VERIZON

190670 Criminal Justice Reform with Craig Silliman

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>> Law enforcement and our court systems serve a very important role in our country, in our society, in our communities. Because one of their key roles is to keep us safe, make sure that we can live our lives in peace, we can start our businesses, go to work in peace, not worry about our children. We are a company of over 140,000 employees. We have over 120 million customers across the United States. We serve and touch in some way more than a third of the people in this country. This is an issue that is affecting people in our communities across our country. It's affecting our customers. It's affecting our employees. It's affecting their families. It's affecting their communities.

>> Hey, everyone, it's Marie McGehee and I'm happy to be joined here with Craig Silliman.

>> CRAIG SILLIMAN: Hi, Marie, great to be here.

>> MARIE McGEHEE: How are you doing?

>> CRAIG SILLIMAN: Great.

>> MARIE McGEHEE: So first, before we get into the main topic, explain what your team does at Verizon.

>> CRAIG SILLIMAN: So I have the privilege of overseeing the teams that handle our public policy, all our legal issues, our security issues, both physical and information security, and then our Chief Administrative Officer function. So our sourcing, supply chain and real estate functions.

>> MARIE McGEHEE: Great. And really the purpose of this conversation today is to discuss your team's work in criminal justice reform. So what sparked your interest in that issue?

>> CRAIG SILLIMAN: I first got interested in this issue really after the 2016 Presidential Election. It had already been kind of around the periphery of my

awareness. But after the election I got very interested in understanding a little bit more about some of the issues that were driving the passions and frankly the divisiveness that we were seeing in our country.

And I remembered that after the unrest in Ferguson, Missouri back in the summer of 2014, that the Department of Justice had written a big report about this. And I remembered that there had been articles at the time that although the triggering event was the shooting of a gentleman named Michael Brown, in fact what had happened was that there was a lot of unrest. So this was a little bit like throwing a lit match on a lot of dry tinder.

So I decided to go back and actually read the Department of Justice's report on what happened in Ferguson. And it really opened my eyes to a whole set of issues that maybe intellectually I knew were out there but I hadn't really understood. And what the Ferguson report said was that effectively the Ferguson Police Department had been turned into a revenue generation machine. There were all these emails from the Chief Financial Officer of the city to the Chief of Police essentially saying, can I get your crews to write more tickets? We have a shortfall of revenue in the city. We need you to write more tickets.

And the numbers were pretty staggering. This was a community of 21,000 people. And in a four-year period, there had been 90,000 tickets written. Parking tickets. Home code violations. Things like that.

So you think about this that every man, woman and child in this community on average was being written up for something every year. What was even more stunning than that for me was that in a given year, 2013, there had been 9,000 arrest warrants issued. And almost all of them were arrest warrants for things that you couldn't actually be thrown in jail for. Things like not paying parking tickets or not paying for, again, some sort of home code violation.

So in other words, you could get a parking ticket, you would never be thrown in jail for that. But they were issuing arrest warrants and throwing people in jail for not paying the ticket and that was pretty amazing to me. But what really struck home for me wasn't the stats, it was a couple of the stories that were in this report.

And there were two stories in particular that have stuck with me to this day. One about a gentleman who had just finished playing a game of pickup basketball and was sitting in his car cooling off. And a policeman pulled up behind his car, kind of blocking it into the parking lot. And started asking him questions. Said he wanted to search the vehicle apparently for no real reason. And the gentleman citing his constitutional rights said, I don't want you searching my vehicle. And he was arrested.

And he was charged with eight things. And the things he was charged for, for example, were making a false statement because when asked what his name was he said Mike and his full name was Michael. He was charged with both having an expired license and not having a license at all, which obviously are mutually contradictory. He

was charged with his license having the wrong address on it. When in fact it was the address he had lived in, he had moved since he had gotten his license. And this gentleman had been a Government contractor and he lost his job because of this.

The second story was about a woman who back in 2007 got a parking ticket for $151 and she couldn't afford to pay it. So she tried to pay it off in increments, in $25 increments. They wouldn't let her. They said, it's all or nothing. And her saga as of the time of the writing was still going on seven years later and as of that time she had paid off $550 of tickets and fines and she still owed over another $550. She had been arrested twice. And she had spent six days in jail.

