

Smart on Crime Coalition

<http://www.besmartoncrime.org/pdf/Complete.pdf>

For presentation and discussion
Colorado Commission on
Criminal and Juvenile Justice
March 11, 2011

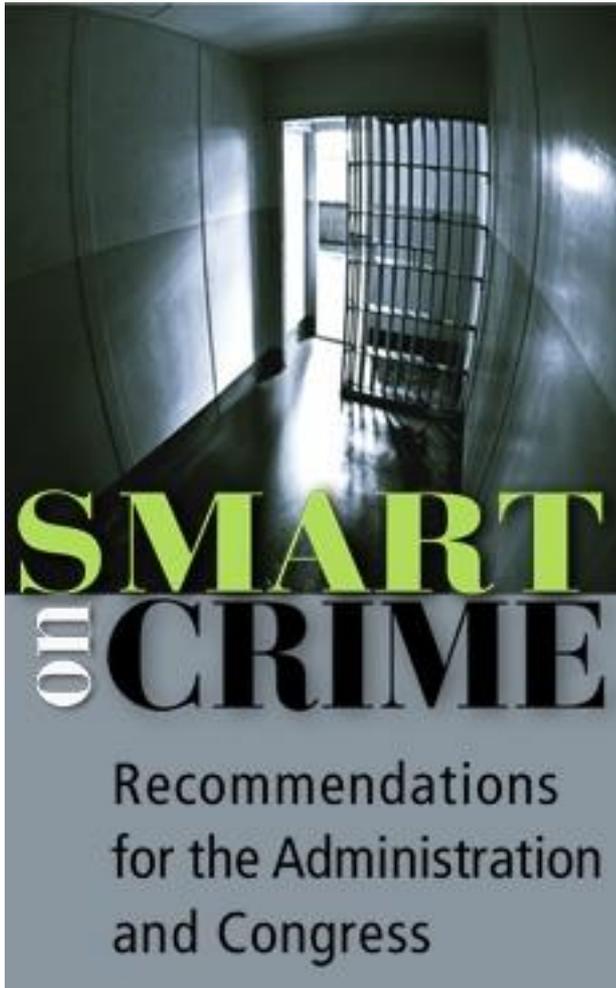


Smart on Crime Coalition brought together by **The Constitution Project**



- The Constitution Project (TCP) brings together unlikely allies—experts and practitioners from across the political spectrum—in order to promote and safeguard America’s founding charter. TCP is working to **reform the nation’s broken criminal justice system** and to strengthen the rule of law through scholarship, consensus policy reforms, advocacy, and public education.

<http://constitutionproject.org>



--The Coalition is comprised of more than 40 organizations and individuals, who participated in developing over 100 policy recommendations across 16 broad issue areas.

--The Coalition, with experts and advocates spanning the criminal justice system, is particularly troubled by the budget crises plaguing states and placing greater burdens on the federal government.

Report contributors

- American Bar Association
- American Civil Liberties Union
- Families Against Mandatory Minimums
- Heritage Foundation
- National Association of Criminal Defense Lawyers
- Americans for Forfeiture Reform
- Criminal Justice Policy Foundation
- English & Smith, LLP
- Innocence Project
- Brennan Center for Justice
- The Constitution Project
- American Psychological Association
- Campaign for the Fair Sentencing of Youth
- Campaign for Youth Justice
- Center for Children's Law and Policy
- Coalition for Juvenile Justice
- Just Detention International
- Phyllis Lawrence, Restorative Justice and Capital Mitigation Specialist
- National Juvenile Justice Network
- Sentencing Project
- RFK Juvenile Justice Collaborative
- ACLU National Prison Project
- ACLE Washington Legislative Office
- D.C. Prisoner's Project
- Families Against Mandatory Minimums
- Just Detention International
- Law Offices of Margaret Love
- Legal Action Center
- National Legal Aid and Defender Association
- Open Society Policy Center
- Prison Fellowship
- Amnesty International
- The Raben Group

