



MAJORITY STAFF REPORT
COMMITTEE ON THE JUDICIARY
CHAIRMAN CHARLES E. GRASSLEY
JUNE 5, 2025

REPORT ON THE JUSTICE DEPARTMENT'S OFFICE OF JUSTICE PROGRAMS GRANT AWARDS TO IMPACT
JUSTICE AND SOROS-FUNDED VERA INSTITUTE OF JUSTICE FOR THE ADVANCEMENT OF PROGRESSIVE
PROSECUTOR POLICIES

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

June 5, 2025

Dear Reader:

On April 22, 2025, the Justice Department began issuing notices of grant terminations pursuant to its authority under 2 C.F.R. § 200.340(a)(4).¹ On April 30, 2025, I wrote the Justice Department asking it to explain its plans for any terminated services and how it intended to use the freed-up grant funds.² The Justice Department responded that 93% of the terminated grants impacted non-government entities, and outlined a process through which award recipients could appeal their terminations.³ The Justice Department said it planned to reallocate the funds through new grants that better support law enforcement and crime victims.⁴

I directed my staff to begin looking into some of these redirected funds, resulting in the attached report. This report looks at publicly available records for two recipients of the redirected funds—the Vera Institute of Justice (“Vera”) and Impact Justice. This is just a small sampling of the grant programs scrutinized by the Justice Department, but an inspection of these recipients suggests potentially a much bigger problem in how the Justice Department historically has awarded its grant funds. For example, this report details Vera’s connections to George Soros and the support Vera gave to Soros-backed district attorneys as they redesigned their offices around lenient progressive prosecution policies. These policies placed crime victims last and were voted out of office with the Biden-Harris Administration. Similarly, training materials produced by Impact Justice advocated for far-leaning progressive reforms peppered throughout what should have been routine safety training courses.

If anything, these federally-funded training products raise additional questions about the Biden-Harris Administration’s grant recipients and how they allocated their resources. Even so, the Justice Department has entertained meritorious appeals and reinstated funds to worthy programs. My office will continue to scrutinize both allocations and terminations of grant funds to ensure that victims are being served by the programs funded by tax-payer dollars.

Sincerely,



Charles E. Grassley

¹ Letter from Steven Hough, Department of Justice Office of Legislative Affairs to the Honorable Chuck Grassley (2025), <https://www.grassley.senate.gov/download/doj-to-grassley-grants>.

² Letter from the Honorable Chuck Grassley, United States Senator to the Honorable Pamela J. Bondi, Attorney General (2025), https://www.grassley.senate.gov/imo/media/doc/grassley_to_bondi-grants.pdf

³ Hough, *supra* note 1, at pg. 1.

⁴ *Id.* at pg. 1.

On April 22, 2025, the Trump Justice Department began issuing notices of grant terminations pursuant to its authority under 2 C.F.R. § 200.340(a)(4).¹ The Justice Department reviewed over 5,800 discretionary, competitive grants that had been awarded by the Office of Justice Programs and terminated awards that “failed to effectuate program goals”.² Ninety-three percent of the terminations impacted grants awarded to non-governmental entities.³ According to the Justice Department, “the Department is committed to swiftly closing out the balance of the terminated grants and reallocating available funds through new grants that more effectively support law enforcement operations”⁴

This report examines grants awarded by the Biden-Harris Administration to the Vera Institute of Justice and Impact Justice, which were later canceled by the Trump Administration.

THE VERA INSTITUTE OF JUSTICE

I. The Vera Institute of Justice Identified District Attorneys as Possessing “An Unrivaled Level of Influence Within the Criminal Justice System.”

District Attorneys (also known as County Attorneys, Commonwealth Attorneys, or Circuit Attorneys) are elected officials responsible for prosecuting local crimes in their jurisdiction. The Vera Institute of Justice (“Vera”) determined that “prosecutors in the United States have an unrivaled level of influence within the criminal justice system.”⁵ District attorneys and their Assistant/Deputy Attorneys decide whether to file criminal charges, choose which defendants are charged, select the number and severity of offenses charged, and what plea offer to make and sentence to recommend for the defendant upon conviction.

Vera sought out district attorney offices to influence.⁶

II. The Vera Institute of Justice: George Soros-funded Progressive Prosecutor Programing.

The Vera Institute of Justice describes its mission as “to end the overcriminalization and mass incarceration of people of color, immigrants, and people.”⁷ Among other things, Vera’s efforts include “disrupting the criminalization and deportation of immigrants and their families.”⁸ From 2022 through 2023, it reportedly received \$6.75 million in contracts from the

¹ Letter from Steven Hough, Department of Justice Office of Legislative Affairs to the Honorable Chuck Grassley (2025), <https://www.grassley.senate.gov/download/doj-to-grassley-grants>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Wayne McKenzie, Don Stemen, Derek Coursen, and Elizabeth Farid, *Prosecution and Racial Justice Using Data to Advance Fairness in Criminal Prosecution*, VERA INST. OF JUST. (Mar. 2009), <https://vera-institute.files.svdcdn.com/production/downloads/publications/Using-data-to-advance-fairness-in-criminal-prosecution.pdf>.

⁶ *Reshaping Prosecution Initiative*, VERA INST. OF JUST. (last accessed June 2, 2025), <https://www.vera.org/ending-mass-incarceration/criminalization-racial-disparities/prosecution-reform/reshaping-prosecution-initiative>.

⁷ IRS Form 990, *Vera Inst. of Just. Inc.*, (2022), <https://vera-institute.files.svdcdn.com/production/downloads/2022-form-990.pdf>.

⁸ *Id.* at 4.

Biden Administration's Department of Justice.⁹ It also receives large donations from left-of-center organizations.¹⁰ For example, Vera received \$15,000,000 "to support scaling plan" from Blue Meridian Partner, Inc.¹¹ It received an additional \$10,000,000 from the Open Society Foundations (founded by George Soros)¹² "to support Vera's Campaign for Criminal Justice Reform."¹³ This campaign involves targeting district attorney's offices for progressive reforms.

In 2005, Vera Director Nick Turner approached three district attorneys for permission to research how charging decisions implicated race in their offices: Mike McCann from Milwaukee, Bonnie Dumanis from San Diego, and Peter Gilchrest from Mecklenburg County, North Carolina.¹⁴ Vera's efforts centered on "conducting the first internal review of data from a D.A.'s office focused on racial disparity."¹⁵

"In 2017, Vera launched the Reshaping Prosecution initiative in response to a wave of reform prosecutors winning offices across the country."¹⁶ This wave of newly-elected "reform" prosecutors was at least partially the result of George Soros's political efforts and funding. Once Soros-backed prosecutors won their elections, many entered into agreements with Soros-backed Vera to restructure the District Attorney's office.

Vera has significant connections to George Soros. For example, in 2011 Vera named Whitney Tymas director of its Prosecution and Racial Justice Program, which was designed to work with district attorney's offices to effectuate reforms.¹⁷ Tymas is listed as "Treasurer" or "President" for Soros funded PACs, including The Safety & Justice PAC (\$6.99m from Soros)¹⁸

⁹ *Influence Watch: Vera Institute of Justice*, INFLUENCE WATCH, (last Accessed May 25, 2025), <https://www.influencewatch.org/non-profit/vera-institute-of-justice/>.

¹⁰ *Id.*

¹¹ ProPublica, "Blue Meridian Partners Inc." *Return of Organization Exempt From Income Tax*, (Form 990). 2020. Schedule I. <https://projects.propublica.org/nonprofits/organizations/815086187/202211229349300626/full>; ProPublica, "Blue Meridian Partners Inc." *Return of Organization Exempt From Income Tax*, (Form 990). 2021. Schedule I. <https://projects.propublica.org/nonprofits/organizations/815086187/202312279349302816/full>.

¹² Open Society Foundations, *Who We Are* (2025), <https://www.opensocietyfoundations.org/who-we-are>.

¹³ Open Society Foundations, *Awarded Grants* (last accessed May 25, 2025), https://www.opensocietyfoundations.org/grants/past?filter_keyword=vera+institute+of+justice+&grant_id=OR2016-28695.

¹⁴ John Chisholm, *Examining the "System" in Criminal Justice Reform, Part 2: Measuring Justice with Primitive Scales*, MARQ. UNIV. L. SCH. FAC. BLOG (Apr. 21, 2025), <https://law.marquette.edu/facultyblog/2025/04/examining-the-system-in-criminal-justice-reform-part-2-measuring-justice-with-primitive-scales/>.

¹⁵ John Chisholm, *Examining the "System" In Criminal Justice Reform, Part I: Cleveland and the Milwaukee County Community Justice Council*, MARQ. UNIV. L. SCH. FAC. BLOG, (Mar. 20, 2025) <https://law.marquette.edu/facultyblog/2025/03/examining-the-system-in-criminal-justice-reform-part-i-cleveland-and-the-milwaukee-county-community-justice-council/>.

¹⁶ Akhi Johnson, et. al., *Pushing Forward: Prosecution Reforms and Racial Equity Across Six Counties*, at 2, VERA INST. OF JUST. (July 2023), <https://vera-institute.files.svdcn.com/production/downloads/publications/Pushing-Forward-Prosecution-Reform-and-Racial-Equity-across-Six-Counties-20230719-FINAL.pdf> [hereinafter "2023 Vera Reshaping Prosecution Report"].

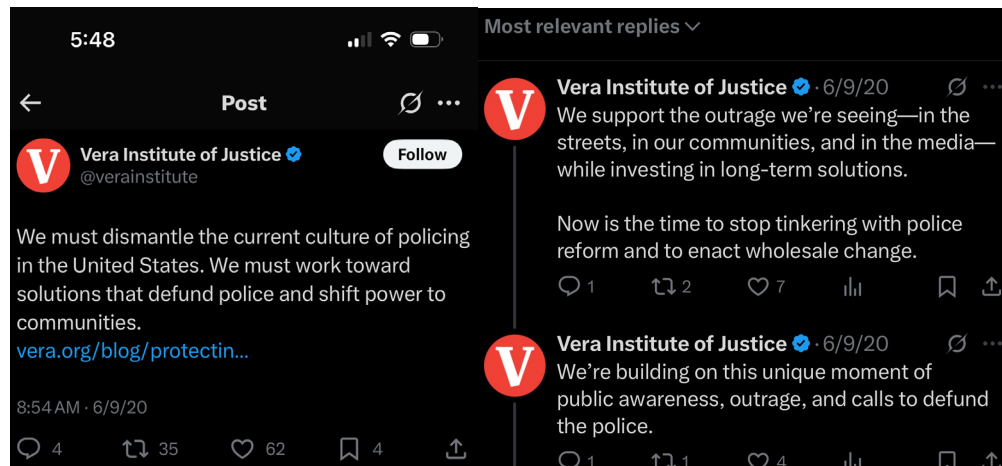
¹⁷ *Whitney Tymas Named Director Of Prosecution and Racial Justice Program*, VERA INST. OF JUST. (June 8, 2011), <https://www.vera.org/newsroom/whitney-tymas-named-director-of-prosecution-and-racial-justice-program>.

¹⁸ *Safety & Justice*, PROPUBLICA 527 EXPLORER (last accessed May 26, 2025), <https://projects.propublica.org/527-explorer/orgs/811292286>.

and Justice & Public Safety PAC (\$25.4m from Soros).¹⁹ According to reported PAC expenditures, the Soros-backed PACs paid public relations firms for “direct mail”, “data costs”, or “television advertisements” that supported progressive district attorney candidates or attacked their opponents.²⁰ The Justice & Public Safety PAC’s 2018, 2021, and 2023 Form 990 Tax Exemption filing describes the organization’s “mission” as “making expenditures to support candidates for district attorney.”²¹

In 2020, Vera expanded its efforts to include its “Motion for Justice” campaign. It partnered with district attorney’s offices to design criminal diversion programs.²² “These bold models had three common criteria: no exclusions of people based on criminal legal system history, no imposed fines and fees, and no requirement of a guilty plea to participate.”²³ Vera kicked off its Motion for Justice campaign by entering into formal partnerships with nine prosecutor offices for two years.²⁴

During this time, Vera vocally advocated to “defund police” and “support[ed] the outrage we’re seeing—in the streets, in our communities, and in the media...”



¹⁹ ProPublica, *Justice & Public Safety PAC*, 527 Explorer (last accessed May 26, 2025), <https://projects.propublica.org/527-explorer/orgs/815457317>.

²⁰ *Id.*

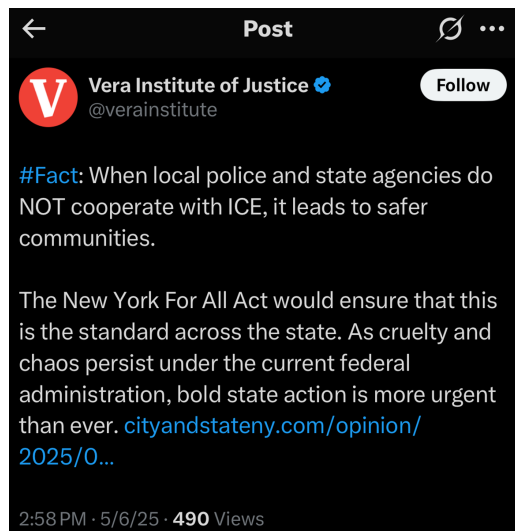
²¹ 2018 Form 990, *Justice & Public Safety PAC*, PROPUBLICA 527 EXPLORER, <https://forms.irs.gov/app/pod/basicSearch/downloadFile?formId=815457317-990POL-01&formType=p990>; 2021 Form 990, *Justice & Public Safety PAC*, PROPUBLICA 527 EXPLORER, 2018 Form 990, *Justice & Public Safety PAC*, PROPUBLICA 527 EXPLORER, <https://forms.irs.gov/app/pod/basicSearch/downloadFile?formId=815457317-990POL-03&formType=p990>; I.R.S., *Justice and Public Safety PAC*, Form 990, <https://forms.irs.gov/app/pod/basicSearch/downloadFile?formId=815457317-990POL-04&formType=p990>.

²² *Reshaping Prosecution Initiative*, VERA INST. OF JUST. (last accessed June 2, 2025), <https://www.vera.org/ending-mass-incarceration/criminalization-racial-disparities/prosecution-reform/reshaping-prosecution-initiative>.

²³ *What Would This Partnership With Vera Look Like For Your Office?*, VERA INST. OF JUST. (last accessed May 26, 2025), <https://vera-institute.files.svdcn.com/production/downloads/Motion-for-Justice-RFP-Partnership-Overview.pdf>.

