

Episode 69 Nicholas Turner

Joshua Hoe 0:03

Hello and welcome to this episode and a special set of episodes of the decarceration nation podcast from the Smart on Crime innovations conference in New York City. I say we because I'm thrilled that our web guru Robert Alvarez was able to join me in New York City for the conference. As result, Robert and I got to interview several thought leaders in the criminal justice reform field. The episode you're about to hear is one of a series of five interviews, which will be releasing over the next two and a half weeks. Each episode will be intentionally shorter than our normal episodes running for this, they'll probably be running between 20 and 30 minutes. Okay, here we go. I hope you enjoy the special decarceration Nation podcast episodes from the 2019 Smart on Crime conference.

Robert Alvarez 0:49

Hello, this is Robert Alvarez and I'm here with Joshua B Hoe and we are Decarceration Nation. We're live at the Smart on Crime Innovations Conference 2019. I want to introduce Nick Turner. Nicholas Turner is the President and Director of the very Institute under his leadership, various pursuing core priorities of ending the misuse of jails, transforming conditions of confinement and ensuring that justice systems more effectively serve America's growing minority communities. Prior to his work ever, Nick was both a managing director at the Rockefeller Foundation and an associate in the litigation department of Paul Weiss. Rifkin. And Garrison. Josh.

Joshua Hoe 1:28

Yeah. Welcome to the podcast Nick

Nicholas Turner 1:30

Josh. It's great to be here..

Joshua Hoe 1:32

Thanks for doing this. So I have several friends who recently made a trip overseas with your organization. They all rave about the experiences they've been a huge inspiration to them in their work. You talk a little bit about the whole how it all started and what happened when you start taking people to see prisons and other parts of the world.

Nicholas Turner 1:52

Absolutely. So voicera has over the course of the last six years or so, probably probably taken six or seven trips, brought delegations of people to visit Germany and the Netherlands and Norway and to see how those justice systems operate. I'll begin by saying that, that I personally don't deserve credit for having conceptualized the idea that initially, the idea was born of the the prison legal office, which was doing litigation around conditions of confinement in California. They reached out to us even before I got to voicera, to pursue this idea, this notion that if you could take a delegation of Americans who obviously live in the parochial environment of the system in which we work, to see something radically different, that it might help to shape their ideas, and then what they end up pursuing. That's something that I took up. I loved the idea when I started at Viren late 2013 it was immediately something that I wanted to take on. What I saw from previous efforts was, how transformative it was for corrections administrators for legislators and so on to see a place like Germany that incarcerates that a 10th the rate we do where everyone is who's facing prosecution 85% of them get a sanction of a day find God where they have things like open prisons, meaning places where you may you know, you'll have to sleep but you will leave every day to go to work or to school where corrections officials are you know, officers are trained for two years not just around security but what it means to be a good therapeutic a sister a you know, a someone who communicates well who solves problems is radically different system and I heard about first trip and I, the first thing I thought was I want to figure out how to get that in front of the eyeballs of millions of people. So we persuaded 60 minutes to come with us. So we've taken

these trips and they've been really dramatic in terms of the way they've opened people's eyes to see that it is indeed possible to construct a system that's rooted in a commitment to human dignity where incarceration or the deprivation of liberty is the only punishment, not the conditions, not the way you're treated. It's not dehumanizing, it's really mad. If you are unfortunate enough to be locked up. Everything that is everything else about the system is organized on trying to help you to succeed when you're released. And to see that Norman action is a remarkable thing. And many of the people who have taken on these trips have said that they are life changing, and I would and I would agree,

Joshua Hoe 4:53

I was literally just a dinner with David's Safavian last week and a good probably the best 15 minutes slice of the, of our dinner was talking about his experience. I think it was Norway, but Germany and

Nicholas Turner 5:06

Germany and Norway. I mean, one of the things that's so special about the trips that we that we try to do is we try to also bring together people who might not ordinarily be in the same space together. So David, and a number of other leaders from, you know, from like, right leaning institutions together with grassroots other formerly incarcerated leaders, from progressive institutions, with corrections administrators, and, you know, people in philanthropy, and so it gets people talking, because you see this thing that sometimes is just eye popping, and you get to turn to someone who has a very different perspective and say, What do you make of that and you know, you're a corrections officer or you're a corrections administrator or you're a, you know, the head of the Michigan union union. Can this be done in our country? What would it take? What are you having a hard time believing? And so it just opens up a lot of you know, I think a lot of strands of communication that that might not otherwise exist.