Purpose of the Coalition

- The Smart on Crime Coalition was created to provide **Congress** with a comprehensive view of the *federal government's* role in improving the criminal justice system.
 - Developed over 100 recommendations in 16 areas of the system.
 - First convened in 2008, published first edition in 2009
- Goal is to provide **non-ideological, cost-effective, and evidence-based recommendations** to improve our system.
 - Many of these recommendations can be revised to be applicable at state and local levels.
 - Or, we could write to our congressional delegation to support recommendations that only apply at the federal level.
- **Note** that each entity formally endorses **only particular policy areas** and may not endorse recommendations expressed in other areas of policy. **(Consensus is difficult to achieve)**

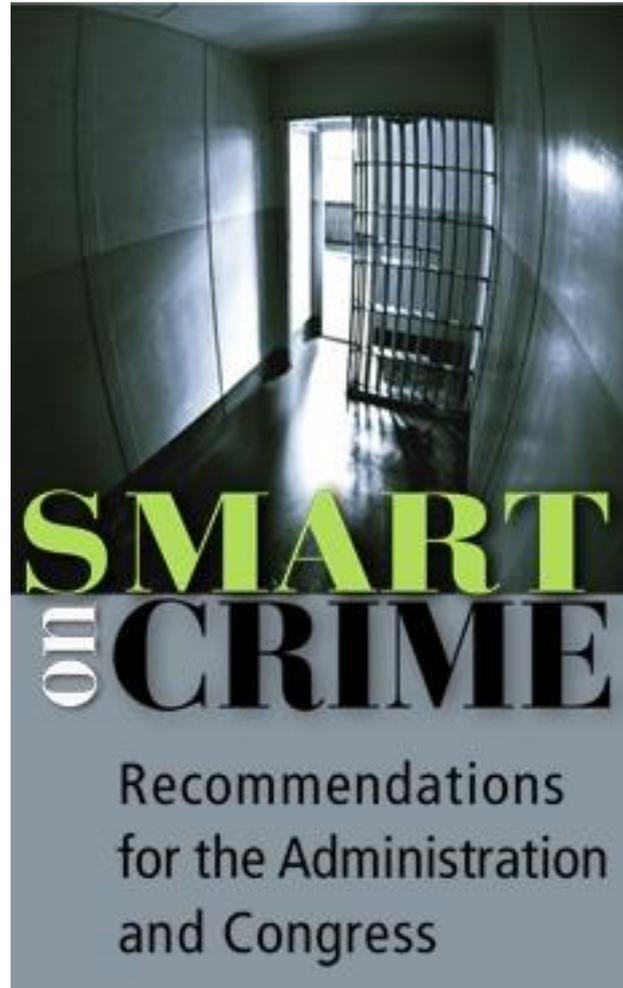
Principles of Reform

to be considered when contemplating improvement to the criminal justice system

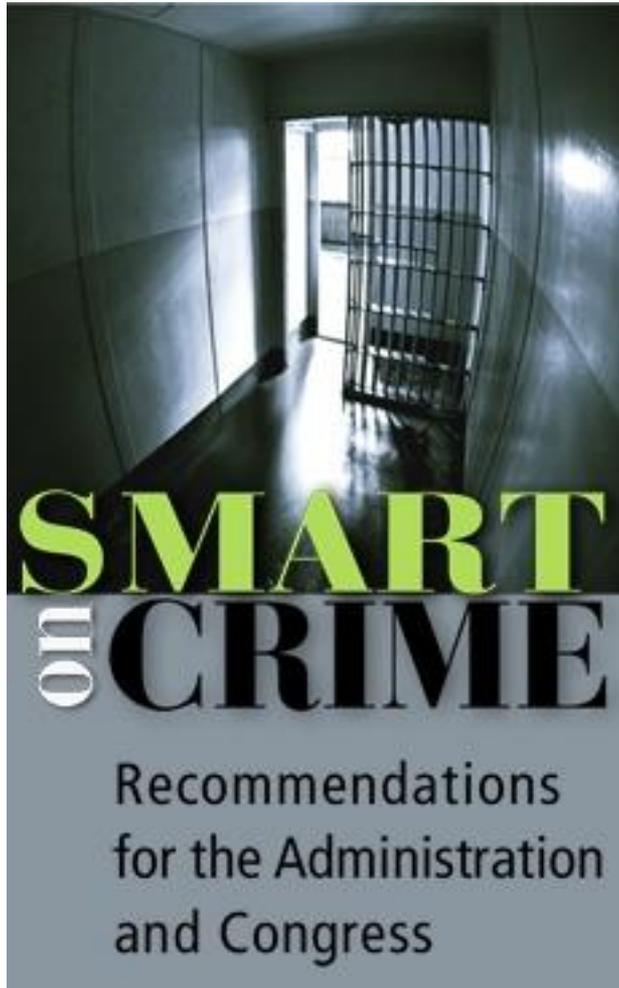
- **Fairness:** The criminal justice system should provide access to legal safeguards
