Policy of the Year Nominee
JAILBREAK: PARTING WITH PROFIT
PRESSURE IN PRISON MANAGEMENT
10 Ideas for Equal Justice 2014

National Director
Taylor Jo Isenberg

Operations Strategist
Lydia Bowers

Field Strategist
Joelle Gamble

Training Strategist
Etana Jacobi

Leadership Strategist
Winston Lofton

Associate Director of Networked Initiatives
Alan Smith

With special thanks to:

The Roosevelt Institute Communications Team:
Cathy Harding, Tim Price, Rachel Goldfarb, Dante Barry

Alumni Editors
Tyler S. Bugg, Brittany Finder, David Perelman, Michelle Tafur,
Sarah Pfeifer Vandekerckhove

Student Editors
Hayden Abene, Dylan Furlano, Gabrielle Lachtrup

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Who We Are

Established in the wake of the 2004 election, the Roosevelt Institute | Campus Network was formed by college students across the country in order to engage our generation as powerful actors in the policy process. They envisioned a movement in which young people could fill the critical ideas gap in their communities, generating new solutions for the nation’s greatest challenges.

We believe in the value of a robust and active democracy, one in which all citizens have the opportunity to positively impact communities they love. By giving students a platform to elevate their ideas for local, regional, and national change, we contribute to that vision.

What You’re Holding

Now in its sixth year, the 10 Ideas series promotes the most promising student-generated ideas from across our network. This year’s journals, which include submissions from 20 different schools located from New York to Georgia to California, stand as a testament to the depth and breadth of these student ideas.

Entries in 10 Ideas are selected for publication on the basis that they are smart, rigorously researched, and feasible. Simply put, they’re darn good ideas.

How You Can Join

As you explore these ideas, we encourage you to take special note of the “Next Steps” sections. Here our authors have outlined how their ideas can move from the pages of this journal to implementation. We invite you to join our authors in the process.

Contact us on our website www.rooseveltcampusnetwork.org or by tweeting with us @Vivaroosevelt.

Thank you for reading and supporting student generated ideas.
Dear Readers,

December 2014 will mark ten years since a group of college students united behind a new model for engaging young people in the political process, a model that became the Roosevelt Institute | Campus Network. Deeply grounded in the belief that young people have more to offer than just showing up on Election Day, the Campus Network has continued to evolve and grow from its visionary beginning into the nation’s largest student policy organization, with a membership capable of shifting dialogue and effecting policy at the local, state, and national levels.

We believe that in the context of a stagnant public discourse and increasing disillusionment with a political system incapable of tackling our complex collective challenges, it is more important than ever to invest in a generation of leaders committed to active problem-solving and concrete change in the public sphere. As the Campus Network expands to more than 120 chapters in 38 states, we serve as a vehicle for fresh ideas, exciting talent, and real change.

In these pages you will find some of those ideas – from reforming western water rights to supporting green infrastructure through progressive toll taxes, students are envisioning and acting on better solutions. It’s indicative of our Network’s larger impact; in the past year, we’ve leveraged the effectiveness of our model to work with and inform dozens of other organizations on how to engage Millennials on critical issues, ranging from campaign finance to inequality to climate change. We’ve elevated a fresh, Millennial-driven vision for government in an otherwise stale public debate, and launched an initiative that taps into our generation’s unfettered thinking and ambition to reimagine the role of citizens in shaping fairer and more equitable local economies. Our members have continued to substantively engage in local processes to shape and shift the policy outcomes that directly impact their communities, from introducing new mapping systems to improve health outcomes in low-income neighborhoods to consulting local governments on flood prevention.

These ideas are just the starting place, because ideas are only powerful when acted upon. Yet this work is occurring in a dramatically shifting political and social context. The ways citizens engage their government,
participate locally, and advocate for their communities are changing every day. As a vibrant, evolving network driven by our active members nation-wide, we believe there is immense potential to capture these innovations and ensure better and more progressive ideas take hold. We believe that:

• Millennials are turning away from traditional institutions and are looking to build new ones as vehicles for social change. We believe there is an opportunity to channel this reform-mindedness into building a healthier, more inclusive system that’s responsive to citizen engagement and evidence-based solutions.

• To jump-start political engagement and combat disillusionment, the focus needs to be on pragmatic problem-solving and intersectional thinking across key issues. We can no longer tackle economic mobility separately from climate change.

• There is immense potential (and need) for scalable policy innovation at the local and state levels, and much of the most effective and important policy change in the coming decade will be local.

• With the shift from top-down institutions to networked approaches and collective problem-solving, it is more important than ever before to invest in the development of informed, engaged community leaders capable of driving engagement and action on ideas.

As you engage with the ideas, ambitions, and goals in these journals, I encourage you to dig in and explore how our country’s future leaders are taking the initiative to create the change they know we desperately need. You won’t be disappointed.

Happy Reading,

Taylor Jo Isenberg,
National Director
Congratulations to

Michael Umbrecht, Hannah Barnes, and Caitlin Miller

authors of Jailbreak: Parting with Profit Pressure in Prison Management

Nominee for Policy Of The Year

A jury of Roosevelt Institute | Campus Network members, staff and alumni elevate one piece from each journal as a nominee for Policy Of The Year based off the quality of idea, rigor of research and ability to be implemented effectively. The cover design of this journal is themed to portray the above idea in visual form.
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Microstamping: Solving Crime through the Barrel of the Gun
Alex Chakrin, Cornell University

Ballistic imprinting, or microstamping, should be required on all new firearms to aid police in solving crimes while holding criminals responsible for their actions.

In the United States, over 68 percent of all homicides are gun related, amounting to 11,078 deaths in 2010. With so much gun violence in our society, citizens should expect these murders to lead to criminal action in every case. However, there are only a limited number of tools police can use to link a crime to a suspect. In many cases this is due to a lack of evidence. Typically only the shells fired are found at the scene of the crime.

