

Episode 55 Emily Bazelon

Hello and welcome to Episode 55 of the Decarceration Nation podcast, a podcast about radically reimagining America's criminal justice system. I'm Josh Hoe, among other things, I'm formerly incarcerated a freelance writer, a criminal justice reform advocate and the author of the book, *Writing Your Own Best Story* addiction and living hope.

We'll get to my interview with Emily Bazelon in just a second. But first, the news:

I have not told many people this but I'll share this with you here first. I've just been offered and taken a new position as the policy analyst at Safe and Just Michigan. This was a job I just could not say no to. I believe we can create change that affects the largest number of people here at the state level. And Michigan is and has been for a long time my home. I'm very excited to start working this month with Safe and Just Michigan. Nothing will change about the podcasts and they are luckily fully supportive of me continuing this work. I'm really thrilled to be starting this new adventure. And just a few months, it'll be six years since release, it took a long time to get back to a full time job. Thanks again to Safe and Just Michigan for giving me this opportunity and all the people and it would take an hour for me to thank everybody who has supported me over the last you know, almost six years since my release. It's been a long journey. I'm really happy to be headed back into the full time workforce.

Second, I've been ranting all week about the backlash to the Bernie Sanders comments about voting and incarcerated people. The very short form for me is that democracy matters the most when you're at when it's at the most risk. The people at risk of death every day, for instance in Alabama's prison system should have a voice in their own government. What good does having rights do when when when you could only exercise them when you're not at risk? Your Rights exist to protect you and moments when you need them. If you want to know more about my thoughts about this, and other criminal justice reform issues, you should really sign up for our weekly newsletter. You can do that from our website.

Third, and this is pretty I'm still pretty shocked about this last week's episode with Danielle thread was the fourth most downloaded episode of the podcast ever. Now when you think that that episode is only been out for you know, I guess today seven days. And when you think about you know that some of the episodes have been out for over a year and a half at this point or close to a year and a half at this point. It's pretty amazing that one episode could have that kind of effect. And so I thank you so much for listening, and a special thank you to Danielle Surette for being willing to come on the podcast that's really great. So let's now get to my interview with Emily Bazelon.

Emily Bazelon is a staff writer at New York Times magazine that Truman Capote a fellow for creative writing and law and a lecturer at Yale Law School. She's also a former writer and editor at slate where she co founded the women's section double x. She's the co host of the slate political gab fest podcast and the author a new book *Charged* the new movement to transform

American prosecution and mass incarceration. Welcome to decarceration Nation podcast.
Emily,

Thank you so much for having me Josh.

My pleasure. Oddly enough, you're the first person I've ever had on the podcast, who also hosts a podcast. Would you like to say anything about political gabfest?

That's great. Um, we do. I taped the political gabfests every week with my co conspirators, John Dickerson of CBS and David plots of Atlas Obscura. And it's a labor of love in the sense that while we do get paid to do it, we've kept the show going long beyond the time when we used to actually be employees of slate. And we've kept going because we really enjoy talking to each other I, every week, anticipate what John and David are going to say about the news topics. And because we have an amazing set of listeners who have been super loyal, and interested and engaged and full of debate about the show,

I definitely understand the labor of love part. So one of my first questions is always to ask my guests how their life journey took them to their current project. So how did you get from wherever you were to writing your book charged,

I became a journalist right after I went to college. And then I was working at a kind of mediocre local paper, way out in the far reaches of the East Bay in California. And I felt kind of stuck. So I decided to go to law school, not so much because I was sure I wanted to be a lawyer, but thinking that I needed some more options, and that maybe I could get a better job in journalism after I got out. And I realized in law school that I really did want to remain working as a journalist. And then I just basically focused my my choice of subjects on legal topics. So it was like that I had a basis of knowledge to write from, I knew what questions I wanted to ask. So most of my career, I've been writing about law in one form or another. And criminal justice has become just incredibly urgent subject. I think, as I've walked in the course of my career, the number of people who we punish, through incarceration has quintupled, we just have this ballooning system. And I've encountered so many stories along the way of wrong headed consequences and injustice, that I just really wanted to focus a book on it.

