seeking to hear. It was just flawed. And I think it was flawed for several reasons. I think that some of our -- and I'm not going to call people out. But I think that some of our leaders are not interested in true community engagement. It's a budget item for our county. I think we're getting ready to do our community survey on the criminal justice system, and it's not --

JEREMY TRAVIS: This is part of the safety and justice challenge?

ELIZABETH TROSCH: No. We just do it. We've been doing it.

NANCY LaVIGNE: How is administered? Is it mailed to people? Or.

ELIZABETH TROSCH: I think --

NANCY LaVIGNE: Click on this survey link and go on the Web site?

ELAINE O’NEAL: They usually -- or at least when we did, when I was responsible for that, they contracted an outside firm. They did a mixed method so they did mail, phone …

ELIZABETH TROSCH: Right. So one, that obviously doesn't necessarily get us meaningful -- like the most robust information. And then, two, they're not the kinds of questions that we've heard described that I think invite more meaningful information.

JEREMY TRAVIS: Let's come back to Marlon's question.

ELIZABETH TROSCH: But it comes down nobody really wants to know.

JEREMY TRAVIS: Is there intention that something is going to change? Or is it just check a box?

ELIZABETH TROSCH: Right. I think that the folks who are responsible for the survey, which would be the county manager's office, aren't really interested in using that information in a transformational way. It's sort of like, "We did it. We got some information. People feel safe." And then I think we have other system leaders that want to, like -- I think it was Vivian said, it's more like doing this to please themselves that they talked to the community, but not because they really want to hear and have to be accountable for and change.

JEREMY TRAVIS: So let's -- did you want to add on to this point?
ELAINE O'NEAL: I do. If it's okay, I'd like to share more about that process because I was driving that when I was at Mecklenburg County, and as a stakeholder who -- I am a white woman and I recognize that when I had to do the community engagement strategy to form this plan. I think that there are pieces of that process that people might be interested in hearing. So --

JEREMY TRAVIS: Just quickly, I've got, you know, three people lined up; so I'm willing to break the queue but it has to be really quick.

ELAINE O'NEAL: Okay. So long story short, the hope was, and as long as I was driving the project, the intent was to identify community members and truly engage them from a place of humility and recognizing the county government's role in placing institutional white dominance on this community. So once we did identify the right people and invite them to the table, we talked for hours and hours and hours about data and how do we meaningfully take data to the community. I think that there were a couple of a-ha moments, one being could we take the data that the community actually would be interested in and use to reduce justice involvement. So instead of taking data about this is what the police are doing and this is how -- this is happening, where people typically feel very disempowered, okay, they are doing this in our community, what can I do about that? Instead, we decided to go to the community with data about how often they asked the police to come into their community. The Kerner Report -- very clear that many times your low-income communities that are predominantly people of color call the police the most. That is very true in Charlotte today. And in addition to that, we were also able to identify the communities that were going to the magistrate's office the most to take a warrant on, usually, their neighbor. So we felt that that would be more transformational in helping community members understand the reason why the police might be coming into their neighborhood, because their neighbor called the police. The breakdown was that the government was not interested in truly passing that power over. And so once I stepped down from the initiative, it switched very much back to the traditional "Let me come into your community. We've got a grant. We want to fix you" rather than how could we come in and leverage this data that belongs to the people to empower them to make their own choices.

JEREMY TRAVIS: Thank you. Katharine, Monica, and we'll ask Susan to come in after Katharine. So what are you hearing from this discussion about community engagement, which -- if you like that term, the community-driven processes?

KATHARINE HUFFMAN: Well, you know, it's from -- I'm really struck by a couple of things. One is Ron made this point, and others have as well, that, you know, when I think back to the time that I spent doing community organizing and coalition building, I learned a couple of things. One of them is that it is way better not to ask people for input than to ask for it and then not use it. And that if you set up a situation where you are seeking input and guidance and then you -- either because the timing is wrong in the process or because you never intended to anyway or whatever the case, it's much worse to have asked and not been clear about what impact
that was going to have and then follow through on that clearly than to ask. So that's one thing that I am just hearing as an important part of this.

The other thing is that I'm just struck by the questions and the thinking about, you know, enough with the research, we know what the problems are, we know what some answers are, we -- you know, this -- which I think is really resonant, and -- but then I'm also hearing from you-all and even from some of what you guys are talking about, you know, that there is -- there's some real incredible value in the process and that not skipping steps in terms of community engagement versions of what you did, Susan, and do on such a deep level, happened on a different level but an important one when police and community members were coming together with skilled active listening at play to come up with some of those questions.

And so, you know, it makes me think about, like, is there a way in which we are kind of mismatching the goals with the work and that, you know, if we were identifying clearly -- you know, the goal is not to find the answers to what the communities want and not want, but the goal is to, you know, engage the community in problem solving and when we think about them in different ways that you can articulate that, but that that could be important and that that is part of the -- you know, even if -- even if other people already know what it is that I need, it matters to me to be able to say it myself, and so that's a component of this as well that I think could be really useful and that it sounds like was a part of some work. So, you know, as we think about community engagement, that seems to all come ...

JEREMY TRAVIS: Not to make it sound really boring, but it's an interesting discussion about methodology. About, you know, the methodology that's driving, but really is about values behind a way of doing things and if you have a certain value structure as you start to set out on the journey, you'll do things very differently. What are you taking from this that you want to relate to your work or just a general reflection?