 - Guaranteeing the presumption of innocence
 - Providing effective representation
 - Eliminating policies that create improper disparities
 - Working towards restorative justice, with respect and compassion
- **Accuracy:** Ensure that all criminal justice practice in arrests, investigations, charges and prosecution are appropriate and accurate.

Principles, cont.

- **Effective:** Recommendations should be evaluated to determine if they will increase public safety and regulate conduct.
- **Proven:** All strategies and practices should meet evidence-based or scientific standards. This will improve practice and increase the public's trust in the system.
- **Cost-Efficient:** All changes to the system should be considered with concern for cost efficiency.



A few examples of policy areas and recommendations

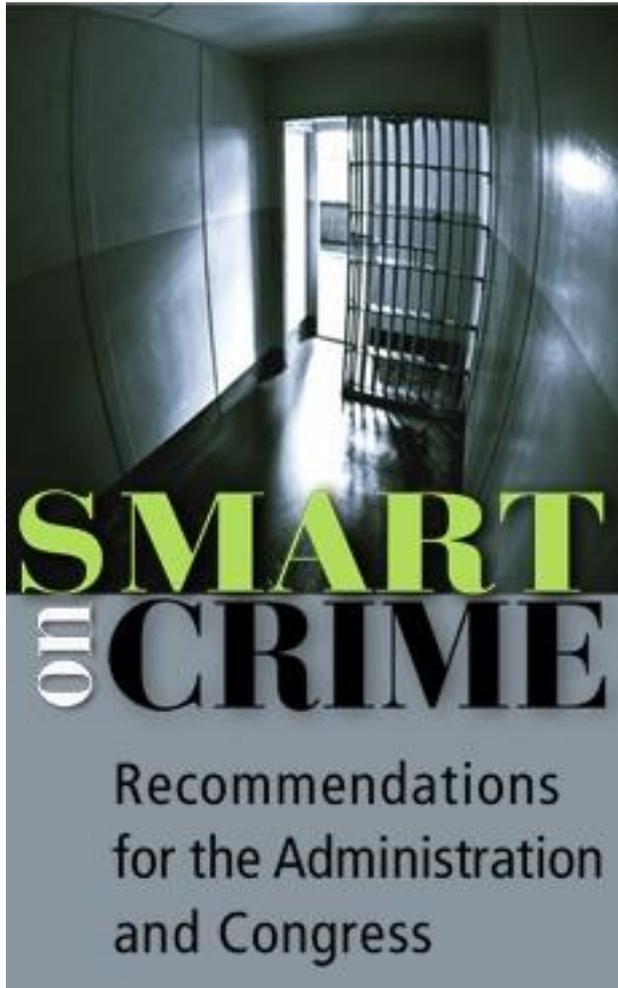


Policy Area

Overcriminalization

Overcriminalization

- **Adopt rules and reporting requirements to stem overcriminalization and overfederalization**
 - Require every bill that would add or change criminal offenses or penalties to be reviewed automatically by the judiciary committee.