So the book is broken up into different parts, so reluctant to call it the trial process after reading it, because it's really not a trial process. But it follows the journey of several people. So what led you to Nora, Kevin and Eric?

Well, um, I wanted to tell the book through stories, I wanted to be a book that people would read, not just if they were interested in mass incarceration, but if they just wanted to turn some pages and follow the course of people's lives through some serious trials and drama, and struggles. North case represents, for me, case of prosecutorial overreach, and a kind of old school tough on crime prosecutor, Amy wiring in Memphis, who came from an office with a pattern of constitutional violations that had really been addressed. And I was just curious about

how that happens, like how a DA is Office of masses that kind of record over time, and doesn't seem to be held accountable for it. And the Nora's particular case, which we can talk about more, if you want has a lot of emotion, and kind of, for me sort of gripping twists and turns. And then the story of Arkansas is the new da in Brooklyn. And Kevin, who is charged with gun possession in New York, is a story about a prosecutor who's trying to do things differently. But in the face of this crime of gun possession that New York State treats as a serious, violent felony. And so that was more about the ordinary as opposed to you potentially or I should say that was just more about that's the case, it's more about the ordinary uses of prosecutorial power and of trying to find a kind of new balance.

I feel like Nora is kind of the heart of the story and a lot of ways. So as he suggested a second ago, if you'd like to introduce her a little bit more, just so people get a feel before they read the book.

Nora Jackson was 18 when her mother was brutally stabbed to death, in the middle of the night in their home. And this is a white family, unusual crime in Memphis, the kind of crime that there's a lot of pressure to solve. After the death of Nora's mother, Jennifer Jackson, there was a lot of DNA at the scene, and it was sent away for testing. And in the meantime, there were no obvious suspects. And while the crime lab was working on the DNA results, suspicion focused on Nora she was a teenager who smoke some pot, she went mountain partied with her friends, she'd been out all night, the night her mother was killed. And for whatever reason the police and really the prosecutor anyway, Eric, decided that she seemed like the suspect. There was a kind of complicated part of this, which is that Nora's father had actually separately been murdered a year and a half earlier by someone who on videotape, ransacked the father's stores if he was looking for something he didn't find. But the the prosecutor and the police didn't really try to connect to these murders. Instead, they came up with this theory that nor his mother, because she was in control of a suppose and trust fund for Nora from her father's estate that Nora had decided to kill her mother to get access to this money. In fact, there was like really little to no money. But that was the story at the time. So Nora was charged with her mother's murder, then the DNA results came back, they actually excluded Nora from the crime scene. And there were profiles of two unknown suspects who've never been found. But anyway, we're stuck with her theory that Nora was, was the right suspect, and Nora was convicted hurt her trial. And then later her conviction was overturned, because any wire act did not disclose evidence to the defense that could have helped nor approved for innocence. So it's really a sort of a long tail of someone coming under the laser focus of a prosecutor and being unable to escape.

We're kind of two things that jumped to my mind when I was reading the Nora parts. And the first one is, you know what person in nor his age just generally doesn't have some of those things that the that Amy was pushing so hard in the trial, you know, like going out at all hours a night or maybe doing things like that. And the other thing that kind of jumped out to me was that, you know, Nora had herself experienced an unbelievable amount of trauma. And it seemed to me very strange that that was never considered the reason for some of our actions. Did you have any thoughts about that?

All the circumstantial evidence that's brought to bear at the trial against Nora, if you're looking at it through a kind of lens of giving her the benefit of the doubt, you can find explanations for all of it. And she really was struggling. In addition to her father's death, her best friend had actually died in the previous year and her grandmother, so there was a lot of a lot she was dealing with. And another thing that mattered to me and assessing this case is, it's very unusual for a daughter to kill her mother. And when we see that it's almost always when there's evidence of child abuse. There was nothing like that in this case. I mean, everybody who knew Jennifer Jackson and Nora thought that they were very close that, yes, they argued, but there was no evidence that Jennifer was abusing nor and in fact, by all accounts, she was a very loving, affectionate mother.

And Amy Wierich still holds. It seems like the idea that she was guilty, correct?

Absolutely. Yes. Anywhere. It has not ever budged from that position.

