

TOOLKIT

**ADVOCATING FOR POLICY CHANGE
TO END MASS INCARCERATION**



MULTIFAITH EMI

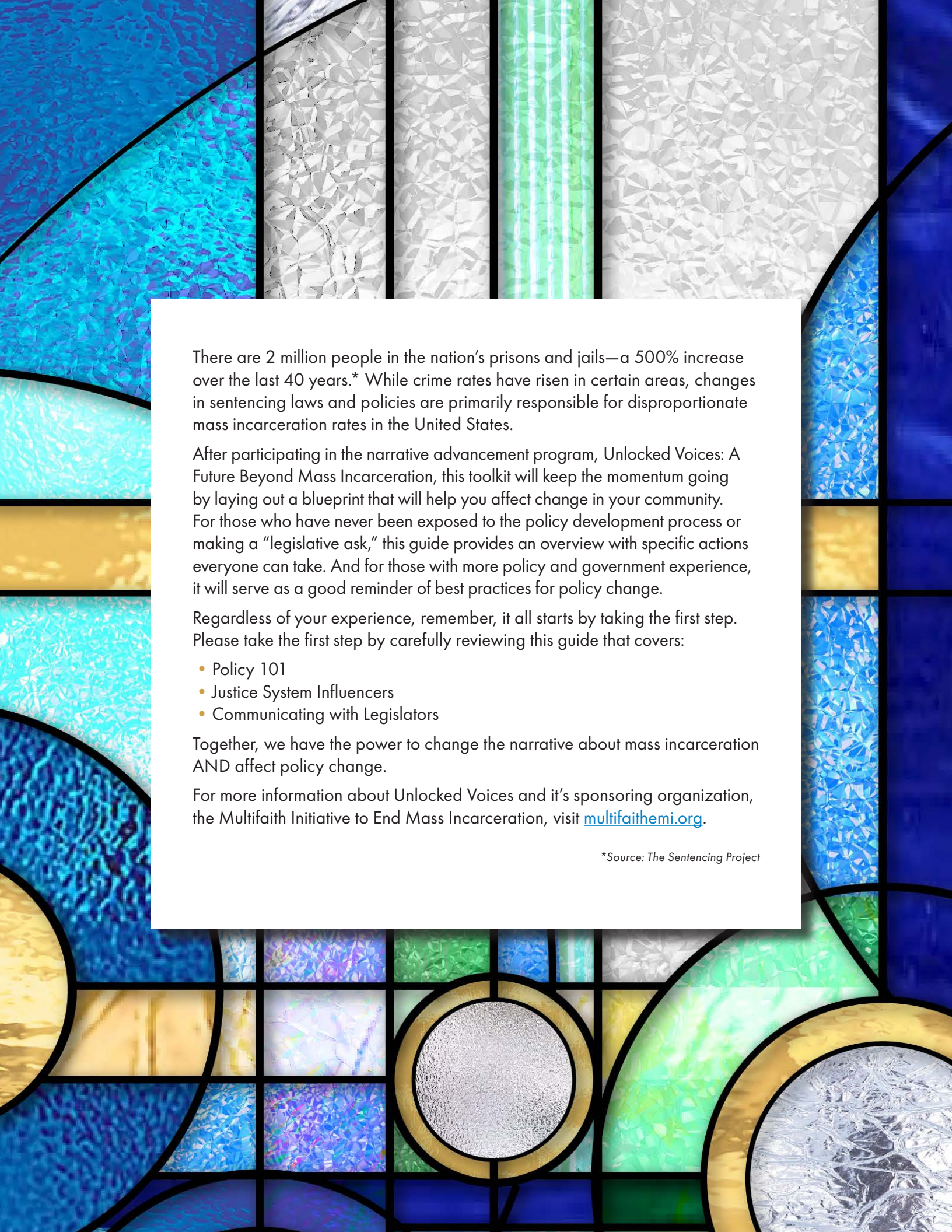
UNLOCKED VOICES

A Future Beyond Mass Incarceration

A guide to understanding policy, knowing
who influences the justice system and
advocating for change

March 31, 2023





There are 2 million people in the nation's prisons and jails—a 500% increase over the last 40 years.* While crime rates have risen in certain areas, changes in sentencing laws and policies are primarily responsible for disproportionate mass incarceration rates in the United States.