SUSAN GLISSON: Just a general reflection, I think. I would lift up the work of Charles Payne, if you don't already know it, a sociologist -- sociologist Charles Payne, who lives in Chicago, and examined reform efforts in the school systems there. He published a book called "So much reform, So Little Change." I thought that might resonate. Yes. And his -- of many excellent points -- he's an amazing guy. He also wrote my favorite book on the civil rights movement: I've Got the Light of Freedom. His main point is the reason that reform efforts haven't worked is because they've been introduced into spaces where people don't trust each other. So I'm hearing -- or what's occurring to me hearing your discussion is that there are potentially sort of parallel tracks, right.

There's the idea that Reverend Mike talked about yesterday of the sort of cities on a hill, right, that there are researchers who are lifting up ideas that are innovative, that are working, that plant some seeds for some innovative work for the Square One kind of thinking. And those need to be assembled in sort of a campaign-like approach that has multiple kinds of communication pieces that go to multiple kinds of outlets and that are supported and promoted by a variety of credible partners. So that it's
a -- it is mass communication. But parallel to that, there needs to be the kind of gathering and trust-building work that Vivian is talking about over time so that there are partners ready to receive the work when the communication pieces go out so that they can start beginning to implement. And where research can come in is in searching for the -- working with community leaders to find the solutions because we really do know a lot of what the problems are.

JEREMY TRAVIS: Our road map is on this little card here. I'm getting to know Susan as I sit next to her. It's all there.

SUSAN GLISSON: It's just a thought.

JEREMY TRAVIS: That was brilliant. Monica and Mike.

MICHAEL FINLEY: I'm good.

JEREMY TRAVIS: You good? Okay. And then we want to come back to Nancy. And if you haven't yet -- if we haven't yet taken on some of Bruce's questions, this is the time to do it. I'm going to reframe Bruce's question about justice reinvestment as, you know, what examples do we have of true -- a resource question, you know, money actually shifting to the community, but it's really a version of what Ron Davis described, as how hard it is to not just move budgets, but move power structures, right. So I think that's where we want to end up, and if Leah is ready to sort of give her thoughts on this, I'd love to have you be one of our closing reflectors of what you're hearing. You talked to us yesterday about power. So -- and that's what we're talking about. So is that okay? Monica? Mike's okay? Right? Bruce, if you want to reframe any of your questions back to Nancy for her final observations, we'll do that, and then Leah. And then we'll switch gears until the end of our time together. Monica?

MONICA BELL: Yeah. My question is really quick. It's -- so I suspect that one of the reasons a lot of quote-unquote community research, not necessarily this type, but of the array of types, one of the reasons they might also fail is this notion of community leaders as, like, who are identifying who community leaders are. They're oftentimes cottage industries or problem -- just, frankly, problematic people who hold themselves out as community leaders. So one thing to think about as we envision research or whatever we want to call it, we could also call it sort of developing new narratives, is puncturing that and being really intentional about that aspect of the process, which is a really difficult thing for outsider researcher people to come in and do.

JEREMY TRAVIS: Great. Bruce, before we turn back to Nancy and then to Leah, do you have any reframing of your questions to Nancy that I held off on -- we held off on in the beginning?

BRUCE WESTERN: I think a lot of my concerns were echoed in different ways and more effectively, I've got to say. I still think we should wrestle with this question of -- and I think we have an answer to it in this conversation, where why is the
community and not the system the focus of the reform method in this conversation? Because in the larger environment in which the reform conversation is happening, the system is the focus and not the community, and I think we need an answer to that.

**JEREMY TRAVIS:** Yeah. Right. Nancy? Leah? Team? I'm just pointing out that this is a diverse female-led team and that that may have something to do with the results and the methodology. I'm just saying.

**NANCY LaVIGNE:** Yeah, I don't -- I don't know how to answer your question. I almost feel like it's a false dichotomy. It's not an either/or. We don't have to choose between reforming whether and how we use risk assessment instruments and then that versus empowering, engaging community members to, you know, elevate their priorities and their experiences and using that type of evidence to promote change. I don't really understand the tension there.

**BRUCE WESTERN:** So I reckon the family of solutions that we're talking about would involve risk assessment, electronic monitoring, maybe even problem-solving courts, maybe even expanding police functions beyond narrow law enforcement. I'm not sure they would form any part of the policy alternatives that might grow out of the Square One conversation. I think they're pointing in a different. To -- my answer is why focus on the community and not the system? I think we're beginning to take on an understanding of just how deep the level of distrust and disengagement is in those communities with the system, and the implication that we're taking from that understanding is that the way forward, reimagining justice, is -- is about invigorating, empowering the community. So reimagining justice is -- is about a shift of our focus from the system to the community.

**NANCY LaVIGNE:** Yeah. Absolutely. I think -- I'm really glad we've had this case study to ground this conversation. I think that's been really valuable. But I'm also worried that it's narrowed it too much, right? Because if you look in our chapter, we present a lot of different ways that community-led initiatives can really flip things upside-down around who's in the driver's seat and how priorities are identified and how resources are expended. So I would just invite us all to think big and to look at these other examples, of which there are many.

**JEREMY TRAVIS:** Anyone else want to add final observations? Leah, do you have some thoughts?

**LEAH SAKALA:** Yeah. Just -- I think, Bruce, you raised this really interesting point that the process of resource shifting is a really -- can be a really challenging one because resources are enmeshed and being generated by and supporting the current status quo. And so when we thought about how to really put the question out there, what are some creative approaches to starting to really pull that -- pull that, kind of like, you know, massive entrenched resource structure in ways that fuel communities as the center of these solutions, and as you say, well, when we think about public safety, we need to think expansively and it needs to be centered and it needs to be specific.
We decided to cast our net really broadly, and so I think there are lots of -- in the JRI example, there's a lot of really fair criticism of the limitations of that approach, and we look to places like Oregon where the county structure of that empowers folks who are working, like Abby, at the county -- at the county level to take some of those resource and think about who's on the ground doing that work and how those resources can be channeled to that capacity.