How did you get Amy to participate? So fully?

That's a good question. Well, I wrote about this case for the New York Times Magazine a couple years ago. And you know, you see comment, I was eager to talk to Eric and hear as much from her side as possible. She loomed very large for me as a person in this story. And I wanted to understand her decision making, I was able to piece together some of the history of how she'd come to the office and become a very successful trial prosecutor. And I was really interested in her by the time I was interviewing her, she was the elected DA, in Memphis, and for a long time, her spokesperson kind of put me off, was not eager to have me talk to her. And then I think when they realized that the story was really happening in the times, you know, she's an elected public official to just refuse to comment entirely, I guess was sort of too much. So in the end, I was granted one 20 minute phone interview with her.

After the fact that New York Times Magazine piece, she lashed out a little bit, is that correct?

Yeah. I mean, she did something kind of Trumpian, which I thought was sort of clever, which was to attack me, rather than the story and to attack the New York Times. So her office Twitter accounts, tried to circulate the hashtag pro crime and white times. It didn't really go anywhere, but it could have, it seems like a kind of aggressive, but potentially, you know, Donald Trump has had a lot of success and attacking the press and situations like this. And I sort of saw it as that kind of tactic.

And you mentioned that that office really hasn't necessarily cleaned up its act entirely since this all happened. Is that fair?

That's fair, there have been a couple of other cases in which wire has been went in which convictions have been overturned because of accusations of misconduct. And judges have said,

look like you didn't handle this correctly. There are problems with how you tried this case. So yes, I think there's a pattern in that all. And you know, one thing that struck me when I was talking to Eric was, so some prosecutors offices that are concerned about a history of wrongful conviction have started what are called conviction integrity units. So there's like a separate unit and office and they were, they review past cases and look very conscientiously for errors. And if they find evidence that someone isn't guilty, or someone's constitutional rights were seriously violated, then they go back and they say, you know what, we need to get this person out of prison. So I asked why Rick, if she had any interest in a conviction integrity unit, and she said her whole office was a conviction integrity unit, which isn't very reassuring if you kind of understand how that's supposed to work.

That's not very reassuring. Having been through the system myself, I can say that's not doesn't inspire great confidence in me. So one of the first problems you highlight is pre trial, the tension, in my own experience lobbying for bail reform. Generally, the Bail lobby responds by ramping up the scare tactics. But bail reform still seems to be succeeding in several parts of the country. What can we learn from places like New Jersey as we're moving forward?

This is such a great question. So bail was one of the topics in my book that I didn't really know anything about a few years ago, when I started reporting. And then everything I learned just like exploded my universe of what I thought Dale was about, I thought that we needed to cash bail to get people to come back to court. It turns out that that's not true. And Washington, DC and Kentucky, and almost every other country on the planet, get people to come back to court very regularly without asking them to put any money down. And without fueling this giant industry. The bail industry, which makes a couple of billion dollars a year in America, its bonds are underwritten by big, multinational corporations. And it's basically all the money is coming from poor people, for the most part. So I think what happened in New Jersey A few years ago, was that New Jersey has this kind of distinct system, instead of electing judges or prosecutors, they appoint everybody and all of the parts of the criminal justice system are centralized. So there's like the New Jersey Supreme Court and an administrative judge who's the chief who oversees the court system, there's a Chief State Attorney, and there's a chief public defender. And the systems were able to unify and come up with a set of criminal justice reform packages package that included eliminating cash bail in New Jersey. This is when Chris Christie was governor. He's a former federal prosecutor. And he signed this bill. And then they had a very detailed planning process for putting it into effect. And it's been very successful, New Jersey, you know, ended cash bail, they have come up with a risk assessment tool that judges consults in deciding whether it's hold someone we preach pre trial, but the judges are really supposed to release with his few conditions as possible. Everybody who they think is safe to release and New Jersey has significantly decreased its pre trial jail population as a result, I think it's like by around 40% at this point. So I think that's a real success story and a model that other states could follow. Um, I should say that other states like California has had much more of a struggle and the devil is in the details with these bills. But I am glad you asked about New Jersey because I feel like it doesn't get enough attention.