²⁴ Meghan Nayak, et. al., *Motion for Justice: Lessons From Building Equitable Prosecutor-Initiated Diversion Programs With Community Partners*, VERA INST. OF JUST. (May 2025), <https://vera-institute.files.svdcn.com/production/downloads/publications/Motion-for-Justice-Report.pdf>.

Vera also uses its platform to encourage local police and state agencies to refuse to cooperate with U.S. Immigration and Customs Enforcement officials (ICE).



The below examples illustrate Soros-backed Vera’s unprecedented access and influence in progressive prosecutor offices.

A. John Chisholm and the Milwaukee County District Attorney’s Office

Milwaukee DA John Chisholm inherited his relationship with Vera from his predecessor, Mike McCann.²⁵ Chisholm served as District Attorney from 2007 to 2025, with campaign support from George Soros’s Safety & Justice PAC.²⁶ Soros’s PAC made at least one identifiable payment to Berlin Rosen, LTD for campaign materials supporting Chisholm.

John Chisholm	
Wisconsin Independent Expenditure - Media Buy & Production Costs to Support Citizens for Chisholm (7/25/16) (Safety & Justice PAC)	\$21,120

In 2007, Chisholm gave Soros-backed Vera “unrestricted access to the Milwaukee County Attorney’s office data to assess whether individual charging decisions were, in aggregate, proportional and fair.”²⁷ Vera sent a former Brooklyn prosecutor named Wayne McKenzie. Together, they developed a progressive prosecution policy. McKenzie touted DA Chisholm’s case declinations in a 2009 paper:

In the earlier example from Milwaukee County, District Attorney John Chisholm encouraged staff to view possession of crack cocaine paraphernalia less as a criminal matter than as evidence that the arrested individual had a problem with

²⁵ Chisholm, *supra* note 14.

²⁶ FED. ELECTION COMM’N, “Safety & Justice”, DISBURSEMENTS (last accessed May 26, 2025) https://www.fec.gov/data/disbursements/?committee_id=C00616094&two_year_transaction_period=2016&data_type=processed.

²⁷ Chisholm, *supra* note 14.

drug abuse. He enacted a policy that directed staff to decline these cases whenever it was reasonable to do so and to refer the arrested individuals to drug treatment.

Chisholm reportedly told the Milwaukee Sentinel-Journal in 2007 he expected people to die from his progressive policies. “Is there going to be an individual I divert, or I put into treatment program, who’s going to go out and kill somebody? You bet. Guaranteed. It’s guaranteed to happen. It does not invalidate the overall approach.”²⁸

Chisholm accurately predicted the consequences of his progressive policies. On July 27, 2020, Chisholm’s office charged Darrell Brooks, Jr. with two counts of Second Degree Recklessly Endangering Safety and Felon in Possession of a Firearm. According to the Criminal Complaint, Brooks had gotten into a physical altercation with his nephew.²⁹ After the fight, Brooks’s nephew got into a vehicle to leave, at which point Brooks pulled out a gun and fired a shot at the vehicle. Chisholm’s office released Brooks on bail. On November 2, 2021, Brooks used a car to run over the mother of his child while she was walking through a gas station parking lot.³⁰ According to the Criminal Complaint, the victim had visible tire tracks on her left pants leg.³¹ Chisholm’s office released Brooks on a \$1,000 bond.³² Days later, on November 21, 2021, Brooks drove an SUV through the annual Christmas Parade in Milwaukee killing 6 people and injuring 62 others.³³

B. Kimberly Gardner and the St. Louis Circuit Attorney’s Office

In November 2016, Kimberly Gardner was elected Circuit Attorney for St. Louis, Missouri “on the promise to redress the scourge of historical inequality and rebuild trust in the criminal justice system among communities of color.”³⁴ Her 2016 campaign was heavily financed by George Soros’s Safety & Justice PAC, which paid public relations firm Berlin Rosen, LTD and Abacus Associates, Inc. at least \$206,000 for Gardner campaign materials.³⁵

Kimberly Gardner, St. Louis Circuit Attorney	
Nonfederal in-kind design services to support citizens to elect Kimberly Gardner (7/28/16) (Safety & Justice PAC)	\$500
Nonfederal in-kind postage to support citizens to elect Kimberly Gardner (7/25/16) (Safety & Justice PAC)	\$740.79

²⁸ Sam Dorman, *Meet The ‘Progressive’ Prosecutor Who Gave Waukesha Parade Suspect Darrell Brooks ‘Inappropriately Low’ Bail* FOX NEWS (Nov. 23, 2021), <https://www.foxnews.com/us/john-chisholm-milwaukee-district-attorney>.

²⁹ Crim. Complaint, *Wisconsin v. Brooks*, 2020CF002550, Doc. No. 2 at 2 (July 28, 2020).

³⁰ Ralph Ellis, *The Suspect in the Waukesha Parade Tragedy Was Out on Bond After Allegedly Running Over a Woman Earlier This Month*, CNN (Nov. 23, 2021), <https://www.cnn.com/2021/11/22/us/what-we-know-about-suspect-in-waukesha-parade-tragedy>.

³¹ *Id.*

³² *Id.*

³³ Jonathan Franklin, *The Waukesha Death Toll Rises to 6, and the Suspect Faces Homicide Charges*, NPR (Nov. 23, 2021), <https://www.npr.org/2021/11/23/1058682836/waukesha-charges-against-suspect-darrell-brooks>.

³⁴ Complaint, *Gardner v. City of St. Louis, et al.*, 4:20-cv-00060, Doc. No. 1 at ¶¶ 5, 7 (E.D. Missouri Jan. 30, 2020).

³⁵ FEDERAL ELECTION COMM’N, *Safety & Justice PAC*, DISBURSEMENTS (last accessed May 27, 2025), <https://www.fec.gov/data/committee/C00616094/?tab=spending&cycle=2016#disbursement-transactions>

Nonfederal in-kind photography to support citizens to elect Kimberly Gardner (9/27/16) (Safety & Justice PAC)	\$2,394.23
Nonfederal in-kind travel and production expenses to citizens to elect Kimberly Gardner (7/19/16) (Safety & Justice PAC)	\$3,928.52
Nonfederal in-kind radio advertisement to support citizens to elect Kimberly Gardner (7/28/16) (Safety & Justice PAC)	\$6,100
Nonfederal in-kind online advertising to support citizens to elect Kimberly Gardner (7/19/16) (Safety & Justice PAC)	\$11,764.71
Nonfederal in-kind data to support citizens to elect Kimberly Gardner (7/28/16) (Safety & Justice PAC)	\$12,129.81
Nonfederal in-kind polling services to support citizens to elect Kimberly Gardner (7/28/16) (Safety & Justice PAC)	\$12,812.50
Nonfederal in-kind radio advertisement costs to support citizens to elect Kimberly Gardner (7/28/16) (Safety & Justice PAC)	\$15,560
Nonfederal in-kind media production costs to support citizens to elect Kimberly Gardner (8/11/16) (Safety & Justice PAC)	\$17,404.67
Nonfederal in-kind direct mail to support citizens to elect Kimberly Gardner (7/28/16) (Safety & Justice PAC)	\$21,797.77
Nonfederal in-kind direct mail to support citizens to elect Kimberly Gardner (7/25/16) (Safety & Justice PAC)	\$23,807.58
Nonfederal in-kind direct mail to support citizens to elect Kimberly Gardner (7/22/16) (Safety & Justice PAC)	\$25,738.86
Nonfederal in-kind media buy to support citizens to elect Kimberly Gardner (7/19/16) (Safety & Justice PAC)	\$52,000
Total	\$206,679.44

Gardner found an enthusiastic partner for her progressive reforms in the Vera Institute of Justice. Gardner began working with Vera in 2017 stating, “we’ve expanded diversion programs, declined to prosecute low level cases, [and] decreased the number of people held on cash bail”³⁶ Together, they launched a pilot of Vera’s Reshaping Prosecution Initiative from 2017 to 2019.³⁷

In 2021, Gardner announced a pilot partnership with Vera as part of their “Motion for Justice Initiative.”³⁸ Gardner gave Vera access to her office’s “Prosecutor by Karpel” database and allowed Vera to transfer information for off-site review. Using this sensitive information, Vera developed policy recommendations and trainings for St. Louis prosecutors. In one two-hour

³⁶ Akhi Johnson and Stephen Roberts, *Reshaping Prosecution in St. Louis: Lessons from the Field*, VERA INST. OF JUST. at 3 (October 2020).

³⁷ 2023 VERA *Reshaping Prosecution Report* at 2.

³⁸ Kim Gardner Report at 14; Dana Rieck, *Gardner partners with Vera Institute to reduce racial disparities in legal system*, ST. LOUIS AM., https://www.stlamerican.com/business/business_news/gardner-partners-with-vera-institute-to-reduce-racial-disparities-in-legal-system/article_b9e54fc4-98a8-11ebb0a5-8bb4ab88394f.html; Maya Brady, *Vera Institute Partners with First for 10 New Prosecutors to Reduce Racial Disparities in Prosecution by 20 Percent; Others Invited to Apply to Reshaping Prosecutors Program*, VERA INST. MEDIA CENTER (April 6, 2021), <https://www.vera.org/newsroom/vera-institute-partners-with-first-of-10-new-prosecutors-offices-to-reduce-racial-disparities-in-prosecution-by-20-percent-others-invited-to-apply-to-reshaping-prosecution-program>.

multimedia training, Vera argued that mass incarceration was a problem that St. Louis prosecutors had the power to fix.³⁹

Under the guidance of the Vera Institute, criminal prosecutions in St. Louis plummeted. In 2013, the Circuit Attorney's Office had filed 9,129 cases, 3,334 of which were felonies.⁴⁰ By 2022, the office filed 3,123 cases, 1,194 of which were felonies.⁴¹ This marked about a 66% reduction in all filed cases. "At the end of 2022, the St. Louis Metropolitan Police Department had reportedly submitted more than 4,000 cases that Ms. Gardner had failed to review for charges."⁴² The St. Louis Circuit Attorney's Office fell into complete disarray. On July 14, 2021, the St. Louis City Court took the extraordinary step of dismissing pending murder charges due to the Circuit Attorney's office's repeated failure to appear and produce discovery.⁴³ The court stated the Circuit Attorney's office had "essentially abandoned its duty to prosecute those it charged with crimes."⁴⁴

Instead of prosecuting criminals, Gardner filed unfounded allegations against local law enforcement. In 2020, Gardner filed a complaint against the city of St. Louis and other local law enforcement elements alleging a racist conspiracy to thwart her reform efforts and minority civil rights.⁴⁵ In dismissing Gardner's lawsuit, the court described it "as a conglomeration of unrelated claims and conclusory statements supported by very few facts, which do not plead any recognizable cause of action."⁴⁶ However, Vera publicly supported Gardner's lawsuit:



³⁹ Kim Gardner Report at 15.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ Kim Gardner Report at 16-17.

⁴⁴ *Id.*

⁴⁵ *Gardner v. City of St. Louis*, 2020 U.S. Dist. LEXIS 179891, *4 (E.D. Mo. Sept. 30, 2020).

⁴⁶ *Id.* at *3.

In 2023, the Missouri Attorney General's Office released the "Kim Gardner Report", which described Gardner's partnership with Vera as "a disastrous experiment" that "unmoored the office from sound law enforcement practices."⁴⁷ The report found:

- The Vera Institute recommended Gardner's office drop consideration of "taken under advisement" (TUA) cases on the grounds that delayed prosecutions created confusion.⁴⁸ TUA cases are neither refused nor accepted, but placed on a temporary TUA status while the office assessed the viability of the evidence. Vera advised Gardner to refuse these cases resulting in the dismissal of approximately 25,000 pending TUA cases.
- "[T]he Vera Institute bragged that the CAO [County Attorney's Office] increased its refusal rate to prosecute felony charges from an alarmingly high baseline of 49% in 2016 to an even higher 55% by 2019 (non-prosecutions of misdemeanors spiked to two-thirds)."⁴⁹
- "Here, it appears that the degree of influence that the Vera Institute wielded over Ms. Gardner, in support of her endeavors in office, may have influenced decisions not to charge various offenses in the city."⁵⁰

Missouri Attorney General Bailey later exposed the Biden Justice Department's collaboration with the Vera Institute in a June 13, 2024 hearing before the House Judiciary Committee.⁵¹

President Biden's Department of Justice is in lock step with radicals like George Soros and is actively funding groups like the Vera Institute that are turning our streets into war zones. The Vera Institute, a progressive organization dedicated to undermining criminal prosecution in the United States, receives tens of millions of dollars in Federal funds annually. My lawsuit to remove the prosecutor in the city of St. Louis uncovered the disastrous relationship between her office and the Vera Institute that resulted in more than a 90 percent non-prosecution rate of reported crimes.

On February 23, 2022, Attorney General Bailey petitioned to remove Gardner from office.⁵² The petition alleged "the circuit court has been forced to dismiss more than 2,700 cases, often because of [Gardner's] inexplicable failure to provide defendant's with discovery and a speedy trial."⁵³ It went on to note that Gardner had forced her office to dismiss more than 9,000

⁴⁷ Mo. Att'y Gen.'s Office, Kim Gardner Report at 7.

⁴⁸ Gardner Report at 57.

⁴⁹ *Id.* at 58.

⁵⁰ *Id.* at 59.

⁵¹ Oral Testimony, The Hon. Andrew Bailey, Mo. Att'y General, Hearing Before The Committee On The Judiciary U.S. House of Representatives 118th Cong. 2d Session (June 13, 2024), <https://www.govinfo.gov/content/pkg/CHRG-118hhrg56097/html/CHRG-118hhrg56097.htm>.

⁵² Petition in Quo Warranto, *Missouri v. Gardner*, Case No. 2322-CC00383 (Feb. 23, 2022), <https://ago.mo.gov/wp-content/uploads/amended-petition-in-quo-warranto.pdf>.

⁵³ *Id.* at ¶ 3.

cases and had a backlog of more than 3,500 pending warrant applications.⁵⁴ The office allegedly left warrants unprocessed for eight-month stretches.⁵⁵

The Attorney General pointed in part to Vera’s interference with the office as cause for its failures. At Vera’s advisement, Gardner dismissed approximately 25,000 cases, which were on hold for a pre-charging evidentiary review, and adopted a policy of reviewing potential cases based on the “beyond a reasonable doubt” standard instead of the typical “probable cause” standard.⁵⁶ Below is just a sampling of defendants identified by the Attorney General that Gardner failed to adequately prosecute:

- Malik Ross — on August 12, 2019, Ross exchanged words with two men sitting on the porch of a residence.⁵⁷ Ross pulled out a Glock handgun from his waistband and fired 14 shots while running down the street. One of the shots hit a seven-year-old who was pronounced dead later that day. “The police presented the evidence to [Gardner’s office] and, after extensive follow-up work requested by the Circuit Attorney’s Office, the police again presented the evidence for a charging decision.” The Attorney General’s Petition alleges Gardner’s office never followed up.
- Jaylynn Garner — On October 29, 2018, Jaylynn shot and killed a retired police sergeant during a carjacking.⁵⁸ Gardner’s office charged Jaylynn with murder but at the time of the Attorney General’s Petition, the case had been pending for 1,063 days and was not set for trial.
- Daniel Riley — On February 13, 2023, Riley drove his car into another car and struck a teenage athlete who lost both her legs from injuries sustained.⁵⁹ At the time, Riley was out on bond for separate charges. Gardner claimed her office had moved for a bond revocation on December 12, 2021, prior to the accident, and that the request had been denied by the Judge. However, Gardner’s claimed motion to revoke did not appear on the court docket and no court proceeding occurred on December 12, 2021, which was a Sunday.