After participating in the narrative advancement program, Unlocked Voices: A Future Beyond Mass Incarceration, this toolkit will keep the momentum going by laying out a blueprint that will help you affect change in your community. For those who have never been exposed to the policy development process or making a “legislative ask,” this guide provides an overview with specific actions everyone can take. And for those with more policy and government experience, it will serve as a good reminder of best practices for policy change.

Regardless of your experience, remember, it all starts by taking the first step. Please take the first step by carefully reviewing this guide that covers:

- Policy 101
- Justice System Influencers
- Communicating with Legislators

Together, we have the power to change the narrative about mass incarceration AND affect policy change.

For more information about Unlocked Voices and its sponsoring organization, the Multifaith Initiative to End Mass Incarceration, visit multifaithemi.org.

*Source: The Sentencing Project

POLICY 101

WHAT IS POLICY?

A policy is a law, regulation, procedure, administrative action, incentive, or voluntary practice of government and other institutions. Policies guide our actions by outlining rules, setting roles and responsibilities, reflecting values and beliefs, and stating intentions to do something.



Policy

"A plan of action agreed to by a group of people with the power to carry it out and enforce it."

Devon Dodd and Hébert Boyd, 2000



Public Policy

"The broad framework of ideas and values within which decisions are taken and action, or inaction, is pursued by governments in relation to some issue or problem."

Brooks, 1989

A policy may be developed or changed when:

- Basic needs are not being met
- People have been treated unfairly
- Current policies or laws are not effective or appropriately enforced
- Proposed changes in policies and laws would be harmful
- Existing or emerging conditions pose a threat to public health, safety, education or wellbeing

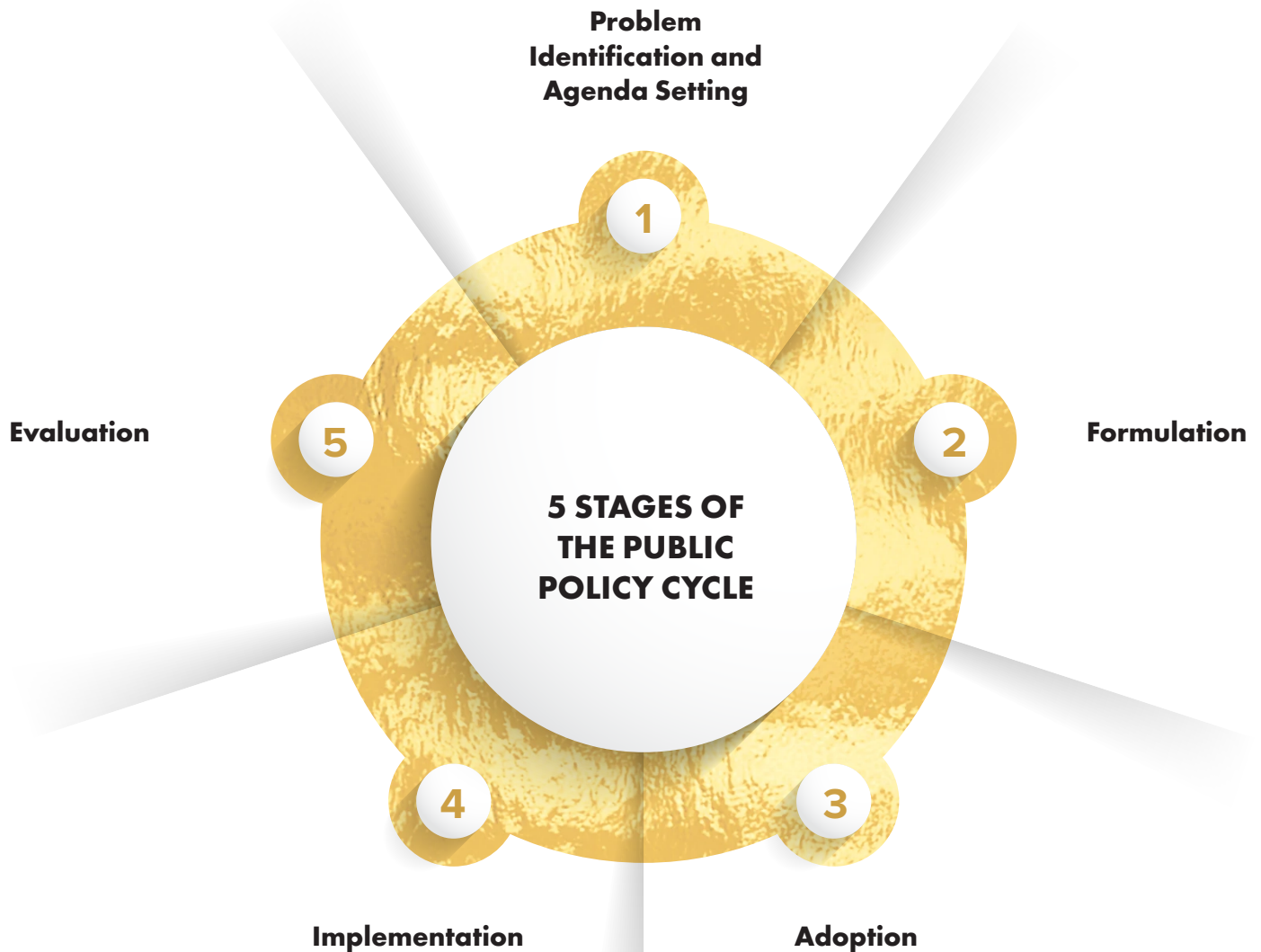
While policy occurs at various levels—personal, organizational and public—this guide will focus on public policy for the purpose of justice reform.