And I looked at this. And I thought, what is going on here in a system that leads to a woman ending up in jail over an unpaid parking ticket? And I started thinking about how I would feel if this were me, if I were one of these two individuals, the feeling of helplessness. The feeling of indignity. The feeling of anger. The feeling of powerlessness and unfairness.

And then I just started asking these questions of how does this system actually work? What is it designed to achieve? Because surely it's not designed to achieve these things, these outcomes.

So what is going on that a system that is designed for one thing ends up turning into a system that's basically meant to collect money and end up with people in prison or in jail for not having paid that money? And the more I read, the more I discovered that actually these things are happening a lot more in our country than I realized they were.

>> MARIE McGEHEE: So you mentioned law enforcement and that's -- we know that that's one aspect of the criminal justice system and it's really very multi-faceted. So can you explain more about the different parts of the system that exist?

>> CRAIG SILLIMAN: Sure. So -- and you mention law enforcement. And I should say at the outset, law enforcement and our court system and our prison system serve a very important role in our country and our society and our communities because one of their key roles is to keep us safe. Make sure we can live our lives in peace, we can start our businesses, go to work in peace, not worry about our children, their safety. So it's an incredibly important role they play.

And as we think about that role of protecting society as one of the roles of law enforcement in the criminal justice system, it's a quite important one. And if you think about the journey through, it starts with law enforcement. And then it starts with how law enforcement interacts with individuals. So it could start with some sort of stop, lead to an arrest. And then you have various stages. You have a bail system. You have a sentencing system. You have parole and probation. And then you ultimately have a whole re-entry process. Because the vast majority of people who are incarcerated in this country will ultimately come out of jail or prison back into our community. So the re-entry is a particularly important part as well.

But here is where things get interesting and I began to learn a lot more is that when

I think of a system, I think of a holistic process that is designed to achieve a certain outcome. And we talk about the criminal justice system. I've used that term several times already. But when you look at it, it turns out it actually isn't a system. It isn't a system designed end-to-end maximized and optimized to achieve certain outcomes. In fact, it is a vast grouping of different things that aren't necessarily connected.

So you look at just even the jail system in this country. You have Federal and you have state and you have other parts. So we have in this country a little over 100 Federal prisons, 109 Federal prisons. We have over 1700 state prisons. We have almost 1800 juvenile correction facilities. We have over 3,000 local jails. Then there are another 80 jails on Native American territories and reservations. And then you have military prisons. You have immigration at the tension centers. You have civil commitment centers. You have state psychiatric hospitals.

So we have so many different parts of this thing that we call the criminal justice. And they don't necessarily all interact with each other in a coherent or holistic way. In fact they very much don't.

And a lot of the focus in this area is on the Federal system. There are about 2.3 million people incarcerated right now in this country. About a tenth of those are in the Federal system. The vast majority are state and local. And the local jail is incredibly important.

Every year there are -- about 600,000 people enter the prison system in the Federal and state level. There are almost 11 million people who go into the local jail system every year. And these are everything from someone who gets picked up for driving under the influence to some sort of vandalism to local drug pickups. Anything else.

But the important thing about it is that most people who end up in your local jails haven't actually been convicted of anything. They have been arrested. But not necessarily convicted.

And in fact, the majority of people sitting in jail today, over half a million people at any given time, are sitting in local jails, the vast majority of whom have actually not been convicted at that point. And this is where you see the fact that this doesn't work as a system in where the incentives aren't necessarily in line. So I mentioned the frontend of this after arrest is the cash bail system. Well, the average bail amount for a felony charge in this country is about $10,000. Most people in this country don't have $10,000 of disposable income.

So you have a disproportionate impact on people who are lower income. If you are picked up and put in jail and you're told, you have to pay bail, you basically have two choices. You either don't pay bail, in which case you sit in jail. Which is going to have all sorts of consequences on your life. If you have a job, you're not showing up at that job so you're likely going to lose that job.

The other path that you go down is you simply plead out -- you plead guilty to something to get charged to get yourself out of jail. And we have an image in this

country -- I have mentioned the jails, mentioned law enforcement. I haven't mentioned the courts. Courts play an important role. But we sometimes have this TV image of the courtroom drama, Perry Mason, where they present the evidence and the murderer confesses.