As the Attorney General noted, crime rates did not decrease during Gardner’s term in office; “Instead, St. Louis has consistently ranked among the nation’s most dangerous cities.”⁶⁰

C. Rachael Rollins and the Suffolk County District Attorney’s Office

In January 2019, Rachael Rollins was sworn in as the District Attorney for Suffolk County, Massachusetts (SCDAO).⁶¹

⁵⁴ *Id.* at ¶¶ 4, 210

⁵⁵ *Id.* at ¶ 211.

⁵⁶ *Id.* at ¶¶ 232-38.

⁵⁷ *Id.* at ¶¶ 242-47.

⁵⁸ *Id.* at ¶¶ 622-26.

⁵⁹ *Id.* at ¶¶ 154-65.

⁶⁰ *Id.* at ¶ 260.

⁶¹ 2023 VERA *Reshaping Prosecution Report* at 33.

Three months after Rollins took office, she released a 66-page policy memo instructing prosecutors to decline prosecution of 15 different crimes.⁶² In July 2020, Rollins partnered with Vera as part of their Reshaping Prosecution Initiative. As part of this partnership, she granted Vera access to six-years' worth of prosecutorial case data (2014-2019) from the SCDAO's internal data system.⁶³ Under Rollins's leadership, Vera was given broad authority to re-design the SCDAO office by creating a new screening unit "whose sole task is to review cases and related arraignment and discovery preparation before making final decisions, which would likely result in the arraignment of fewer cases."⁶⁴ However, in July 2021, President Biden nominated Rollins to serve as United States Attorney for the District of Massachusetts.⁶⁵ Rollins squeaked by in her confirmation, with then-Vice President Harris casting the tie-breaking vote confirming Rollins to the U.S. Attorney position.⁶⁶ The Governor appointed Kevin Hayden to replace Rollins as Suffolk County District Attorney.⁶⁷ It appears that under Hayden's leadership Vera was given less control over the SCDAO and the Vera reorganization of the office was abandoned.⁶⁸ Rollins later complained to a Boston Globe reporter that the Suffolk County District Attorney's Office "had several key Public Private Partnership [sic] that I had created and cultivated – private industry came to me due to my agenda and platform – that [Hayden] jeopardizes [sic] and/or lost because of his arrogance or ignorance, or both[.]"⁶⁹ It is unclear whether she considered the office's partnership with Vera to be among those jeopardized.

Rollins then abused her position as U.S. Attorney to influence the Suffolk County District Attorney election. In 2023, the Justice Department Office of Inspector General found that Rollins used her position as U.S. Attorney to tarnish the campaign of Interim Suffolk County District Attorney Kevin Harden and bolster her desired candidate, Ricardo Arroyo.⁷⁰ The report found that "Ms. Rollins was a de facto campaign advisor to Ricardo Arroyo" and that "as part of an effort to harm the campaign of Mr. Arroyo's opponent, incumbent DA Kevin Hayden, Ms. Rollins gave reporters non-public DOJ information so that they would report that Mr. Hayden was facing a potential DOJ investigation."⁷¹ Rollins leaked this information after receiving a text from Arroyo that announcement of a DOJ investigation into Hayden would be "the best thing I can have happen at this moment."⁷² The OIG found that Rollins violated 18 U.S.C. § 1001 by knowingly and willfully making false statements to the OIG when she claimed she was not the

⁶² 2023 VERA *Reshaping Prosecution Report* at 33.

⁶³ 2023 VERA *Reshaping Prosecution Report* at 32.

⁶⁴ 2023 VERA *Reshaping Prosecution Report* at 33.

⁶⁵ 2023 VERA *Reshaping Prosecution Report* at 33.

⁶⁶ Nate Raymond, *U.S. Senate Narrowly Confirms Biden's Progressive Pick for Massachusetts Prosecutor*, REUTERS (Dec. 8, 2021), <https://www.reuters.com/legal/government/us-senate-narrowly-confirms-bidens-progressive-pick-massachusetts-prosecutor-2021-12-08/>.

⁶⁷ Jazmine Ulloa, *Two Democrats Vying for D.A. in Boston are Mired in Scandal*, THE NEW YORK TIMES (Sept. 6, 2022), <https://www.nytimes.com/2022/09/06/us/politics/suffolk-county-district-attorney.html>.

⁶⁸ *Id.*

⁶⁹ Dep't of Just. Off. of Inspector Gen., *An Investigation of Alleged Misconduct by United States Attorney Rachael Rollins* at 29, U.S. DEP'T OF JUST. (May 2023), <https://oig.justice.gov/sites/default/files/reports/23-071.pdf> [hereinafter "Rollins OIG Rpt."]

⁷⁰ Rollins OIG Rpt. at 10.

⁷¹ Rollins OIG Rpt. at 9.

⁷² *Id.*

federal law enforcement source for negative reporting against Hayden.⁷³ Rollins resigned in May 2023.⁷⁴

D. Steve Descano and Fairfax Commonwealth Attorney's Office

In November 2019, Steve Descano was elected Fairfax Commonwealth Attorney.⁷⁵ According to Federal Election Commission records, Descano received at least \$589,000 in campaign support from Soros' Safety & Justice PAC in 2019.⁷⁶ The Virginia Public Access Project reports that Descano has received \$627,653 from Soros's Justice and Public Safety PAC.⁷⁷

Steve Descano, Fairfax Commonwealth Attorney	
Nonfederal in-kind direct mail to friends of Steve Descano (6/20/19) (Safety & Justice PAC)	\$35.69
Nonfederal in-kind direct mail to friends of Steve Descano (6/20/19) (Safety & Justice PAC)	\$146.39
Nonfederal in-kind direct mail to friends of Steve Descano (6/20/19) (Safety & Justice PAC)	\$146.39
Nonfederal in-kind digital ad production to friends of Steve Descano (5/28/19) (Safety & Justice PAC)	\$500
Nonfederal in-kind direct mail to friends of Steve Descano (6/20/19) (Safety & Justice PAC)	\$545.82
Nonfederal in-kind direct mail to friends of Steve Descano (6/20/19) (Safety & Justice PAC)	\$587.38
Nonfederal in-kind website production to friends of Steve Descano (11/5/19) (Safety & Justice PAC)	\$2,000
Nonfederal in-kind direct mail to friends of Steve Descano (6/20/19) (Safety & Justice PAC)	\$2,306.53
Nonfederal in-kind digital ad production to friends of Steve Descano (5/28/19) (Safety & Justice PAC)	\$2,367.50
Nonfederal in-kind literature to friends of Steve Descano (6/20/19) (Safety & Justice PAC)	\$2,770
Nonfederal in-kind polling to friends of Steve Descano (6/20/19) (Safety & Justice PAC)	\$3,000
Nonfederal in-kind literature to friends of Steve Descano (5/29/19) (Safety & Justice PAC)	\$3,276

⁷³ *Id.* at 86.

⁷⁴ Alanna Durkin Richer and Eric Tucker, *Massachusetts US Attorney Rachael Rollins Formally Resigns In Wake of Ethics Probe*, ASSOCIATED PRESS (May 19, 2023), <https://apnews.com/article/rachael-rollins-massachusetts-us-attorney-resigns-42f9111ea4aedbcc6a1ba9f6313cfe6e>.

⁷⁵ Zack Smith and Charles Stimson, *Meet Steve Descano, the Rogue Prosecutor Whose Policies Are Wreaking Havoc In Fairfax County, Virginia*, THE HERITAGE FOUNDATION (Dec. 14, 2020), <https://www.heritage.org/crime-and-justice/commentary/meet-steve-descano-the-rogue-prosecutor-whose-policies-are-wreaking>.

⁷⁶ FED. ELECTION COMM'N, *Justice & Public Safety PAC, total disbursements 2019-2020* (last accessed May 27, 2025), <https://www.fec.gov/data/committee/C00651505/?tab=spending&cycle=2020#disbursement-transactions>.

⁷⁷ VIRGINIA PUBLIC ACCESS PROJECT, *Steve Descano* (last accessed June 3, 2025), https://www.vpap.org/candidates/264194/top_donors/.

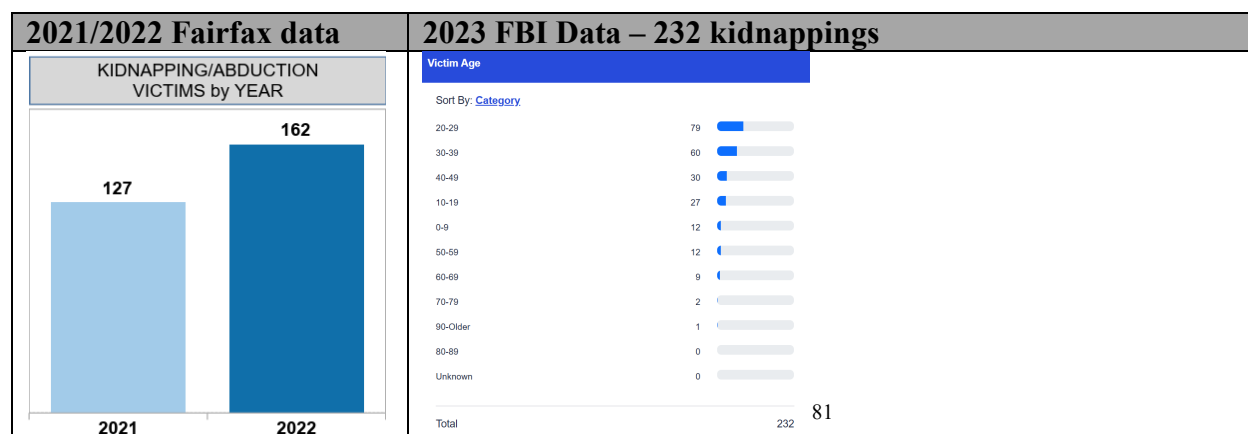
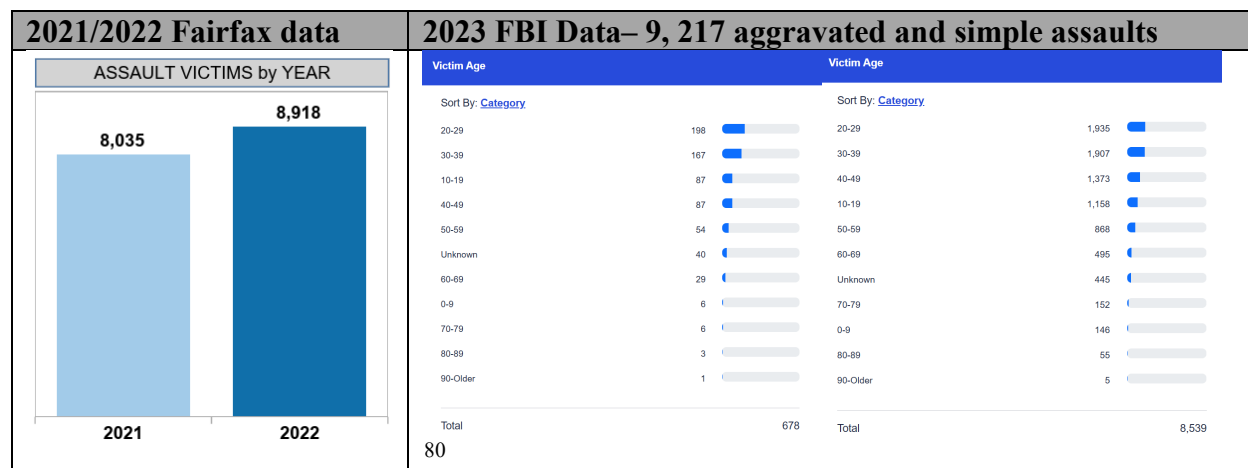
Nonfederal In-Kind Polling to Friends of Steve Descano (5/29/19) (Safety & Justice PAC)	\$4,000
Nonfederal in-kind research to friends of Steve Descano (2/11/19) (Safety & Justice PAC)	\$9,500
Nonfederal in-kind research to friends of Steve Descano (2/13/19) (Safety & Justice PAC)	\$9,625
Nonfederal in-kind direct mail to friends of Steve Descano (7/9/19) (Safety & Justice PAC)	\$17,860.12
Nonfederal in-kind ad buy to friends of Steve Descano (5/28/19) (Safety & Justice PAC)	\$20,000
Nonfederal in-kind research to friends of Steve Descano (6/10/19) (Safety & Justice PAC)	\$21,032.80
Nonfederal in-kind direct mail to friends of Steve Descano (5/22/19) (Safety & Justice PAC)	\$30,072.73
Nonfederal in-kind direct mail to friends of Steve Descano (7/9/19) (Safety & Justice PAC)	\$30,823.89
Nonfederal in-kind direct mail to friends of Steve Descano (5/29/19) (Safety & Justice PAC)	\$30,823.89
Nonfederal in-kind polling to friends of Steve Descano (3/4/19) (Safety & Justice PAC)	\$32,385
Nonfederal in-kind direct mail to friends of Steve Descano (5/29/19) (Safety & Justice PAC)	\$32,725.44
Nonfederal in-kind direct mail to friends of Steve Descano (5/29/19) (Safety & Justice PAC)	\$32,889.68
Nonfederal in-kind direct mail to friends of Steve Descano (7/9/19) (Safety & Justice PAC)	\$33,241.45
Nonfederal in-kind direct mail to friends of Steve Descano (5/7/19) (Safety & Justice PAC)	\$35,371.92
Nonfederal in-kind direct mail to friends of Steve Descano (5/7/19) (Safety & Justice PAC)	\$68,578.29
Nonfederal in-kind direct mail to friends of Steve Descano (12/4/19) (Safety & Justice PAC)	\$68,578.29
Nonfederal digital ad production and buy to friends of Steve Descano (5/2/19) (Safety & Justice PAC)	\$93,873.48
Total	\$589,063.68

On July 14, 2021, County Attorney Steve Descano announced Fairfax County's partnership with Soros-backed Vera as part of the "Motion for Justice" initiative.⁷⁸ Fairfax County saw a rise in assaults and kidnappings during its partnership with Vera.⁷⁹ Fairfax County

⁷⁸ Press Release, Commonwealth of Virginia County of Fairfax, *Fairfax Commonwealth's Attorney Steve Descano Announces Data Collaboration With Leading Reform Experts, Academics To Identify And Address Disparities In Local Justice System*, (July 14, 2021), <https://www.fairfaxcounty.gov/commonwealthattorney/ca-descano-announces-data-collaboration-leading-reform-experts-academics-identify-and-address>.

