

TRANSFORMING THE U.S. JUSTICE SYSTEM

REJECTING THE STATUS QUO, SPEEDING THE PACE OF REFORM

MAY 2019



SCHOOL *of* PUBLIC AFFAIRS
AMERICAN UNIVERSITY • WASHINGTON, DC

A collaboration of SPA's Justice Programs Office
and the Justice, Law, & Criminology Department

"The problem in the criminal justice system is that it's an enterprise system with no CEO. Nobody is in charge. Everybody operates in their own silos."

Anne Milgram

*Professor of Practice and Distinguished Scholar
in Residence at the New York School of Law
and former Attorney General of New Jersey*

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Thank you to all of the criminal justice practitioners from across the country who attended the summit and provided their unique and thoughtful ideas to the dialogue (*see page 35 for full list*). And thank you to the many SPA staff, faculty and students who lent their support and expertise to the symposium (*see page 36 for full list*).

The combined work of these subject matter experts was essential to our effort, guiding SPA symposium staff and faculty as they designed and held the symposium and drafted this final report. We not only thank them for their diligence but also for the enthusiasm and optimism they each brought to the event.

American University
School of Public Affairs
Department of Justice, Law & Criminology
in collaboration with Justice Programs Office

May 2019

Dear Colleague,

The American University School of Public Affairs (SPA) in collaboration with its Justice Programs Office was pleased to convene a symposium on December 12, 2018, with experts representing all facets of the justice system from policing to courts to corrections. The conversation covered what works for our system, what needs to change, how to move forward, and the best way to accelerate reform. Our goal is to amplify this crucial conversation beyond campus and bring the recommendations from this report to the practitioners, thought leaders, and policymakers who can have an impact on improving the system for all.

During the symposium, there was consensus around the need to have a foundation that embraces values of equality, fairness, and safety. The following report outlines what steps symposium participants believe are essential to help guide improvements. Our hope is to go beyond our conversation on campus and through this report garner broad support for adoption of this agenda by experts in the field.

Thanks to all who shared their insight and vision for building a better justice system. We will disseminate this document widely, welcome debate, and ultimately hope it becomes a roadmap for change.

Vicky Wilkins
Dean, School of Public Affairs
American University

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"If we are really serious about speeding the pace of reform, then we need to start thinking outside the box about how we can make changes that bring about better efficiency, better effectiveness – and let's make sure they are realistic."

Richard Bennett

Professor, SPA Department of Justice, Law and Criminology

EXECUTIVE SUMMARY

On Dec. 12, 2018, American University School of Public Affairs (SPA) launched its new exploratory justice symposium series: *And Justice for All*. This first event, *Transforming the Justice System: Rejecting the Status Quo, Speeding the Pace of Reform*, focused on the entire U.S. criminal justice system and its capacity to meet 21st Century justice needs.

The symposium modeled diversity, bringing together 40 individuals representing subject matter experts from the field, justice faculty, and staff from SPA, as well as selected students from SPA representing future leaders of the justice system. From the outset, participants simultaneously applauded historic achievements and identified serious problems facing the justice system requiring immediate attention.

Problems of most concern to participants included: community trust; transparency; workforce diversity; racial, ethnic, and gender bias; working in silos, and accountability and standards. Looking at individual system components, participants identified another equally troubling set of issues including police officer involved shootings, prosecutorial misconduct, judicial responsibility, lack of defense counsel at first appearance, high incarceration rates, and unacceptably high rates of recidivism.

The tone for the summit was set early by the keynote speaker, Anne Milgram, former New Jersey Attorney General, and dialogue among participants. Three concepts emerged that served as the framework for the remainder of the summit: 1) There is no value in accepting status quo performance from any part of the justice system and unacceptable practices should be rejected; 2) Where innovative practices have been proven effective by research, the speed of adoption of those practices across the entire system must increase; and 3) While improvements in system components (police, courts, corrections) are critical, there is a need to focus on the entire system as a whole and its ability to provide consistent justice across those sectors.

Throughout the day, participants worked to develop recommendations to guide both practitioners and researchers on how to transform a system — which has historically worked in silos — into a 21st Century justice system seamlessly interwoven to provide justice for all. To guide their work, participants first created a set of overarching values that they saw as crucial and called for them to be adopted by leaders and staff of every component of the system.

10 TRANSFORMATIONAL SYSTEM VALUES

Early on in the symposium, participants called for a much more coordinated justice system to ensure equal justice for all. They also understood that component leaders (police, courts, corrections) cannot easily influence their partner components, and have no authority to do so. That leaves them focused almost exclusively on the unique problems of their component. To help component leaders step up and impact the overarching justice system they are part of, symposium participants proposed a simple yet elegant solution: All component practitioners in the police, courts and correctional arenas should consider a set of transformational values that they can agree on, and work together to adopt across components. This umbrella of values will then guide all system players toward a seamless approach to equal justice. Symposium participants created the following list of "10 Transformational Values" to serve as the foundation for system-wide change.