Microstamping is a process in which when a shell is ejected when a gun is fired, it is imprinted with a unique stamp. In a state with microstamping laws, a small pin would be inserted at the tip of the firing pin of each new firearm sold. When the gun is fired, the pin would leave a microscopic stamp on the casing of the fired shell that would be traceable at the crime scene. This allows law enforcement to link shell casings to the original purchaser of the gun.

The National Rifle Association (NRA) has gone on record opposing the legislation. It is joined by gun manufacturers opposed to increased manufacturing costs. However, groups such as Mayors Against Illegal Guns along with the American Bar Association support microstamping, believing the technology to be a useful tool to catch criminals.

KEY FACTS
- More than 35.2 percent of all homicide cases go unsolved.
- Finding one microstamped casing at a crime scene gives police a 54 percent chance of identifying the gun owner.

ANALYSIS
Gun owners are concerned that microstamping...
Microstamping is not a perfect solution; however, it is a step in the right direction. With current technological processes, microstamping bills would marginally increase the cost of purchasing guns. However, gun manufacturers and owners have avoided paying for the true cost of gun ownership, which includes the cost of gun violence. Similar to secondhand smoking, gun ownership has a cost to society that would be more fairly distributed to those people directly responsible it. In a sense, this is forcing gun owners and manufacturers to “pick up their tab” and help reduce the cost of police investigations while increasing their effectiveness.

ENDNOTES

Next Steps

In 2007, California Republican Governor Arnold Schwarzenegger signed a microstamping bill that would go into effect when the technology patent expired. Even though this law has passed several key hurdles in California, there is still a long way to go towards implementing this technology nationwide. States that have recently passed expansive gun control measures, such as New York and Connecticut, have seen microstamping specific language fail under pressure from state gun manufacturers and the NRA. Politicians are too willing to concede gun regulation as a losing issue at the polls.

To pass microstamping legislation, advocates can decide to first implement a study period, providing an assurance of future implementation of the technology. Another consideration which might slow the transition to microstamped firearms is to allow previously existing firearms without the technology to either be slowly phased out or grandfathered into the system as has been done in California. In addition, lobbying efforts are needed at the state and national level to push the legislation forward. Democrats and Republicans need to know that there is a political price to be paid for willful ignorance of common sense solutions. There is too much at stake for gun politics to determine the fate of this crime-fighting technology.

Ending Extreme Isolation: Alternatives to Solitary Confinement in New York State

Matthew Clauson and Garrison Lovely, Cornell University

Due to the harmful social and psychological effects of solitary confinement, new measures must be imposed to prevent the overuse of special housing units (SHUs) in the New York State correctional system.

As the prison population continues to grow, solitary confinement is increasingly used as a tool for punishing and separating prisoners. At present,
more than 80,000 inmates in the United States are in solitary confinement. Within the correctional system, solitary confinement cells are referred to as special housing units (SHUs). With approximately 4,500 inmates housed in SHUs, hundreds of whom are under the age of 21, New York currently has the highest percentage of its inmates incarcerated in conditions of extreme isolation. Between 2007 and 2011, New York issued more than 68,100 SHU sentences, of which the average length was five months. About 50 percent of these inmates live in complete isolation, while the other 50 percent share quarters with another inmate.

According to former New York Prison Commissioner Glenn Goord, SHUs are designed “to house inmates who assault staff and disrupt our facilities.” In most cases, inmates are sent to SHUs as punishment (disciplinary segregation) or because they have been deemed a risk to the safety of other inmates or staff (administrative segregation). To minimize contact between prisoners and personnel, inmates often spend 23 hours a day within the confines of the SHUs, with one hour for mandated outdoor recreation. Moreover, they have limited access to vocational training, education courses, and therapy sessions. There is no clear evidence, however, that extreme isolation reduces incidences of violence in prisons. In fact, critics argue that extreme isolation increases the risk of violence by contributing to psychological and social deterioration.

Studies also show that solitary confinement aggravates the onset of mental illness. Even those who do not develop mental illness commonly experience significant psychological pain, which makes it severely difficult to adapt to the broader prison environment and reintegrate into society following their release. Yet, in New York, nearly 2,000 people are released directly from SHUs each year. Due to the intense social

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**KEY FACTS**

- With approximately 4,500 inmates housed in SHUs, New York currently has the highest percentage of its inmates incarcerated in conditions of extreme isolation.

- In New York, solitary confinement is currently used at a rate 37 percent higher than the national average.

- Nearly 30 percent of all suicides in the New York correctional system occur in solitary confinement.
and psychological effects of extreme isolation, combined with the complete lack of rehabilitative and transitional programming, these prisoners are likely to commit new crimes sooner than prisoners who are transferred from SHUs to the general prison population prior to their release.\textsuperscript{13}

**ANALYSIS**

Changing the criteria that state correctional systems use to determine whether inmates require either disciplinary or administrative segregation would effectively reduce the number of inmates subject to extreme isolation. This would improve correctional standards and lower incarceration rates, resulting in savings to the state and a more just prison system in the long-term. In Mississippi, for example, new criteria determined that 80 percent of the inmates in administrative segregation did not need to be isolated, which led to the transfer of 800 inmates from SHUs to the general prison population and a demonstrated 70 percent decrease in violent incidents.\textsuperscript{14}

Further restrictions on the use of solitary confinement are needed in the New York State correctional system. SHU sentences should be limited to a maximum of ten days and used only to isolate inmates who have acted violently while in prison. Inmates who are particularly high-risk or vulnerable should be separated from other inmates, but not barred from all human interaction. Rehabilitative and transitional programming should remain available to inmates housed in SHUs, and a graduated system of rewards and punishments should be implemented to incentivize desired behaviors. Inmates currently housed in SHUs should be reclassified according to these new standards.