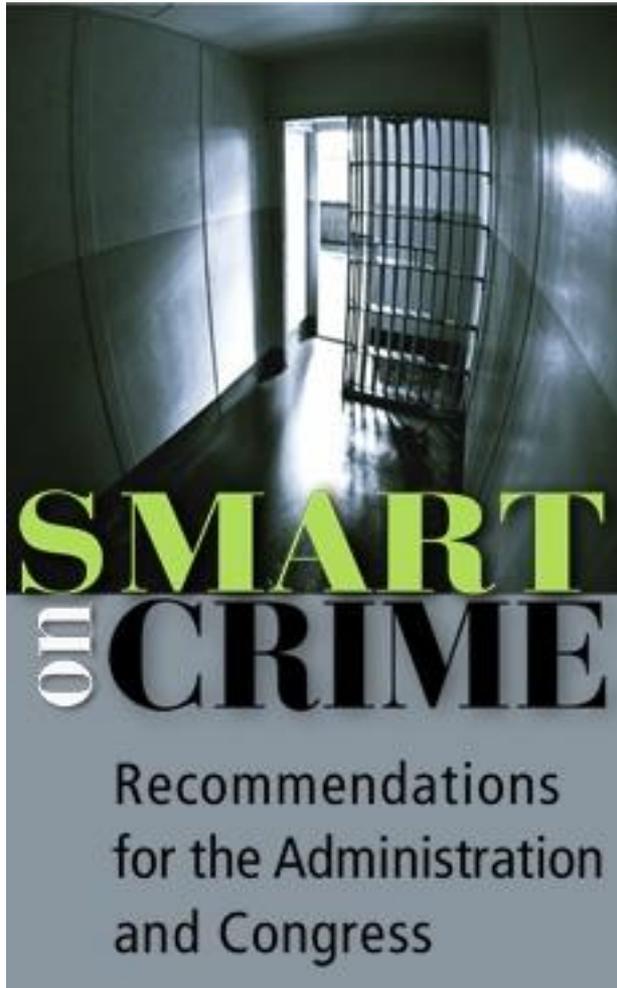


Policy Area

Criminal Investigations

Investigations

- Support **eyewitness identification** reform measures
 - Create legislation to require law enforcement agencies to implement eyewitness identification procedures that have been scientifically shown to be reliable and to minimize misidentification.