1. EQUALITY IN ADMINISTRATION

Ensuring that every individual entering any component of the justice system is assured fair and equal treatment.

2. EQUITY AND INCLUSION IN THE WORKFORCE

Requiring that hiring and promotional practices across the entire system seek the highest levels of diversity.

3. PUBLIC SAFETY AT THE CENTER

Constantly reminding those on the front lines of each system component that public safety is the significant goal of the system.

4. BEHAVIORAL AND MENTAL HEALTH ISSUES ADDRESSED

Ensuring that behavioral and mental health issues of both those working in the system and those entering it are prioritized through policy, practices, and resources.

5. RESEARCH-DRIVEN PRACTICES INCORPORATED

Using the growing body of knowledge from research science to implement innovative practices that have been successful in various jurisdictions.

6. VICTIMS' RIGHTS RECOGNIZED

Understanding, respecting, and attending to the critical needs of victims as they interact with various components of the system.

7. SUFFICIENT RESOURCES PROVIDED

Ensuring sufficient resources for not only the core system services, but also for evidence based innovative practices worthy of immediate investment.

8. COMMUNITY PARTNERSHIPS

Reinforcing the fact that collaboration with others outside the system has been proven to help create highly successful policies and practices.

9. LEADERSHIP AND ACCOUNTABILITY

Holding those in charge to the highest levels of professionalism and moral and ethical responsibility.

10. EDUCATION AND TRAINING

Ensuring that those working within any part of the justice system have the education, training, and experience needed for them to excel at their work.

Using these values as a foundation for overall system transformation, participants turned their attention to components of the system (police, courts, corrections). They identified recommendations that were consistent with and complementary to the values. Their ideas focused on breaking down silos through shared data, collaborative policy development, creating strong internal and public trust, and continuously confronting bias and racism as it affects both staff and system clients.

SELECTED EXAMPLES OF RECOMMENDATIONS DEVELOPED EXCLUSIVELY FOR INDIVIDUAL SYSTEM COMPONENTS

POLICING

- Embrace equity and inclusion in workforce diversity. Police departments should reflect the diversity of the communities they serve. Diversity within the police force can have a direct impact on how communities view, engage, and support their local departments.
- Provide victim-centered services. Police departments should adopt policies that recognize and address the needs of crime victims. This includes supporting victims as they progress through the criminal justice system and connecting them with appropriate victim assistance and service agencies.
- Increase transparency and accountability with the community. To enhance trust and police legitimacy, law enforcement agencies should improve the availability of critical incident information sharing with the public. They should also implement policies and practices to ensure there is accountability and transparency regarding police-community interactions both pre- and post-incident.

COURTS

- Eliminate cash bail. The United States is one of only two nations in the world that utilizes commercial bail bond companies. Research and policy work by global, and U.S.-based organizations, including major justice system actors, have repeatedly found this system to be unfair and damaging, particularly to those with limited resources to make bail.¹
- Adopt the practice of presumptive pretrial release for all misdemeanor charges. The only exception being those deemed dangerous to the community during the pretrial release process. In those cases, a preventative detention hearing should be held before determining release or incarceration.
- Expand access to diversionary programs. U.S. jails and prisons are often occupied with residents who do not need to be incarcerated. Many could benefit from other remedial court actions such as diversion to treatment for alcohol or drug addiction, and mental health problems.
- Eliminate incarceration for those unable to pay fine and fees. Individuals with little or no means of financial support often find themselves confronted by the justice system because they are unable to pay fines and fees associated with traffic or municipal code violations, misdemeanors, or felonies; however, these individuals are unable to afford these payments. Courts should identify innovative alternative options to incarceration, preferably ones that provide meaningful work opportunities. For more information, see the Fines and Fees Justice Center.²



CORRECTIONS

- Place greater emphasis on the re-entry process. Build on existing national efforts and expand research to improve the re-integration process for those incarcerated. Establish strong community, health, and business partners to ensure that returning individuals have sufficient housing, counseling, access to treatment services, and educational and employment opportunities to succeed.
- Acknowledge the impact of trauma on incarcerated individuals' behavior and health. There is a need to better understand the trauma that has affected people in facilities and develop programs that address those experiences. Without such awareness and treatment, the cycle of violence and trauma will continue, to the detriment of all involved.
- Create stronger connections between researchers and practitioners. Develop opportunities and support for academic researchers to collaborate with corrections officers in their institutional environment and invite officers to participate in academic projects as well. Correctional leaders are urged to think of engagement, education, research, and training in new ways, leveraging virtual classrooms and setting up practicum and internship experiences.