Well, I knew a little bit about the the battles and the other places. So that seemed like the easiest place to start for a success story. Another of the central issues that you addresses, and I think this kind of the the main problem you address in the book, in a sense, is the problem of plea bargains. You talk about the history, when did our trial system actually become a plea bargaining system?

You know, in some ways, it started like 100 years ago, with the advent of having elected prosecutors and more policing, but what we've really seen as a change since the 1970s. So you know, we have a crime wave in the late 70s and 80s. And an enormous response from lawmakers in the form of ratcheting up sentences and mandatory minimum sentences that give lots of power to prosecutors, because they kind of bake the punishment into the charge. And so then prosecutors are in a position where they can leverage heavy charges into pressuring people to plead guilty. And so you see the trial rate go from like, you know, about 80% of cases of convictions are obtained through trial to the current number, which is that 98% of convictions and a lot of state court systems happen through plea bargains, I think I said the first part of that wrong, I said trial, instead of plea bargain Anyway, you go from about those confused, because Yeah, I like switch numbers, you go, you go from about eight percent of convictions being obtained through plea bargains in the 80s. To what we have now, which is in some state court systems, about 98% of convictions are obtained through plea bargains. So we really are in an era of the disappearing trial. It's a relic of like television and movies. But it's almost nobody's experience of the criminal justice system.

That's interesting, because I think for the vast majority of people who've never encountered the system, all they see is the trial system, if it's law and order, or movies or whatever. And then everyone who has encountered the system generally only knows the plea bargaining system. And that system isn't necessarily always particularly fair. Do you? What do you what are some things you find fundamentally wrong with the plea bargain system?

Well, I think one problem with it is that it's very hidden in secret. So when trials happen, they're out in open court, there's a record, you can read the transcript afterward, you can go to court and see what happened. And that holds judges and everybody accountable publicly, plea bargains happen in the hallway outside the courtroom, or over the phone, or in like a quick text message. They're the kind of private haggling among lawyers. And there's usually no record in an office of like, how many people who faced you know, robbery charges were offered prison time and how many weren't? And what were the outcomes of the people based on the different kinds of offers, they got, like we do don't do any regular, rigorous collection of data that tells us something about how plea bargaining operates and how it should operate. So plea bargaining also seems to create some perverse incentives, especially as it relates to the duties of the prosecutor.

Even having been through the system myself, I was reading the book, I start to get kind of frustrated and angry again, because it seems like a lot of the systemic actors that you talk about. We're invested willfully ignorant, and some even more corrupt in a sense than I already

believed. I kind of feel like most people start out with probably good intentions. When they enter a prosecutor's office, you have any theories about why so many people get all the way from kind of idealism to where they are actively burying exculpatory evidence?

Yeah, so look, I mean, most prosecutors are trying really hard to do their jobs, right. They, they care about ethical standards and their public officials. So I don't want to be bashing them in any kind of broad brush way. However, the job leads itself to focus on winning convictions and a lot of offices, the thing you get rewarded for like the high fives, the promotions, that comes from winning a big trial and getting a long sentence, it doesn't come from being very careful or doing mercy whenever you can. So that's one kind of perverse incentive, I think you're talking about. And the other is a total failure of the whole system to police prosecutors. The Supreme Court and the 70s made prosecutors absolutely immune from lawsuits. That's like being you know, covered in the best possible armor, the cops are have qualified immunity, it's hard to sue them, it's almost impossible to sue prosecutors or the agencies they work for, or the cities and counties. And so when the Supreme Court put that absolute immunity from suit in place, they said, You know what, don't worry, because a prosecutor who commits a grave violation, someone else will come along and prosecute him. But in fact, nobody prosecutes the prosecutors in my research. And I think everybody's research, we've all found two prosecutors who've gone to jail for a couple of days for violation. So that's just like, not a remedy. And then I think the third important part of this is the legal profession, the legal profession on paper, could be holding prosecutors accountable, taking away their bar cards if they don't follow the rules. And again, this is just something that almost never happens. So I tell the story in my book of an ethics trial, involving one of the prosecutors in North Jackson's case, and I won't give away the end, but you can see, I think, in that chapter, what the barriers are to accountability.