All levels of government, including federal, state and municipal, create policies to address specific issues. Public policy is used in numerous ways to impact the justice system. For example, policies provide guidance to justice officials and law enforcement on the ways in which they enforce laws. They can be especially useful in providing standards for cases involving discretion, such as sentencing guidelines for certain criminal offenses. However, policy change is often necessary to respond to a need that faces the justice system and society at large.

THE CYCLE OF PUBLIC POLICY AND POLICY CHANGE

There are several popular models used in political science that represent the lifecycle of a public policy. The policy cycle, also sometimes referred to as a “stages model” or “stages heuristic,” provides a framework for how policy change may come about.

One model of the policy cycle, popularized in James E. Anderson’s *Public Policy-Making* (1974), consists of five stages:



1. Problem Identification and Agenda Setting:

Recognizing a particular public problem that demands further attention and action.

How to become involved at this stage:

You know your community best. If you see a pervasive problem impacting members of your community, bring it to the attention of decision-makers. Gather information (e.g., facts, statistics, personal stories of those affected, etc.) and schedule a meeting with your legislators to ask for their support on the issue. Legislators want to hear from their constituents! By doing this, you might bring forth new information, inspiring them to take charge of the problem. You also may bring the issue to the attention of advocacy organizations working in relevant policy areas so they can leverage their contacts to help you affect change.

2. Formulation: Exploring various options or alternative courses of action for addressing the identified problem.

How to become involved at this stage:

Once a problem has been identified, legislators might hold focus groups, town halls or listening sessions with stakeholders and other concerned citizens to discuss the issue and brainstorm potential solutions. Keep an ear to the ground to see if one of these events is being held. You may even recommend that your legislator host one. Be sure to invite others from your community to attend, and be ready to share information and ideas.

3. Adoption: This stage, also known as decision-making, is where it is determined which proposed alternative will be used to combat the problem. It may include taking or not taking action and perpetuating the policy status quo.