The remainder of this document clarifies the work of symposium participants and presents in detail recommendations developed at the event. Early on in the symposium, the justice system was referred to as “an enterprise system with no CEO.” This lack of system-level leadership hinders effective collaboration and accountability.

SPA's intent with the release of this report is to inform policymakers and others working within our justice system to engage with one another to become overarching leaders of the system, and not just leaders of their components. An action agenda at the end of the report spells out next steps to move these reforms forward.

"It's the right of every individual to ask direct questions of police, courts and correctional representatives. We should include the relevance of equity in justice and the U.S. Constitution in everything we do."

Dwayne Crawford

*Executive Director, National Headquarters of the National
Organization of Black Law Enforcement Executives*

INTRODUCTION

SYMPOSIUM INTENT

Throughout its history, the United States has served as a model to newly emergent democracies across the globe. America's criminal justice system aspires to provide equal justice to all. Yet the system still has critical issues that it must address including racial and ethnic disparities, prosecutorial discretion, the need for defense counsel, and the high rates of incarceration in the system.

Keenly aware of these issues, and respectful and supportive of ongoing public and private efforts to improve various justice system components, SPA convened a symposium to look beyond those components to the justice system itself. The goal was to identify system-wide and urgently needed reforms. The vehicle for this work is SPA's newly inaugurated *And Justice for All* symposium series.

Held at AU's Spring Valley Campus, the first symposium began with welcoming remarks by Vicky Wilkins, Dean of the AU School of Public Affairs, and Richard Bennett, Professor, SPA Department of Justice, Law and Criminology. Following these remarks, a keynote address was delivered by Anne Milgram, Distinguished Scholar in Residence at the New York University School of Law and former Attorney General of New Jersey. The remainder of the day was devoted to open and candid dialogue among all participants, led by the symposium facilitator, Robin Engel, Director of the International Association of Chiefs of Police (IACP) Center for Police Research and Policy at the University of Cincinnati, Ohio.

The symposium presented an opportunity for practitioners, researchers and future justice system leaders to come together to work on a shared goal of justice system transformation. Forty invited participants, including judges, district attorneys, public defenders, chiefs of police, corrections officials, representatives from victim advocacy groups, academics and future system leaders (graduate students) participated. Their work, presented here, is intended by SPA to provide a needed systemic look at how justice is delivered across the U.S. and how it can be improved.

VOICES OF FUTURE LEADERS

Unique to the symposium conversation was the inclusion of the next generation of criminal justice professionals. A small group of SPA graduate students was chosen to participate in the symposium, selected in a competitive process and prepared to contribute alongside established practitioners and academics. The students provided fresh perspectives on the issues and advocated for a more collaborative, transparent system of justice that is responsive to community needs.

RESEARCHER/PRACTITIONER COLLABORATION

Samantha Senn, a doctoral student focused on criminal investigation and wrongful conviction research, said she was pleased to see a cross-section of representatives from the justice system together in one room to discuss making improvements. “We are all resources for each other,” said Senn. “My generation of scholars wants to work directly with practitioners and provide information in a format that is useful to all of them.”

Practitioners can provide information to researchers, as well. By forming partnerships and building trust, professionals can supply data for academics to study, who then can suggest evidence-based solutions. Senn discovered through the dialogue that the key is to translate the findings into actionable items that can have impact. “I hope there is a willingness to step out of entrenched ways of operating to try something new with the symposium’s recommendations,” said Senn.

Holly Champagne said, ideally, the symposium was one contribution to a much larger, ongoing, conversation about what change will look like in the future. “It was encouraging to see stakeholders from across the system actively seeking innovation and reform,” said Champagne, a second-year doctoral student studying in the justice, law and criminology program with a research interest in policing.

“The group earnestly tried to come together to offer a short list of practical and overarching goals for all local enforcement agencies going forward,” Champagne said. “My hope is that both practitioners and academics embrace some or all of the points listed and continue to strive for progress in the field.”

BRIDGING THE GAP

Daisy Muibu said she appreciated the diversity of the symposium participants and their candid comments about difficult topics, such as race. A native of Kenya, Muibu is pursuing her PhD in justice, law, and criminology and is interested in police legitimacy research.

“It’s all so intertwined. You can’t talk about police without talking about courts and corrections. These overarching issues flow over from one group to another,” said Muibu. “The symposium helped bridge a lot of gaps in my own mind about how law enforcement operates. It also challenged my assumptions. It’s one thing to learn about some of these issues in the classroom, but another to hear from experts in the field.”

As young researchers, Muibu said she and other graduate students were able to offer a different take on the challenges that confront the justice system. “When you are so deeply immersed in it, you can miss things that are right in front of you,” said Muibu. “Students have the good fortune of being able to stand back and examine the problems. Also, we recognize our roles in the future. The symposium showed that millennials can contribute and should be taken seriously.”