So, Kevin spends most of the book going through up a diversion program, but ends up kind of conflicted about his experience give a takeaways about how you feel about the version as an alternative to incarceration?

I think when diversion is truly an alternative, it's a lot better than prison. The problem is, if it becomes what we call like a net Weidner, where people who would be just like let go have charges dismissed and up in some long, complicated supervised situation in which they can then wind up back in jail, or just there's a lot of like invasion of their privacy going on the diversion. Kevin was in his next it's run from out of the Brooklyn office, it's for violent people accused of violent felonies, which is really unusual for a diversion program. And the social workers that are very committed to trying to help people like Kevin and I was really impressed with their work. But there is a kind of edge to the whole thing, which is that the cops treat the people in this program as if they are continuing, dangerous threats. And and I really saw what looked to me like the NYPD targeting some of these young people, and not seem like a real problem, especially because the promise was that after you complete the diversion program, the charges against you would be dismissed and sealed. So I was having trouble squaring that promise with this reality of cops continuing to follow the people who had made it through the

program successfully. And at the end of the block I I described how that affected Kevin and, you know, readers can can read that part and see what they think for themselves.

You you talked about this a little bit earlier. But I assume your juxtaposition of the trial process for prosecutors? Well, wasn't really a trial. But you know, and the trial process for regular defendants, especially defendants of colors, what defense of color was intentional. We've seen a lot of popular press stories about an equal justice, you know, you've got Manafort Cohen smell at the new education scandal. Do you have any thoughts here?

Yes, you're right. I did juxtapose those things deliberately. And I felt like the prosecutor who was on trial, the suppose the judges in this case, were three local lawyers, they were all kind of socially connected. One of the quote judges was a former prosecutor himself. And you could just feel the sort of benefit of the doubt, collegiality, the respect, I have never seen that in court with ordinary, mostly poor criminal defendants. I think the kind of celebrity defendants you're talking about are like somewhere in the middle. And they do have a different experience, often of the system than regular people. And what's frustrating is that then they get a lot of media coverage. And I think then people get an image of the system as like we were saying before, having lots of trials are having like very skilled, well paid defense lawyers who are protecting people's rights and getting great deals for them, when in reality, that's just not what most people experience.

You don't talk about it that much in the book, but you do mention a couple times calm and justice Danielle threads. Organization. I just wanted to it seems like that. It's an incredible model, but one that nobody's really following. Do you want to talk a little bit about that? It's so strange that it exists?

I think it's great that it exists. So Danielle's program isn't it really, is an example of restorative justice. This idea that instead of just punishing people, you want to bring them together with victims they've harmed and try to come up with some kind of resolution that involves a real reckoning with the harm, and and the kind of way of making it up to the person who you've hurt. So their little restorative justice has never been a major part of the American system. Even though when you look at how dissatisfied victims are with the system, you think like, Hmm, maybe this would really help many more people. And normally, when we do have restorative justice, it's for minor offenses, like kids who shop left, and they go in and meet with the shop owner. And that's great, but it doesn't go as far as what Danielle is doing. The young people in her program are accused of serious violent felonies. She's working in Brooklyn, and she has been able most of the victims who are offered to participate in the program, because you can only defend it only gets in if the victim agrees. Most victims want to do it. And she has a really low rate comparatively speaking of people reoffending once they've completed the program. So it's a small effort, but I'm like you I wish that it is it's the kind of model that just seems like some people, other people should try to replicate it.

And Danielle has her own book, and I think maybe was just on your show. So anyway,

I just interviewed her last week. It's not out yet, but

Oh, really? I thought it was.

Yeah, it Daniels work is interesting.

Towards the end of the book, you suggest that you think the move toward progressive prosecutors is one of the most promising developments that you've seen. Sometimes I worry that we're a little bit in an empire strikes back moment. So what makes you so optimistic?