The fact is in almost -- the overwhelming number of cases in this country never go to trial. They are all plea bargains. People plea out to something to bring the process to a close. And a lot of people do that because they can't afford bail.

And so now I can't afford bail. I plead guilty to something. I now have a criminal record. And that sends me down a whole spiral about what impact that has on jobs. On availability of public housing. Public benefits. Things like that. So this system is a massive one. But it is not one that is designed from start to finish to drive certain outcomes that we would define as policy around things like protecting our society or rehabilitating someone who has engaged in crime. Or even deterring crime.

What you end up with, therefore, is things like the Ferguson situation where something gets optimized for revenue generation. But no one has thought through the end-to-end impact of that that leads to a woman sitting in a jail because she couldn't afford to pay a parking ticket. But in fact, that is what the outcome is. And that's why I've become very interested.

And a lot of people I meet who are interested and active in criminal justice reform are people like former prosecutors who have actually worked inside of the system and realized the impacts that some of these decisions that have been made, laws passed, policy decisions, are actually having on peoples' lives that were not intended.

And so a lot of parts of the system. But not a coherent policy agenda from end to end on what kind of outcomes we're trying to drive.

>> MARIE McGEHEE: So Craig, you mentioned that there are 2.3 million people sitting in jail or in prison in this country. People talk a lot about mass incarceration these days. We hear it in the political landscape and in the social justice landscape. What does mass incarceration refer to and how does it relate back to some of the issues we are talking about?

>> CRAIG SILLIMAN: You're exactly right, Marie. And it is getting a lot of attention these days. And that's partly because it is a fairly recent phenomenon. If you look up until about the 1970s, we had fewer than 200,000 people in this country incarcerated. The numbers start growing very rapidly. By 1980 we had about a half a million people. It had doubled again by 1990 to a little over a million. And we've now more than doubled again to the point where we are today at about 2.3 million people.

And there are a number of things that have accounted for that. There were decisions made, laws passed. Things like minimum sentencing guidelines. Three strikes and you're out laws. That in particular swelled the prison population around things like drug possession where people were being picked up for drug possession and ending up serving very long prison terms. We have about a half a million people in this

country incarcerated for non-violent drug offenses.

And so these numbers have grown very rapidly in recent decades after having been fairly flat as a percentage of the population for a long, long time before that.

And this has drawn a lot of political attention, as you mentioned, but in a very interesting way. This has become a very bipartisan issue. This is an issue that the Koch brothers and Cory Booker are actually working together on. And people come to it from different angles. Some people come to it from a social justice angle, the impact on these individuals. Some people are looking at it from just a freedom and liberty issue. Some people are looking at it from an allocation of resources in our society and saying, why are we spending all of this money locking up non-violent drug offenders? Why are we putting people away for decades, long past the time when they would be a threat to societies? What are we trying to achieve here?

So what has drawn attention to it in part is just how many people are incarcerated. We have gotten to the point today where the United States with 5% of the world's population represents 25% of the world's prison population. We have a higher rate of incarceration in this country than any other. And again, if you looked at that and said, that is achieving the outcomes that we as a society have chosen, you might say that's okay. But if you think about what it's meant to do, protecting our communities, deterring crime, rehabilitating criminals, it doesn't seem to be doing any of these things. We still have rates of crime that are not lower than other countries with much lower incarceration rates.

And our recidivism rates are actually higher. We have recidivism rates in the 70% range in the United States. Places like the UK are more in the 50% range. And countries like Norway are in the 20% range.

So whatever the system is designed to do, it's not achieving outcomes that we would generally agree we want out of our criminal justice system.

So people are saying we're spending a lot of money on the system. We have a lot of people locked up. We are taking them out of being productive members of society. We are breaking up families. We're breaking up communities. And we're not achieving the outcomes that we want. So we do have more and more people on both sides of the political aisle coming together for the first time and saying, we need to think about this and take a fresh look at the way we have designed our criminal justice system.

>> MARIE McGEHEE: Let's talk about some of the disparities that exist. So what are some of the disparities that exist in the criminal justice? And what are some of the drivers?