Muibu’s vision for the justice system is to be more inclusive — but not just for the sake of inclusion. “Having different ways of doing things and working together can be more efficient and effective. When we have more inclusion, we can produce better and more informed policies.” Muibu said she’s hopeful that the symposium recommendations will help accelerate reform and demonstrate there is buy-in toward changing the system.

EMBRACING TECHNOLOGY

Technology holds promise for improving the justice system, said Chelsea Van Horne, a first-year graduate student focused on terrorism and homeland security policy, and also an intern at the International Association of Chiefs of Police (IACP). Her background is in business and IT. Van Horne noted criminal justice is behind, compared to other sectors, in leveraging technology to increase efficiency. New platforms could allow agencies to better communicate, share data, and solve persistent problems such as the backlog of DNA evidence awaiting evaluation.

Budgets are limited — and technology costs money and requires training. Still, Van Horne said there is a need to shift priorities, get leadership on board, and build bridges between practitioners and policymakers to adopt new practices. “Your technology toolbox needs to be full,” said Van Horne, adding the recommended changes should be implemented with measurable goals that can be evaluated for success.

“Being part of the symposium opened by my eyes to all areas of justice,” said Van Horne. “It was very inspiring for the younger generation to be involved with people who are running the system, learning from their experience and making connections.”

WORKING TOGETHER

Cynthia Turcios is at the beginning of her master’s program in justice and law with an interest in policing. She also works as an intern at the IACP and is interested in promoting diversity so officers mirror the communities they serve.

Turcios sees great value in training in cultural competency. “It can build trust and be beneficial with community policing efforts,” she said. Turcios just completed a paper examining why female police officers are viewed differently on the job. At the symposium, Turcios said she enjoyed the chance to voice her opinion and work alongside professionals to collaborate on solutions. “The experience taught me that people in all sectors are very approachable,” she said. “I feel very encouraged.”

Champagne added that insight and honesty from actors in the justice system are necessary and invaluable to efficiency and reform efforts. “Our society often demands the criminal justice system shoulder a burden that is far beyond what they can or should be expected to accomplish alone — either because of limited resources or issue complexity beyond the purview of the system,” she said. “My hope is that these agencies expand upon current collaboration within the system and with outside parties to lessen that burden, drive innovation, and move the system forward.”

RELYING ON EVIDENCE-BASED PRACTICES

Working with female inmates in Guyana during her time in the Peace Corps, Kayla Freemon cultivated an interest in corrections. She is completing her master’s in justice, law and criminology and will be enrolling in a doctoral program in the field. “There are a lot of researchers working in the field and rich information is coming out that shows how some practices work and others don’t,” said Freemon. “We need to be promoting what actually works and expand things that have potential.”

Research should also cover community corrections, including probation and parole, and findings need to be communicated between academics and practitioners. Freemon added that it is important to empower leadership in the field to shape how organizations run and provide room for growth for employees. The symposium reinforced her desire to make her research more accessible to policymakers and practitioners in the field. “There is not a one-size-fits-all solution,” Freemon said of criminal justice reform. “But this was a good first step. Now we need to take action.”

CRITICAL SYMPOSIUM THEMES

The American criminal justice system is vast and expensive. Each year \$270 billion is spent on policing, courts, corrections and related services — 70 percent more than two decades ago.³

Dedicated, well-intentioned professionals are working hard but too often without adequate information and resources. The result is a system that lacks efficiency and often fairness. Recidivism rates are staggering: more than 60 percent of the people that come into the criminal justice system return to the system within two years of release.⁴

Anne Milgram, Professor of Practice and Distinguished Scholar in Residence at New York University School of Law, framed the urgency of the issue and need for sweeping reforms in her keynote address at the symposium. She was candid in her assessment of the inequities in the system and called for better coordination across sectors.

“While I certainly applaud the intent and overarching goals of our system, I nonetheless believe that our system is deeply broken,” said Milgram, a former New Jersey Attorney General

who implemented broad reforms in the police department of Camden, New Jersey. “We all see ourselves as separate, but we are not. We are all one system. The problem in the criminal justice system is that it’s an enterprise system with no CEO. Nobody is in charge. Everybody operates in their own silos.”

The police chiefs, prosecutors, and judges are typically adept at managing their parts of the system. Yet when any one actor makes changes, it rarely leads to systemic changes because there is little accountability and communication between those system actors.

At a time when data are increasingly available as a tool to help better direct decisions, too many decisions are still based on gut instinct and anecdote rather than data. Also, the unit of measure has become “the case,” often in a manila or electronic folder, instead of the human being, said Milgram. There is a push to move cases through the process without enough attention paid to the individual. All too often, district attorneys and judges don’t know what happens to people after they leave their courtroom. The result is

a missed opportunity to track what works, coordinate efforts, and make improvements.