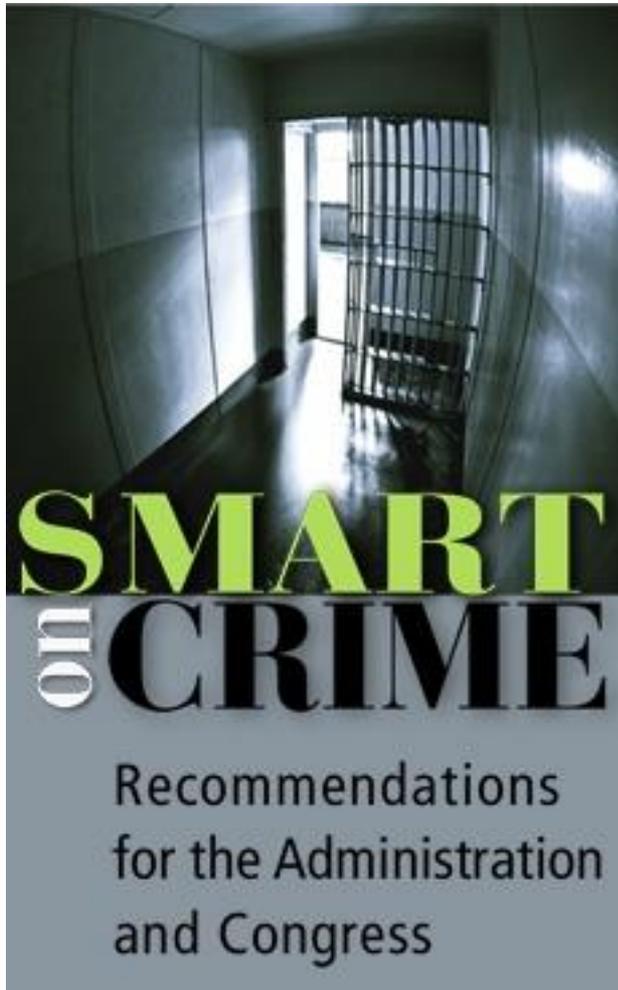


Policy Area

Indigent Defense

Indigent Defense

- Ensure adequate funding, staffing, and training for **state indigent defense systems**.
 - Encourage states to use existing **federal grants** to support all components of the criminal justice system, including indigent defense.



Policy Area

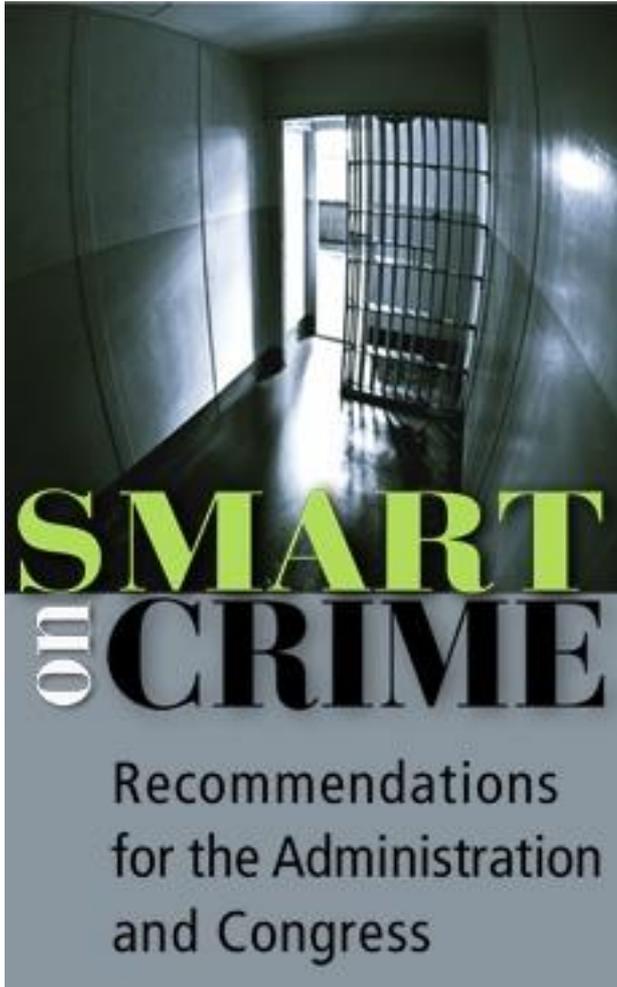
Juvenile Justice

Juvenile Justice

- **Prevent crime and divert youth** from the justice system.
 - Implement and fund **evidence-based practices** to prevent delinquency and gang involvement.
 - Congress should pass the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education (PROMISE) Act to do this.

Juvenile Justice

- **Help youth successfully reenter their communities.**
 - Improve the education of incarcerated youth.