How to become involved at this stage:

Find out if a bill that will impact the problem you identified is being discussed in a legislative committee or will be voted on soon. If so, you can reach out to members of the committee or the legislators and ask them to either support or oppose the bill. You can set up notifications to track a bill's progress on [LegiScan](#), which will help determine when to contact legislators.

4. Implementation: Also known as administration, this stage involves determining what will need to be done to apply the adopted policy or carry out its effects. Sometimes, further development of policies will occur at this stage to solidify how such policies will be administered.

How to become involved at this stage:

Public involvement is usually less frequent at this point in the policy cycle. On some occasions, however, focus groups or study committees might take place to refine the policy and the best practices for implementation. Stay in contact with your legislators and be sure to get involved if the opportunity arises.

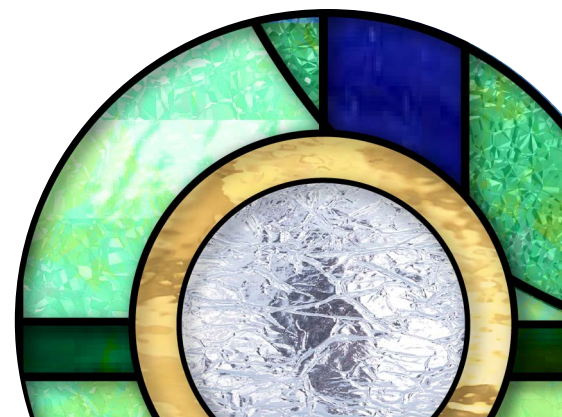
5. Evaluation: This involves assessing the effectiveness of the policy in terms of its intentions and perceived results. Are the goals of the policy being achieved? Are there any adverse consequences of the policy? Have new problems been uncovered? The policy cycle may restart, depending on the findings of the evaluation.

How to become involved at this stage:

Do you feel that the adopted policy has helped or hurt the communities it was intended to target? Tell your legislators! Thank them if they supported the issue and tell them if further reform is necessary. Your involvement as a constituent is critical even after the policy has been voted on.

As you can see, there are opportunities to engage in the policymaking process throughout the policy cycle. Remember that, as a constituent, your legislators work for you and they want to hear from you! Make your voice heard by advocating on behalf of the policies that benefit your community.

In the next section, you will learn more about effective communication with legislators and how to advocate for the issues you care about. ▶



JUSTICE SYSTEM INFLUENCERS

While state legislators are often the most effective for pushing new laws forward, there are many other influencers of the justice system, some elected and some appointed. It is important to be familiar with their roles and level of influence over justice reform to deepen your understanding of who is enforcing laws and carrying out certain policies. Furthermore, it can inform how you and your community vote!

Attorney General

The United States Attorney General is a statutory member of the Cabinet of the United States. They are nominated by the U.S. President, then appointed with the advice and consent of the Senate. The U.S. Attorney General's duties include overseeing the Department of Justice, representing the U.S. in litigation, and advising the President and heads of federal executive departments on legal matters, making them significant players in the justice system.

Each state also has an Attorney General, representing the state in litigation, overseeing state prosecutors and advising their states' executive branches on legal matters. They are the top legal officers in their states. State Attorneys General are elected in 43 states. You can find them [here](#). However, governors appoint Attorneys General in Alaska, Hawaii, New Hampshire, New Jersey and Wyoming. In Tennessee, they are appointed by the Tennessee Supreme Court, and in Maine, they are elected by the state legislature.

Solicitor General

Much like Attorneys General, there is a United States Solicitor General, as well as state Solicitors General. The U.S. Solicitor General is considered the fourth-highest-ranking official in the Department of Justice, representing the country before the U.S. Supreme Court. They are tasked with determining the legal position the U.S. will take in Supreme Court cases where the government is a party. In cases where the government is not a party but has a significant interest, the Office of the Solicitor General might file an *amicus curiae* brief.



Amicus Curiae

Also known as "friend of the court." An individual or entity who is not a party to a case but assists the court by offering information and insight to be used as evidence.