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**TALKING POINTS**

- Extended stays in solitary confinement is considered torture and outlawed by the Geneva Conventions.\textsuperscript{15}

- Permanent psychological harm can occur after 15 days in solitary confinement.\textsuperscript{19}

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**ENDNOTES**


Evidence of the detrimental social and mental health effects of extreme isolation must be brought to the attention of the New York State Legislature. Members of the New York State Assembly Standing Committee on Correction and the New York State Senate Standing Committee on Crime, Crime Victims, and Correction should be pressured through petitions and letter writing campaigns to hold hearings on this issue. Additionally, human rights and public interest organizations should make ending solitary confinement a priority in awareness and outreach efforts. Advocacy groups currently engaged in this area of work such as the New York Campaign for Alternatives to Isolated Confinement and the Correctional Association of New York should work together to build a cohesive, statewide campaign. As solitary confinement becomes less commonplace in New York State prisons, funding must also be made available to convert SHUs into traditional cells to account for the reduced number of prisoners in isolation.
Allowing no-excuse absentee voting by mail in Virginia would increase voter turnout, particularly among those who work long hours or care for young children.

Absentee voting has been evolving since the Civil War, when states began to enact absentee voting measures for soldiers. Civilians were first permitted to vote absentee in Vermont in 1896. Since this time, absentee voting has expanded for a variety of purposes, including work, travel, attending a university away from home, and illness.

California was the first state to allow for no-excuse absentee voting, starting with the 1978 election. No-excuse absentee voting by mail allows voters to register absentee without an excuse. No-excuse absentee voting by mail has not been tried in Virginia, although a bill allowing for in-person no-excuse early voting was introduced in the Virginia House of Delegates in 2013 as HB 1937, where it did not pass.

**ANALYSIS**
Many studies have found that no-excuse absentee voting increases voter turnout. The cost to voters is minimal: although they must fill out an extra form to apply for an absentee ballot, they do not need to waste gas mileage or time to go to the polls. The drive to the polls can prove a powerful deterrent: in one study, a five-mile drive decreased likelihood to vote by 3.1 percent. Moreover, in 2012, Virginia had one of the highest waiting times once at the polls, close to 45 minutes. In Florida, the state with the longest wait average at exactly 45 minutes,

**TALKING POINTS**
- No-excuse absentee voting is a cost-effective system that allows for all people to have the time to vote, even in Virginia, where employers are not required to let employees take time off and many low-wage workers cannot afford it. This alternative does not hurt wages or business hours, and still increases access to the polls.
- No-excuse absentee voting benefits voters who can make it to the polls as well, as some voters will choose to vote absentee, shortening lines at precincts.
more than 200,000 voters left precincts due to the wait.7

Furthermore, in Virginia, 48,000 workers make the federal minimum wage, and 75,000 make even less.8 Because of the lack of a law requiring employers to give employees time off to vote, no-excuse absentee voting would allow voters to not lose valuable hours when they are already making so little. Some workers work long hours and care for children or elders, making visiting the polls nearly impossible.

According to several studies, cost to the state to implement no-excuse absentee voting is minimal. It is significantly cheaper than the alternative, allowing early in-person voting, which would require hiring appropriate workers and finding space. It also does not affect business, as requiring employers to give time off to vote would. Thus, it is the most economically sound option.

STAKEHOLDERS
Voting organizations, including but not limited to the American Civil Liberties Union Voting Rights project, Rock the Vote, Project Vote, and the Virginia League of Women Voters, would advocate for the policy. The Virginia House of Delegates and the Senate of Virginia would need to pass a bill, with Republican support. Governor Terry McAuliffe would need to sign the bill. The Virginia State Board of Elections, the Secretary of the Commonwealth, and the Attorney General would be instrumental in the implementation of this policy. Voters would see a decrease in waiting time at the polls. Employees with hourly wages would not have to choose between voting and their paycheck. Employees not let out of work to vote would still be able to cast their ballot.

ENDNOTES

KEY FACTS
• In states with no-excuse absentee voting, 23.5 percent of voters voted before Election Day.10
• Virginia had a 66.4 percent turnout for the 2012 election, and a 37 percent turnout for the 2013 gubernatorial election.11
• Virginia does not require employers to allow for time off on Election Day.12
• Virginia also does not allow early voting or permanent absentee status.13
• Twenty-seven states and D.C. allow no-excuse absentee voting.14
The conservative Virginia General Assembly may not pass a law expanding voting access and instituting no-excuse absentee voting unless the general public advocated strongly for it. Therefore, the aforementioned voting rights organizations must galvanize their members and other grassroots leaders to pressure the legislature. They should organize letter-writing campaigns, visits to elected officials, social media efforts, and more. One or more of the groups should also draft a bill and find a sympathetic delegate or senator, such as Delegates Alfonso Lopez or Rob Krupicka, who introduced HB 1937. The legislature must then write and pass a bill, to be signed by Governor McAuliffe.

The State Board of Elections, with help from the Secretary of the Commonwealth and the Attorney General, would then need to implement the change. Implementation would be simple: new absentee ballot requests would need to be printed. Literature educating voters on the change should be created and distributed. The voting organizations could also create and distribute literature.
Providing Living Wages for Campus Workers
Patrick McKenzie, Hayley Brundige, and Brandon Cartagena, University of Tennessee

The University of Tennessee, Knoxville should raise the minimum income of all university-employed campus workers to the living wages defined by the UTK Faculty Senate.

Students, faculty, administrators, and many others affiliated with the University of Tennessee, Knoxville (UTK) depend on campus Facilities Services workers to keep the campus clean and safe. Facilities Services encompasses a broad array of campus institutions, including sanitation, lock and key services, building services, utilities services, and construction services. Campus workers and their work permeate almost every aspect of university life and play a vital role in the maintenance and sustainability of UTK’s campus and its daily operations.

As of April 2011, however, 1,141 of these campus workers were earning hourly wages below the living wage threshold as defined by the UTK Faculty Senate Budget and Planning Committee. The 2010-2011 UT Faculty Senate Living Wage Study outlines that “an employee who works full-time and year-round should earn a wage sufficient to pay for basic, bare-bones needs of a family living in today’s America, without having to resort to needs-tested public benefits, crime, or private charity.” The “basic needs” of each worker depend on the size of family they have, the pricing of goods in local markets, and other factors, but it is clear that a standard of living must be met that takes these variations into account in determining employee income.