⁷⁹ FAIRFAX COUNTY POLICE DEPARTMENT, Statistical Report Calendar Years 2021 & 2022.

has reported crime statistics for 2021-2022. The below numbers for 2023 are taken from the FBI crime data.



In addition to joining Vera’s Motion for Justice program, Fairfax County also adopted Vera’s advocated immigration policies. In 2021, the Fairfax County Board of Supervisors voted 12 to 1 for a “Trust Policy” that prohibited local law enforcement from cooperating with ICE without a judicial warrant.⁸² County Attorney Descano promised to “make charging and plea decisions that limit or avoid immigration consequences.”⁸³

⁸⁰ These graphs were generated by screening the FBI data for simple and aggravated assaults, Virginia, Fairfax County Police Department and applying the time range of January 2023 through January 2024. The graph looks at the reported victims.

⁸¹ These graphs were generated by screening the FBI data for kidnapping, Virginia, Fairfax County Police Department and applying the time range of January 2023 through January 2024. The graph looks at the reported victims.

⁸² Ara Q. Nomani, *Inmate No. 2106581 At Center OF Immigration Battle*, FAIRFAX COUNTY TIMES (Dec. 20, 2024), https://www.fairfaxtimes.com/articles/inmate-no-2106581-at-center-of-immigration-battle/article_2288814a-be34-11ef-b794-4ba3e205c3e6.html (this policy was also defended by the Virginia director of CASA).

⁸³ *Community*, Steve Descano Democrat for Commw.’s Att’y (last accessed May 25, 2025), <https://stevedescano.com/community>.

Navarette Romero benefitted from these policies after arriving in Fairfax from Honduras in 2013. He reportedly had 29 run-ins with law enforcement officials, and had a documented history of sexual assaults and indecent exposures dating back to 2022.⁸⁴ Despite Romero's illegal status, he was released from jail each time. In June 2022, Romero allegedly choked a police officer as the officer responded to a groping incident. The Fairfax County Commonwealth's Attorney downgraded the felony assault on a law enforcement charge to a misdemeanor simple assault. Then, in October 2024, Romero was charged and sentenced for indecent exposure. He was released on good behavior. Four days later he raped a woman on the Washington and Old Dominion Trail in Herndon, Virginia.

Descano again showed leniency to a violent offender in January 2025. Wilmer Osmany Ramos Giron, a twice-deported illegal immigrant, was accused of choking his wife and brandishing a knife over her legs during an argument.⁸⁵ The victim filed for an emergency protective order against Ramos, who faced 360 days imprisonment for abduction by force, strangulation, and assault on a family member. Fairfax County dropped the felony charge and allowed Ramos to plead guilty to a misdemeanor charge for brandishing a blade.⁸⁶ Ramos only served 2 months' imprisonment before Fairfax County released him back into the community.⁸⁷ The Commonwealth Attorney's Office defended its decision by saying "the resolution in this case was based primarily on the victim's wishes," a claim the victim adamantly denies.⁸⁸ In May, 2025, ICE arrested Ramos in partnership with the Virginia State Police.⁸⁹

E. Deborah Gonzalez and The District Attorney's Office Western Judicial Circuit Athens-Oconee, Georgia

In 2020, Deborah Gonzalez was elected District Attorney in Athens-Oconee, Georgia. Gonzalez was endorsed by the Color of Change PAC, which received \$2.5 million from Democracy PAC that same year.⁹⁰ From 2019 to 2020, the Democracy PAC receive all of its

⁸⁴ Katie Barlow and Jillian Smith, *Honduran Migrant Accuse Of Rape Was Arrested For Sex Crimes, Release Multiple Times*, FOX5 WASHINGTON DC (Nov. 20, 2024), <https://www.fox5dc.com/news/honduran-national-accused-rape-was-arrested-released-sex-assault-charges-multiple-times>.

⁸⁵ Peter Pinedo, *Dem Prosecutor Lets Off Illegal Immigrant Charged With Strangulation, Kidnapping*, FOX NEWS (Apr. 4, 2025), <https://www.foxnews.com/politics/dem-prosecutor-lets-off-illegal-immigrant-charged-strangulation-kidnapping>.

⁸⁶ Nick Minock, *Man in US Illegally Accused Of Strangulation Released After Fairfax County Cuts Plea Deal*, ABC7 NEWS (Apr. 4, 2025), <https://wjla.com/news/local/story/virginia-crime-illegal-immigrant-ice-detainers-us-immigration-customs-enforcement-wilmer-osmany-ramos-giron-steve-descano-fairfax-county-cuts-plea-deal-jason-miyares>.

⁸⁷ Nick Minock, *Victim Denies Fairfax County Prosecutor's Claim That She Agreed With 'Lenient' Plea Deal*, ABC7 NEWS (Apr. 7, 2025), <https://wjla.com/news/local/virginia-crime-fairfax-county-convictions-wilmer-osmany-ramos-giron-victim-interview-strangulation-charge-attorney-steve-descano-democrat-plea-deal-sentences-safety-court-documents-jason-miyares>.

⁸⁸ *Id.*

⁸⁹ Cameron Arcand, *ICE Makes Major Arrest After Soros-backed Prosecutor Made Controversial Plea Deal*, FOX NEWS (May 2, 2025), <https://www.yahoo.com/news/ice-makes-major-arrest-soros-203641031.html>.

⁹⁰ FED. ELECTION COMM'N, *Color of Change PAC, 2019 to 2020 Raising* (last accessed May 29, 2025), <https://www.fec.gov/data/committee/C00428557/?cycle=2020&tab=raising>.

contributions from either George Soros or Soros's Fund for Policy Reform,⁹¹ an amount totaling \$81,378,932.⁹²

It is difficult to determine how the Color of Change PAC spends its donations. The PAC's Federal Election Commission filings contain little information. For example, the PAC's 2019-2020 disbursement filing contains 16 disbursements to "Resonance Campaigns" totaling over \$1.2 million for "Non-Federal Direct Mail Services" or "Non-Federal Print Advertising."⁹³ These entries do not identify a benefitting candidate. However, some Deborah Gonzalez campaign materials disclaim that they are a "Paid. Pol. Adv. Paid for by the ColorOfChange PAC ... independently of and not authorized or approved by any federal, state, or local candidate of candidate's committee."⁹⁴ In fact, the Color of Change PAC boasted that "[i]n September, the PAC endorsed Deborah Gonzalez for District Attorney. For this special election runoff, Color of Change PAC sent more than 30,772 texts, made 12,028 phone calls and sent mail to 14,637 households and members in the country to GOTV and educate voters."⁹⁵ However, Gonzalez responded "no" when she was asked if she received campaign contributions from George Soros at a town hall meeting.⁹⁶

On January 1, 2021, Gonzalez issued a memorandum to her office with the following progressive directives:⁹⁷

- This Office "[w]ill take into account collateral consequences to undocumented defendants."
- "The DA Office will recommend that defendants charged with non-violent offenses should be released on "own recognizance" bonds (own recognizance is the terminology

⁹¹ Stephen Taub, *More Hedge Fund Managers Join 'Giving Pledge'*, INSTITUTIONAL INVESTOR (Dec. 10, 2010), <https://www.institutionalinvestor.com/article/2btgac4we8x2ur3aamznk/corner-office/more-hedge-fund-managers-join-giving-pledge> ("George Soros, a longtime generous giver to social and political causes, ranked sixth after giving \$150 million, including \$100-million to his newly established Fund for Policy Reform to support advocacy related to climate change.")

⁹² FED. ELECTION COMM'N, *Democracy PAC, 2019 to 2020 Raising* (last accessed May 29, 2025), <https://www.fec.gov/data/committee/C00693382/?cycle=2020&tab=raising>.

⁹³ FED. ELECTION COMM'N, *Color of Change PAC, 2019 to 2020 Disbursement Transactions* (last accessed May 30, 2025), <https://www.fec.gov/data/committee/C00428557/?tab=spending&cycle=2020>.

⁹⁴ Voting While Black, *Vote Deborah Gonzalez*, Color of Change PAC, <https://votingwhileblack.com/wp-content/uploads/2020/10/Deborah-Gonzalez-voter-guide.pdf> (last visited May 30, 2025).

⁹⁵ Voting While Black Press, *Color of Change PAC: As District Attorney, Deborah Gonzalez Promises to Empower Black Communities and Enable Progressive Reforms in Georgia* (Dec. 2, 2020), <https://votingwhileblack.com/color-of-change-pac-as-district-attorney-deborah-gonzalez-promises-to-empower-black-communities-and-enable-progressive-reforms-in-georgia/>.

⁹⁶ Blake Aued, *District Attorney Deborah Gonzalez Faces Critics at Town Hall Meeting*, FLAGPOLE (Mar. 13, 2023), <https://flagpole.com/featured/2023/03/13/district-attorney-deborah-gonzalez-faces-critics-at-town-hall-meeting/>.

⁹⁷ Memorandum from Dist. Att'y Deborah Gonzalez to Assistant Dist. Att'y and Staff, W. Judicial Cir. re Fairness and Equity in the We. Judicial Cir. Dist. Att'y Off., W. Judicial Dist. of Ga. (Jan. 1, 2021), https://drive.google.com/file/d/1SHwcNeKMZmsCMJkddUvC7nu6ycS_GG9l/view.

in this jurisdiction for bond that does not require the posting of money or other security)”⁹⁸

- “The DA Office will recommend that defendants charged with violent offenses in the nature of threats but whose actual conduct caused no physical injury will be presumed eligible for own recognizance bond.”⁹⁹
- This Office will “no longer seek the death penalty.”¹⁰⁰

On July 12, 2021, Vera announced a partnership with Gonzalez’s office.¹⁰¹ On May 18, 2021, Gonzalez described how Vera and the Biden Justice Department fit into her plan for progressive reforms in Athens in an email to Mayor Kelly Gritz.¹⁰² Relevant excerpts are reproduced below.

⁹⁸ *Id.* at 2-3.

⁹⁹ *Id.* at 3.

¹⁰⁰ *Id.* at 4.

¹⁰¹ Vera Press Release, *Vera Institute Partners With Eight New Prosecutors’ Offices to Reduce Racial Disparities in Prosecution by 20 Percent*, VERA INST. OF JUST. (July 12, 2021), <https://www.vera.org/newsroom/vera-institute-partners-with-eight-new-prosecutors-offices-to-reduce-racial-disparities-in-prosecution-by-20-percent>.

¹⁰² Email from Deborah Gonzalez to Kelly Gritz, et. al., Re: Letter Requesting Reconsideration of Criminal Justice Reform Budget Proposals for DA Office (May 18, 2021), available at <https://concerned-about-our-da.com/wp-content/uploads/2023/06/Volume-14-of-ORR.pdf>.

From: Deborah Gonzalez
Sent: Tuesday, May 18, 2021 6:03 AM EDT
To: Kelly Girtz; Jesse Houle; Patrick Davenport; Mariah Parker; Melissa Link; Allison Wright; Tim Denson; Russell Edwards; Carol Myers; Ovita Thornton; Mike Hamby
CC: Deborah Gonzalez
Subject: Re: Letter Requesting Reconsideration of Criminal Justice Reform Budget Proposals for DA Office

Good morning Kelly –

Thank you for your email. I have outlined my responses based on your bullet points to make it easier to follow and to ensure I did not miss anything.

The Courts and Constitutional Officers often use pilot projects or grant funds to begin new initiatives, which may then be funded more consistently via General Fund dollars after demonstrating proof-of-concept.

For two of my priorities, I have done just that. My first request was for the position of Director of External Affairs. I temporarily reallocated an ADA position into the Director position to prove the concept of why a DA office needs one and what that position can bring to the county in terms of resources. I believe we have proven that in these last three months and need to make the position permanent. In that time, we've:

- Partnered with a nation nonprofit reform organization to apply for a competitive Department of Justice grant, something my predecessors never attempted. This grant would provide us with technical assistance to set up a state-of-the-art diversion program and provide \$100,000 for drug and mental health treatment for program participants (total almost \$340,000);
- Progressed to the final round in a competitive project with another leading national reform organization, the Vera Institute for Justice, for an initiative to cut racial disparities in the system by 20%;

Gonzalez concludes her email by calling the system “systematically racially corrupt.”¹⁰³

I understand some may be against the system completely and feel that they do not want to fund it at all. But the option to not fund will not make the problems of this systemically racially corrupt system go away or the system itself disappear. It will make it worst. I cannot produce from nothing. I need new resources for new reform. I was elected by the people to do this work. I have entered the office, been doing assessments, and see every day the deeply embedded challenges that lay ahead. But I also see the opportunities of what we can achieve with a transformed system and am building a team committed to that shared vision. People are the key. They have always been the answer. Two positions can equal fundamental change.

Gonzalez soon amassed a record of victim’s rights violations. In September 2024, Gonzalez was found to have violated Marsy’s Law protecting victims for the fourth time within two years.¹⁰⁴ Gonzalez’s office repeatedly failed to notify victims of unfavorable prosecutorial actions.¹⁰⁵ For example, in *State v. Waldrop*, Gonzalez’s office failed to consult with the victim’s

¹⁰³ *Id.*

¹⁰⁴ *State of Georgia v. Charles Wayne Franklin*, SU-CR-2024-000224 (Sept 11, 2024), <https://concerned-about-our-da.com/wp-content/uploads/2024/09/Marsys-Law-Order-in-Charles-Wayne-Franklins-case.pdf>.