Joshua Hoe 6:03

I think it's a really interesting way to do it. We were talking about David, and I believe right next to us having interviewed just a few feet away is my friend Topeka Sam. And I believe now they're really good friends because of this trip that Yeah, stick together. And so this is also a way that somehow a lot of the I think the maybe some artificial barriers in our own movement have been bridged for, you know, kind of a corny way to put them up bridged.

Unknown Speaker 6:30

Yeah, that's very much been part of the, you know, the the intention. And I think what we recognized is that we wanted to convene and join people together and to and to have this broader group of people experience this and, you know, there was no price of admission, I was like, Come figure out how to integrate this into your view and your work. Whatever you do with it, is whatever you you do with it, but we think that this is going to be something so transformative for you that you will, that you'll forever Think about your work in a different way. I certainly have in my senses from folks that I you know, that I've been on these trips with us that they have also, is there any particular just a story or two that you just off the top of your head that you were just like at the moment was like jaw dropping for you or something that this is a timing whether there are you know, first of all, I mean, I set out like the statistics which are just mind boggling 85% of people who are going into, you know, who are touched by the criminal legal system, there are, are their sanction as a fine. Compare that to the United States life sentences that are not longer than 21 years. You know, again, a therapeutic setting. So, but I, you know, there one story that I the very first time I went, I was stunned. We were in a maximum security facility, and we're standing in the hallway and we're talking, it's a big group, maybe about 20 of us Americans and attention ministry clothes walks by any you know, waves a little bit meekly you know it says excuse me and in German and he walks past and this is a maximum security facilities where people are you know serving long sentences for Germany and he pulls his keys out of his pocket and he puts them into his door and he unlocks the the

door of his cell and he takes off his shoes and puts on slippers and then walks in and then you hear the lock click. And you know and there was and it was something that you would see in your apartment house if you lived in New York I mean just sort of a nice not Hello civil respectful not this stand on the yellow side of the line up against the wall what you know, I mean, closes they're the ones doing the closing. So you know, here's this amazing thing and we asked this question, we will and we walked past his his cell we saw that there was no people So the one of the Americans said, Well, I don't see a people. Why is that? How can you check on people in the German, the warden said, you know, perplexed, he was like, Well, people have a zone of privacy and we respect that. And why would we? Why would he ever want to have people in the window and this is in the dorm? So the very idea that you're not leaving behind, you know, these, you know, these rights are right to privacy in prison. I mean, and so just and then to watch the whole delegation, just look at one another because it was such a remarkable fact.

Joshua Hoe 9:38

It is a little sad and ironic in a sense that you're hearing about protecting Liberty as a core principle somewhere else when that's supposed to be our brands.

Nicholas Turner 9:49

Right You know, there's there's been a you know, I love this country, but there's been a lot of a lot of mythmaking in the in the country. So, it is our that is our it is we have Quite lived up to that brand.

Joshua Hoe 10:02

So to shift gears a little bit, you know, I'm a pretty big supporter of your work to reinstate Pell Grants. So you all put out a big report last year. Do you want to talk about that a little bit?

Nicholas Turner 10:10

Yeah, you know, I'm really excited about that report. That's something that we did in partnership with the Georgetown University Law School center on poverty and inequality. And what we basically wanted to do is say, Well, what would the return on investment be if we were to repeal the ban on Pell grants for incarcerated students and the long and short of it was that whether you look at the measure of return as higher levels of employment, higher levels of income for people who have been leaving prison, reduction in recidivism reduction in corrections, you know, correctional budgets and money spent establishing at scale post secondary education and in prison would provide all of those things. And it would also make facilities safer because people would have something to focus on and goals to pursue and an institution that was supportive of that. So for for us, that report was really a win win, win win win win. I don't know if I have enough wins in there. But you got the idea. And that was part of a really important part of a campaign that we're participating in with a number of other amazing organizations to here at the 25th anniversary of the 1994 crime bill, figure out how we can roll back this, you know, the the ban on Pell grants for incarcerated students and we're feeling somewhat hopeful around the bipartisan consensus. This is a thing that ought to be done.