To advocate for comprehensive living wages for

KEY FACTS
• As of April 2011, 1,141 workers at UTK were being paid less than living wages.¹

• Living wages reduce net poverty and promote various health benefits.³

• Only an extra annual $4.3 to 5.7 million is needed to pay workers living wages, which itself represents only 1.6 percent of the total money spent on staff salaries and benefits.⁶

• Living wages boost worker productivity by reducing absenteeism and improving overall quality of life.⁵
campus workers, the Living Wage Campaign began at UTK in 1999 in association with the Progressive Student Alliance (then called the “Alliance for Hope”), and their efforts led to the formation of the United Campus Workers, an independent union of university staff employees. The union has rallied around the intent to increase the minimum wage for the university’s lowest paid workers incrementally. For example, in 2001, workers received a 4 percent raise as UCW efforts increased. In 2004 and 2005, similar raises were given: 3 percent or $750, whichever was greater.

Despite these incremental wage increases, UTK Facilities Services workers are still not being paid a wage adequate to the cost of living. A living wage report conducted by the Faculty Senate in 2000 defines a living wage as $9.50 per hour plus benefits. On December 3, 2013, UT announced that the minimum wage for campus workers will increase to $9.50 per hour, falling more than a decade behind the 2000 living wage report recommendation in matching ongoing cost of living increases.

At UTK, the campaign hopes to remedy this gap by specifically appealing for adherence to the UTK Faculty Senate Budget and Planning Committee’s recommendation of wage standards at a minimum of $12.02 per hour, with all current benefits—annual leave, holidays, retirement, health insurance, longevity, Social Security, and 401K Match—included.

**ANALYSIS**

The primary argument in favor of living wages has an ethical basis. The UTK Faculty Senate asserts that a full-time campus worker should make high enough wages to provide basic needs for his or her family, without having to also rely on other sources, including secondary employment and public assistance programs.
However, living wages carry other benefits as well. Evidence suggests that a living wage can lead to decreases in urban poverty and reductions in various health issues that lead to higher than average sick days. For example, a study by the San Francisco Department of Public Health and the University of California, San Francisco, showed that an increase to living wages in their city would, by enabling workers to achieve a greater standard of living, result in fewer cases of premature death and other health issues among adults aged 24 to 44 years working full-time in families with annual income of $20,000. With living wages, campus workers would be able to purchase healthier food, maintain safe housing, and invest in preventative health care, which would, in turn, promote fewer conflicts between work responsibilities and medical problems. A living wage experiment in Los Angeles also found that, in addition to the health benefits, living wages caused a drop in absenteeism, low-wage worker turnover, and hours of overtime. All of these outcomes create higher worker productivity for the employer.

At UTK, paying living wages to the remaining 23 percent of full-time campus workers would mean a total additional annual payment of approximately $4.3 to $5.7 million, only 1.6 percent of the annual money spent on all staff salaries and benefits. In a Baltimore living wage experiment, even small increases in wages and salaries reduced the overall cost to the city, likely due to the impacts of decreased worker turnover and increased work productivity. A similar effect would likely be observed at UTK.

STAKEHOLDER
Various parties can benefit from payment of living wages. An increase in the minimum payment for UTK workers would enhance their quality of life, allowing them to better support both themselves and their families. In addition, a living wage would better integrate campus workers into the rest of the campus community and promote a more satisfactory campus for the workers and for administrators, faculty, and students alike. The university as a whole would benefit from workers’ boosted productivity, and improved pay for workers would establish UTK as a local standard for worker wage ethics and contribute to its goal of becoming a socially responsible “Top 25 Public Research Institution.”

ENDNOTES
1 UTK Faculty Senate Budget and Planning Committee. “2010-2011 Faculty Senate Living Wage Study.” 2011.
Next Steps

To carry through with this proposal, the administration of the University of Tennessee at Knoxville must work cooperatively with the Faculty Senate to produce a budget that includes higher wages for underpaid campus workers. The administration, which will ultimately be responsible for approving any pay raise, should respond to calls for living wages and adjust current incomes of campus workers to at least a UTK Faculty Senate-defined living wage.

It is also recommended that both parties begin to consult with United Campus Workers (UCW) to gain better insights into the current plight of workers. By meeting with UCW, administrators and the Faculty Senate would allow workers a voice in the appropriation debate, strengthening ties between those writing the budget and those affected by it. To give campus workers direct input into policies related to income, the Faculty Senate should integrate representatives from UCW into future income policy revisions by consulting with UCW members for suggestions and for joint research collaborations. Additionally, before being presented to the Faculty Senate for consideration, the policy would have to be approved by UCW with a majority vote. If not approved, UCW would return the proposal to the Faculty Senate with recommendations for revision.

Raising the Minimum Wage for Workers with Disabilities Dependent on Mere Good Will
Amanda Purcell and Katie Greenberg, College of William & Mary

Congress should no longer allow special wage certificates that allow for disabled workers to be paid less than the minimum wage.

During the summer of 2013, an NBC story about Goodwill Industries’ exploitation of workers with disabilities captured the attention of the Internet. In some Goodwill stores, disabled workers were being paid mere cents per hour, with salaries based on timed tests comparing their productivity
to that of nondisabled employees. While this news shocked many, Goodwill had not technically done anything illegal. Best known for establishing a federal minimum wage, the Fair Labor Standards Act (FLSA) of 1938, through section 14(c), allows for a special minimum wage to be paid to workers with disabilities that reduce their job productivity. To pay this special minimum wage legally, employers must receive a certificate from the Wage and Hour Division of the US Department of Labor. As of November 1, 2013, 1,638 employers have certificates issued under section 14(c) of the FLSA, and 1,108 employers have certificate applications pending.

To address this inhumanely low wage, which some have called a “loophole” in labor law, on February 26, 2013, Representative Gregg Harper (R-MS-3) introduced H.R.831, or the Fair Wages for Workers with Disabilities Act of 2013. Currently, the bill has 62 cosponsors from both the Republican and Democratic parties, and is being reviewed by the Subcommittee on Workforce Protections. However, the bill has yet to make it out of committee.