And I would also just point out that this is very much a real-time story, and I'm sorry that Daryl Atkinson isn't here today with his team, because they are just on the cusp of launching an incredible portfolio of work that involves community listening sessions and harnessing their power with looking at the JRI Reinvestment Fund and thinking about how can they pool those resources in ways that match their community partners. Norris Henderson is doing similar work in Louisiana with the JRI Fund there.

And so by framing that as just the -- this is a system that is so big that all options need to be on the table, both things like working within the traditional structures as well as saying, "Look, the black youth and youth of color in Chicago are doing their own community survey because they do not want this new police academy in their neighborhood, and they have other ideas for what should happen," and sort of framing the discussion as, "We have a big challenge here, and all options need to be on the table" is one way to start saying, "Okay, now, what can we learn from this one for this initiative? What can we learn from this one to tackle this situation here?" and really start to be creative about reimagining this power structure and matching the resources and treating budgets as moral documents that are aligned.

JEREMY TRAVIS: Thanks.

NANCY LaVIGNE: Budgets as moral documents. I like that.

JEREMY TRAVIS: Any final observations, Sukyi, or --

SUKYI McMAHON: Yeah. Vivian mentioned, you know, not doing these things to please people in power, and that's definitely not what we were aiming at. I think the full intention -- Nancy was very forthright with the police officers, the brass, saying, "You're probably going to be pleased with these results. It's not intended for you to be happy about these results. It's going to be kind of in your face." So, you know, the purpose was to empower people who have always felt powerless or been powerless, and, you know, as Ron said, you know, the other part of that is informing them about when and where these decisions are being made and by whom. And that's another part of the community's responsibility, it's a part of my group's responsibility's to say, "Look, this budget talk is happening right now. Our police association is meeting right now. So I need that" -- for Square One thinking, that it is important to front-load the community in a lot of these ways. So I appreciate you bringing that up, Bruce. It's essential.

RON DAVIS: One thing to that part -- I'm really concerned. It's -- you're not pleasing people in power, but you have to persuade them. You have to change them.
We are all right now for mid-terms locally, we're all talking about get out and vote, get out and vote, get out and vote. The reason why you get out and vote is so that you elect people in power that will represent you. There's no system that can ever work that you think that you can go around that political structure and create this groundswell unless the groundswell is for the intent of changing those in power. If they don't change their vote or the structure, you're going to get a very disenfranchised community and very frustrated very quickly.

So you still have to understand the bureaucracy. If it's at the federal level, you have to understand how bills are appropriated, the language -- the specific language they use, how they tie the hands of creativity -- all those things matter greatly; so you have to master the system and understand it completely so that the groundswell you're talking about is probably the most powerful way to hold people in power accountable, to change their views, and to change the traditional structure. Without it, it's -- I mean, the communities will lose faith because they'll keep talking and meeting and strategic plannings and beautiful documents, but at the end of the day, the council still passes the same police budget they did for the last ten years and nothing changes unless the chief plays around -- "tinkers" -- with some discretion and does a few good programs from time to time, but that's not structural change.

JEREMY TRAVIS: Anamika, did you want add anything to this discussion?

ANAMIKA DWIVEDI: So, Bruce, to your question -- or your comment that some of the reforms that are coming out right now to reform right now the system we have, the problem of incarceration -- two tools that are trying to reduce the number of folks we have inside jails and prisons are risk assessment tools and community supervision. And I was just quickly googling, like, "What is the history of risk assessment tools?" again. Who made that solution? Or who needs supervision?" And I wonder, it's a question -- I don't have the answer, but I wonder if -- you know, if we asked community members who have been intensely affected by the police, by law enforcement in the incarcerated state, you know, what would you do instead of incarceration? I don't know if their answer would be "Risk assessment tools and community supervision." And so I don't know if they were at the table when those two options were raised for reform. And so I think the reason, you know, community-based participatory research, and as one example -- I think the reason it's really important that we are looking to communities for solutions that they have already implemented is because those are the ones that will work for them and will also hold -- hopefully eradicate the system that we have now. But if not, make it moral, make it ethical, make it humane.

JEREMY TRAVIS: So, Leah, we've asked you to give us your closing thoughts. I see you scribbling thoughts madly. And would love to --

VIVIAN NIXON: Jeremy, I think there's -- an observer handed me this card. There's an observer who wants to speak.

JEREMY TRAVIS: How did I forget that? And it's you. We've talked about this so many times.
VIVIAN NIXON: But we also have it in writing.

JEREMY TRAVIS: Yes. So let's hold that until after Leah -- before we turn to Bruce, who's -- oh. Susan has her tent up. So you -- you go first.

SUSAN GLISSON: Thank you.

JEREMY TRAVIS: We have -- and then Leah, and then before we switch to our closing comments, we'll ask for observer comments. Okay? Fair enough?

SUSAN GLISSON: I think that Bruce is asking us to dig deep on something that's really worth digging deep on. We're trying, I think, to create a brand-new, humane system while also living and working in a broken, inhumane one. And the broken, inhumane one is based on a hierarchy of human value, and it's created systems to maintain a hierarchy of human value. The new, humane system has got to be about humanifying, cultivating humanity like what Marlon talked about with Melissa last night.