¹⁰⁵ *Id.*

wife before offering her husband's killer probation.¹⁰⁶ In that case, the defendant struck a bicyclist with his car resulting in death. Officers determined the driver was operating the vehicle under the influence of alcohol at the time of the accident. The defendant was originally charged with (1) first-degree homicide by vehicle, (2) DUI, and (3) failure to provide clearance while passing. Gonzalez's office reduced the charges to homicide by vehicle in the second degree and improper passing of a bicycle. They negotiated a plea deal for 24-months' probation, 40 hours of community service, a defensive driving class, and a fine.¹⁰⁷ A Georgia court found that Gonzalez's office did not notify the victim's wife of the plea until the day of the hearing and denied her the opportunity to submit a victim impact statement.¹⁰⁸

Gonzalez also botched the case against Avery Pendergraph, a serial rapist and sexual predator. Pendergraph recorded video of unsuspecting women, which he then uploaded to websites with the victim's name.¹⁰⁹ In 2015, Pendergraph was charged in Athens-Clark county with 21 counts of invasion of privacy. The District Attorney's office allowed him to plead to one count of reckless conduct and negotiated a plea agreement for 18 months' probation which could be suspended upon the successful completion of 12 months, apology letters to his victims, and a \$1,000 fine.¹¹⁰ Pendergraph was sentenced to 12 months-probation.¹¹¹ He was awarded this favorable disposition on grounds that he was a first-time offender.¹¹² Four years later, in 2019, Pendergraph was re-arrested for recording his female roommate without her consent.¹¹³ Pendergraph hid a camera in their bathroom, recorded the woman naked, and posted the content on porn sites and chat rooms.¹¹⁴ He added messages to the posts one of which stated, "I want to truly rob her of her private life in a full and cruel degrading way."¹¹⁵

Pendergraph was released on bond. He continued to commit his crimes by hiding a camera in a Troup County Starbucks next to an interstate "where he recorded little boys and men and women going to the bathroom."¹¹⁶ He wasn't taken back into custody until a search warrant uncovered compromising photographs of additional female victims and child sexual abuse

¹⁰⁶ Marsy's Law – *State v. Luke Harrison Waldrop*, CITIZENS CONCERNED ABOUT THE ATHENS-CLARK/OCONEE COUNTY DIST. ATT'Y'S OFFICE (last accessed June 1, 2025), [Marsy's Law – State v. Luke Harrison Waldrop – Citizens Concerned About the Athens-Clarke/Oconee County District Attorney's Office](https://concerned-about-our-da.com/wp-content/uploads/2023/11/092123-Transcript-of-Guilty-Plea-Waldrop.pdf).

¹⁰⁷ Sentencing Hearing Transcript, *Georgia v. Waldrop*, SU-23-CR-0477 at 3:20-4:3, <https://concerned-about-our-da.com/wp-content/uploads/2023/11/092123-Transcript-of-Guilty-Plea-Waldrop.pdf>.

¹⁰⁸ *Georgia v. Waldrop*, SU-22-CR-0321 (Nov. 25, 2023), <https://concerned-about-our-da.com/wp-content/uploads/2023/11/112123-Order-on-Marsys-Law-Violation-Waldrop.pdf>.

¹⁰⁹ Rebecca Lindstrom, Ciara Bri'd Frisbie, Meredith Sheldon, *Victims Ask Parole Board To Do What Athens DA's Office Did Not – Keep Sexual Predator Behind Bars For Life*, 11ALIVE (May 22, 2023), [Victims fear risk of sexual predator's release | 11alive.com](https://www.11alive.com/story/news/crime/2023/05/22/victims-fear-risk-of-sexual-predator-release-11alive-com/) [hereinafter "11ALIVE article"]

¹¹⁰ Memorandum of Plea Agreement, *Georgia v. Avery Hogan Pendergraph*, SU15CR0859.

¹¹¹ Sentencing, *Georgia v. Avery Hogan Pendergraph*, SU15CR0859.

¹¹² First Offender Discharge, *Georgia v. Avery Hogan Pendergraph*, SU15CR0859.

¹¹³ Arrest warrant, *Georgia v. Avery Hogan Pendergraph*, MC-01-CR-19-4539.

¹¹⁴ 11ALIVE article, *supra* note 109.

¹¹⁵ *Id.*

¹¹⁶ Guilty Plea Transcript, *Georgia v. Avery Hogan Pendergraph*, 21-R-0448 (Sept. 2, 2022).

material on Pendergraph's electronic devices.¹¹⁷ He was later charged with the rape of one of his victims and aggravated sodomy of another.¹¹⁸

On August 3, 2021, the Troup County District Attorney's office charged Pendergraph with racketeering for his scheme that "distributed thousands of obscene materials depicting children, men, and women."¹¹⁹ The indictment alleged that Pendergraph hid recording devices in a dormitory at the University of Georgia, a Starbucks, and private residences with the intent to distribute the captured images. He even recorded individuals at church.¹²⁰ At Pendergraph's plea hearing, the Troup County Prosecutor noted his failed attempts to work with the Athens County DA's office:

I worked to try to do a package deal with Athens that we were unable to do that. This plea today is a freestanding plea. It is only the Troup County Charges. ... He still will face the possibility of four life sentences in Athens, multiple other counts in Athens, and that's where he'll be going next. The charges Judge, in Athens include the rape of [Victim 1], the aggravated sodomy of [Victim 2], countless crimes related to [his roommate].

The Athens County victims never received justice. Instead, Gonzalez's office gave Pendergraph a plea of 10 years for all of his offenses to be served "concurrent with other sentences being served."¹²¹

¹¹⁷ State's Motion to Revoke Bond, *Georgia v. Avery Hogan Pendergraph*, MC-01-CR-19-4539.

¹¹⁸ Guilty Plea Transcript, *Georgia v. Avery Hogan Pendergraph*, 21-R-0448 (Sept. 2, 2022).

¹¹⁹ Indictment, *Georgia v. Avery Hogan Pendergraph*, 21-R-0448 (Aug. 3, 2021).

¹²⁰ Guilty Plea Transcript, *Georgia v. Avery Hogan Pendergraph*, 21-R-0448 (Sept. 2, 2022).

¹²¹ Memorandum of Plea Agreement, *Georgia v. Avery Hogan Pendergraph*, Case No. 59-22-CR-0650.

IN THE SUPERIOR COURT OF CLARKE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA CASE NO.: 59-22-CR-0650

vs. CHARGE(S):
AVERY HOGAN PENDERGRAPH, Invasion of Privacy 3 Counts
DEFENDANT.

MEMORANDUM OF PLEA AGREEMENT

The undersigned Defendant, counsel for Defendant, and Attorney for the State have entered into a negotiated plea agreement concerning disposition of the charges listed above. This Memorandum represents the entire negotiated plea agreement for disposition of this case, and is presented to the court as proof thereof. No other promises or recommendations by any person have been made, or will be made, in exchange for a plea of 'Guilty' to these charges. The negotiated plea agreement in its entirety is as follows:

Plea as charged to Three Counts of Invasion of Privacy

5 years to serve on Count 1.

5 years to serve Consecutive on Count 2.

5 years to probation consecutive to County 3.

Total Sentence of 15 years to serve 10 years, concurrent with other sentences being served

No contact with [REDACTED] and [REDACTED]

ALL STATUTORY AND LOCALLY MANDATED FEES AND SURCHARGES ARE INCORPORATED INTO THIS AGREEMENT UNLESS OTHERWISE SPECIFIED.

BOTH THE DEFENDANT AND THE STATE RESERVE THE RIGHT TO DISSOLVE THIS AGREEMENT AT ANY TIME BEFORE SENTENCE IS PRONOUNCED.

[Signature] [Signature]
Counsel for the State Counsel for the Defendant

8/10/22 8/10/22
Date Signed Date Signed

Gonzalez's office represented to the court that the victims concurred with the sentencing. However, news reports indicate the victims were disappointed with the Athens plea and only accepted the Troup agreement because they believed Pendergraph would receive additional time in Athens.¹²² One victim died by suicide the day after Pendergraph's sentencing.¹²³

¹²² Wayne Ford, Angry Victims Speak Out About 'Slap On the Wrist' For Man Who Secretly Posted Their Images (Oct. 4, 2022), ONLINE ATHENS <https://www.onlineathens.com/story/news/crime/2022/10/04/victims-pornography-case-angered-handling-athens-georgia-court/8126162001/>.

¹²³ 11ALIVE article, *supra*, note 109.

**IN THE SUPERIOR COURT OF CLARKE COUNTY
STATE OF GEORGIA**

<p>STATE OF GEORGIA</p> <p style="text-align: center;">vs.</p> <p>AVERY HOGAN PENDERGRAPH, DEFENDANT.</p>	<p>CRIMINAL CASE NO.: SU-22-CR-0163</p> <p>CHARGE(S): Ct. 1 Rape. Ct. 2 Aggravated Sodomy. Ct. 3 Aggravated Sodomy. Ct. 4 Aggravated Sodomy.</p>
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MOTION TO ENTER NOLLE PROSEQUI

Comes now the State of Georgia and moves the Court to enter an order of Nolle Prosequi on Counts 1,2,3,4 on the grounds that Defendant has entered a plea of guilty to three counts of Violation of Privacy; on Bill of Accusation involving the same victim on this date. Said plea involves a sentence of fifteen years to serve ten years and provides for no contact with the Victims. In addition, the Defendant is currently serving a fifty year to serve sentence out of Troup County. Alleged victims support the nolle prosequi request as part of a negotiated plea. Said plea agreement involved the dismissal of the above referenced charges.

This the 10th day of August, 2022.

open court
Filed in Clerk's Office
This 10th day of Aug, 2022
[Signature] Deputy Clerk
Athens-Clarke County Superior/State Court

[Signature]
Deborah Gonzalez
District Attorney
Western Judicial Circuit

Individuals representing themselves as “concerned citizens of Athens” filed open records requests into Gonzalez’s office operations and posted the responses online. Among the posted records was an email from Athens-Clark County Police Department Sgt. Scott Prah to DA Gonzalez lambasting her conduct in the Avery Pendergraph case.¹²⁴ According to the email, DA Gonzalez and her assistants “never put the slightest effort in to see the evidence.”

¹²⁴ General Open Records Request, CITIZENS CONCERNED ABOUT THE ATHENS-CLARK COUNTY DIST. ATT’Y’S OFFICE (last accessed June 1, 2025), <https://concerned-about-our-da.com/wp-content/uploads/2023/06/Prah-letter-to-DA.pdf>.

Sent: Wednesday, September 7, 2022 6:47 AM
To: Gerald Henderson <Gerald.Henderson@accgov.com>; Deborah Gonzalez
<Deborah.Gonzalez@accgov.com>
Subject: Avery Pendergraph Case

I am writing this email to express my absolute disgust with the handling of this case! There was NO justice what so ever for the victims in this case due to your lack of any effort. For an office to be so 'victim centered' you have missed the mark by miles. The fact that you put forward no effort to try the case or even come see any of the evidence is disgraceful and abhorrent.

The plethora of evidence would have made a plea (worthy of what the victims were put through, some for over a decade) or prosecution in this case a sure thing but the fact that you never even put the slightest effort in to come see the evidence or sit down with me at length is pitiful and you guys should be ashamed. Pendergraph ruined the lives of many of these women and there were over a dozen verified victims in this case also not to mention all the child pornography and those victims. The complete disregard for the victims in this case is baffling. You would be hard pressed to find a better picture of a life-long sexual predator than Pendergraph. He has victimized women since high school and drugged, raped, illegally recorded, harassed, and stalked women throughout his adult life. This case should have been the deciding factor that kept him from ever victimizing another women or child but your utter laziness has given him a wonderful chance to again be a free man. I would think a case of this type on a serial sexual predator, who preyed on women on UGA Campus, in downtown Athens, and throughout the Athens community, would be a feather in one's cap to show the community you serve that you cared but apparently it was not even worthy minimal effort.

If you had at least put in the time and effort to come and meet with me to go over some of the evidence in this case you would have seen the depravity and breadth of these crimes, but again you didn't even do that. I worked on this case for over a year and a half and there was no way a jury would not convict but again you could not know that because no effort was put in to even see the evidence/facts of the case.

I do not know what the issue is but it needs to be fixed so you do not screw up any cases like this in the future. If you do not have the ability to try these cases please hand them off to someone who does because I know at least a dozen women/victims who got no justice what-so-ever from your office and the incompetence that was shown with this case. There are many sad things to come from this case but one of the most disheartening is that your office did not even try.

Please for all the victims and the residents of this county, take a long look in the mirror and see how these victims were mistreated by this travesty, and never let this happen again,

Sgt. Scott Prah
Athens-Clarke County Police Department

Instead of “taking a hard look in the mirror” as Sgt. Prah recommended, Gonzalez continued to deprive victims of justice. On February 22, 2024, an illegal immigrant murdered 22-year-old Laken Riley within Gonzalez’s district.¹²⁵ Gonzalez refused to pursue the death penalty.¹²⁶

¹²⁵ Meredith Deliso, *Timeline: Laken Riley’s Last Moments Retraced During Trial on George Nursing Student’s Murder*, ABC NEWS (Nov. 20, 2024), <https://abcnews.go.com/US/laken-riley-case-murder-trial-texts/story?id=116009547>.

¹²⁶ Post Editorial Board, *Laken Riley Killer Jose Ibarra Deserved the Death Penalty, Not Mercy from the Left*, NEW YORK POST (Nov. 21, 2024), <https://nypost.com/2024/11/21/opinion/laken-riley-killer-jose-ibarra-deserves-the-death-penalty-not-mercy-from-the-left/>.

F. Vera embeds in the New York County District Attorney's Office/Manhattan District Attorney's Office

Vera has enjoyed a long presence in the New York District Attorney's Office ("DANY"). In 2011, then-Manhattan DA Cyrus Vance, Jr.¹²⁷ reached out to Vera shortly after he was elected to examine racial disparity within the Manhattan District Attorney's office.¹²⁸ For nearly two years, Vera had their own space in the office and access to hundreds of thousands of paper and electronic files.¹²⁹ The Manhattan DA's office even transferred data to Vera's networks.¹³⁰ Vera and the DA's office entered into a Memorandum of Understanding (MOU), which gave Vera sweeping control over the DA's office, by placing policy decisions in their hands and granting them access to prosecutors and case files:

- "Vera's Prosecution and Racial Justice Program ("PRJ") will help DANY to establish internal, data-driven management of discretionary decisions."¹³¹
- "Vera will use administrative data from DANY's case management system and will collect supplemental data from randomly selected case files."¹³²
- "Vera will interview a select number of prosecutors.... Vera will use these ongoing exchanges to coach prosecutors in supervisory and managerial roles on how to use data to identify outcome patterns that require further attention or indicate good practices."¹³³
- "DANY will also provide access to an agreed-upon random selection of case files and will allow interviews with a selected group of Assistant District Attorneys."¹³⁴

It is unclear whether crime victims, including children and sexual assault victims, were given the opportunity to object or even notified that their sensitive information would be shared with a non-government third party. The MOU does not exclude these case from the "random selection of case files" for review. To the contrary, its terms expressly state that Vera received victim information and other confidential information. For example, the MOU describes Vera's "in house office space" as including "secure locations where confidential information can be stored."¹³⁵ Individuals who received access to this confidential information were "employed by Vera", "maintain[ed] a Vera email address", and were "subject to Vera's personnel policies,

¹²⁷ *Cyrus Vance, Jr. is the son of Cyrus Vance, Sr., the former U.S. Secretary of State under President Carter. Jonah E. Bromwich, Manhattan D.A. Leaves Office With One Big Case Up in the Air*, THE NEW YORK TIMES (Dec. 30, 2021), <https://www.nytimes.com/2021/12/30/nyregion/cy-vance-trump-investigation.html>.

