

TRANSFORMING THE SYSTEM



SOLUTIONS & ACTIONS TO

Promote Community Safety through Policies that Promote Fairness & Reduce Incarceration

Our criminal justice system should keep us safe, treat people fairly and respectfully, and be flexible and ready to change with the times. This means taking a careful look at why and how we imprison people in this country, and making changes in the system when it no longer meets our goals or supports our values. Currently, we are currently saddled with an outdated, unfair and bloated criminal justice system that drains resources and disrupts communities. Our prisons are too big and too full, and our reasons for locking people up are not well-thought-out. In addition, a number of incentives exist that encourage the continuous reliance on prisons. To promote pragmatic law enforcement that supports communities, legislatures should prioritize communities over incarceration.

1. Invest in Communities over Incarceration

The President should draft an Executive Order—based on his executive authority to set prosecutorial priorities and to manage the federal prisons system—directing federal law enforcement agencies to prioritize policies and practices that reduce incarceration and prioritize community investment over imprisonment as a strategy for ensuring public safety.

2. Don't Fund Bad Actors

The Department of Justice (DOJ) Civil Rights Division and the DOJ Office of Community Oriented Policing Services should work together to ensure police departments that are under investigation or have outstanding cases for statutory and constitutional violations are not awarded grants to hire additional police officers, by establishing an interagency taskforce dedicated to ensuring that the DOJ is not inadvertently rewarding bad actors. The DOJ should only fund law enforcement agencies that provide specific and demonstrable action plans for addressing unwarranted racial disparities and racial profiling in law enforcement activities in their funding applications to ensure compliance with Title VI of the Civil Rights Act of 1964.

3. Prohibit “Volume-Based” Performance Measures

Legislatures should prohibit performance metrics that reward criminal justice agents for increasing their volumes of prosecutions, tickets, summonses, arrests, probation violations, and other punitive civilian encounters; provide protection for whistleblowers to report unofficial “volume-based” performance metrics; and create strict penalties for law enforcement agencies with such unofficial policies.

4. Use Restorative Justice in the Criminal Justice System

Local governments and the judiciary should establish restorative justice programs that address community justice matters, including programs that address serious offenses. Restorative justice programs seek to repair the harm caused to victims and communities, and include practices such as family group conferences, mediation, community decision-making, and mechanisms for restitution.

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5. Use More Pardons and Expedite Commutations

The President should ensure that pardons, which fully or conditionally forgive crimes, are used more extensively to address injustice in the criminal justice system, including taking steps to provide additional resources to the Pardons Office. Furthermore, the President should expedite the commutations process and eliminate bureaucratic barriers to relief.

6. Recommit to Human Rights

Local, state, and federal governments should recommit to human rights by complying with human rights standards for racial equity, incorporating human rights into employee trainings, orientations, and handbooks for employees in institutions within the criminal justice system, and allowing United Nations officials and experts unrestricted access to inspect U.S. prisons and jails.

7. Establish Truth & Reconciliation Commissions

Local and state legislatures should pass legislation that establishes commissions for truth and/or reconciliation, where there is a history of past abuse and/or community mistrust of law enforcement. These commissions should be tasked with making recommendations based on their findings.¹

8. Fund Community Outreach

The DOJ should incentivize healthy relationships between the community and law enforcement agencies by prioritizing law enforcement agencies that have a substantive community outreach strategy detailed in funding applications.

9. Include the Voices of Those Directly Affected

Policymakers should incorporate the voices and policy suggestions of people who have been directly affected by the criminal justice system—including formerly incarcerated people and survivors of police violence—in the development of laws and policies that affect them.

10. Promote Intersectional Approaches

Advocates, activists, cultural workers and artists, and civil society should adopt a framework that highlights issues experienced by community members with intersectional identities, including women of color, formerly incarcerated individuals, black women, migrants, Muslim youth, Native American women and youth, LGBTQ people of color, transgender people of color, among others. Policymakers should incorporate an intersectional analysis when evaluating policies.

¹ See Fania E. Davis et al., *Restoring Racial Justice*, 2015, <http://internal.psychology.illinois.edu/~lyubansk/RRJ.pdf>.