**ANALYSIS**

Disability rights advocates such as the National Federation of the Blind argue that the special minimum wage devalues people with disabilities by suggesting that their labor is inherently worth less. Also along these lines, the special minimum wage perpetuates the notion that people with disabilities will naturally be less productive in all occupations than people without disabilities, thus further limiting their potential employment opportunities.

Beyond the dehumanizing effects of the special minimum wage, paying disabled employees below the federal minimum wage is an outdated practice. As Representative Harper’s bill states in Section 2, “There were virtually no employment opportunities for disabled workers in...
the mainstream workforce [in the 1930s]. Today, technology, training, and modern employment opportunities can allow a disabled person to be as productive as his or her non-disabled counterpart. Furthermore, one might justifiably question whether the timed tests used to determine wages for people with disabilities accurately capture a person’s productive capacity, since timed tests are stressful for many people (and also “degrading,” according to one former Goodwill employee). More importantly, it is unlikely the non-disabled person who serves as the testing standard normally works as if he or she were being timed.

In light of recent criticism, Goodwill argued that if all workers were to be paid the minimum wage, then workers with disabilities would be unable to remain in the workforce due to their inability to produce as much as non-disabled workers. Implicit in this claim is the suggestion that Goodwill would be unable to retain disabled workers at minimum wage because of the financial burden of increased labor costs without increased productivity. But considering Goodwill enjoyed $4.89 billion in profits in 2012 and paid out $53.7 million in total top executive compensation, it is difficult to be sympathetic to this argument.

ENDNOTES
5. “H.R. 831-Fair Wages for Workers with Disabilities Act of 2013.” Library of Congress. Accessed December 2, 2013, http://beta.congress.gov/bill/113th-congress/house-bill/831/cosponsors?q=%7B%22search%22%3A%5B%22H.R.+831%22%5D%2C%7B%22sort%22%3A%5B%22cosponsorCount%22%5D%2C%7B%22sortOrder%22%3A%5B%22desc%22%5D%7D&pageSize=59

Next Steps
Congress should remove the FLSA’s section 14(c) provisions so that employers will no longer be able to pay disabled workers less than the federal minimum wage. While employers might not want to hire a worker with a disability whose productivity is lower than a worker without a disability, this is theoretically why the government compensates non-profits such as Goodwill through grants. Businesses have their bottom lines; workers do as well. No one should earn 22 cents an hour.
A More Just System: Using Mixed-Member Proportional Representation to Elect Michigan’s House of Representatives
Dominic Russel, University of Michigan

Using mixed-member proportional elections would make Michigan’s state legislature more accountable by giving greater value to every vote and create a government more representative of voters’ political interests.

Almost every state uses single-member districts (SMD) to elect its lower house, by which the candidate with the plurality of votes in each district wins the seat.¹ This system is unfair, however, as the resulting representation gained by some political interests is often disproportional to popular support. In the 2012 Michigan House of Representatives election, for example, 54 percent of Michigan voters chose Democratic candidates, but the party won only 46 percent of the seats, resulting in a legislature controlled by the less popular Republicans.² Additionally, of the 110 seats, only 23 were won by a margin of less than 10 percent, which showed that most districts’ elections were not competitive.³

SMD also unfairly hinders opposition voting to the two major parties because it encourages strategic voting to defeat the “lesser of two evils.”⁴ Although 63 percent of Michigan voters held an unfavorable view of the Republicans in the legislature, and 46 percent held an unfavorable view of the Democrats, zero candidates from third parties won a seat in Michigan’s House of Representatives.⁵

Many countries, including Germany and New Zealand, use mixed-member proportional

KEY FACTS
• In five states nationwide, the party that won the largest portion of the vote for the legislature did not win the greatest number of seats.⁶

• In 2012, only 36 percent of Michigan voters had a favorable view of Democrats in the legislature, and only 20 percent had a favorable view of Republicans in the legislature.⁷

• MMP was created after World War II and its use is growing; Bolivia, Venezuela, Germany, New Zealand, Hungary, Scotland, and Wales have all adopted MMP systems.⁸
(MMP) voting to ensure that their legislatures sufficiently represent voters’ political interests. Eligible citizens cast two votes: one for a district representative and one for a party. The party vote determines the overall makeup of the legislature by proportional representation. About half of the party seats are decided by the candidates off the first ballot, and the party appoints additional candidates to guarantee proportional representation.

**ANALYSIS**
Using MMP to elect Michigan’s House of Representatives would lead to more equitable elections. The proposed system would make the representation of political interests more proportional to popular support, while maintaining geographical representation, and therefore create a legislative body that more accurately reflects the ideologies of voters. It also ends meaningless elections in gerrymandered districts because every vote would count toward state-wide proportionality.

While these changes would benefit voters regardless of party affiliation, third party supporters undoubtedly would receive the greatest benefits from MMP, as the system in other cases has fostered the proliferation of small parties within the legislature. This change would definitively reflect the current beliefs of citizens: 60 percent of Americans say that both the Democratic and Republican parties do such a poor job of representing the American people that a third major party is needed.

The change to MMP may be somewhat confusing for voters due to the prevalence of winner-take-all SMD systems in the American political system. New Zealand made a similar change from SMD to MMP at a national level in 1996, however, and the system has thrived and continues to today. The concept behind MMP is fairly simple: the proportion of the vote

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**TALKING POINTS**
- The current SMD electoral system of Michigan discourages voting for small parties and leads to unfair and unrepresentative election results.
- Using MMP in Michigan would ensure each voter’s choice counts while still protecting geographical constituencies.
- MMP systems lead to more unique parties that more adequately capture the political interests of voters, not just those that align with two dominating parties.
To change the electoral system, there would need to be an amendment to the state constitution. It would be politically impossible for this change—which would undermine the two-party system—to occur through a partisan, two-party legislature. Many states, however, including Michigan, allow for initiatives receiving more than half the votes in a statewide election to change the constitution. Bringing the possibility of MMP to the attention of voters through an organized and informative campaign would be the most important next step in changing the electoral system. Third parties and third party supporters would be extremely eager to fund this campaign, as electoral system referendums in Ontario in 2007 and Great Britain in 2011 demonstrate. Additionally, electoral reform groups such as FairVote (which has had success using the initiative to reform electoral systems in cities including San Francisco and Oakland) could help generate support for this movement. Voters are so disillusioned with both the Democratic and Republican parties that an organized coalition of these groups could foster enough public support for an MMP initiative to pass.
To properly address the needs of LGBT runaway and homeless youth, President Obama should issue an executive order establishing anti-discrimination standards and requiring compliance from homelessness assistance providers.