Well, this isn't I mean, I don't want to tie these things, because I think it would be better if they were separate. But the reality is, this is a moment of plummeting violent crime in America. And it's opening a window for rethinking mass incarceration, because we are, it's so out of whack. You know, there are parts of the country like New York City where crime is at the level it was in the 1950s. But mass incarceration is stuck at a high point or close to it in like the 1980s. And so I think that because of the cost, and I mean that in a bunch of ways, the actual financial costs, like the billions of dollars, we're spending that troubles a lot of people, including fiscal conservatives, and then the human cost of all the lives that are forever altered. By this contact, I think that people are starting to absorb the kind of unnecessary harms of the system. There's one statistic that just has jumped out at me so much that I like doubted it at first, but then I went back and checked it, and there 10 million people, kids who in the course of their childhood, and adolescence will experience having a parent who's incarcerated. That's a big thing to have happen. And we just I think, are finally starting to get a thinking about whether we really need to be doing that.

You mentioned a quote from Justice Sotomayor, we think we're we are keeping ourselves safe. We're just making worse criminals. A lot of my abolitionists, friends usually respond to quotes like that by saying the system is working exactly the way it was designed. Have you thought any more about why we as a society are so committed to profoundly a profoundly counterproductive system?

You know, I think starting really with Richard Nixon and even Barry Goldwater, long order, politicians were very successful at creating a lot of fear among Americans of crime of painting people who commit criminal offenses, as bad people who are going to forever continue to do that, and have racialized all of this making white people afraid of black people. That's just really lingered for a long time. I mean, it taps into some of the deepest strains of racism and kind of other ring in American society. And it's created that this very punitive ideas about who who has to be locked up and kind of having the key locked up and then have the key thrown away. The reality is that almost everybody who goes to jail in prison comes home. But we spend very little time thinking about what that means for the communities that they're from and for all of us. So I think we made a real mistake by making safety equivalent with harsh punishment, even though there's lots of evidence that those things are in conflict, and that what is much more successful is to make the law legitimate, and in a lot of people's eyes, so they're more

likely to follow it. So you can argue that a fairer system actually makes people more safe. But it's taken us a long time to even start having a conversation in this country.

You know, I think when I read all these, you know, books on this topic, it almost seems like races, something that's almost haunting all the pages. Do you want to say anything else about that kind of the racial disparities involved in the system?

Well, I completely agree with what you just said. I mean, you can't write about this topic without over and over confronting the ways in which black people and Hispanic people are treated worse, for the same kind of conduct. It just, it's in every facet of the system every step along the way. And when you really start to pay attention to it, it just, it's overwhelming. And to make an obvious point, just incredibly unjust.

Yeah, I've never really read a book that included so many people that I communicate with on a somewhat regular basis.

All your favorite friends were on. That's good, really was it was pretty, I felt like was old friends week or something.

So what was your process of kind of choosing experts and how you collected information.

So I mean, I consider myself to be a translator and a storyteller. So the storytelling was happening in my day to day reporting it Goncourt and Brooklyn in tracing and following Nora's case. And then my translating consists of like reading lots and lots of research and talking to a lot of academics and experts in the system, and then trying to make their ideas as accessible as possible for general interest readers. So you know, my real hope for my book is that people like you will read it, but then also people who don't know very much at all about law and kind of think it's like confusing and complicated and boring, will pick up my book and kind of think, oh, here's some good stories, and, And oh, by the way, I can learn something along the way, in parts of this book, but that the laws presented in a way that's clear and accessible. So I try to talk to academics who are, you know, doing the most like cutting edge thinking, and have the ideas that seemed to really be driving the conversation, and then I try to make their work as like, legible and clear as possible.

I always ask the same last question, what did I mess up? What should I have asked, but did not.

I was just thinking that this was such a great interview, and that you asked great questions. Maybe it's just that I'm getting more comfortable talking about this subject. But I don't think you messed up anything.

Well, that's nice of you to say I like that answer.

Do other people come up with like, the brilliant question that you should have asked?

Sometimes, yes. You know, I mean, there's always something I'm sure I should have gotten to but don't you know, I just think it's always good to try to see what people's thoughts are about, or things that they wanted to say or might not have had the opportunity to say?

Yeah.

So thanks so much for doing this. I really appreciate you taking the time. And I really enjoyed the book. So thank you.

I'm so glad you liked the book. And it was my pleasure to talk to you Josh

Thank you, talk to you later.