The United States continues to invest money into corrections with not much examination of how its investment is paying off. Despite crime being at historic lows, the United States has one of the highest incarceration rates in the world. Today, nearly 2.3 million people are in prison and jails;⁵ another 4.7 million are under court supervision.⁶ “It’s not that we have more crime. It’s that we have made a choice to incarcerate more people,” said Milgram.

Milgram turned her focus to criminal records as well, noting that more Americans have criminal records than ever before: Nearly one in five adults. More people have criminal records than attend college. “It’s astonishing. And those records have huge consequences,” said Milgram. It can and does limit a person’s ability to get a job, housing, or even student loans.

Looking at the metrics, Milgram said it’s quite clear that minorities are overrepresented, pointing to a broader issue of lack of fairness in the administration of justice. “There are



systemic biases in the criminal justice system and it's hard to move beyond that unless we look at our core values," said Milgram.

In explaining the need for criminal justice reform, Milgram discussed the similarities with the country's equally massive healthcare system. With both systems, Americans don't pay for outcomes; they pay for services. The structure incentivizes services and decisions that are not always based on evidence of what works. Just as people cycle through the courts, jails, and prisons, people often return to hospitals after receiving care because of lack of coordination and follow up.

"Neither system treats the underlying causes of the problems," said Milgram. In the criminal justice system, that includes addiction and mental illness. "Because we don't see it, we treat what's immediately in front of us

and we lose the opportunity to solve the underlying problem."

Milgram also pointed out the unique relationship between these two systems. Using integrated data of people who are being treated in the healthcare system and in the justice system holds promise. "There is an opportunity to disrupt the cycle, but we need to look at people not cases," said Milgram. The overlap between the systems is significant. Nearly seven in 10 of people (67 percent) who are high users of the healthcare system are also high users of the criminal justice system.⁷

"Crime is the end result of a lot of other things," said Milgram. "If we wait until crime happens to act, what chance will we have of stopping the next crime from happening? Or helping families heal from crimes they experience?" For instance, looking at

truancy in Camden, New Jersey, there was connection between kids missing school and kids with mothers who visited the emergency room.⁸ Rather than viewing school absence as a criminal matter to be punished, once informed of this cross-sector link, the system shifted its focus to the core issues, said Milgram.

Questions of reform begin with a consensus of core values suggested Milgram. Then, working collaboratively, practitioners and academics can find evidence-based solutions. Milgram said she is hopeful that public opinion is supportive of criminal justice policy reform; the challenge now is to convince public officials to move ahead, rejecting the status quo, and speeding the pace of progress.

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TRANSFORMATIONAL JUSTICE REFORM VALUES

Moving into open dialogue after the keynote, symposium participants focused on what Milgram had termed "an almost unmanageable justice system model." The U.S. justice system encompasses federal, state, county and local level justice operations across the nation. Some 18,000 discrete and independent jurisdictions make up the nationwide justice system. And within each of these mostly local systems, the components (police, courts, corrections) function with equal independence.

Often, there is little cross-sector communication, with most limited to information needed at points of client transfer. This largely locally based and siloed system model thus creates a complex enterprise system with no one person (CEO) in charge. Comprehensive change will require rethinking system and component leadership roles, communication, policy-making, distribution of resources, funding priorities, and responsibilities.

To guide system and component leaders, symposium participants created a set of 10 Transformational System Values that they saw as crucial to system improvement.

EQUALITY IN ADMINISTRATION

Ensuring that every individual entering any component of the justice system is assured fair and equal treatment.

EQUITY AND INCLUSION IN THE WORKFORCE

Requiring that hiring and promotional practices across the entire system seek the highest levels of diversity.

PUBLIC SAFETY AT THE CENTER

Constantly reminding those on the front lines of each system component that public safety is the significant goal of the system.

BEHAVIORAL AND MENTAL HEALTH ISSUES ADDRESSED

Ensuring that behavioral and mental health issues of both those working in the system and those entering it are prioritized through policy, practices and resources.

RESEARCH-DRIVEN PRACTICES INCORPORATED

Using the growing body of knowledge from research science to implement practices that have been successful in various jurisdictions.

VICTIMS' RIGHTS AT THE FOREFRONT

Understanding, respecting, and attending to the critical needs of victims as they interact with various components of the system.

SUFFICIENT RESOURCES PROVIDED

Ensuring sufficient resources for not only the core system services, but also for evidence-based innovative practices worthy of immediate investment.

COMMUNITY PARTNERSHIPS

Reinforcing the fact that collaboration with others outside the system has been shown to help create highly successful policies and practices.