While 3 to 7 percent of the overall US youth population, ages 12 to 21 years old, identifies as LGBT, this population constitutes as much as 40 percent of runaway and homeless youth (RHY). This disproportionate figure most often stems from family rejection and abuse; more than one in four youth who come out to their parents are expelled from their homes and most others face similar negative consequences, such as financial and physical abuse.

In seeking alternatives in shelter and transitional housing systems, LGBT youth often experience the same rejection and hostile treatment. Almost 80 percent of LGBT RHY report feeling threatened in and/or being expelled from their emergency housing. Nevertheless, without active and enforced anti-discrimination policies, shelters with anti-LGBT histories continue to receive full federal funding.

Historically, President Barack Obama has used executive orders as an effective tool for ensuring that LGBT individuals receive equal treatment by ending the travel ban for people living with HIV/AIDS and by requiring that hospitals accepting Medicare and Medicaid allow

**TALKING POINTS**
- LGBT youth experience homelessness at disproportionate rates and providers often fail to meet the needs of these groups.
- An executive order mandating compliance with non-discrimination policies for federally funded programs could combat discrimination against LGBT youth.
- An executive order is feasible because the Executive Branch administers funds to shelters and other services.
visitation regardless of the gender of a partner. Likewise, President Obama should mitigate this crisis by issuing a swift executive order mandating that these organizations implement policies and services that respect sexual orientation, gender identity, and gender expression. Doing so can ensure fairer outcomes for LGBT RHY.

ANALYSIS

The US Interagency Council on Homelessness (USICH) manages federal funding for homeless assistance. Last year, USICH distributed $4.7 billion with most earmarked for youth services in faith-based organizations, many of which are generally less tolerant of LGBT people. With no provisions in place shielding against these providers’ beliefs, it remains legal to completely refuse service based on sexual orientation and/or gender identity.

An existing coalition of politicians and advocacy groups have already been working on this issue by pushing passage of the Runaway and Homeless Youth Inclusion Act (RHYIA), a bill sponsored by Representatives Gwen Moore (WI-4) and Mark Pocan (WI-2) to specifically address the needs of LGBT RHY. The bill has the support of nine Congressional co-sponsors, including two from the conservative-majority states of Arizona and Florida, as well as the support of many organizations, including the Human Rights Campaign and the National Network 4 Youth.

Despite some momentum around RHYIA, floor action and passage are extremely unlikely. Congress last year reached a record low level of productivity—passing only fifty-five laws total, none of which were LGBT-supportive, and failing to act on crucial and popular issues. As such, the coalition working to push RHYIA should redirect their efforts toward securing an executive order from President Obama. The executive order cannot go as far as RHYIA because it cannot increase spending for LGBT-specific services, but it represents a powerful way to cir-

KEY FACTS

- One in three transgender individuals are denied access to shelter services because of their gender identity. The 42 percent who receive shelter services are forced to stay with the wrong gender.
- Three to 7 percent of the overall United States youth population identify as LGBT, but such individuals constitute as much as 40 percent of runaway and homeless youth.
- More than one in four young people who come out to their parents are expelled from their home and many others face similar negative consequences.
cumvent the political gridlock of Congress. An executive order is a feasible step in the right direction and could have immense impact on the lives of housing-insecure LGBT youth.

ENDNOTES
3 Ibid.
10 "HRC Issue Brief: Housing and Homelessness."
11 Ibid.

Next Steps

The President should issue an executive order that establishes standards of non-discrimination and makes federal funding for providers contingent on compliance with these guidelines. These new standards would require that all aspects of the support network are identity-affirming, regardless of sexual orientation, gender identity, and/or gender expression. Homeless services providers that offer family reunification, mental health, and other health services must ensure that therapists and other professional staff support clients’ sexual and gender identities. All providers must also ensure that clients’ gender identities are respected by honoring name, pronoun, and housing gender preferences. Volunteer and staff trainings at transitional housing programs already required by law must also incorporate content that teaches an acceptable level of cultural competency surrounding LGBT issues and rights.

Under the executive order, USICH would be empowered to take and investigate complaints of LGBT-related noncompliance. If complaints are valid, USICH will make recommendations for reinstating compliance or withdraw its certification from noncompliant providers’ programs.

Because USICH certification ensures continued federal funding and is often a prerequisite for state-level funding as well, compliance with new LGBT standards is a powerful incentive for keeping providers’ services operating. USICH is already federally funded, so the recommendation for an executive order is essentially costless; it merely reforms the current policy infrastructure rather than create additional infrastructure.
 Using the framework of Kendra’s Law, New York state should place select inmates with mental health concerns into community-based rehabilitation programs.

In 1999, New York state introduced Kendra’s Law in response to intervention needs in the treatment of dangerous mental illnesses. The law created an assisted outpatient treatment program, keeping patients in their communities and instilling healthy mental health norms with the goal of independent living. Kendra’s Law is a court-ordered treatment specifically for those who are not criminal offenders. New York state should implement a similar program of assisted outpatient treatment for a select group of inmates who also suffer from mental illness.