Joshua Hoe 11:52

Do you think the vehicle will be the REAL Act or do you think it's because I think it's in the REAL ACT?

Nicholas Turner 11:57

Yeah, I mean, it is it is in the real Act, it's amazing, there are no exclusions, you know, meaning that it doesn't, that doesn't matter what you are in for you can, you know, you can participate in this, you know, and and get these resources to pursue your post secondary educational goals. The talk has been that it is also that if there was to be a big Higher Education Act, like a full reauthorization, that it would be in there, I believe that there was an exclusion that would go back to 1992 days when people who were, you know, had life without parole would not be eligible. But the question is

whether that hga is going to move or not, I think odds are probably won't and so I think we are right now at the cusp of thinking and maybe you have some intel for me, but you know, of trying to figure out like what the right vehicle is when there clearly is support on the right and on the left for this. Yeah. So you know, Where we're of enthusiastic about it.

Joshua Hoe 13:02

Are there ways you're hoping people will get involved or try to help with this project?

Nicholas Turner 13:08

There are I mean, I think that one of the things that we that are investing in futures report that we just talked about, that has that has been really remarkable is that we're actually seeing a lot of people in the business community. So we're seeing chambers of commerce come out and support this as as calm. I mean, it's common sense reform. They, I think they come at it from two perspectives maybe one is that increasingly Americans since they distrust every other institution that exists in the country are looking more and more to CEOs and corporations to be the Paragons of virtue and value. I you know, that's a funny statement and of itself, but it's definitely true. So I think that that, you know, they're owning this issue a little bit more it might be because there's a tighter labor market. And so, you know, as because there's a tighter labor market, people are thinking about where, there where we can where it's Gonna go. So but I think that, um, you know, we'd like to see everyone stand up for this, whether it's chambers of commerce or whether it's college administrators, we absolutely have the correctional administrators. I mean, they know that this makes perfect sense. And I think that if this was something that was just done on the merits, it would easily get through I think it's just, you know, the other worry that I have is obviously just the political environment in DC and the extent to which that allows anything together to get through that is stuff getting the all the things lined up that need to get I mean, you know,

Josh Hoe 14:30

I remember how much trouble it took to get McConnell to let the first step back even get on the floor. Yeah, that that was the biggest battle probably the whole thing, right? Always. One of my real passions is Bail reform. And I just recently read that you all are getting kind of started out with doing some work around bail is that correct? Yeah,

Nicholas Turner 14:55

you know, Veara Institute started in 1961. Because the mayor of New York had a problem with overcrowding in the houses of detention in Rikers Island, and he asked a philanthropist this guy named Louis Schweitzer to help sort of the let's call it a public private partnership to try to help solve the problem. Louis Schweitzer, then hired a guy named Herb Stirs, who ended up becoming the first founder of Euro and her essentially studied the issue of, you know, overcrowding at Rikers, why there were so many people locked up, and it was because people couldn't afford to pay bail. And so he constructed the first ever we described as a randomized control trial and a criminal justice context testing bail against, you know, essentially looking at a battery of factors that relate to someone's connections to community, connections to family and as almost like a risk assessment and seeing which would be more effective in determining and predicting why someone would return to court. And it turned out that the ladder was. And that spawned something called the Manhattan bail project, which ended up transforming practices here in New York, and forming the 1966 bail Reform Act and move and beginning at that point to move the country away from money as a determinant of someone's liberty, obviously, then, you know, we went through the 70s 80s 90s. And things got way worse and verint certainly did not solve that problem. The problem, you know, that big rock rolled back down hill,

Joshua Hoe 16:34

what's your take on kind of where we're at now?