State Solicitors General, sometimes referred to as the State Solicitor or Appellate Chief, depending on the state, typically serve as the top advocate representing the state, its executives and officials, and its legislature in appellate cases.

Judges

While methods for electing state and local judges vary depending on location, most states elect their judges in partisan, nonpartisan or retention elections. (Look up your state's method [here](#).) Judges serve as the ultimate authority in the courtroom, with the responsibility to carry out a fair and impartial judiciary process.

The judge presides over the trial from a bench with five primary tasks:

1. Maintain order in the court.
2. Determine whether any of the evidence is illegal or improper.
3. Provides the jury instructions about the law that applies to the case and the standards it must use to decide the case before deliberations.
4. Determine the facts and decide the case (in bench trials).
5. Sentence convicted defendants.

Though judges may only preside over a certain district or circuit, they are instrumental in making decisions that have lasting impacts throughout the criminal justice system. Judges make daily decisions that affect justice-involved individuals in a variety of ways, such as lowering bail or advocating for alternative sentences that are aimed toward rehabilitation rather than confinement. Judges' decisions also set precedent that will be modeled long after their time on the bench. For these reasons, judges can play a critical role in implementing systemic changes at the state and local levels.

District Attorneys

District attorneys, also known as DAs, prosecute individuals for crimes within their jurisdiction. As a representative of the government in criminal cases, DAs are responsible for presenting cases against defendants, recommending sentencing and initiating further investigations. DAs possess absolute prosecutorial discretion in their decision-making process, and very little can be done to object to their decisions, making their role in the courtroom significant. Once a DA is elected in a local election, they set the tone for how the entire office should handle cases. Their direction impacts the justice system for years to come, so their leadership can help facilitate a fair and equal justice system for the community they serve.



Public Defenders

Public defenders uphold the constitutional right to legal representation, regardless of a defendant's financial status, by representing those who otherwise cannot reasonably afford to hire a lawyer to defend themselves in a trial. Most public defenders are appointed, with the exception of Florida, Nebraska, Tennessee and San Francisco, where voters elect who runs the Public Defender office. The responsibility for defending some of the most vulnerable people in society makes public defenders highly influential players in the justice system. In fact, they often serve as the first line of defense against corruption in the justice system by exposing misconduct and highlighting areas where reform is necessary.

County Sheriffs

Sheriffs are the chief law enforcement officers in their counties, charged with enforcing laws, managing county corrections facilities and assisting with court operations. In addition to ensuring laws within their counties are being adhered to, they also determine how officers should enforce these laws, making sheriffs significant influencers in their local justice systems. Sheriffs also play a key role in shaping how law enforcement is viewed and trusted by the community, as they are responsible for holding their officers accountable. Sheriffs are elected in most states, making them the only elected members of local law enforcement.

State Legislatures

The legislative branch of the U.S. consists of 50 state legislatures, comprised of elected representatives. Every state, with the exception of Nebraska, has a bicameral legislature, meaning it is made up of two chambers. In the bicameral legislatures, the upper house is called the "Senate," and its members are known as Senators. The lower house is most commonly called the "House of Representatives," and its members are known as Representatives. However, some states call their lower house the "House of Delegates," "State Assembly" or "Assembly."

State legislatures consider and vote on matters that have been introduced by its members or brought forth by the governor to create legislation that, if passed, will become law. The legislature also must approve a state's budget and introduce tax legislation and articles of impeachment. This is intended to mirror the Federal government as a system of checks and balances to prevent any of the three branches of government from abusing their power.

State legislators are often the gateway through which proposed legislation must pass, making them responsible for determining what laws will impact the justice system. Legislators also are appointed to issue-specific committees within their chambers, where they must examine legislation before funneling it to be heard on the chamber floor. There are often committees that focus specifically on matters relating to law and the justice system. For example, the Georgia General Assembly has the House Judiciary Committee, the House Judiciary Non-Civil Committee, the House Juvenile Justice Committee and the Senate Judiciary Committee, all of which focus on legislation relating to these matters.