And so that's why there is -- it is important to maybe talk about a shift in the focus of the work, but knowing that we're going to have to try to be in both of those worlds at the same time, right, like the story of the babies coming down the river and the community's like, "What the hell?" And they form a chain and they start pulling babies out of the river. "Don't -- you know, let's save the babies." And then finally, they're pulling babies out, and someone leaves and starts walking up the hill, and they say, "What the hell are you doing? There are babies coming down the river." He said, "I'm going to go up the hill and see who's putting the babies in the river." Both need to be done but they are different areas of focus.

JEREMY TRAVIS: Leah?

LEAH WRIGHT RIGUEUR: Yeah. And, actually, good timing because I have to head out right after this. And that is actually, Susan, a really great plan and a really good way of summarizing some of the things that I have been struggling with in this longer discussion, particularly around ideas of power and empowerment. And I mentioned yesterday, and I know we've talked about this in different iterations, but the idea of survival and broken systems, right, which may look at things in various computations or -- you know, this is what we can do, radical steps, you know, this is what we need to do to get by day by day as opposed to actually reinventing systems and institutions. And I think most of what we tend to fall into, even as we say that we're talking about revolutionary ideas or reimagining or reinventing, what have you, actually fall into the survival category -- so putting Band-Aids on systems that are broken, that are not working, that are not functioning even as we say, you know, things like we're -- you know, we're empowering community members. And I think we've talked about it. We've danced upon it, and things like that.

So empowering community members by actually listening to them about what they want and taking that back, but only doing kind of minor things here and there and saying,
"Well, look, we made these reforms," but the existing institution is still the one that is really done. And I was struck by something -- I mentioned this to several of you last night, but I was struck by something last night in the conversation and the conversations we had earlier today, which is that creating a new system based on humanity isn't simply about actually reinventing structures or dismantling structures or pulling, you know, police out of communities, but instead, reconceptualizing an entire system for a broader public and entire definitions of power.

I don't necessarily -- I say this in my own work. I've said it in the paper. I've said it in conversations. I don't know how you tease this out. A seat at the table is not enough. All of us having seats at the table is not enough so long as the output is just a survival mechanism and continuing to just put Band-Aids on systems that don't -- that aren't working. And, again, to point back to the Kerner Commission, what was so -- again, what was so revolutionary about that, you know, 800 pages of analysis data and then, you know, 200 pages of recommendations, is that they were essentially suggesting toss out the old system and bring in a new system. Let's start from scratch. Now, how you do that, for me, is the -- the question later on down the line, but part of it is -- you know, part of doing the work we're doing here is saying and compiling and putting together something that says, "We are reimagining justice in a way that completely changes the institution and replaces it with a new one." Now, how you do that while simultaneously realizing that this is the way that things operate in real life, right, and that there are people in power that are, you know, resisters, I'm not quite sure.

I'm not calling for a coup or anything like that, but making a suggestion that maybe, you know, strategically, tactically there may be things that you have to do, including -- you know, we talked about politicians and the cushion of politicians, but maybe also politicians who are willing to get into place and take a sacrifice for the team so long as it means getting legislation in place. I think the other side of that is persuading your audience -- and I'll end on this point -- persuading your audience that the way that we've been doing things comprehensively is not the correct way.

And so as part of that -- again, I mentioned this last night to many of you, you know, the prison abolition movement -- you know, the abolition of prison and reimagining life without prisons, I think, has the hardest -- one of the hardest jobs in this arena, but also one of the most promising because, as we see people come along on that spectrum who say, "Actually, I can imagine a world without prison," what they're doing is they're actually changing people's perception of what punishment, what prison, what incarceration actually means. So if we can find some way to do -- to kind of take that, I think that's a lesson in how you transform power. So I will stop there, one, because I've talked for a bit, but also because I have to go.

**JEREMY TRAVIS:** Okay. Well, we thank you very much, Leah, for making the extra effort that you made. It's been great to have you at our table, and your paper is
really brilliant. We hope to continue to engage you in all the ways that are possible.


JEREMY TRAVIS: So thank you so much.

LEAH WRIGHT RIGUEUR: And I will say this. One of the exciting things about being here the past day and a half, it feels like this is -- this is different from many of the roundtables I've been at, similar roundtables that I've been at, but also the people in here are really actually coming up with really exciting ideas for envisioning policy or institutions or power quite differently. So I mentioned in my paper that felt -- you know, in '68, it was like we were right at the cusp of something really big and transformative here. And right now feels like similar circumstances, that there could be something, even in a moment where it feels like, you know, we're in the dark timeline, the alternative, there is really the potential to do something transformative that changes institutions and structures of power. Thank you.

JEREMY TRAVIS: We appreciate that optimism and sense of the moment because that's -- I think that's why we're here. We think if not now, you know, when?

LEAH WRIGHT RIGUEUR: Yeah.

JEREMY TRAVIS: Let's try to make it happen.
CERTIFICATE

I, Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M, do hereby certify that the foregoing roundtable meeting was reported by me in voice shorthand, resulting in the foregoing pages in the above-styled matter, and that they were prepared by computer-assisted transcription under my personal supervision and constitute a true and accurate record of the roundtable discussion, to the best of my ability;
I further certify that I am not an attorney or counsel of any participants, nor a relative or employee of any facilitator or entity connected with this project, nor financially interested in the project;
WITNESS my hand in the Town of Wake Forest, County of Wake, North Carolina.