>> CRAIG SILLIMAN: So we -- I've talked about a lot of stats. But I've talked about general stats. When you break them down, you begin to see that there is an extreme racial disparity in the way our system is working today. Mainly around people of color. And particularly with African Americans. African Americans make up 13% of

the population in this country. They make up 40% of the incarcerated population in this country.

What is driving that? I think there are a couple of things. But one of the things at its core is, look, we all have biases. I have racial biases. I know that. Because countless studies have shown that we all have racial biases. It is part of our psychological makeup. It is the way we are as humans. That is why we have Verizon do unconscious bias training to bring it to the surface so each of us is aware of the decisions we make each day and our how unconscious biases are affecting those decisions.

So let's set aside anyone with actual overt racial animus. Let's set aside any bad people. Let's assume we actually live in a world where everyone has good intent, everyone wants to do the right thing, no one wants to be overtly biased.

Even in that world, psychological studies will tell us that if we don't take into account unconscious bias, we will have disparate racial outcomes in our criminal justice system. And this isn't just whites having certain biases about people of color. Again, the studies show that people of color have biases about other people of color.

So this isn't just about white police officers having bias about people of color. We see it actually manifest itself with police officers who themselves are people of color.

So it is fundamentally part of the system. And the stats bear that out. All the way through the system. One of the things that moved me deeply about two years ago a little more now, Senator Tim Scott, Republican, African American Senator from South Carolina, gave a couple of speeches from the Senate floor in which he talked about the fact that he had been stopped 7 times in the previous 12 months.

I think about myself. I haven't been stopped in years. There is one difference between why Senator Scott is stopped regularly, including, by the way, by the capitol police, who you think if anyone would recognize a U.S. Senator. But you look at the difference of why is Senator Scott constantly being stopped and I am not? It's a pretty simple reason. It's that we're on a podcast. The listeners can hear me. But I have white skin.

And I see that and we see that just statistically that's not just Craig's personal opinion. We see it bear out statistically. And that's a real issue for all of us that we need to think about.

When I think about my colleagues here at Verizon, people of color, I need to be more conscious than I even am that the two of us in similar jobs, driving similar cars, wearing similar things, don't face the same likelihood of being stopped and being sucked into this entire system. And that's a big factor. My son, if he got arrested for drug possession, is likely to have a different outcome than someone who is a person of color. And particularly someone who comes from a poor background.

So what we see is an extreme racial disparity in the people who are being pulled into the criminal justice system. And some people will say, oh, no, but that's because

they are engaged in criminal behavior at a higher percentage. That's simply not true. The statistics simply don't bear that out. The statistics, if we look at things like drug use across racial categories, simply mismatch at a fundamental level with the people who are being arrested for drug possession across racial categories.

And then if you look at poverty levels, you are far more likely to get dragged into the criminal justice system if you're poor. And it's partly because of what I talked about before. If you get arrested and you can't afford to pay bail, you are faced with a series of very stark choices that someone like me, who is fortunate enough that I could pay bail and be out and the next day be back at my job, someone who is poor all of a sudden is faced with either staying in jail with all of the consequences that has on their life. Or pleading guilty to something that they otherwise wouldn't have pled guilty to.

So we see also a strong correlation between the prison population and poverty. And it goes both ways. Both if you're poor, you're more likely to end up in prison. But if you ends up arrested, it's much more likely to have consequences in your life that sends you down a path that results in poverty because of the inability to get jobs and a lot of other things in our society.

So these disparities are very real. And I think it's important that we talk about them. Because again, we're not just talking about bad people. There are also people with very good intent who have unconscious bias. We all do. And I think having that discussion is really important.

>> MARIE McGEHEE: So some people listening to this podcast are going to wonder when they see that we even cover this topic, they are going to wonder what does criminal justice reform or the criminal justice system even have to do with a company like Verizon. Why are we involved? And what are we hoping to achieve?

>> CRAIG SILLIMAN: Sure, those are all good questions. And so, first, what we're trying to achieve, some of the things we're doing in getting engaged with and we're kicking off some of the these programs now through our Legal Department, although it's not just limited to lawyers, we are doing some pro bono efforts where we are helping people expunge their criminal records or seal their criminal records. So this is a big issue. We know that if you are -- if you have an arrest record, it can make it harder for you to get a job.