¹²⁸ VERA INST. OF JUST., *Cyrus R. Vance, Jr. on partnering with Vera* (Aug. 5, 2015), <https://www.youtube.com/watch?v=Ghi3Qxf48MA>; *Prosecution and Racial Justice in New York County*, VERA INST. OF JUST. (Jan. 31, 2014), <https://vera-institute.files.svdcdn.com/production/downloads/publications/race-and-prosecution-manhattan-partnership.pdf> [hereinafter "Manhattan Vera Rpt."]

¹²⁹ *Id.*

¹³⁰ Manhattan Vera Rpt. at 4.

¹³¹ Manhattan Vera Rpt. at 23 (Appx. B).

¹³² *Id.*

¹³³ *Id.* at 23-4.

¹³⁴ *Id.* at 24.

¹³⁵ *Id.* at 24.

confidentiality protocols, and training requirements while working in the DNAY's office."¹³⁶ The only protections seemingly afforded to protect sensitive victim information were: (1) the stripping out of identifying information; (2) restricted access to Program Administrators in Vera; and (3) application of regulations governing humans subject research.¹³⁷ Vera analyzed more than 200,000 cases.¹³⁸

Like with Chisholm's Milwaukee office, Vera included Wayne McKenzie in its revamp of Cyrus's Manhattan office.¹³⁹ The Vera-Cyrus report also notes that the project "would not have been possible without the guidance and support of Whitney Tymes, director of [Vera's] Prosecution and Racial Justice Program."¹⁴⁰ Again, Tymes later became "President" for Soros funded PACs dedicated to the election of progressive prosecutors.

From 2021 to 2022, George Soros contributed \$1 million to the Color of Change PAC.¹⁴¹ Color of Change touted its "work to help elect and hold progressive prosecutor Alvin Bragg accountable once in office."¹⁴² It noted, "[w]e have seen the fruits of our labor, not only with Bragg's prosecution of Trump but with the thousands of decisions that he has made...."¹⁴³ Bragg's campaign appears to have received direct contributions from the Soros family through Jennifer Allan Soros and Jonathan Soros, who collectively donated \$20,450.¹⁴⁴

After his election, DA Bragg stood up a transition committee that included as a co-chair Insha Rahman, Vice President of Advocacy & Partnership at the Vera Institute of Justice.¹⁴⁵ On January 3, 2022, Bragg released his "Day One Policies & Procedures", which ordered the following:¹⁴⁶

- Decline to prosecute certain misdemeanor felonies including resisting arrest for misdemeanors on the non-prosecution list and the act of obstructing governmental administration in the second degree, unless the obstruction included an act of

¹³⁶ *Id.*

¹³⁷ *Id.* at 26.

¹³⁸ *A Prosecutor's Guide for Advancing Racial Equity*, VERA INST. OF JUST. (Nov. 2014), https://cdpsdocs.state.co.us/ccjj/Resources/Ref/2014-11_prosecutors-advancing-racial-equity.pdf.

¹³⁹ Manhattan Vera Rpt.at 8.

¹⁴⁰ Manhattan Vera Rpt.at 23.

¹⁴¹ FED. ELECTION COMM'N, *Color of Change PAC, 2021 to 2022 contributions* (last accessed May 27, 2025), <https://www.fec.gov/data/committee/C00428557/?tab=raising&cycle=2022>.

¹⁴² Color of Change Press Statement, *Color of Change Releases Statement In Light of Trump Indictment* (May 31, 2024), https://colorofchange.org/press_release/color-of-change-statement-on-trump-indictment/.

¹⁴³ *Id.*

¹⁴⁴ N.Y. St. Bd. of Elections, *Contributions, Alvin Bragg* (last accessed June 1, 2025), <https://publicreporting.elections.ny.gov/ContributionsByRecipient/ContributionsByRecipient>.

¹⁴⁵ Margaret Langston, *Manhattan DA-Elect Alvin Bragg Announces Transition Team*, WE BLOG @ AABANY (Nov. 8, 2021), <https://blog.aabany.org/2021/11/08/manhattan-da-elect-alvin-bragg-announces-transition-team/>.

¹⁴⁶ On February 4, 2022, Bragg attempted to clarify a small set of these policies by noting that commercial robbery with a gun or at knife point would be charged as a felony, the default charge in a gun possession case was a felony, and that the office would prosecute anyone who attempted to harm an officer. Shawn Cohen, *Manhattan DA Alvin Bragg Backtracks on His Soft-On—Crime Approach in New Memo Insisting Gun Crimes Will Be Prosecuted as Felonies and Violence Against Cops 'Will Not Be Tolerated'*, DAILY MAIL (Feb. 4, 2022), <https://www.dailymail.co.uk/news/article-10478165/Manhattan-DA-Alvin-Bragg-backtracks-soft-crime-approach-new-memo.html>

significantly interfering with the lawful arrest of another person. “Significant interference” included, at a minimum, the acts of shoving, tackling, pushing, punching, or other similar acts.¹⁴⁷

- “The possession of a non-firearm weapon under Penal Law § 265.02(1) [criminal possession of a weapon in the third degree, a felony] shall not be charged unless as a lesser included offense, and § 265.01 [criminal possession of a weapon in the fourth degree, a misdemeanor] shall be charged instead.” Without this instruction, prosecutors could bring felony charges against individuals with prior convictions who possessed knives or similar weapons. They could also charge non-citizens who possessed any dangerous and deadly weapon and had a prior conviction.¹⁴⁸
- “If there is a reasonable view of the evidence indicating that a person arrested for the sale of a controlled substance is acting as a low-level agent of a seller, such person shall be charged with 220.03 and no felonies and therefore offered diversion.”¹⁴⁹
- “There is a presumption of pre-trial non-incarceration for every case except those with charges of homicide or the death of a victim, a class B violent felony in which a deadly weapon or dangerous instrument causes serious physical injury, sex offenses in Article 130 of the Penal Law, domestic violence felonies or charges of PL § 215.50, public corruption, rackets, or major economic crimes, including any attempt to commit any such offense under Article 110 of the Penal Law. For any charge of attempt to cause serious physical injury with a dangerous instrument, ADAs must obtain the approval of an ECAB supervisor to seek pretrial detention.”¹⁵⁰ In addition, “The Office will not seek a carceral sentence” (term of imprisonment) for this same subset of crimes.¹⁵¹
- “If there is clear evidence that the person willfully violated conditions of release, ask for the next-least restrictive condition to ensure they fulfill the conditions of release.”¹⁵²

On May 5, 2023, Bragg invited Wayne McKenzie to serve as Chief for Pathways to Public Safety.¹⁵³ The Pathways to Safety Division was newly created by Bragg and embedded Pathways Assistant D.A.s into each of the six trial bureaus to screen and access every case.¹⁵⁴ For the first quarter of 2025, there were roughly 48,017 individuals arrested for misdemeanor or

¹⁴⁷ Memorandum from Alvin L. Bragg, Jr. to All Staff re Achieving Fairness and Safety (Jan 3, 2022), <https://www.manhattanda.org/wp-content/uploads/2022/01/Day-One-Letter-Policies-1.03.2022.pdf> [hereinafter “Bragg Memo”]

¹⁴⁸ Penal Law §§ 265.02(1) and 265.01.

¹⁴⁹ Bragg Memo at 6.

¹⁵⁰ Bragg Memo at 6-7.

¹⁵¹ Bragg Memo at 8.

¹⁵² Bragg Memo at 7.

¹⁵³ *Wayne McKenzie to Join Manhattan DA’s Office as Chief for Pathways to Public Safety*, Manhattan Dist. Atty’s Off. (last accessed June 1, 2025), <https://manhattanda.org/wayne-mckenzie-to-join-manhattan-das-office-as-chief-for-pathways-to-public-safety/>.

¹⁵⁴ *Our Work Reform and Fairness*, Manhattan Dist. Atty’s Off. (last access June 1, 2025), <https://manhattanda.org/our-work/reformandfairness/>.

felony charges in Bragg’s district.¹⁵⁵ Of those individuals, only 3,007 were detained.¹⁵⁶ Six months into Bragg’s first year as District Attorney, the number of individuals arrested three or more times in a calendar year for crimes like robbery, burglary, and grand larceny had increased compared to years prior to the pandemic.¹⁵⁷ Mayor Adams and Police Commissioner Sewell highlighted the “revolving-door of no-consequences of wrong doing”:

Today, nearly 25% of those arrested for burglary go on to commit another felony within 60 days, a sharp increase compared with 2017, when 8% of accused burglars were arrested for another felony within 60 days. Analyses for the offenses of Grand Larceny, Grand Larceny Auto, and Petit Larceny, show nearly identical increases for 2021 compared with 2017. And, those recidivism rates for those crimes have not improved in calendar 2022.

They highlighted the worst recidivists as of August 2022:

- “A high-volume offender with 101 career arrests – 88 of which have occurred since 2020.”
- “A repeat offender arrested 57 times since 2020 – with 23 of those arrests for burglary. The individual is currently free on parole.”
- “A recidivist with 87 arrests, 25 of them since 2020, and 9 of those involving a robbery charge. This individual is also free on the city’s streets at this time.”
- “An individual with 48 career arrests, including 39 since 2020. This individual has logged 17 grand larceny arrests and has 10 open warrants.”
- “A recidivist currently free despite a record of 63 total arrests, including 39 since 2020. This individual has 13 arrests for grand larceny auto.”

III. The Biden-Harris Administration’s Effort to Fund Vera’s Reform Policies throughout the Trump Administration

On October 1, 2023, the Biden Justice Department awarded Vera \$1 million in funding from October 1, 2023 to September 20, 2026 for its project titled “Motion for Justice: Partnering with Prosecutors and Impacted Communities to Expand Access to Community Led Diversion Programming.”¹⁵⁸ Like with its other failed programs, Vera intended to “demonstrat[e] that community-based programs are a legitimate and visible alternative to incarceration in some cases”, “address racial disparities”, and “direct attention away from low-level and relatively

¹⁵⁵ NEW YORK CRIMINAL JUSTICE AGENCY, NYC Pretrial Data, *How Many Criminal Cases Are Prosecuted in NYC?* (last accessed June 2, 2025), <https://www.nycja.org/prosecuted-criminal-cases>.

¹⁵⁶ *Id.*

¹⁵⁷ NYPD MEDIA, *Career and Violent Criminals Are Exploiting New York’s Criminal Justice System* (Aug. 3, 2022), <https://www.nyc.gov/site/nypd/news/p00055/career-violent-criminals-exploiting-new-york-s-criminal-justice-system>.

¹⁵⁸ Decl. of Nicholas Turner, *Vera Institute of Justice v. Department of Justice*, 1:25-cv-01643, Doc. No. 3-7 at ¶ 31.

minor offenses.”¹⁵⁹ Notably, Vera intended to build a diversion program that “has no automatic exclusions based on criminal history” and “adopts a needs-based public health approach (as opposed to an offense-based approach)”.¹⁶⁰ It planned to stand these disproven policies up in Arizona, Colorado, Massachusetts, North Carolina, and Virginia.¹⁶¹ Vera appears to concede its diversion model is unproven. In his declaration, Vera Director Nicholas Turner states, “this program would have conducted much-needed research for the criminal justice and public safety field into whether community-based diversion is in fact successful in reducing recidivism and promoting community safety.”¹⁶²

The Biden Justice Department attempted to expand this programing in the eleventh-hour of the Biden-Harris Administration. On May 31, 2024, Assistant Attorney General Amy Solomon¹⁶³ delivered remarks about “Reimagining Justice” at an event convened by the Columbia University Justice Lab.¹⁶⁴ She invited the audience to “imagine what our response to crime could look like if we stepped back and began from ‘square one’?” She touted the launch of “a new program called Reimagining Justice” which she described as “on a much smaller scale than CVI [community violence intervention], but we’re explicitly supporting innovative community-driven approaches to address low-level safety issues and reduce unnecessary justice system involvement.”

On October 1, 2024—roughly four months before President Biden left office—The Biden Justice Department awarded \$2 million in funding from October 1, 2024 to September 30, 2027 to Vera Institute as part of its new “Reimagining Justice” initiative.¹⁶⁵

On April 4, 2025, Vera received a Notice of Termination from the Trump Justice Department that included the above two awards.¹⁶⁶ On May 22, 2025, Vera filed a complaint seeking declaratory action and moved for a preliminary injunction against the Justice Department enjoining these and other grant cuts.¹⁶⁷ The complaint alleges:

The terminated grant cut across a broad swath of critical programs and have a successful track record of making our communities safer. These include grants addressing violence reduction and intervention, policing and prosecution, victims’ services, juvenile justice and child protection, substance use and mental health

¹⁵⁹ *Id.* at ¶32, 33.

¹⁶⁰ Decl. of Nicholas Turner at 68.

¹⁶¹ *Id.* at ¶ 32.

¹⁶² Decl. of Nicholas Turner at ¶ 32.

¹⁶³ Amy Solomon has since accepted a position with Council on Criminal Justice, where she has written criticizing the Trump Administration’s cuts to programs she helped stand up. Amy Solomon, *DOJ Funding Update: A Deeper Look At The Cuts*, COUNCIL ON CRIMINAL JUSTICE (2025), <https://counciloncj.org/doj-funding-update-a-deeper-look-at-the-cuts/>.

¹⁶⁴ Assistant Att’y Gen. Amy L. Solomon Delivers Remarks at Reimagining Justice at Justice: Supporting Communities as Co-Producers Of Public Safety, U.S. DEP’T OF JUST. (May 31, 2024), <https://www.justice.gov/archives/opa/speech/assistant-attorney-general-amy-l-solomon-delivers-remarks-reimagining-justice-justice>.

¹⁶⁵ *Id.* at ¶ 24.

¹⁶⁶ Decl. of Nicholas Turner at 143.

¹⁶⁷ *Vera Institute of Justice, et. al. v. U.S. Department of Justice, et al.*, 1:25-cv-01643-APM, 2025 U.S. Dist. Ct. Pleadings LEXIS 22232 (D.D.C. May 21, 2025).

treatment, corrections and reentry, justice system enhancements, research and evaluation, and other state-and-local-level public safety functions.