_________________________________________________
Victoria L. Pittman, Freelance Court Reporter
and Notary Public (No. 19972060075) in and for Wake County, North Carolina and the State at large.
My Notarial commission expires: 7/31/22.
Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 3: Observer comments

At North Carolina Central University, Durham, North Carolina
October 13, 2018
9:00 a.m. to 1:30 p.m.
Reported by: Victoria Pittman
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute
Bruce Western | Co-Founder, Square One Project; Co-Director, Justice Lab and Professor of Sociology, Columbia University
Daryl Atkinson | Founder and Co-Director, Forward Justice
Dasheika Ruffin | Southern Regional Director, ACLU National Campaign for Smart Justice
Derrick Harkins | Senior Vice President for Innovation in Public Programs, Union Theological Seminary
Elaine O’Neal | Interim Dean, North Carolina Central University School of Law
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John Choi | County Attorney, Ramsey County, Minnesota
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Kerry Haynie | Director, Center for the Study of Race, Ethnicity, and Gender; Associate Professor of Political Science and African & African American Studies, Duke University
Leah Wright Riguere | Professor of Public Policy, Harvard Kennedy School of Government
Lorraine Taylor | Executive Director, Juvenile Justice Institute, North Carolina Central University
Marlon Peterson | Host, Decarcerated Podcast; Founder and Chief Re-Imaginator, The Precedential Group
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Michael McBride | National Director, Urban Strategies/ LIVE FREE Campaign
Monica Bell | Associate Professor of Law, Yale Law School
Nancy La Vigne | Vice President for Justice Policy, The Urban Institute
Robert Brown | Associate Professor and Chair of the Criminal Justice Department, North Carolina Central University
Ron Davis | Principal Consultant, 21CP Solutions
Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
PROCEEDINGS

JEREMY TRAVIS: We're about to shift gears, and Bruce and I haven't quite -- when we talked about the day this morning, we didn't quite talk about this moment. But the agenda says that we're going to have a closing discussion for 45 minutes, and it has your name next to it. And that's not a 45-minute discussion that you're having. So how would you like to have this discussion in the last 45 minutes when we're thinking about where we want to go, what's next -- themes that we want to draw out? We did a little bit of the "what's next" discussion this morning; so maybe there are more thoughts since then, but I think the opportunity to really pull some themes together as we've done before the end of the day the other days would be great. Before we do any of that, I made a commitment to observers. So that's my next commitment, is to see who would like to offer something that we're missing? And we'll wait because I know that you're first. Go ahead. Just stand up and speak up. (12:48 p.m.)

DEBORAH WILLIAMS: Hi. I'm Deborah, Deborah Williams. I am a Duke Divinity School student and also interning with the SCCIP, Second Chance Community Improvement Program in Dallas, Texas.

JEREMY TRAVIS: Thank you, Marlon.

DEBORAH WILLIAMS: It's not so much adding to anything new, but it was the conversation between Nancy and Bruce, and I wanted to say that it doesn't have to be either/or. Simultaneously, as you have said, Leah -- that, simultaneously, while the information based off of the data back to the community design, it can fix what's broken even if that means starting from scratch. And in the meantime, the community can use those resources to build on structures that they feel are needed to continue the process of social justice. So that was my only comment at that particular juncture.

JEREMY TRAVIS: Great. Thank you, Deborah. The floor is yours.

ABBÉY STAMP: I wasn't sure if that was a cue.

JEREMY TRAVIS: Come on up where we can hear you.

ABBÉY STAMP: You can -- don't worry. I can project. I'm Abby Stamp. I'm the executive director of the Multnomah County Local Public Safety Coordinating Council reining from the very challenging place that is Portland, Oregon. Thanks for the shout-out, Leah. I had a couple of quick comments that might lead into sort of a "What's next?" and I wanted to accentuate, Ron, something you said and, Vivian, something that you said as well. I work in collaboration among justice leaders and help try to galvanize our prison and our jail reduction strategies, and I think that the budgeting and the adjudication processes are opaque and impenetrable. And I think that is part of what I would like to take away from this, and lifting up the voice of healing and how to really create some humanity in that. I need my policymakers to be ready to engage in the kind of conversations that Susan facilitates. If they're not ready -- Vivian, this is lifting up what you commented --
it's not going to go well or they're going to send a delegate next time and then the decision-maker does not have any buy-in. Thank you for that.

And I wonder if that's something that we might my carry forward moving on. And, Ron, you talked about the importance of the sausage-making -- Judge -- having the budget meetings, which is also incredibly acronym-laden and confusing, and then "Thank you for coming" is usually what you hear from the city council and the county commission in my jurisdiction. Really opening up, maybe it's a Square Two effort. How do we get -- you know, let's have this conversation and then bring in the folks who actually sign where those millions of dollars go every year.

JEREMY TRAVIS: Abby was a member of the executive session yesterday -- point out we are fortunate that she is there, and thank you for coming and observing the roundtable. So the person I just asked the question to has -- Bruce has just stepped out for a second. I know he'll be back. I'm not quite sure what to do next.

NANCY LaVIGNE: I have something to say.

JEREMY TRAVIS: You have something to say?

NANCY LaVIGNE: So I -- I think this kind of community-based participatory research is the most authentic and meaningful and impactful kind of work that we can be doing.

JEREMY TRAVIS: Yeah.