Nicholas Turner 16:37

I, you know, it's, um, I'm feeling hopeful about I mean, I think that this is an issue that is absolutely captured the public's attention for folks like us who have been in the justice reform space, and it's not particularly new that you know, that this notion that money can be a determinant of someone's liberty and you can be whatever rich in America And get out, you know, free trial and you can be for and, you know, and fair beater parking ticket and you're going to be in. But I think that that the sense of outrage that Americans have, you know, have had in encountering that has spurred a lot of attention. There's been amazing litigation from civil rights core and ACLU and oh, and on earlier others, and, and so I think we're making some movement, the real challenge is, is for folks is to think about what what's the risk, you know, if not bail money bail, then what's the right response? And, you know, and so there that falls into the challenge of should we have risk assessments or not, and how racist or risk assessments and can they ever be better than standard operating procedure and discretion, and I think that's a case by case thing, but we should be concerned about Risk Assessment is sort of redefining bias. But in New York, I'm really proud and we've played a big role in this. We helped to move pre trial reform that ended up not relying on risk assessments and say it essentially said all misdemeanor nonviolent misdemeanor offenses and and then some felony, nonviolent offenses are simply not bail eligible. And that bill was signed into law in April of this year, and its projected that it will it will reduce the the statewide jail population by anywhere from 25 to 43%. That's remarkable, in and of itself. So, so I think New York now is a different model than the New Jersey or then California and I hope that other states will take this on legislatively.

Joshua Hoe 18:55

And so you also have a program called "In Our Backyards" I think Yeah, Jasmine is Working on that, a little bit about that

Nicholas Turner 19:02

Jasmine Heiss is amazing. This is a. I mean, you know, in some respects, this is one of the things that I think is signal of like the very best Avira, I had a bunch of researchers who came to me a few years back and said, Look, can we get an internal investment to build a database? What would you ever want to do that for? as well? Look, you know, we don't know anything about jail populations in this country, the federal government collects information through a census, you know, every seven years, and then there's a survey every year and they publish one report, but we have no idea about the long term trends in the use of jail. And we want to grab that data that's available, made available by the Department of Justice, put it into a usable database, and one of the things that we so we did that we invested in that, and it turned out that in Carson, that what we learned is that incarceration isn't everyone's backyard. So what do I mean by that? Most people think that the problem of mass incarceration in this country is largely a big city problem. I mean, I think that that's the association. If you were to say snap, where does incarceration happen? Who does it happen to? That's what people would say. But what that database told us when we did an analysis was the big cities are actually now really successfully working to decarceration take New York as an example or New Orleans or Oklahoma City. And the places where incarceration is really growing, RN, small cities and in rural county, so in the past five years, big cities have dropped their jail rate use by 18%. In rural counties, it's grown by 6%. So that's a that is a phenomenally important data point to understand because that means we can cut 50 and all the big cities and stuffs going to keep growing in 2000 small rural communities that are impoverished, that haven't sort of, you know, caught on to the, you know, I think the ethos of of, of reducing incarceration, where there probably is some more conservative politics where racial disparities I mean, what's growing in both of these in both in rural counties is not only white incarceration, but also incarceration of people of color at a hot, far higher rate than in cities. So it's incredibly important phenomenon not well understood at all, not well resourced. And Jasmine has been going around the country and figuring out how we take our data and work with local groups from Tennessee to North Carolina,

Colorado, to help inform their advocacy so that they can do things like stop what she described as a quiet jail, boom, these counties that are just building more and more jails and if they can't fill them with the people who live in the county, then they Get they they contract with federal marshals to have federal pre trial folks stay there or they contract with ice. So this is something we all need to be paying attention to what's happening all of our backyards. And it's not just a city problem. It really is a rural one, too.

Joshua Hoe 22:14

Since we're in New York City, I probably should ask a question about the Rikers campaign. It's been one of the most symbolically important as well as a campaign that hopefully and it's already starting to impact a lot of people's lives. Have I hear you've been pretty involved in this, and you kind of give us an update. I know. There's a lot of new news.