LEADERSHIP AND ACCOUNTABILITY

Holding those in charge to the highest levels of professionalism and moral and ethical responsibility.

EDUCATION AND TRAINING

Ensuring that those working within any part of the justice system components have the education, training and experience needed for them to excel at their work.

"We always speak of improving the criminal justice system. That's fine, but looking at the core issues, what we really need to do is transform it into a system that provides equal, unbiased justice for all. A good place to start is to change its name. Drop the 'criminal' and just call it our justice system. Criminals are only one part of what this system is all about."

Domingo Herraiz

*Director of Programs for the International
Association of Chiefs of Police*

As this discussion on overarching leadership continued, participants focused on four critical policy and program areas that they felt required immediate attention: breaking down silos, creating trust, confronting bias, and increasing accountability and standards. The following presents participant thinking on how best to address each. system clients.

BREAKING DOWN SILOS

In a robust conversation led by symposium facilitator, Robin Engel, symposium participants raised concern about silos in the system and how narrow thinking and acting negates the substantial benefit of working together.

“We need to find ways to have a better data sharing system in place,” said Sim Singh, Director of the Sikh Coalition in Washington, D.C., “We need a more holistic approach in the availability and use of data that takes into account an individual’s interaction with healthcare, criminal justice, education, and social welfare services.”

Agencies could realize significant benefit from cross-component, system-wide data-driven solutions. Yet, some suggested people are not going to share data until there is an established process that encourages it. All too often, justice system decisions depend on the personalities of the actors that work together — or don’t work together — at the institutional level.

Tiffany Simmons, Special Assistant to the Deputy Director at the Washington, D.C., Department of Corrections, advocated for expanded partnership training for police and corrections officers to improve understanding and information sharing across those two sectors. This kind of cross-component training could serve as model for other components of the system as well.

Leaders of police, courts, and other components of the system should reach out to coordinate their policies and procedures to increase efficiency, effectiveness and to promote justice for all. As an example, create a formal mechanism for information sharing among leaders of the three components on the local, state and federal levels similar to models to fight terrorism: Fusion Centers and Joint Terrorism Task Forces. Another example of cross-component information sharing is the Criminal Justice Coordinating Council (CJCC) model created several decades ago to promote collaborative problem solving.⁹ Participants urged system component leaders to gather regularly to explore areas where consensus thinking can support system enhancement. This could include sharing information and data on issues that cross component

boundaries and putting in place systemic information sharing protocols.

CREATING TRUST

There was a call for greater transparency at all levels. Some suggested there aren’t enough mechanisms in place to make sure criminal justice actors are treating individuals involved in the justice system fairly and equitably. When both the public and justice system staff has more information, they are able to make better decisions.

“Criminal justice reform doesn’t just center around police, courtrooms, and jails,” said Keith Lamar Jr., President of the National Black Prosecutors Association. “We must also reform our communities and our outlook on what justice truly is. Only then will we solve the inequalities we see today.”

Many agreed there is an overall lack of trust both within the system and in the community. Every actor in the process needs to understand basic constitutional rights and commit to carrying out justice with each individual who comes in contact with the system.

“There is no way we can have a system of justice that works in America without buy in from people inside and outside the system,” said Gayle Williams-Byers, Presiding Judge in South Euclid Municipal Court in Ohio. “The whole reason why it works is that people agree to be governed by a system that they were told would deliver justice for all — and not for some.”

Within the trust arena, there was consensus on the need for the entire system to address both the substance use and mental health needs of those involved with and those working in the system. This approach is particularly urgent in the midst of the nation’s current opioid crisis. With national data reflecting significant levels of drug, alcohol, and mental health concerns, and often co-occurring disorders, trust in the system can only be built when met with a strong, concerted response. Absence or lack of services to treat clients entering the system — and those employed by it — will erode trust quickly. Readily available, and research driven responses will conversely build trust just as quickly.

"In order to reduce crime, we need to collaborate — treatment and justice — together," said Michelle Worobiec, Chief Counsel for Treatment Alternatives for Safe Communities in Chicago. "Our language and roles may be different, but it is critical that we each have seats at the table to accomplish our shared mission."

CONFRONTING BIAS

There was a collective commitment to rethinking priorities and removing bias (including race, ethnicity, gender, sexual orientation, age and religious beliefs) to ensure fairness.

"Our criminal justice system fails at our most fundamental mandate and that's equal justice," said Tim Murray, Executive Director Emeritus of the Pretrial Justice Institute in Maryland. "There has never been equal justice in America. We cannot have conversations about transparency and trust unless and until we acknowledge that we have multiple systems of justice that are based on personal wealth, social class, national origin and most of all are based on race."