NANCY LaVIGNE: It probably represents about .5 percent of all of the research that's conducted by people who define themselves as researchers, right. I want to take that statement and align it with something that Bobby said, which is reinvesting -- or reinventing criminal justice education, and I think the two go hand in hand. I have the pleasure and privilege and honor of welcoming many, many new recently graduated young people to the Urban Institute every year, and the reason why they are interested in Urban is because of the small percentage of work we do that's meaningful like this. And we attract them there for that work and then they're assigned to a variety of tasks that are a lot less impactful or authentic, and I think a lot needs to change. They all end up going to law school, by the way, because they feel like that's a more -- a better way to make change. And no doubt it is, if there's enough advocacy jobs for all of them when they graduate. Thank you, Bryan Stevenson. But I think that we need to think differently about, you know, what kind of education we're imparting criminal justice and sociology and other students -- the academy overall, the incentive structure, the publishing for journals that are vetted by academics and intended for academic audiences. And I'll just get off my soapbox by just closing by saying you may have noticed, although I think a lot of the links got broken when it went to PDF, that the paper that Leah and I wrote, we intentionally didn't do academic citations. We did in-text links. We wanted to make it really accessible, and we predicted that when this compilation goes to print, y'all are going to say, "Can you please put that in APA style," or whatever the style is, and we're going to fight back because it -- if Square One really wants to reinvent the
way you're thinking about things, why don't you reinvent how you're communicating. So I will stop.

JEREMY TRAVIS: While we're --

NANCY LaVIGNE: Bruce better come back, because I have more to say.

JEREMY TRAVIS: -- waiting for Bruce to come back ... (Laughter.) (Overlapping speakers.)

I just want to elaborate and offer -- I'll put on my Jeremy hat, not a facilitator hat for a second -- elaborate on what Nancy said. It's fascinating to me how this last conversation -- and then I'll turn it over to Bruce -- we came to a conversation I hadn't expected, which was a conversation on methodology, on what are the ways -- what tools do we have in our toolbox to capture the relevant experience in ways that will change the outcomes now being meted out by those in power, and you could call that research -- which I think of research as a really big question. And, you know, like, you know, my brother is a movie director. He goes and talks to people. He says, "I'm doing research for my next film." And I say, "Oh, that's different form the research that I do." Said no -- but if you think of research as a systematic way of gathering knowledge, there are lots of things, tools that we have in our toolbox. The problem here is, a -- too much quantitative and not qualitative, it's too much structure, not narrative, it's -- you know, that's a very -- you can have a very comprehensive definition of what the knowledge-gathering process is like.

But in our field, it's very official -- it's very much geared towards official data. This is, I think, part of what Bobby was talking about if we reimagine the curriculum. So the official data comes from official sources, and therefore about an official view of the world that was actually developed 50 years ago. And the power of the participatory research model that I am so fascinated by that what Urban has done and what lies behind the participatory justice concept paper is to develop an alternate way of having an ongoing, universal meaning it could -- meaning it could be in any community -- way of talking back to the power structure that is developed with community, by -- and implemented by a community, interpreted by a community, and gives them the voice that Katharine was just talking about so that that becomes part of the Square One process. There is a new vision of what that knowledge-gathering process is like that's not so dependent on official sources. So that's my hope for what Nancy's doing. That's why I'm fascinated by what the public health folks have done. That's why we've embedded in a participatory justice this notion of a community survey that is the baseline for, every year, going back to the that be and saying, "Last year, this is what we told you and it hasn't changed."

NANCY LaVIGNE: Precisely.

JEREMY TRAVIS: "And don't tell us our methodology is not sound because it is sound. We're going to be here again next year, and we want to see a change," says the community.
RON DAVIS: "Or we'll change you."

JEREMY TRAVIS: I'm sorry?

RON DAVIS: "Or we'll change you."

JEREMY TRAVIS: "Or we'll change you." (Laughter.)

It's the flip -- it's the power flip, using a methodology that can't be challenged as, you know, you don't have a big enough sample, who cares, because it's the ongoing voice in a rigorous way that can be amplified by participants in the streets, it can be amplified by narratives, it can be amplified by good journalism, it can be amplified by lots of other things but it says, actually, we know that numbers do matter because they're a way of representing reality as long as we have created the methodology. So that's my Jeremy hat.

VIVIAN NIXON: The flip side of that --

JEREMY TRAVIS: Yeah.

VIVIAN NIXON: -- one sentence. The flip side of that is that the receivers of that information, even when it's good qualitative research, have to -- have to be willing to just roll their ideas that the only information that matters is information that is produced by institutions founded and run by white men.

JEREMY TRAVIS: Right. Right.

NANCY LaVIGNE: With so much racial bias baked into the data.

VIVIAN NIXON: Yeah.

JEREMY TRAVIS: And that's the hope. So shout-out to Vivian for coming to the planning session of the participatory justice -- remember that? -- one of our many engagements over the years.

VIVIAN NIXON: I remember.

JEREMY TRAVIS: So, Bruce, the floor is yours to help us think about where we've been and where we're headed in the next 55 minutes or so.

(Comments off microphone.)

NANCY LaVIGNE: I'm going to have to leave.

JEREMY TRAVIS: You going to go?

BRUCE WESTERN: You going to go?
NANCY LaVIGNE: Yeah.

JEREMY TRAVIS: Thanks, Nance. Leah, you're staying; right? You're going to represent the team?

LEAH SAKALA: Yeah.
CERTIFICATE

I, Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M, do hereby certify that the foregoing roundtable meeting was reported by me in voice shorthand, resulting in the foregoing pages in the above-styled matter, and that they were prepared by computer-assisted transcription under my personal supervision and constitute a true and accurate record of the roundtable discussion, to the best of my ability;
I further certify that I am not an attorney or counsel of any participants, nor a relative or employee of any facilitator or entity connected with this project, nor financially interested in the project;
WITNESS my hand in the Town of Wake Forest, County of Wake, North Carolina.

