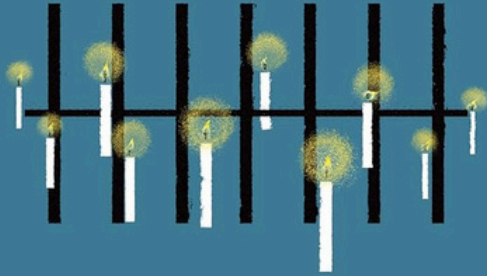


IN THEIR NAMES

The Untold Story of Victims' Rights,
Mass Incarceration, and the
Future of Public Safety



LENORE ANDERSON

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Victims Seen and Unseen

In 2015, Renata Singleton, a New Orleans accountant for a local elementary school and a single mother of three, was arrested and booked into Orleans Parish Prison. Just two years prior, a federal judge had mandated local officials to clean up the notorious jail's deplorable conditions, including lack of sanitation, inadequate medical care, and rampant violence. "Rapes, sexual assaults and beatings are commonplace throughout the facility," the complaint that led to the federal court mandate read. "Violence regularly occurs at the hands of sheriff's deputies as well as other prisoners."¹

Change was slow going for years following the decree. When Renata walked inside the jail, she was terrified and in tears. Having never been in trouble with the law, she had no idea what to expect. She could not sleep or eat. And even more concerning than the toxic jail environment was how her children were going to handle her incarceration. After one phone call, during which her fifteen-year-old daughter cried nonstop, Renata decided "it was too much" emotionally for the children to hear her in jail, so she stopped calling home.² After five days of incarceration, she finally met with a judge. She sat in court wearing an orange jumpsuit, handcuffed and chained. "I felt like a failure," she recalled.³ The judge decided to release her, requiring her to wear an ankle monitor and to appear in court the next day.

When she returned home, harder than trying to explain to her children about the crime that landed her in jail was trying to

HIERARCHY OF HARM

Excerpt from 'In Their Names', chapter 3: Victims Seen and Unseen

the story of Renata Singleton, a Domestic Violence Survivor

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explain that she had actually committed *no* crime. In fact, she was jailed for being a crime *victim*.⁴

Six months before she ended up in jail, her boyfriend had scared her when he grabbed and smashed her cell phone, and so she called the police. They arrived soon after and arrested him without incident for misdemeanor battery and property damage. Renata left the relationship and later told investigators that she did not want to pursue charges. They were no longer a couple and she wanted to move on. The New Orleans District Attorney's Office decided to pursue the misdemeanor case against the ex-boyfriend anyway, and to force Renata to provide courtroom testimony, they arrested and jailed her—and set the bail bond at \$100,000.

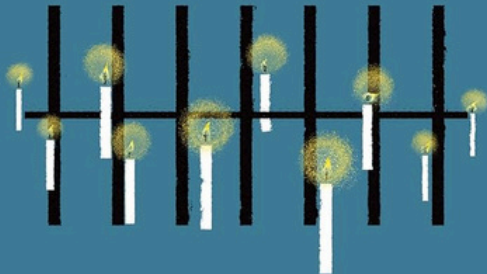
Renata sat in jail, panicked and petrified, for five days, all because the prosecutor wanted to convict someone else. When she appeared in court as promised the day after her release, the case had already been closed; the ex-boyfriend, who had been immediately released on a \$500 bond upon his arrest, had pled guilty and received probation. He never spent a single day in jail.

From that day forward, Renata's relationship with the justice system completely changed. "I probably won't call the police again, as long as it isn't life-threatening," she told the *New Yorker* in 2017.⁵ As shocking as the prosecutor's decision to have Renata arrested and jailed sounds—surely this must have been just one rogue prosecutor with no moral compass—Renata's experience was not isolated. In fact, over a five-year period, from 2012 to 2017, more than 150 *victims* and witnesses to crime were incarcerated by the New Orleans District Attorney's Office.⁶ Nearly all of them were low-income people of color. Many were victims of domestic violence or sexual assault, although victims of human trafficking, gun violence, and other crimes were jailed as well. Some victims, like Renata, were jailed for a few days, while others were incarcerated for months at a time.⁷

When this New Orleans practice came to light, it grabbed national headlines and caused an uproar, including a lawsuit on

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behalf of Renata and other jailed victims. Yet New Orleans is far from the only place where prosecutors have opted to incarcerate victims. Legally, if a prosecutor believes the victim is a material witness to the prosecutor's case and the victim does not want to testify or may not make it to court, the prosecutor can ask the court to issue a warrant and have the victim jailed until the trial date, no matter how damaging the impact of jail is on the victim or the victim's family.

While the frequency of the practice varies widely and many justice officials use less drastic methods to secure victim testimony (including ankle monitors, home detention, and video depositions), the starkest consistency in terms of when victims are jailed is their demographic profile. The victims who get arrested are virtually always low-income people of color who do not have enough money to post bail or to hire their own lawyer to represent their interests or challenge their incarceration. They are arrested *without the right to a court-appointed lawyer* and incarcerated until the trial date, all to ensure the prosecutor can get a conviction.

Legal challenges to jailing victims have revealed dreadful incidents across the country. In 2016, prosecutors in Washington County, Oregon, jailed a victim of sexual misconduct by a prison guard. The victimization happened while she had been previously incarcerated in state prison. The victim's bond was set twenty-five times higher than the bond set for her assailant. He posted bail immediately, while she sat in jail for fifty days, unable to buy her freedom. At trial, he was convicted and sentenced to sixty days in jail, only ten days longer than she had served.⁸

Human trafficking victims as young as thirteen years old have been incarcerated by federal prosecutors in trafficking prosecutions. Victims report suffering immense life consequences as a result of being jailed. Some have lost jobs or homes while they languished in jail; others have suffered mental breakdowns or have experienced extreme anxiety and depression. Their children have been traumatized by their sudden absence, and some victims have even been

A few takeaways:

Domestic violence victims of color are rarely seen as victims if they have a history of criminal activity. Instead, some victims are used as a tool for the prosecution and can be penalized if they don't voluntarily act as a witness for the prosecution.

In a justice system that is marred with racial biases, being seen as a victim is reserved for a privileged few.

In Their Names: The Untold Story of Victims' Rights, Mass Incarceration, and the Future of Public Safety

In Their Names, by Alliance for Safety and Justice President **Lenore Anderson**, busts open the public safety myth that uses victims' rights to perpetuate mass incarceration and offers a formula for what would actually make us safe.

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