Participants strongly supported diversity in hiring and a need for cultural competency, but they emphasized it was critical to name "racism" as the problem for the system to confront it. Hiring and retaining a diverse workforce that more closely reflects the demographics of the country were seen as critical steps to ensuring equality in the administration of justice.

Judge Williams-Byers talked about the perception of different systems of justice. "The only way we can make this work is to have courage to have the candid conversation about racial disparity, bias and the perception of that bias in the system we call justice," she said.

EMBRACING ACCOUNTABILITY AND STANDARDS

Professional standards, expectations, and metrics vary widely across the justice system, said Kristina Rose, Executive Director of End Violence Against Women International in Washington, D.C. In a district attorney's office, success may be measured with convictions and sentencing. For victims, the measurement can be getting justice in the courtroom and outside in affiliated support programs.

"We need to think about what our goals are in the criminal justice system and redefine what justice means to people," said Rose. "Justice means different things to different people."

In another aspect of the discussion, Norman Reimer, Executive Director of the National Association of Criminal Defense Lawyers in Washington, D.C., advocated for better funding for public defenders and a focus on judicial responsibility and accountability.

"We have to tackle the fact that the system itself is out of control. We should be using the criminal justice system to attack serious crime, not mandated crime, and certainly not crimes that we create if we don't like certain kinds of personal behavior," said Reimer. "If we continually refocus the system on the most important issues, we then make it possible for judges to do justice and for communities to hold them accountable for doing justice."

Mary Gavin, Chief of Police for the Falls Church, Virginia, Police Department, proposed emphasizing public safety and peace over crime and force.

"People often say police are the face of criminal justice. We are the first ones on the scene, with 80 percent of our job relating to safety and the other 20 percent to enforcement of laws," said Gavin. "For us to be called law enforcement is largely a misnomer. We are really police and we need to talk to our officers more about what that means, particularly the goal of policing for public safety."

Participants discussed rethinking priorities using emerging evidence for innovation. If the new approaches work, then funding should follow and resources re-distributed.

Moving forward, the symposium participants urged the adoption of policies and programs grounded in shared values and supported through research. Once policies are in place, data and metrics are essential to demonstrate what is happening on the ground and how it aligns with expectations. To better manage the system, participants called for national justice leadership organizations to challenge their local members to take action, since most innovation will come from local, grass roots initiatives versus national mandates.

The next section of this report moves from systemic to component focus, putting forth discrete recommendations to improve policing, courts, and corrections. Breaking down silos among these components will continue to be a key objective with a focus on how component leaders can continuously share information and expertise with one another. Reflection back to the previously identified 10 system values will ensure that component-specific recommendations always take a systemic view. To that end, each recommendation is linked to one or more of the 10 system overarching values.



*Fiesta District Police Facility, Mesa, Arizona
Adaptive Architects, Arch. + Moyer Associates Inc. Justice Facility Consultant
State-of-the-art law enforcement facility planning guidelines are
incorporated while developing a design that is sensitive to its local
context. A Collaborative Planning model was utilized that involved
users and local decision-makers in every step in the process.*

TRANSFORMATIONAL PRACTICES FOR POLICING

The profession of policing is constantly evolving. Leaders and officers continually react and respond to a changing environment and increasing public scrutiny of their performance. Building and sustaining community trust has always been a cornerstone of successful policing, but levels of trust vary greatly across communities. Developing partnerships with citizens, policymakers, the private sector and service providers are essential to creating that trust. Resources and model structures exist, built on decades of community policing and successful community partnering.

In recent years, police have found themselves in a negative spotlight based on use of force practices broadly, and officer involved shootings specifically. Police organizations often reflect a historic lack of hiring diversity and suffer increased mistrust when white officers are found at fault in use-of-force situations involving black suspects. Many police across the U.S. fully understand that increased community collaboration, accountability, and transparency in information sharing, are the most effective ways to address issues of public safety and inequality.

Recommendations

EQUALITY IN ADMINISTRATION: INCREASE TRANSPARENCY WITH THE COMMUNITY

To enhance trust and police legitimacy, improve the availability and swiftness of information sharing with community stakeholders. Work to ensure there is accountability and transparency both pre- and post-incident. Encouraging community education and engagement pre-incident allows for more trust and open communication when incidents do occur. Technology plays a critical role here, for example, the prompt release of video documentation of incidents using body worn, in-car camera video or both.

EQUITY AND INCLUSION IN THE WORKFORCE: EMBRACE EQUITY AND INCLUSION IN WORKFORCE DIVERSITY

Police departments should reflect the diversity of the communities they serve. Diversity within the

force can have a direct impact on how communities view, engage and support their local departments. And diversity should be writ large, including gender, race, ethnicity, sexual orientation, and other. The welcoming tone and invitation to a broad applicant pool needs to come from leadership at the top in concert with policymakers. That intent needs to be carried forward departmentally through thoughtful and innovative recruiting approaches, for example, meeting on campus with sororities and fraternities of color rather than attending massive all campus recruitment events. To cast a wider net in hiring, police departments should address specific concerns that may otherwise discourage under-represented groups, such as certification/training scholarships for low-income applicants or family support/daycare services for employees.