_________________________________________________
Victoria L. Pittman, Freelance Court Reporter
and Notary Public (No. 19972060075) in and for Wake County, North Carolina and the State at large.
My Notarial commission expires: 7/31/22.
Roundtable on the Future of Justice Policy
Explaining the History of Racial and Economic Inequality:
Implications for Justice Policy and Practice

Day 3: Roundtable Closing Discussion

At North Carolina Central University, Durham, North Carolina
October 13, 2018
9:00 a.m. to 1:30 p.m.
Reported by: Victoria Pittman
PARTICIPANTS:

Arthur Rizer | Director of Criminal Justice and Security Policy, R Street Institute
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Robert Brown | Associate Professor and Chair of the Criminal Justice Department, North Carolina Central University
Ron Davis | Principal Consultant, 21CP Solutions
Susan Glisson | Co-Founder and Partner, Sustainable Equity LLC
BRUCE WESTERN: Okay. So I thought I -- what I would do is just provide a summary, really, of where we've been over the last couple of days because I think there's really a thematic continuity to all our discussions. And I think there's a very coherent story that emerges out of this conversation. Now, there's a lot of ways to cut into it, and I -- and I'll throw this out as a way of interpreting this discussion. I think in a lot of ways, the whole discussion has been a conversation about values and -- and certainly criminal justice policy conversations and not wrestling with values in a very direct way. And I think we've been wrestling with two kinds of values in this discussion.

One is the value of human dignity, and that is a recognition of people's capacity for love and spontaneity and creativity in their lives and the systems that we have created have undermined and stifled human dignity, and we're trying to figure out how that might be restored, how we can design institutions and public policies that elevate and restore human dignity. And the other value I think we've been discussing is social justice, and that means basic fairness in the distribution of rights and resources and human capabilities. And I think our whole conversation has been really wrestling with those two key values. Okay.

So -- summary. I think this conversation has had four parts. We -- if you think back to Thursday, which seems like a long time ago now, we began with history and the very long shadow that has been cast over the entire history of the republic by the institution of slavery and the very deep dehumanization that that system was founded upon. And the historical papers, I think, described our very imperfect struggle to emerge from the history of slavery, that it's a narrative of American history as original sin, and that very much frames the challenge that we have now. We then heard from Bobby speaking about policing, and there was a lot of new research -- new in my understanding -- that Bobby was reporting specifically about racial disparity and, you know, the overwhelming evidence for racial inequalities that policing creates. We could have equally heard about sentencing and what happens in American courtrooms and the racial disparities that are created there. We could have equally heard about incarceration and the racial disparities there.

I think one of the really challenging implications of that discussion about the system and how it produces inequalities is that we could significantly eliminate racial bias in discretionary decision-making in policing, in the courts, in the correctional system, and that would make
only a small dent, actually, in the racial disparities that we observe in
the system because they're operating in a social world with very deep
structural inequalities that these systems are responding to.

So this is the size of the challenge that we're confronting, and so
somehow now, we're engaged in a conversation about institutional change
that's much larger than discrimination and bias. And we're trying to
think about the transformation of historically developed structural
inequalities of race, class, and gender -- I'm thinking we probably did
not talk enough about gender inequality and gender, and I think it is
probably absolutely central, and I want to flag that as a blind spot in
our conversation. That's an area in which we'll have to do more work.

From there, we talked about politics. So now we're getting into a
discussion of how are these system of inequality sustained, how might they
be transformed. We talked about power in at least two ways. We talked
about the power of agencies, the power that resides in the prosecutor's
office, the power resides in the police department, the big pulls of
discretion that the leaders of those agencies have. They could do things
differently and that would -- that would make change.

So there's -- there's a capacity for change within the system. I thought
Ron's account of municipal budget process was really important from the
point of view of understanding where is the power in the system, and this
is an opaque insider process that communities often lack sophistication
about, and making change will involve penetrating something as deadening
from the outside as a municipal budget process. So power is in agencies,
in organizations. There's reservoirs of discretion. There is power that's
tied up in the procedures and the calendars of the budget process. But
there's power in communities too. There's tremendous power in communities
that is unrealized. And so much of this whole conversation is about
democratic failure, right, that the power in communities is not realized
and that's in the nature of these historic structures of inequality. And
this was the focus of Monica's conversation, the potential of communities
to be significant reservoirs of power that is not realized at the moment.

I took that whole discussion as giving us an alternative metric for
thinking about policy. What are the implications of criminal justice
policy, the empowerment of communities, their solidarity, their capacity
for collective action. It's a very, very challenging set of politics
because not only do -- are communities disempowered by criminal justice
and other agencies which -- with which they often have to contend, but in
this space of politics and racial politics specifically, there is a fight
over the rules of the game. And so it's not just about who's getting -- how big is your piece of pie, there is an active political contest over who gets to participate in the political system. It's a very fundamental fight over citizenship, and that was Cary's contribution to the discussion, right.

I thought that was important, and we need to engage that discussion of the fight over citizenship. Maybe that's a friendly extension to Monica's argument. This is another metric by which we have to measure public policy -- how politically inclusive is it, is it building political membership, is it building citizenship in this specific sense. And then today we went from politics, where is the power in the system -- is it in agencies, is it in communities -- and today Susan started off with a discussion of reconciliation and what that actually looks like. And when we -- I feel we hear lip service to it a lot, but until we hear about how it actually works at the micro level, I think it's -- it remains just a placeholder for something. It's kind of a black box. And you took us inside the black box of this process of what settling accounts with history could really look like. And I think in this way, we've really come full circle from our discussion of history on Thursday, right. You've helped us see how the wounds that have developed over a century might to begin to be addressed. Marlon made the great point that this process of reconciliation is only a starting point, right.