**ANALYSIS**
Placing select prisoners in community rehabilitation would have direct benefits for the entire prison population, correctional officers, and the state of New York. By treating a select group in a community environment, the risk of repeat offense is diminished by simultaneously treating their illness and improving their ability to interact positively with society. A similar, smaller program in New York resulted in a mean reduction in recidivism from 104 to 45 days behind bars a year, saving the state $4,500 per patient for that year in prison expenses alone.¹

In New Mexico, an intensive supervision and treatment program saved the state $2 for every dollar spent.² In addition to lowering future incarceration costs, the expense associated with assisted outpatient treatment is offset by the

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**TALKING POINTS**

- The difficulties all inmates have reentering into society are compounded by the pre-existing challenges of functioning in society with a mental illness.

- National spending on mental health has fallen as the number of mentally ill prisoners has risen. This proposal would combat the imbalance.

- While the general prison population is slowly decreasing in New York state, the percentage of the population suffering from mental illness is growing. New York must change its approach in response to this trend.

- This program gives New York an opportunity to help, rather than penalize, its worst-off citizens.
reduced net cost to the mental health system. Moreover, the cumulative decades of prison time saved by reducing recidivism and emergency mental health interventions will save taxpayers money.

For the prison population at large, there is the benefit of reduced crowding. The strain on resources that accompanies overcrowding increases recidivism and prison violence. Corrections officers also benefit from a reduction in prison populations, as officers are safer and better able to administrate prisons with appropriately sized populations.

STAKEHOLDERS

In constructing such a program, there must be consultation between prison administrators, corrections officers, and psychological professionals, along with advocates for the rights of prisoners and the mentally ill. New York state residents are also stakeholders, as taxpayers would shoulder the initial costs and receive the benefits of a reduction in recidivism. In addition, there would need to be a case-by-case outreach effort to the communities selected to host the programs, as the support of these communities is antecedent to any attempt at reintegration. Forcing a community to play a rehabilitative role could breed resentment and hamper efforts to promote positive social integration.

ENDNOTES

2 New Mexico Legislative Finance Committee. “Evidence-Based Programs to Reduce Recidivism and Improve Public Safety in Adult Corrections.” July 2013.

KEY FACTS

- New York would save $43 million a year with just a 10 percent cut in recidivism rates.
- There are more than 80,000 prisoners in the New York prison system.
- Thirty-seven percent of New York City’s prison population suffers from mental illness.
- Individuals placed in assisted outpatient treatment under Kendra’s Law were half as likely to be arrested and four times less likely to commit violent crime after undergoing treatment.
- New York state has the highest per inmate cost in the nation at $60,000 per year, nearly twice the national average. New York City’s cost is over $160,000 per prisoner.
Next Steps

To bring this program to fruition, a law would have to be drafted and passed in both the New York State Senate and Assembly, then signed into law by the governor. As stated, the law can be written using Kendra’s Law as a framework for the type of mental health assistance provided through the program. Innovations would need to be made in designing the institutions the subjects would be placed in and deciding on the desired level of integration with host communities. Communities must also be willing partners for the program to be a success. In addition to the jobs that would be created in host communities, financial incentives could be provided by the state to encourage participation.

Improving Access to Legal Services in Rural Areas

Samuel Wylde, Kyle Sieber, and Isabel Robertson, Northwestern University

We propose the creation of a state-based professional network and scholarship program for law students sponsored by a partnership of law schools, bar associations, and state governments to further access to legal services in rural areas.

Recent years have seen a major shift in the employment outlook for law school graduates. Assuming the 2012 law school graduation rate continues through 2020, the result is an influx of 370,913 new lawyers1 for 333,400 open positions2 — and an unemployment rate of over 10 percent for those graduates. At the same time, and somewhat paradoxically, rural
areas throughout America are beginning to report declining access to legal services. As a result, residents in places like Bennett County, Nebraska\(^3\), and Clay County, Georgia\(^4\), may have to travel anywhere from 50 to 120 miles to the nearest attorney.

While close to a fifth of the US population lives in rural areas, only 2 percent of small law practices are located outside of urban settings.\(^5\) The resulting situation is a problematic disequilibrium in which rural communities have become unfortunate deserts in a flood of lawyers. To combat this trend, the state of South Dakota, in partnership with the State Bar of South Dakota and rural counties throughout the state, has established a pilot program that pays a $12,000 annual stipend to law students who agree to practice in rural areas for a minimum of five years after graduation.

**ANALYSIS**

All states should strive to remedy this gap in legal services, with programs based on South Dakota’s. The need is not just a matter of principle, but also one of economics. Many ordinary legal issues, such as settling contract disputes, suing for damages incurred in a car accident or on the job, or simply obtaining a divorce can quickly become a significant economic impediment for communities without ready access to a lawyer. According to rural lawyer Steve Evenson, “Given the robust economic activity in some rural areas, there simply are not enough lawyers there.” The state should ask for a four-year commitment\(^6\) as a condition for a scholarship that pays an annual tuition stipend of $10,000 (the average annual in-state cost of tuition is $22,116\(^7\)) as well as a competitive salary as a state employee during the lawyer’s rural residency.\(^8\) The cost of the program will be paid for by a grant from the federal government to individual states based upon their demonstrated need for rural legal services. States will work

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**KEY FACTS**

- There is a five to one ratio of rural counties with poverty rates above the national average to urban counties with above average poverty rates.\(^9\)

- Rural communities constitute 459 of the 500 poorest counties.\(^10\)

- Rural communities constitute 481 of the lowest per capita income counties in the country.\(^11\)
directly with law schools, which will themselves begin developing grant programs to eventually ease the burden on the government. Additionally, the creation of a statewide online professional network of rural practices would act as a marketplace to allow for the best possible allocation of lawyers and grant money among communities in need.

**STAKEHOLDERS**
The direct beneficiaries of this program would obviously be those rural communities in need of legal access, but many other parties will ultimately benefit from a more efficient legal system. The states themselves—especially those like Nebraska and Kansas, with largely rural-based economies—will reap the economic benefits of a well-functioning legal system, including decreased state-borne costs associated with insufficient legal representation (e.g. inexpedient court proceedings). Proper implementation of this program would also benefit law schools by increasing post-graduate employment statistics, and raise the prominence of the state Bar Associations. Finally, and perhaps most importantly, this program would be one step closer to the normative goal of ensuring equal justice for all.