OVERVIEW OF JUSTICE SYSTEM INFLUENCERS

Title	Duties	Influence Over Justice System	Appointed or Elected?
Attorney General	<ul style="list-style-type: none"> Oversees the Department of Justice Represents the government in litigation Advises the President/Governor and federal/state executives on legal matters 	The U.S. Attorney General is the top legal officer in the country and state Attorneys General are the top legal officers in their states	Appointed
Solicitor General	<ul style="list-style-type: none"> Represents the government in appellate cases Determines legal position government will take in cases where government is a party Files amicus curiae briefs 	The top advocates representing the government in appellate cases	Appointed
Judges	<ul style="list-style-type: none"> Maintains order in the court Determines if evidence is admissible or inadmissible Instructs jury on laws that apply to the case before deliberations Decides the case (in bench trials) Sentences convicted defendants 	Makes daily decisions that impact justice-involved individuals and sets precedent for future decisions	Elected
District Attorneys	<ul style="list-style-type: none"> Represents government in criminal cases Presents cases against defendants Recommends sentencing Initiates further investigation 	Possess absolute prosecutorial discretion with very little that can be done to object to their decisions	Elected
Public Defenders	<ul style="list-style-type: none"> Represents defendants in criminal cases who cannot afford to hire legal representation 	The first line of defense against corruption, exposing misconduct and highlighting the need for reform	Appointed
County Sheriffs	<ul style="list-style-type: none"> Enforces laws Manages county corrections facilities Assists with court operations 	Shapes how law enforcement is viewed and trusted by the community	Elected
State Legislatures	<ul style="list-style-type: none"> Votes on legislation Approves state budgets Introduces tax legislation and articles of impeachment Funnels legislation to be heard on the chamber floor in committee 	Introduces, discusses and votes on legislation that can impact the justice system	Elected

COMMUNICATING WITH LEGISLATORS

Policymakers exist at every level of government (federal, state and local) and branch of government (legislative, executive and judicial). To spark policy change, advocates often work at the state level, building relationships with legislators and identifying opportunities for engagement in the policy process.

State legislators can be much easier to build relationships with than federal officials because they live and work in the communities they represent for most of the year. Additionally, state legislators serve far fewer constituents than members of the U.S. Congress. On average, a member of a state's lower chamber (i.e., House of Representatives, House of Delegates, Assembly) represents roughly 60,000 people, compared to the average member of Congress, who represents almost three-quarters of a million people. Decisions made by state legislators have direct impacts on our daily lives, so it is crucial to look to them to be champions of issues that affect your community.

BUILDING RELATIONSHIPS

Start by identifying legislators and their priorities. Websites like [Open States](#) make it easy to find your legislators based on your address. There you can see what legislation they have recently sponsored and voted on. Additionally, you can access the legislator's website to see what legislative committees they serve on. This may help you determine which legislators will be more inclined to support your cause.

Representing so many constituents, legislators meet thousands of people, and making a memorable first impression can be difficult. If you have a mutual contact who already knows the legislator, asking them for an introduction can help you stand out. Additionally, having the support of someone the legislator already knows and trusts can help them understand your work in the community.

State legislators convene at the state capitol annually for the legislative session. Though the length of legislative sessions varies from state to state, they are almost always fast-paced and hectic, as legislators are tasked with introducing, deliberating and voting on legislation at an accelerated pace. For this reason, it is important to build a relationship with your legislators and garner support for your cause *before* the legislative session begins. In the months leading up to the legislative session, legislators typically gather feedback from constituents and think about what they would like to accomplish during the next session, making that an ideal time to request an initial meeting with your legislator.



Legislative Session

The period of time in which a legislature is convened for the purpose of lawmaking. This is when new legislation is introduced, discussed and voted on.

Keep in mind that during each legislative session, legislators have an agenda that may be influenced by factors such as:

- Their history with a given issue
- Promises made on the campaign trail
- Personal values, ideologies and partisanship
- The current political environment
- Leaning of the majority party
- Leadership within the legislature

Prior to meeting with a legislator, make sure you are familiar with the factors that may be on the legislator's radar when determining their most critical priorities.