This is the starting point to a process that -- a process of change. And he said sort of parenthetically, and Susan said it too, that unless there's the follow up, unless it's a starting point, it's utterly hollow. And without the follow-up, it further contributes to the disengagement and the estrangement and the alienation of the community from the institutions of power. So reconciliation is part of the change process, a necessary part of the change process that we are envisioning. What is the -- what's the program? The program is -- and Nancy began to take us down this path. The program is -- and I -- I'm sure it's a -- the budget version of this, which Ron has focused me on, is we're taking resources out of systems and we're investing them in communities, and that means a transfer of power, and it probably means a transfer of power not just from people inside the system to people in communities, but a transfer of power from experts to people and there's probably a whole variety of transfers we've barely begun to discuss here. But that, to me, seems -- seems to be the program that we're beginning to talk about, investment in communities rather than -- rather than systems. And the political challenges we're facing is the agencies are very, very powerful, they have their own vested interests.
This is happening in a historical context of centuries of dehumanization and inequality and a very profound sense of alienation and a real legitimacy crisis in those institutions. I am slightly haunted by Elizabeth's words. This is not so different -- Leah said it too -- this is not so different from where the Kerner Commission landed in 1968. And the run-up in incarceration rates in the United States began in 1972, four years after the Kerner Commission said we need to start with a -- we need to turn the page and start a new chapter. One thing I will say too, just thinking about last night's event and also Susan's comments this morning, the -- in this process and in our process which we're going to define collectively, there's some important part -- some important part of this is creating some kind of collective effervescence, right? It's not just that -- so Emile Durkheim, the sociologist -- the old French sociologist, talked about collective effervescence, where, you know, we're sort of -- our creative sensibilities are engaged by a sense of common project. And I felt we had a moment like that this morning and last night.

It's asking something more of us than showing up at a meeting, getting our papers in on time and so on. It's tapping into our energies now, each of our charismatic potentials in a certain way. So that was -- for me, that was our last two days. I think we did a hell of a lot of work, and the people in this room are so brilliant and so smart, and I think this is quite an extraordinary way to begin this whole process. So should we open it up to conversation? That's our next part.

**JEREMY TRAVIS:** We could have -- we always ask for clarifying questions or open it up for a bit, and then we'll end with some final observations from me. But anyone else have anything they'd like to add to? I'm quite blown away with what Bruce just did, frankly. I think you captured it brilliantly. But it's open to your contributions. Any amendments or underlinings or boldings or italicizings of things that were said that you'd like to make sure we've dealt with or said? (No response.)

Seeing none -- last call -- let me add my word of thanks and appreciation and admiration and respect for all of you. It has been quite a journey. It's hard to believe that we've only been together for this short time. I just want to ask you to join me in thanking the team that's made this happen, some of them who are in this room. (Applause.)

Sukyi in particular, but followed not far behind by Anamika and Stephanie and Susan and the Raben team and everybody who's been working on this and Anna as a new team member and can never forget Andrew on the sideline there. Our hope is that this discussion doesn't end here. Our hope is
that the contributions that you've made are not complete and that you are starting your own journey where you can continue to make contributions wherever life's -- life takes you. Our commitment to you is that we will build a movement and build a big network of people who are in this discussion in different ways, some just by passively listening to a podcast or some by actively being involved in other ways. My feeling at this moment, having been in the journey of creation and now seeing this idea and dream becoming a reality is that we thought it was big and it's even bigger than we thought. We thought there was a willingness to engage at this very deep level of these issues, and that really this has been made evident by all of you in this room and those who are watching and those who had to leave early.

But it's that that lifts us up as we think with you and for you and on behalf of you but with the others. And more importantly, the -- we refer to often, have sometimes at tables, not always and never enough, the impacted communities, the folks who are suffering, the long history that we're trying to do something about so that our country is in a better place, and I think all of us believe that we do our work in their names and that's what will really keep us going. So thank you all for coming and safe travels wherever your travels take you. There are box lunches that -- I know I'm going to go get mine and just sit here and have a nice lunch. But thank you, thank you, thank you for all you've done, and thanks to Bruce for being our leader and partner in this.

BRUCE WESTERN: And thanks to Jeremy. I think the facilitation of this has been just the bedrock of this whole conversation, and we couldn't have had it without you.

JEREMY TRAVIS: Thank you, everybody.
(Applause.)
(Session ended, 1:20 p.m.)
CERTIFICATE

I, Victoria L. Pittman, BA, FAPR, RDR, CRI, CVR-CM-M, do hereby certify that the foregoing roundtable meeting was reported by me in voice shorthand, resulting in the foregoing pages in the above-styled matter, and that they were prepared by computer-assisted transcription under my personal supervision and constitute a true and accurate record of the roundtable discussion, to the best of my ability;
I further certify that I am not an attorney or counsel of any participants, nor a relative or employee of any facilitator or entity connected with this project, nor financially interested in the project;
WITNESS my hand in the Town of Wake Forest, County of Wake, North Carolina.

_________________________________________________
Victoria L. Pittman, Freelance Court Reporter
and Notary Public (No. 19972060075) in and for Wake County, North Carolina and the State at large.
My Notarial commission expires: 7/31/22.