Nicholas Turner 22:33

Yeah, I can't. I can't I mean, I would say so to begin at the beginning, you know, in 2015, you know, the idea of closing Rikers, which was put out by Glen Martin, when he had just gotten just leadership started. And and Neil Barsky was the founder of the Marshall project. You know, Neil wrote about this. And I remember thinking at that time, like, that's fantasy Like that is not going to happen and being somewhat skeptical of the value of even pursuing that goal. Flash forward to 2016. That became a real agenda issue. Due to a lot of good organizing, the Speaker of the city council, created a commission that was chaired by Chief former Chief Judge Jonathan Lippmann to look at the issue I was on that commission. So while just leadership and others were doing the very good work to the ground to agitate for the closure of Rikers, this Blue Ribbon Commission, studied it and wrote a report said In fact, it can be done that if we drop the jail population, which at that point was around 11,000, we can get it to 5000 through a bunch of policy and practice changes. And if we were build new facilities in the borough's that are smaller, more humane are organized around You know, healing and restoration, we just talked about, you know,

German and Norwegian prisons. But can we bring that into, you know, into the way in which we do our work? Can we create smaller facilities that are closer to lawyers that are closer to families? And the commission said yes. And we and, and there's a bunch of pressure on the mayor and the mayor said, Okay, I'm going to do this pretty amazing political win. Because if you think of the mayor, who was right at the end of his first term, that meant that he was pursuing a thing that he never got to cut a ribbon for, like this would be done in like, whatever at best seven or eight years, some other Mayor would get state credit. Nonetheless, this has happened we've gone through the land use proceedings and and there's a real debate right now about whether that the idea of creating the borough based facilities and invest and spending a lot of capital money on that is the right thing. And there are Folks, on the progressive left, there's a no new jails coalition that is pushing really hard and saying no, we shouldn't build these facilities at all. And I think that the pushing is helpful. And that it is, it is forcing the city to reckon with, whether it should be whether this facility should be even smaller than what was originally planned. So they've now moved from a production of 5000. And I think that we can get the city to around, you know, 3500 beds, maybe even less than that, which is remarkable considering that New York's jail population was 21,000 22,000 in the mid 90s. I mean, that is a dramatic reduction. And maybe it'll get the city council to actually put some money and I hope that it does. What I would like to see is more investment in community and, you know, reinvestment in community and services that are not related to criminal justice. Maybe legislation that supports culture change within the department of corrections to make the proposal better. But that proposals coming up for a city council vote and it's and it's a tough vote for the City Council. So I think what I think will happen, I think what should happen is that the proposal that the mayor has has started out with is significantly improved smaller size facilities. You know, a way of taking those, you know, designing those facilities so they can be adaptive Lee reused for something else other than jails if we continue to shrink our jail population, investment in community, and then legislation that goes to standards and expectations around the culture within the Department of

Corrections and investing in a more humane rehabilitative environment. What I would be really worried about is if the council is scared off from this and the council's running a little Scared to be frank, that there will be no political leader in New York who's ever going to look at this and say, Oh, yeah. All right. So de Blasio just spent four years on this. And the city council was spent four years I'm like, that's the thing I want to take up. And we're going to have Rikers that and for a long time where the where the city can build any Rikers has eight jails on it, and the city can build as much as it wants. It's not subject to any kind of regulation. And so I worry that if we let perfect be the enemy of the good here, we will never get Rikers close, because no, no politician and let's bear in mind that everyone we're talking about our politicians is going to want to take on a battle that they just saw their predecessors get slammed on that they don't think they can win. And then we're going to be right back where we were in 2015, which is with the notion that closing Rikers is is impossible.

Joshua Hoe 27:59

So wherever The Smart on Crime innovations conference say you're speaking or have spoken, I've lost track of the schedule. What is your presentation about?