The Complaint cites a Council on Criminal Justice article titled “DOJ Funding Update: A Deeper Look at the Cuts” in support of this proposition, but omits the author from the citation—Amy Solomon. Solomon was the Assistant Attorney General of the Office of Justice Programs during the Biden-Harris Administration and awarded several grants at issue in the lawsuit, including grants to Vera.¹⁶⁸ Vera even wrote a letter of endorsement for Solomon’s nomination.¹⁶⁹

Vera and its co-plaintiffs are represented by the Democracy Forward Foundation (DFF). DFF lawyers suing the Justice Department include Brian Netter, the former Deputy Assistant Attorney General for the Civil Division of the Justice Department, where he “oversaw the Federal Programs Branch” for Biden Administration from April 26, 2021 to January 20, 2025.¹⁷⁰

IMPACT JUSTICE & THE PREA RESOURCE CENTER

Vera also collaborates with the National PREA Resource Center to release guidance for the field.¹⁷¹ The PREA Resource Center has been funded through a cooperative agreement between the Department of Justice’s Bureau of Justice Assistance and Impact Justice.¹⁷²

The National PREA Resource Center was established through a competitively awarded cooperative agreement from the Bureau of Justice Assistance in 2010. Among other things, the National PREA Resource Center tracked the results of PREA investigations, provided training for staff and PREA auditors, and provided resources to imprisoned sexual abuse survivors. This oversight included:¹⁷³

- Participating in selecting PREA auditors by interviewing each candidate and admitting them into the training program.¹⁷⁴
- Managing a hotline for reporting when a facility or agency attempted to improperly influence the outcome of an audit.¹⁷⁵

¹⁶⁸ *About Amy Solomon*, COUNCIL ON CRIMINAL JUSTICE (last accessed May 28, 2025), <https://counciloncj.org/justice-in-perspective/#:~:text=Amy%20L.,the%20U.S.%20Department%20of%20Justice.>

¹⁶⁹ Letter from Vera Institute of Justice to Majority Leader Schumer, Leader McConnell, and Senators Durbin and Grassley (July 27, 2022), <https://www.judiciary.senate.gov/vera-institute-support-for-amy-solomon>.

¹⁷⁰ Decl. of Jennifer Connolly, *Vera Institute of Justice, et. al. v. U.S. Department of Justice, et al.*, 1:25-cv-1643-APM, Doc. No. 2-1, ¶¶ 3, 5 (D.D.C. May 21, 2025); Dep’t of Justice Archives, *Former Federal Programs Branch Deputy Assistant Att’y Gen. Netter* (last accessed May 28, 2025), <https://www.justice.gov/archives/civil/staff-profile/former-deputy-assistant-attorney-general-brian-netter>.

¹⁷¹ See e.g., Resource Tool, Making PREA and Victim Services Accessible for Incarcerated People with Disabilities: An Implementation Guide For Practitioners On The Adult And Juvenile Standards (Oct. 1, 2015), <https://www.prearesourcecenter.org/resource/making-prea-and-victim-services-accessible-incarcerated-people-disabilities-implementation>

¹⁷² National PREA Resource Centers, *PREA Resource Center* (last accessed June 2, 2025), <https://www.prearesourcecenter.org/about/prea-resource-center>

¹⁷³ The below citations are to the 2022 handbook but these functions are also outlined in the March 2021 handbook.

¹⁷⁴ BJA, PREA Auditor Handbook Version 2.1 at 24 (Nov. 2022), www.prearesourcecenter.org/audit/prea-auditors/auditor-handbook

¹⁷⁵ *Id.* at 16.

- Housing the mechanism for reporting complaints or concerns about auditor conduct.¹⁷⁶
- Providing an Audit Instrument with an evidence collection component intended to direct auditors on the identification and completion of the necessary evidence to demonstrated the audited facility’s compliance.¹⁷⁷
- Providing interventions for auditors identified as performing below standards.¹⁷⁸
- Managing and coordinating the peer review process for auditors.¹⁷⁹

However, the PREA Auditor handbook indicates the PREA Resource Center, played a role in ensuring PREA auditors provided adequate auditing services during a period in which notoriously-abusive FCC Dublin was erroneously certified as compliant.

I. PREA Audits Routinely Failed to Uncover Pervasive Sexual Abuse.

On September 25 2024, the Subcommittee on Criminal Justice and Counterterrorism held a hearing on sexual assaults in U.S. prisons two decades after the enactment of PREA.¹⁸⁰ Two victim witnesses recounted the sexual abuse they each suffered—one in a juvenile facility and the other in a BOP facility as an adult—and testified that PREA (passed in 2003) is not being enforced.¹⁸¹

Julie Abbate, from Just Detention International,¹⁸² a left-leaning organization advocating against prison abuse, testified at the subcommittee hearing. During her testimony, Abbate posed the question, “Is PREA working?” and then responded “I think it would be hard pressed to answer that in the affirmative having heard [the testimony of sexual abuse survivors].”¹⁸³ Abbate continued, “PREA failed them and its failing other incarcerated peoples and until PREA works for everyone we cannot claim success.”¹⁸⁴ Abbate emphasized that staffing solutions begin with staff education and training. In response, Senator Ossoff pushed back by pointing out that the FCI Dublin was repeatedly certified as PREA compliant despite being dubbed a “rape club.” Ms. Abbate ultimately concluded that PREA Audits are not intended to ensure sexual abuse isn’t occurring at a facility.

¹⁷⁶ *Id.* at 33.

¹⁷⁷ *Id.* at 35.

¹⁷⁸ *Id.* at 92.

¹⁷⁹ *Id.* at 93.

¹⁸⁰ <https://www.judiciary.senate.gov/committee-activity/hearings/sexual-assault-in-us-prisons-two-decades-after-the-prison-rape-elimination-act> (last visited April 14, 2025).

¹⁸¹ *Id.*

¹⁸² Just Detention International is currently soliciting emails to Congress advocating for “the rights of incarcerated transgender people” and stating that Trump’s executive order is an attack on transgender rights. “Staff have even been directed to move transgender women from women’s prison to men’s, where they will be in immediate danger.” <https://justdetention.org/protect-trans-people/>

¹⁸³ <https://www.judiciary.senate.gov/committee-activity/hearings/sexual-assault-in-us-prisons-two-decades-after-the-prison-rape-elimination-act> at minute 46 (last visited April 14, 2025).

¹⁸⁴ *Id.*

Senator Ossoff: ... I'm not sure I can accept that staffing shortages are the principle driver or a principle driver of the failures of PREA. ... At Dublin, now infamous the perpetrators included the warden and the chaplain. ... Dublin was so infamous it became informally known as quote rape club ... but during the periods of crisis at these facilities every single PREA audit found that Coleman and Dublin were compliant with every single one of the 45 PREA standards. They met or exceeded every single standard. How is that possible?

Abbate: It appears as if the contract for the PREA audits which is run by PREA Auditors of America ... every PREA auditor that they send to a facility whether it's a 500 bed camp or a 2,500 bed correctional complex, the auditor is limited to three days on site. That is not enough time to do an appropriate audit, a robust audit. I understand the procurement process but there's also a way you can write your proposal to ensure people have adequate time on site and I have raised this issue with Director Peters at least three times in person. I know there's a lot of stuff in breaking contracts or getting new ones....

Senator Ossoff: ...At Coleman 6 male officers repeatedly raped and abused at least 10 women. As part of the PREA audit process auditors must review sexual abuse complaints, interview prisoners and staff, and review facility's policies and practices, correct?

Abbate: Correct, absolutely

Senator Ossoff: And clearly it seems to me if interviews are not conducted with female inmates at these facilities then they've not fulfilled their inspection obligations, right?

Abbate: That is true

Senator Ossoff: So, in 2021, PREA auditors were not able to interview a single female prisoner at Coleman as part of their audit and they weren't able to interview them because BOP had transferred all of them out of the prison 2 days before the on-site portion of the audit. At a time when sexual abuse was rampant in the facility they removed the women from the prison in advance of the PREA audit. That's shocking. What's also shocking is that then Coleman passed its audit ... how?

....

Abbate: So that's not uncommon that facilities would transfer people in custody out when an auditor is coming to town. It's unusual that a whole population of women would be transferred. If you can't interview folks that are in custody then there is a notation that you can say none was available at the time. So, its notated on the audit report. So, the audits, they give us something. They don't give us everything and they were never intended to ensure that sexual abuse wasn't occurring at a facility. You can comply with all the standards, you can have all the policies, you can have the practices, you can have the records of people getting training, you can interview the people you were supposed to interview and you can still have rampant sexual abuse in a facility. That doesn't mean PREA isn't working it means PREA doesn't work to fix systems that are in such states of crisis. PREA does work to strengthen other systems to ensure they don't reach that point but it doesn't show that sexual abuse isn't occurring. The audit report from Dublin is long; as long as it can be. Well over 100 pages,

right, and it goes through the steps that that auditor undertook. I have no opinion on whether the auditor was good or bad. The audit report looks like it was written properly and we know that sexual abuse occurred. The audit doesn't say if sexual abuse is happening ... it says if sexual abuse occurs are they investigating, do they report, do they let the person know what happened or the outcome, was there any discipline. That's it.

At the conclusion of this exchange Senators Booker, Ossoff, and Ms. Abbate agreed that PREA policies were not working.

Senator Booker: The point is right on. Clearly, if people are passing audits with flying colors yet there is a culture this is going on, we should be, these policies being established are not sufficient in detecting the problem, correct?

Senator Ossoff: It is neither preventing, nor detecting, nor responding.

Abbate: What are you going to do when your PREA coordinator is the one doing the abusing, as was the case at Dublin. What if that person is also the Warden?

Senator Booker: Senator [Ossoff], have you been satisfied that you're getting the fix to this? I think you're scratching at a bigger issue, which is clearly that the law we designed isn't working, what else should be done to make it work.

II. The PREA Resource Center Encouraged Transgender Housing Policies Inconsistent With Federal Regulations.

The National PREA Resource Center trainings included policies encouraging the housing of transgendered inmates (both adults and juveniles) based on their gender identity without consideration of their genitalia. Appendix A includes screenshots of National PREA Resource Center training webinars and publications. Some of this content was developed with the Vera Institute of Justice.¹⁸⁵ Below are some examples of the training content:

- 2019 Posted Resource Guide: "Personnel shall not automatically house youth according to their sex assigned at birth, nor shall personnel automatically assign TGNCI¹⁸⁶ youth to special housing units or rooms based solely on their gender identity or gender expression. The presumption shall be that TGNCI youth are housed consistent with their gender identity. ... Personnel shall not base housing decisions on the complaints of personnel or other youth when those complaints are based on the youth's gender identity or gender expression."¹⁸⁷

¹⁸⁵ National PREA Resource Center, *TGNCI Model Policy* May 2, 2019 (last accessed Apr. 26, 2025), <https://www.prearesourcecenter.org/file/tgnci-model-policy> (note, since accessing this content in April 2025, the PREA Resource Center has restricted access).

¹⁸⁶ TGNCI stands for transgender, gender non-conforming & intersex. <https://www.sf.gov/information--tgnci-community-building-and-support> (last visited April 28, 2025).

¹⁸⁷ National PREA Resource Center, *TGNCI Model Policy* May 2, 2019 (last accessed Apr. 26, 2025), <https://www.prearesourcecenter.org/file/tgnci-model-policy>

- 2018 Webinar: “It is also important to remember that the term transgender is an umbrella term and there are a range of identities and expressions that fall under it. It does not require someone to have undergone surgery or hormone therapy.”¹⁸⁸
- 2012 Webinar: When discussing housing determinations for transgendered youth: “And I know that many transgendered youth are very uncomfortable in having others view their genitalia. It’s very distressing. And so I have had transgender youth that have not done the genital exam out of deference to their own sensitivities.”¹⁸⁹
- 2008 Posted Resource Guide: “Transgender youth shall not automatically be housed according to their birth sex. ... Generally it is most appropriate to house transgender youth based on their gender identity.”¹⁹⁰

These policies were inconsistent with federal regulations. 28 C.F.R. Part 115 contain the PREA National Standards which were promulgated under President Obama in June 2012.¹⁹¹ In Section 115.42, use of screening information, subsection (c) provides:

In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, *and whether the placement would present management or security problems.* [emphasis added]

It appears that throughout the training the PREA Resource Center provided concerning housing transgender inmates, no consideration was given to the italicized portion of the regulation, that is the security and safety to *other* inmates, and only focused on the transgender inmate. Moreover, in a commentary note in the TGNCI Model Policy, it reads:

For many purposes, including housing, youth facilities are sex-segregated. The general rule is that a youth’s gender identity is the primary determinant of the youth’s sex for purposes of placing youth in these facilities. A transgender female is and should be considered female, irrespective of the name and gender marker on her legal documents or her physical characteristics. Accordingly, the presumption should be that all youth are housed consistent with their gender identity, including TGNCI youth. A rule that

¹⁸⁸ National PREA Resource Center, *Understanding Lesbian, Gay, Bisexual, Transgender and Intersex Inmates, Residents, and Detainees* (Aug. 13, 2018), <https://www.prearesourcecenter.org/implementation/training/webinars/understanding-lesbian-gay-bisexual-transgender-and-intersex>

¹⁸⁹ National PREA Resource Center, *PREA Standards and Policy Development Guidelines for LGBTI Youth in Custody* (Nov. 13, 2012), <https://www.prearesourcecenter.org/implementation/training/webinars/prea-standards-and-policy-development-guidelines-lgbti-youth>

¹⁹⁰ National Center For Lesbian Rights, *Model Policy & Practice Guidelines for Providing Non-Discriminatory Services to LGBT Youth in Juvenile Justice Facilities*, National PREA Resource Center (last accessed Apr. 26, 2025)

¹⁹¹ 15 C.F.R. § 115, available at <https://www.ecfr.gov/current/title-28/chapter-I/part-115> (last visited June 2, 2025). See also, United Department of Justice Final Rule, Prison Rape Elimination Act, Prison and Jail Standards (May 17, 2012), https://www.prearesourcecenter.org/sites/default/files/content/prisonsandjailsfinalstandards_0.pdf

automatically houses transgender youth according to their sex assigned at birth harmfully disregards their identity, forecloses an individualized approach, and may subject the youth to the threat of victimization and psychological harm. When the youth, personnel, or the youth's health care provider identifies a specific concern with placing youth consistent with their gender identity, an exception may be made. The safety concern must be specific and credible and may not be based solely on the youth's gender identity.

No mention of the safety of or security to others contrary to the promulgated regulations.