Legislators often host and attend town halls and coalition meetings to build support and hear from constituents. If you don't have a mutual contact in common with the legislator, attending these events can be a great opportunity to introduce yourself, ask questions, and highlight issues and priorities you've witnessed in your community. Be sure to come to these events prepared. Raising issues and bringing forth ideas will help show the legislator that you are an involved member of your community, capable of informing policy change.

It is also important to build rapport with legislative staff, who often:

- Serve on the legislator's personal team
- Support the work of a specific legislative committee
- Assist in the development of the state's budget

Getting to know the staffers on your legislator's team is crucial to connecting with the legislator themselves, as their staffers typically schedule meetings for them and play a critical role in deciding which issues to bring to the legislator's attention. Furthermore, if the legislator is unavailable, you might instead meet with a member of their staff, who could be your strongest ally within the legislative office.

BEFORE YOUR MEETING

Prior to the meeting, do your homework! Develop talking points and practice your presentation in front of family and friends. You will want to come across as professional, polished, confident and knowledgeable about the issue for which you are advocating.

Legislators have numerous meetings and obligations. To ensure they remember all of your points, create or identify a “leave-behind” (digital or hard copy). This will provide an overview of your main points and reinforce your in-person presentation. Summarize your points in a one-page document that you will leave with the legislator and/or their staff. Make sure that your “leave-behind” contains your contact information and bring more copies than you think you will need. If you are meeting virtually, you may share the document during the meeting in the chat or share your screen to show the document, then email it to all attendees after the meeting.

MAKING THE ASK



Legislative Ask

A proposal that can be solved by introducing new legislation or amending existing legislation.

There are three essential parts to an effective legislative ask that should be conveyed during a meeting with the legislator and/or their staff... **The hook, the line and the sinker.**

1. THE HOOK: Who You Are

Briefly introduce yourself at the beginning of the meeting and tell them who you are and where you live. This is your chance to remind the legislator that you are a constituent and a voter. Consider sharing a few unique details to highlight the fact that you represent a broad cross-section of their district.

“My name is _____, and I am an advocate from [hometown]. I am a constituent of yours and represent many more from my area who care about this issue. I’m here to talk to you about _____.”

2. THE LINE: Why the Issue Matters to You

What issue are you bringing to the table? Why is this necessary in our community? Be informative, thorough and concise. Explain why you care about the issue by sharing a strong argument and/or personal story. Legislators especially appreciate real-life examples that “put a face to the issue.” Discussing how the legislation will directly affect you and your community members can make a significant impact.

“In our district, 38% of community members are affected by...”

“I grew up experiencing...”

“My neighbor suffers from...”

3. THE SINKER: The Ask

It’s time to make the legislative ask. Make a specific request of the legislator. What is it that you want them to do to address these issues? Use this as an opportunity to get the legislator to think about the issue more deeply so that they can work toward a solution.

“Will you support legislation that...?”

“As a champion of this issue, will you introduce a House Bill that will...?”

Always end on a positive note. Be sure to thank them not only for their time, but also for their willingness to listen. You can offer to be a resource to provide information, data, stories, testimony or anything else the legislator might need to learn more about your issue. If you brought a “leave-behind” with you, make sure to provide it.

After your meeting, follow up to keep the momentum going. Supply any information you promised during the legislative meeting. Send personal thank you notes or emails to everyone you met with, and even the staff member who arranged the meeting for you. Create a plan for ongoing engagement, including regularly checking in with staff, inviting the legislator to events, and meeting with them to check in on future legislation.

MAKE YOUR LEGISLATIVE ASK

This page is a fillable form. You can download the toolkit on your computer and use the form multiple times.

Who are your policymakers? For each policymaker on your list, identify one piece of legislation they have sponsored or supported related to your issue.

House:

Senate:

1. Your "Hook"

2. Your "Line"

3. Your "Sinker"



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