Nicholas Turner 28:09

So we look, this is actually what we just got finished talking about, from European systems to this debate around what's happening in New York is exactly what I what I was talking about earlier today with Benita goop, and, and with and with Daryl Atkinson. And that's that is how do we, how are we ambitious enough to think about transformation? Or we talked about transformation or reform? And what is it and what's the role of incrementalism? And how do you know when you recognize whether you're doing something transformative, or whether you're doing something that is valuably incremental because it is the first stair step on a staircase of 10 steps. And and so we had a 90 minute discussion that really focused on on that. It's easy to look back historically and identify your conclusions, I

guess. I mean, I think that we came to, you know that that, that it's a both and that you know that incremental reforms are important if they are pointing towards a North Star and you understand that right away, that that's what you're aiming for that it's not just transactional, let's get what weekend and, you know, put points on the board and get out. That was one thing. And that, and that when we look back in history, when we look back, Daryl walked us through sort of the history of reconstruction, and then the second reconstruction, you know, the civil rights era. And so, you know, that was a series of legislative wins over the in both certain, you know, amendments and the first one and then various civil rights acts and the second one that added up to something meant to be truly transformative, and that that's what our endeavor is the third thing that we arrived That is that it's incredibly hard when you're in the middle of the game to be able to identify. Okay, that's clearly an incremental thing, like the first step back, or there's been a ton of debate around or

Joshua Hoe:

Yeah, I was involved in way too much of that.

Nicholas Turner 30:16

I am sure you, you, you were involved in her way too much about it too. So. So I think those were some of the themes that we that we tackled, but the one thing that I'll say that's really amazing. And I think you probably have some appreciation for this is that you know, five years ago, seven years ago, 10 years ago, who was even talking about transformation, who I mean, where what you know, the idea that we're even having the debate in New York City where the the there is a the potential to get Rikers closed, to create smaller, more humane facilities, that ends up locking in a reduction of 75 80% of the jail population from You know, the mid 90s. And that the argument against that is that's not radical enough. I mean, you know, we've lived in this world for a long time it is it doesn't take too much backtracking to remember when all we were doing is playing defense while the wave

washed over us. So I think we're in this really remarkable moment in time, I think that the momentum is going to continue. And I was thrilled to be able to be up on stage and talk about like, how one distinguishes the, you know, between transformation and, you know, reform that is less transformed. That's, that's a great place to be. It makes me very hopeful. I'm optimistic

Joshua Hoe 31:41

that it's a very, I feel very, there's a great way for us to finish out our interview day because that's very good. Is there anything else you want to leave us with about the continuing work of the Vera Institute?

Nicholas Turner 31:52

No, I don't know. I don't think so. Other than that, I'm just I'm really excited about it. And I feel very, I'm the fifth person to You know, to run the organization, it's 58 years old, I'm the first person of color to, you know, to do it, and I, and I credibly excited, you know, at this moment in time to be able to participate in this, you know, joint exercise that we're on together to radically transform our legal system so that it actually delivers justice and that we get wins and that we are, you know, Allied a place like Vera, which, you know, which is, you know, a big research institution and, you know, drives out of concrete change, but where we work with allies and see a growing group of formerly incarcerated people who are leading organizations, the field is getting a lot stronger. And so, you know, stuff can be hard at times, but there's not a day that I don't wake up and feel incredibly enthusiastic and optimistic about what we're doing together, jointly and voicera as part of that, That transformation and I'm just I'm, I'm really I'm really lucky to be to be there and serving as director. It's an amazing time.

Joshua Hoe 33:08

Well, thanks so much for doing this and for being such a great, happy way to end the day.

Nicholas Turner:

Thanks, Josh.

Joshua Hoe 33:14

I appreciate it. It's a pleasure.

Joshua Hoe 33:19

Hope you enjoyed that special episode of decarceration. nation. Any content from the Smart on Crime conference was courtesy of the Center for American Progress, John Jay College of Criminal Justice, and the Draper Richards Kaplan foundation. As always, you can find the show notes or leave us a comment at decarceration Nation com. Make sure to check out our new t shirts, sweatshirts and hats. You want to support the podcast directly you can do so from patreon.com slash on pirate satellite. You can also support us by leaving a five star review from iTunes or like us on Stitcher Spotify. Special thanks to Andrew Stein who does the editing and post production for me and Robert Alvarez has been helping with the website. Thanks so much for listening to DQ nation podcast. See you next time.