Subsection (g) of section 115.42 provides:

The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

Again, this is contrary to the National PREA Resource Center, TGNCI Model Policy May 2, 2019 under classification and housing which states that there is a presumption that TGNCI youth are to be "...housed consistent with their gender identity."¹⁹²

With regard to protective custody, the TGNCI Model Policy states, "Personnel shall not place TGNCI youth in isolation or segregation as a means of keeping them safe from discrimination, harassment, or abuse." This sentence is absolute with no caveats or exceptions. However, Section 115.43(a) provides:

Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing *unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.* [emphasis added].

Subsection (d) provides:

If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document:

- (1) The basis for the facility's concern for the inmate's safety; and
- (2) The reason why no alternative means of separation can be arranged.

Again, the regulation permits, albeit in limited circumstances, the involuntary segregation of TGNCI youth so long as there is a basis for such assignment. The training the PREA Resource Center offered and paid for by these grants far exceeds what the regulation allows.

¹⁹² *Supra*, fn. 181.

CONCLUSION

The Biden-Harris Administration awarded millions of dollars to advance left-leaning agendas that undermined the safety and security of many communities. The termination of funding to these progressive programs does not "undermine community safety."¹⁹³ If anything, communities appear safer without the influence of Vera in their district attorneys' offices.

¹⁹³ Decl. of Nicholas Turner at ¶ 27.

Appendix A

National PREA Resource Center, Featured Resource, TGNCI Model Policy (last accessed Apr 26, 2025),
<https://www.prearesourcecenter.org/file/tgnci-model-policy>

Tool | TGNCI Model Policy

May 02, 2019

TGNCI Model Policy

This guide discusses PREA standards relevant to Trans/Gender Non-conforming/Intersex youth populations governing a range of practices, including risk assessment, housing and classification, searches, and privacy. This new resource offers practical policies that operationalize the standards and provide clear guidance to facility staff about promoting the safety and well-being of TGNCI residents.

The model policy was funded by PRC through a mini-grant to the [National Center for Lesbian Rights](#) in collaboration with the [Center for Children's Law and Policy](#) with a diverse group of justice stakeholders.

TGNCI model policy

TYPE: Tool	STANDARDS:	FACILITY:	TERMS:
TOOLSETS: Guide	115.13	Community Confinement	Model policy
	115.15	Juvenile Facility	LGBTI
	115.21	Lesbian Facility	Transgender

Notifications

No new notifications

Saturday, April 26

April 2025

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Model Policy

6. Confidentiality

a. Personnel shall treat any information about a youth's identification as TGNCI – however the information is obtained – as private and confidential. Personnel shall only share this information internally with those who have a need to know to meet the youth's needs or ensure the youth's safety. Whenever this information is disclosed internally, personnel shall inform the youth about the reason for the disclosure and to whom the information will be disclosed.

b. Personnel shall not disclose information about a youth's identification as TGNCI to other youth, outside parties, individuals, or agencies, including health care or social service providers, without the youth's permission, unless such disclosure is necessary to comply with state or federal law or relevant to an emergency mental health or medical incident.

c. **[Insert responsible position or department]** shall implement protections to ensure that confidential information about a youth's gender identity or identification as TGNCI is not inadvertently shared on documentation shared with parties outside of the facility (e.g., incident reports, behavioral reports, status reports, email, etc.).

d. Personnel shall not disclose information about a youth's status as TGNCI to a youth's parent, legal guardians, or other family members without the express consent of the youth.

e. Personnel shall explain to youth the extent and limits of their ability to keep confidential information about the youth's status as TGNCI. If personnel are required to disclose such information for any reason, they shall inform the youth to whom the information will be disclosed and the reason for the disclosure. Personnel shall document the specifics of the disclosure, including their conversation with the youth.

13

Commentary:

Unwarranted disclosure of SOGIE information may subject youth to rejection, ridicule, harassment, or abuse. Facility personnel should be thoughtful and cautious about recording or sharing this information and should only do so when necessary to advance the youth's well-being and after consulting with the youth and securing the youth's consent. Talking with youth about potential disclosures gives them the opportunity to ask questions, assert their wishes, and minimize potential negative consequences. Engaging with youth on these issues also conveys respect and sensitivity and builds trust. Some youth may be "read" as transgender or gender nonconforming regardless of efforts to maintain their privacy. Personnel should still empower these youth to decide whether they want to discuss their gender identity, and with whom.

7. Classification and Housing

a. Personnel shall make housing and programming assignments for TGNCI youth within 72 hours of admission using an individualized, case-by-case approach.

b. Personnel shall not automatically house youth according to their sex assigned at birth, nor shall personnel automatically assign TGNCI youth to special housing units or rooms based solely on their gender identity or gender expression. The presumption shall be that TGNCI youth are housed consistent with their gender identity.

c. In addition to the information relevant to classification of all youth, personnel shall consider the physical and emotional safety of TGNCI youth and prioritize the youth's views about their own safety. Personnel shall also consider any recommendations from the youth's regular health care provider as well as the views of the facility's medical or mental health provider about the impact of potential placements on the youth's health and well-being.

d. Personnel shall not base housing decisions on the complaints of personnel or other youth when those complaints are based on the youth's gender identity or gender expression.

× Pages

Model Policy

Notifications

No new notifications

Saturday, April 26

April 2025

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August 13, 2018 PREA Resource Center Webinar: Understanding Lesbian, Gay, Bisexual, Transgender and Intersex Inmates, Residents, and Detainees (<https://www.prearesourcecenter.org/implementation/training/webinars/understanding-lesbian-gay-bisexual-transgender-and-intersex>)

Language and Terminology

Gender Identity

Transgender is an **adjective** (always remember to refer to “**transgender people**” and **not** “**transgenders**”) that describes a person’s gender identity when that identity is different from the person’s assigned sex at birth.

Note: “Gender Identity Disorder” was replaced with “Gender Dysphoria” in the Diagnostic and Statistical Manual (DSM-5).

Cisgender is an adjective that describes a person’s gender identity when that gender identity is the same as their sex assigned at birth.

Which are different from ...

Intersex is an adjective that means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

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and expressions that fall under it. It does not require someone to have undergone surgery or hormone therapy. Note, Gender Identity Disorder 11:12

was replaced with Gender Dysphoria in the Diagnostic and Statistical Manual, DSM-5. Conversely, cisgender is an adjective that describes a person's gender identity 11:23

when that gender identity is the same as their sex assigned at birth. Both transgender and cisgender are different from intersex. 11:36

Intersex is an adjective that means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit 11:47

the typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development. You may have heard the term hermaphrodite 11:55

to refer to this condition. This term is considered outdated and offensive. It is best to refer to someone as having intersex with intersex or as intersex. 12:07

Another note on intersex. The DSD refers to intersex as disorders or differences in sex development. Many advocates do not like the term disorder 12:23

and prefer differences. Approximately one in every 1,500 to 2,000 people are born with an intersex condition. This next slide discusses 12:33

three different types of intersex conditions, it is not an exhaustive list. Before we get into the details, remember that most people have 46 chromosomes, 12:48

Nov. 13, 2012 PREA Standards and Policy Development Guidelines for LGBTI Youth In Custody

(<https://www.prearesourcecenter.org/implementation/training/webinars/prea-standards-and-policy-development-guidelines-lgbti-youth>)

PREA Standards

28 C.F.R. § 115.315: Limits to cross-gender viewing and searches

(e) The facility shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

(f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Developed by The Project on Addressing Prison Rape (October 2012)

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Bob, do you wanna pop in at this point? Yeah, I think this would be a good time. At the Hawaii Youth Correctional Facility, 40:52

we've had a long history of having transgender youth at the facility, as far as we know, more male to female than female to male. 41:00

Although I think we're not recognizing the female to male as much as we should. But I have been part of the team that has made decisions 41:09

around what the most appropriate housing should be for our transgender youth. And to the credit, I believe in my institution, 41:20

I have not been asked to give a genital report to the administration. Basically they allowed me to do what I do with any youth, 41:27

which is a complete physical and developmental evaluation in the course of a new kid coming into the facility. And with the collaboration of our mental health team, 41:37

then we report to the administrator, whether we believe a young person is in fact transgender and they are involved in the process of where we think 41:50

that young person would most appropriately be housed. But I guess the point here is around the physical examination. I have never been asked by the administration to say, 42:01

check down below and give me a report, rather, they just want to know that this young person is in fact transgender, 42:10

which may or may not imply doing a genital exam. 42:18



PREA Standards

28 C.F.R. § 115.315: Limits to cross-gender viewing and searches

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Developed by The Project on Addressing Prison Rape (October 2012)

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42:01

check down below and give me a report, rather, they just want to know that this young person is in fact transgender,

42:10

which may or may not imply doing a genital exam. Again, I keep going for this for hours. But I'll stop.

42:18

But the point here is that, again, I do not feel as a physician in the facility that I'm an agent of the facility,

42:26

which is a little weird because they provide the contract, it brings me there, but really I'm the pediatrician of the youth.

42:35

And I know that many transgender youth are very, very uncomfortable in having others view their

42:42



41:21



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PREA Standards

28 C.F.R. § 115.315: Limits to cross-gender viewing and searches

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Developed by The Project on
Addressing Prison Rape (October
2012)

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42:35

And I know that many transgender youth are very, very uncomfortable in having others view their genitalia. It's very distressing.

42:42

And so I have had transgender youth that have not done the genital exam out of deference to their own sensitivities.

42:51

And yet I have the paperwork that Brenda was speaking about. I have a young person who is cross dressing in front of me.

43:00

Maybe I've known them from another setting, all of that's enough information for me to be very comfortable, as well as conversations we've had,

43:09

which is the most important thing, their inner sense of gender identity that I can offer to the administration, what I think is going on for that youth.

43:17

And again, to their credit, they haven't asked for any more than that. They trust that we, myself and the mental health team

43:27

kind of know what we're doing in this area. Great. Thank you, Bob. And, I guess that's a nice segue to talk about F here,

43:33

which is training security staff in how to conduct cross-gender paths and searches of transgender and intersex residents. I think that the important feature here

43:41

is to talk about being respectful, having these

43:50



42:35



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National PREA Resource Center, Resource, Tool—Model Policy & Practice Guidelines for Providing Non-Discriminatory Services to LGBT Youth in Juvenile Justice Facilities (last accessed Apr 26, 2025), <https://www.prearesourcecenter.org/resource/model-policy-practice-guidelines-providing-non-discriminatory-services-lgbt-youth-juvenile>

The screenshot shows a web browser with multiple tabs. The active tab is titled "Model Policy & Practice Guideli...". The address bar shows the URL: [prearesourcecenter.org/resource/model-policy-practice-guidelines-providing-non-discriminatory-services-lgbt-youth-juvenile](https://www.prearesourcecenter.org/resource/model-policy-practice-guidelines-providing-non-discriminatory-services-lgbt-youth-juvenile). The page has a dark blue header with the word "Resource" in white. Below the header, there is a sub-header: "Tool | Model Policy & Practice Guidelines for Providing Non-Discriminatory Services to...". The main content area is light blue and features a large orange icon of a wrench and screwdriver. To the right of the icon, the date "Aug 01, 2008" is displayed. The title "Model Policy & Practice Guidelines for Providing Non-Discriminatory Services to LGBT Youth in Juvenile Justice Facilities" is prominently displayed in a large, bold, black font. Below the title, a paragraph states: "The purpose of these Policy and Practice Guidelines is to establish operational practices that reinforce a facility's commitment to respect the dignity of lesbian, gay, bisexual, and transgender (LGBT) youth, create a safe environment for all members of the correctional community, and ensure that all youth have equal access to all available services, placement, care, treatment, and benefits provided by the facility." Below this paragraph, there is a blue icon of a document with a speech bubble and the text "LGBT Youth in Juvenile Justice Facilities". At the bottom of the page, the authors are listed as "Authors: National Center for Lesbian Rights". The browser's status bar at the bottom right shows the time as 1:41 PM.


Resource

Tool | Model Policy & Practice Guidelines for Providing Non-Discriminatory Services to...

Aug 01, 2008

Model Policy & Practice Guidelines for Providing Non-Discriminatory Services to LGBT Youth in Juvenile Justice Facilities

The purpose of these Policy and Practice Guidelines is to establish operational practices that reinforce a facility's commitment to respect the dignity of lesbian, gay, bisexual, and transgender (LGBT) youth, create a safe environment for all members of the correctional community, and ensure that all youth have equal access to all available services, placement, care, treatment, and benefits provided by the facility.

 LGBT Youth in Juvenile Justice Facilities

Authors: National Center for Lesbian Rights

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Page 2 of 8

- Any disclosure of confidential information related to a youth's LGBT identity shall be limited to information necessary to achieve the specific beneficial purpose.
- This confidentiality restriction does not prevent individuals working at [facility] from discussing a youth's needs or services with other staff members or when resolving a grievance.

C. Intake

- Staff should be aware that LGBT youth are in various stages of awareness and comfort with their sexual orientation and gender identity. Youth intake interviewers shall sensitively inquire about fears the youth may have of being harassed in the facility, but intake workers should not directly ask youth if they are LGBT. Some youth will disclose that they are LGBT. If a youth discloses their sexual orientation or gender identity, the intake worker should talk with the youth about it in an open and non-judgmental fashion and determine if the youth has particular concerns or needs related to being LGBT.

D. Youth Placement

- Placement decisions for LGBT youth shall occur as soon as possible after intake so the youth is not at risk while awaiting a decision regarding placement. All classification and placement decisions for youth confined at [facility] shall be individualized, based on good juvenile correctional practices, and shall prioritize the youth's physical and emotional well-being.
- Youth shall not be prohibited from having a roommate based on a youth's actual or perceived sexual orientation. If a youth is fearful of rooming with a particular youth, he or she will be provided a different roommate or a single room, if available. This assignment will be made in accordance with classification procedures and facility safety and security needs.
- LGBT youth shall not be placed in isolation or segregation as a means of keeping them safe from discrimination, harassment, or abuse. LGBT youth shall not be treated or classified as sex offenders unless required by a court.
- Transgender youth shall not automatically be housed according to their birth sex. [facility] staff shall make housing decisions for transgender youth based on the youth's individualized needs and should prioritize the youth's emotional and physical safety taking into account the youth's perception of where he or she will be most secure, as well as any recommendations from the youth's health care provider. Generally, it is most appropriate to house transgender youth based on their gender identity. If necessary to ensure their privacy and safety, transgender youth shall be provided a single room, if available.

E. Names and Language

- Employees, volunteers, and contractors, when working with youth at [facility] shall use respectful language and terminology that does not further stereotypes about LGBT people.

Page 3 of 8

Pages

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2

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Notifications

No new notifications

Saturday, April 26

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4/26/2025