Now, my take. Last night, I put off Game of Thrones for an hour and watch the premiere the redemption project, a show by Van Jones that's on CNN. And since Emily and I were addressing alternatives to incarceration and diversion, among other things in that interview, I thought it would make sense to talk a little bit about this powerful new show. The show started with Van Jones talking with Mariah a woman whose mother was taken from her as long as a young when she was a young child. It was a really hard lesson. And at the same time, it was hard not to be taken by how Mariah had made staying positive, a huge part of her life. Mariah was actually the one who instigated the restorative practice by writing Jason a letter while he was still in prison. Next van talk with Jason Clark, the recently paroled man who had killed Mariah his mother over 20 years ago. It was incredibly powerful to listen to him talking about why he wanted to participate in the conference, his history, how his life and changed how much accountability was important to him. And you could see the tension on his face, you could see how nervous he was about the whole thing. And you could see just how much he wanted to do something that might make a difference in addressing the harm that he had caused all those years before. In the next segment with the help of a trained facilitator, they showed what is called a victim offender conference between Mariah and Jason, where she asked Jason pretty much all of the toughest questions about the harm he had done in her life that she could possibly ask it was incredibly hard to watch and incredibly powerful. I I can't explain that I hope you get a chance to watch it. If you don't, you really should give it an opportunity. And the final segment, Ryan, Jason visited a prison together to talk to a lifers group about restorative justice. As someone who did time, it's hard for me to even explain how rare it is to see guys in prison openly crying about anything. And here you had a room full of lifers. I mean, the people who are you know, they're not getting out, you're fighting back tears, as they heard Mariah story in the story about a cot, the conference between Mariah and Jason, I cannot imagine the courage Mariah had to write that letter, to participate in the conference, and then to take that discussion forward and go into our prison system herself. And regardless of what you think about Jason or Jason's crime, it took an incredible amount of courage to put himself out there in such a public and vulnerable position. Having done a bit of that myself, I can tell you it is it is and remains a terrifying experience every time I do it, but to do it in such a vulnerable place, that place where you're talking about your own guilt or innocence in front of the entire nation. I just for both of

them, I just have unbelievable amount of empathy, and thankfulness for them sharing their time, their stories and just being so courageous. our criminal justice system does not value or prioritize accountability. It conflates incarceration with accountability. In fact, during every step of the process, every person facing prison time is incentivized not to be accountable, fully owning what you did means larger set longer sentences, that means a less beneficial plea deal. And that means you might risk the family ties, which are often your only Lifeline in prison by admitting guilt. As we discussed last week, our criminal justice system does not do a good job of taking care of victims. Mariah as a child was not given trauma informed care, or grief counseling or therapy or social support. All she was offered was incarceration. What if we took the lion's share of what we invest in our criminal justice system, and invested it instead, in restorative practices, and an actual services that serve victims, for those willing to be filled? For those willing for everyone in our communities, and for the people who've been harmed? You know, I think this is a a better answer than what we have. Now. I know that sounds like a radical idea. But what's truly radical to me what's truly radical in my eyes, what's truly dangerous, is continuing to invest in a system that creates terrible public safety outcomes, and puts all of our money that could clearly be used in better ways into only one failed solution, incarceration. It is my hope that this series will start to open people's hearts to restorative justice, and to alternatives to incarceration. If you want to learn more about restorative justice. I've done three episodes already, and will probably do many more. I've done an episode with international expert in in restorative justice and martyr. I've done an episode with Dr. Alyssa Ackerman, who's an expert in restorative justice in the cases of sexual harm was done. And now and last week, I did an episode with Daniel Surette, who practices restorative justice every day, with people who've committed violent crimes. We just have to start being smarter, we can't continue to invest in a system that generates outcomes that, unfortunately, are result in more recidivism and more violence is my hope, my deep hope that, you know, when people's hearts open to restorative justice, that will start to see that maybe incarceration, it shouldn't be the first last and only answer to harm that is done in our society. Thanks to ben jones, and to the folks at CNN for producing this show. I really hope it starts a national dialogue, and I really hope people at least give it a chance just check it out.

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