**ENDNOTES**
5. Bronner. “No Lawyer for Miles, So One Rural State Offers Pay.”
6. Comparable to the time commitment to ROTC programs.
8. Based on similar scholarship programs, such as NOAA’s Hollings Scholarship.
10. Ibid.
11. Ibid.
Next Steps

The necessary first step for this program would be to secure federal funding, after which it will be necessary to assess the need for legal access on a state-by-state basis, as well as on an individual community basis within each state. Such a comprehensive project can be best accomplished through a partnership between state Departments of Justice, state Bar Associations, and law schools. The latter two organizations likely already have substantial research pertaining to the problem of access to legal aid, as well as the resources to make a comprehensive evaluation for each community.

It will also help to have the communities themselves apply for the program, and then be assessed by the same standards and process. This research would ultimately culminate in the creation of the proposed legal-network marketplace, which would keep an up-to-date record of legal need. As possible job placement locations are assessed, the state Department of Justice will reach out to law schools and begin to promote the program to current students. Eventually, a developed partnership between the state Department of Justice, Bar Association, law schools, and local communities will emerge.

Jailbreak: Parting With Profit Pressure in Prison Management
Michael Umbrecht, Hannah Barnes, and Caitlin Miller, Georgetown University

Following the Correction Corporation of America’s (CCA) decision not to renew its contract to run the Idaho Correctional Center (ICC), Idaho should re-staff the facility with government employees, serving as a model for states currently suffering from the deleterious outcomes of prison privatization.

Since the practice began in 1984, contracting prison administration to private companies such as CCA has become commonplace. The shift in
ideological tides toward free-market policies brought with it the notion that private administration could solve the inefficiencies of government functions through competitive innovation. This reasoning permeated the prison system, resulting in widespread private contracting. Thirty years later, however, data shows that prison privatization “is at odds with the goals of reducing incarceration rates and raising correctional standards.” A recent report by Grassroots Leadership and the Public Safety and Justice Campaign details 30 specific incidents, including riots, murder, abuse, and other human rights violations that have occurred in private prisons throughout the country.

Additionally, prison privatization has led to the rise of private prison lobbies, which aim for harsher criminal penalties and sentencing. Due to the nature of their contracts, which stipulate government funding on a per-prisoner basis, private prison lobbies have a strong incentive to increase the number of inmates by any means necessary. To this end, lobbying efforts supported by private prison corporations have negatively altered the nature of the industry.

CCA is a private corporation that administers prisons across the US under government contract. Allegations of contract fraud and operational malfeasance led the company to withdraw from the Idaho Correctional Center, opting to not renew its contract with the state in 2014. Accusations of human rights abuses by CCA staff at the Idaho Correctional Center are still under investigation. Opened in 1997, the ICC is one of two facilities operated by CCA in Idaho. The contract with CCA will expire on July 1, 2014, more than a year after the Associated Press first reported allegations of these offenses. A combination of timing and the state’s recognition of systemic issues with prison privatization thus make the ICC an ideal laboratory for implementing reform.

**KEY FACTS**
- Prison privatization, conceived as a cost-saving measure, has failed to reliably reduce costs to taxpayers.
- Rates of assault on guards and fellow inmates are 33 percent and 39 percent lower in public prisons, respectively.
ANALYSIS
Returning Idaho’s two currently private prisons to public administration would reduce costs for the state, allow government oversight on issues of prisoner rights, and mitigate lobbying efforts that subvert the aims of the criminal justice and correctional system.

Current data do not support the common argument that private prisons operate more efficiently and thus save money. Research shows that even when savings are realized, they are minimal. In fact, one study found that Arizona is overpaying by $7 million due to 100 percent occupancy contracts with private administrators. When private administrators do save, they do so primarily by “spending less for the biggest business cost—personnel.” Reducing guard wages, however, often contributes to a higher turnover rate and a greater number of inexperienced guards, creating conditions susceptible to riots, conflict, and abuse. Furthermore, many private prisons accept only low-risk inmates, leaving state prisons burdened with costly sick and high-risk inmates.

De-privatization is more than a cost-saving measure. Returning responsibility over prison maintenance to those also responsible for sentencing creates positive incentives for accountability in the public system. This culpability is manifested in quality of care and extends to prisoner-guard relationships; rates of assaults on guards are 49 percent higher in private prisons than in their public counterparts, while assaults among inmates are a staggering 65 percent more frequent. Ultimately, transitioning back to public administration in Idaho’s prisons would mean lower costs to the state and ultimately a less discriminatory criminal justice system unfettered by lobbying efforts.

TALKING POINTS
• Malfeasance in the Idaho Correctional Center has reopened the debate about the efficacy and morality of private prisons in the US.

• Private prison lobbies’ goals, such as felonizing minor crimes and drug-offenses as well as widely opposing immigration reform laws, are discriminatory in nature.

• Public administration of prisons aligns the authority to sentence prisoners with the responsibility over their internment, affirming culpability in the system.
STAKEHOLDERS
While the state of Idaho is the immediate target for returning prisons to public administration, successful state-level implementation of this policy could spark a similar effort nation-wide. The policy would benefit prisoners and victims of discriminatory laws supported by prison lobbies and reduce costs to taxpayers.

ENDNOTES
3 Ibid.
8 Ibid.
9 Oppel. “Private Prisons Found to Offer Little in Savings.”

Next Steps
Following a successful transition back to public administration of the ICC, the state should move to de-privatize its second private prison upon termination of its contract with the CCA. Savings to the state and gains in prisoner welfare would be quickly realized. The greater impact to human rights, however, will occur only through the cooperation of all states to revert their private prisons to public administration. Reform to the system should, moreover, involve detailed research into the specific failings and benefits of both private and public prisons to ensure humane treatment of inmates and appropriate sentencing norms. As this issue has largely eluded the public eye until recently, the most important next step is to spread awareness of the perverse profiteering in which private prison administrators have been allowed to engage over the last three decades.