So you're 22 years old. You get arrested for possessing an ounce of marijuana. Something that actually is now legal in a number of states in this country. But you still have a criminal record. And that could affect your job possibilities for the rest of your life. So many states now have laws that allow you to what's called expunge your record. So basically it's no longer on your record that you had that criminal offense.

Or it seals the record so it's not visible. And what that does is it gives people a chance to get back on their feet and not have something like this hang over their lives for the rest of their lives and hang over their work possibilities.

And so this is one thing that we're doing. And this is important. Because the

numbers, again, are staggering. There are almost 100 million people in the United States today who have been arrested at some point. That's 1 in 3 in our total population. Not all of those people have necessarily been convicted of anything. But people have been picked up for something. You may have been picked up for vandalism when you were a teenager, for shoplifting, for driving under the influence, for possession of pot. At some point in your life a huge number of people, a third of the population, has been picked up for something. And what you may be required to disclose depends on the employer, depends on the context.

Sometimes it may be, have you ever been arrested? It may not even be, were you actually convicted for that arrest? So sometimes when we think about people with criminal records, we're thinking about what a lot of people think about if they close their eyes and I ask you to picture a criminal, you think a violent criminal. And there certainly are people like that who are in prison and should be in prison.

There are an awful lot more people than that and there are even people who have engaged in certain violent offenses that with the passage of time have paid back their dues to society and everyone has agreed that they are no longer a danger to society. So the debate that we want to have as a society is how do we work people back in as productive members of society but certainly not have people carry a badge of dishonor for somewhat I think we would all agree is a minor offense, youthful offense often, that marks you for the rest of your life.

So one of the efforts that we are doing is helping with expungement. We're also working with various groups thinking about laws in different states that help things like expungement. That address things like sentencing of youth and recognizing that something that a kid does when he's 15 doesn't necessarily reflect who that person is when they are 40 or 45.

And thinking sensibly as a society with our laws at the state and Federal level about those kind of sentencing guidelines. So we're working with various groups on that. And then we're using our public policy apparatus to look at those state laws and Federal laws as people are coming together from both sides of the political aisle to again rethink a little bit how we're approaching criminal justice. So that's some of what we're doing.

Why are we doing it? You're right, a lot of people would look at this and say, Verizon doesn't have business in this area. This isn't really our area. And that's right. But who are we at Verizon? We are a company of over 140,000 employees. We have over 120 million customers across the United States. We operate and serve customers in every community in this country. We serve and touch in some way more than a third of the people in this country.

This is an issue that is affecting people in our communities across our country. It's affecting our customers. It's affecting our employees. It's affecting their families. It's affecting their communities.

We are one of the 25 largest corporations there is. We have an enormous

influence. We have an enormous footprint. And this is an issue that is touching our communities in a deep way. It's affecting our communities in a very negative way. And we're in those communities. And so if this is an issue that matters to our employees, it's an issue that matters to our communities, to our customers, it's an issue that should matter to us.

And one of the reasons it matters to me personally is I think when I sit back and I think from a historical perspective, we often look back in time at things that have gone on and say, I would have said something, I would have done something. We tend to look back at slavery and say, I would have done something about that. I would have said something. I wouldn't have just let it stand.

We look back at the '60s and say, I would have been standing shoulder to shoulder with Martin Luther King, Jr. I wouldn't have been standing with Bull Connor as he sicced the dogs on peaceful marchers. But it's really easy to say that with historical context because we forget at the time a lot of people didn't stand up and say something. And why not? Because they didn't see it day to day. It wasn't affecting their lives. And it's just the way things were. And we tended to accept that.

So when I think about the things that are going on in our societies today, in our communities today, in this country today, I think that history is going to look back on this time and say, this is one of those things where you were incarcerating a huge percentage of your population. You were breaking up families. Breaking up communities in ways that the systems was not originally designed to do.

And we're going to look back, you know, our grandkids are going to say, hey, this was a thing that we now with a historical context have said, that was a problem. That wasn't okay. And say, what did you do about it? And I think it's an opportunity for us as Verizon with the huge voice and footprint we have to say we were actually part of the solution.

>> MARIE McGEHEE: Craig, thanks so much for talking with us today.

>> CRAIG SILLIMAN: Thank you, Marie.

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