Policy Area

Sentencing

Sentencing

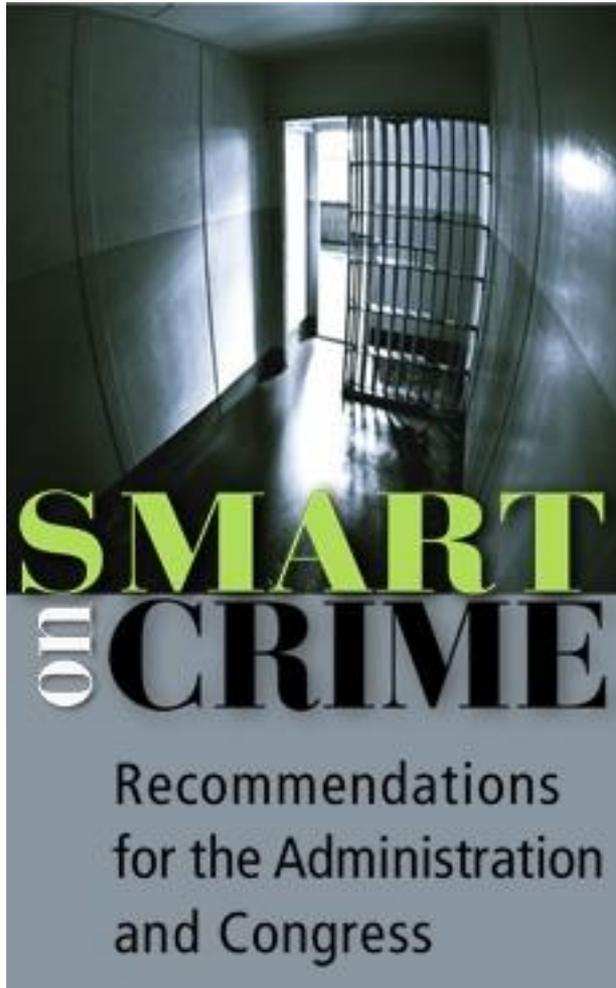
- **Expand federal statutory authority for deferred adjudication.**
 - Permit individuals charged with certain crimes to **avoid a conviction record** by successfully completing probation.
- **Expand alternatives to incarceration in federal sentencing guidelines.**
 - Broadly expand the availability of alternatives to incarceration.
 - Especially for those convicted of substance abuse crimes or those with mental illness and who pose no substantial threat to the public.

Sentencing

- Clarify and **expand good time** conduct credit calculations.
 - Provide credit toward sentence for satisfactory participation in specified prison programs.

Sentencing

- **Permit sentence reductions for extraordinary and compelling circumstances.**
 - Expand elderly home confinement release programs.

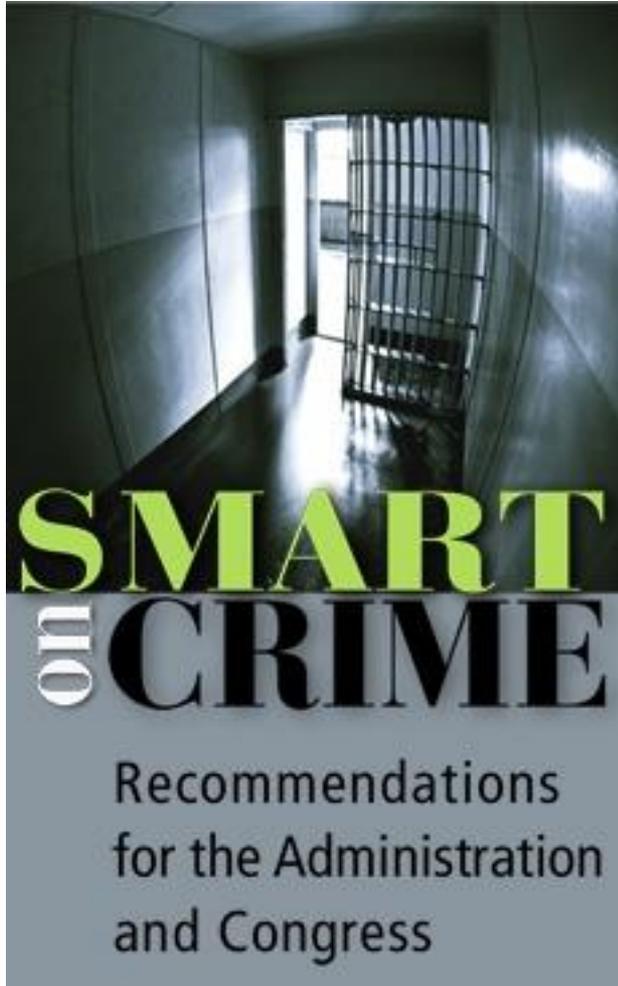


Policy Area

Prisons

Prisons

- **Reduce recidivism and increase effective rehabilitation.**
 - Pursue policies to **prepare offenders for reentry** into the community.
 - Include **drug treatment, alternatives to incarceration for non-violent offenders, access to education and job training**, coordination between prison and the community.

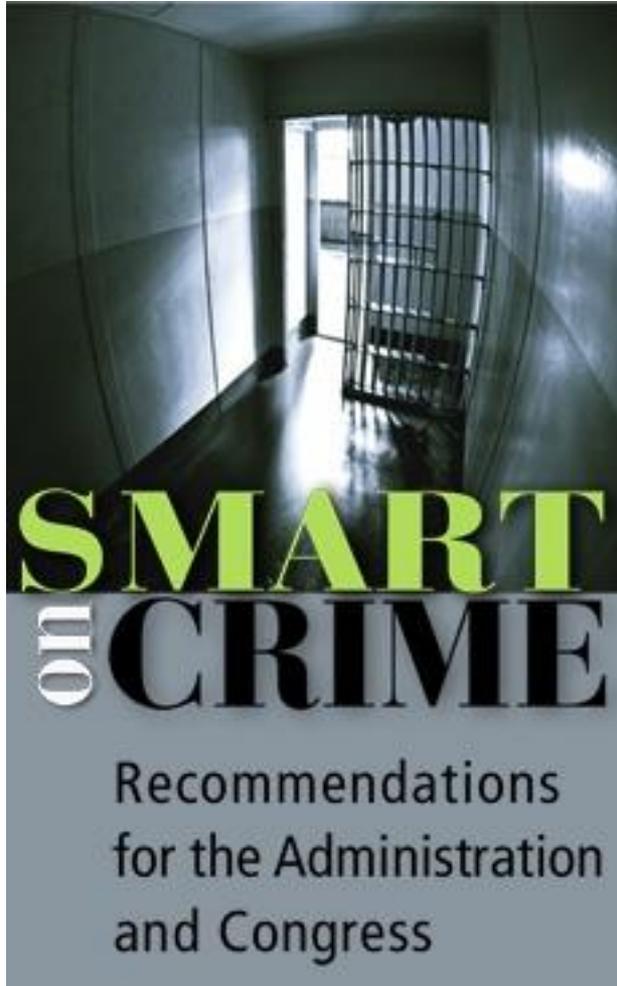


Policy Area

Victims Rights and Restorative Justice

Victims Rights and Restorative Justice

- Establish and fund National Commission on Restorative Justice
 - **Study the effectiveness of restorative justice** in meeting the needs of victims and communities by supporting offender accountability and competency.



Policy Area

System Change

System Change

- **Evaluate and limit racial and ethnic disparities.**
 - Establish pilot programs to examine racial and ethnic fairness issues.

Summary



– The Commission and its task forces have discussed and addressed many of the issues identified by the Smart on Crime Coalition:

- good time in jail and prison
- collateral consequences
- reentry
- treatment
- MOR
- restorative justice
- victims rights

Right on Crime

THE CONSERVATIVE CASE FOR REFORM:

Fighting Crime, Prioritizing
Victims, and Protecting
Taxpayers.

Conclusion



Right on Crime

- **Is urging policymakers to engage in a conversation about the money spent on criminal justice and its effectiveness**
 - Transparency, performance measures, accountability
 - Victims, public safety, risk of offender, restitution
 - Use incentives to improve **POLICIES and BEHAVIOR**
 - Reduce overcriminalization

Smart on Crime

- **Is urging policymakers to engage in a conversation about the money spent on criminal justice and its effectiveness**
 - Transparency, accountability
 - Victim rights, restorative justice, individualized sentencing
 - Reduce recidivism and increase effective rehabilitation
 - Reduce overcriminalization