BEHAVIORAL AND MENTAL HEALTH ADDRESSED WITH PUBLIC SAFETY AT THE CENTER: ENCOURAGE SERVICE PROVIDER COLLABORATION AND EFFECTIVE DIVERSION

Police should connect with diverse, outside agencies to help meet the needs of their communities and create viable resources for both officers and the public. Efforts should be made to divert persons who would be better handled by specialized providers other than the police (for example, those suffering from alcohol and drug addiction or mental health issues). Effective diversion reduces the strain on limited patrol officer availability and allows for specialized attention to individuals in need, especially those who have repeat involvements across fields that intersect with criminal justice, such as social services or public health. It may also encourage officers with similar issues to identify and seek out the appropriate help

for themselves and family members. Models of effective diversion across the U.S. are innumerable (for example Seattle’s Law Enforcement Assisted Diversion (LEAD) program).¹⁰ The primary concern here is the pace of model program implementation and model fidelity across the 18,000 departments throughout the country.

RESEARCH-DRIVEN PRACTICES INCORPORATED: PRIORITIZE ACCOUNTABILITY WITHIN THE DEPARTMENT CULTURE

Take direct and continuous action to enhance police culture and increase transparency. Accountability measures should be clear to ensure policies are carried out in line with those aims. Technology, such as body-worn and in-car cameras are evidence-based tools, along with robust data collection, and early warning systems are excellent resources for improvement. The use of either state and/or national accreditation standards to ensure state of the art evidence-based practices and policies is also recommended.

VICTIMS’ RIGHTS AT THE FOREFRONT: PROVIDE VICTIM-CENTERED SERVICES

Police departments should adopt policies that address the needs of crime victims and assist with identifying victims of crime, recognizing the victim-offender overlap. This should include supporting victims as they progress through the justice system and connecting them with appropriate victim assistance and service agencies. A strong foundation for this effort will be the “7 Critical Needs of Victims” work done by the U.S. Department of Justice Office for Victims of

Crime (OVC) in collaboration with the IACP.¹¹ Meeting those needs — safety, access, information, support, continuity, voice, and ultimately justice — must begin with the police and be sustained by the entire justice system as victims and cases move through the system.

SUFFICIENT RESOURCES PROVIDED: ENGAGE POLICYMAKERS AND POLITICIANS

Educate policymakers (city council members, mayors, county council members, county commissioners, state legislators) about the work of the police. Policymakers and politicians have oversight of police budgets, affecting equipment, training and personnel. They can also enact laws that address police-related problems within the system. Historically, those who do not have a full understanding of the complex nature of policing are prone to advancing poorly thought out policy/legislative directives, and of equal danger, failing to support appropriate budgetary needs for the police. Police leaders need to engage these individuals personally and help them understand the police they oversee. Going on ride-alongs, participating in citizen’s academies, sitting in on command staff meetings, and other direct contact with the police are essential tools to successful engagement.

CAPITALIZE ON FULLY-FUNDED OR LOW-COST SOLUTIONS TO ADDRESS ORGANIZATIONAL TRANSFORMATION

Tap into resources, such as the Collaborative Reform Initiative for Technical Assistance through IACP, which is already funded and

available to police organizations.¹² The purpose of the initiative is to provide support to law enforcement agencies in building community relationships and organizational capacity through sustainable organizational transformation. Other sources of collaborative reform can also be found through the Community Oriented Policing Services Office (COPS Office),¹³ Police Executive Research Forum (PERF),¹⁴ National Organization of Black Law Enforcement Executives (NOBLE),¹⁵ Police Foundation,¹⁶ and federal Office of Justice Programs.¹⁷

COMMUNITY PARTNERSHIPS: EXPAND PARTNERSHIPS WITH THE PRIVATE SECTOR

Work with the private sector to leverage its resources and learn from established practices that overlap with police work. Collaboration on training, policies, and programs can enhance dialogue, improve citizen engagement, and provide support to the police. Examples of available private sector resources include major corporations, many of which have a long standing and innovative history of supporting local law enforcement. Smaller local businesses can provide essential in-kind support as well. Universities are often willing to support research and policy development activities given the quid pro quo benefits of such collaboration. On the national level, the *One Mind* campaign of the IACP promotes police partnerships with local private sector mental health organizations to enhance response to calls for persons affected by mental illness.

LEADERSHIP AND ACCOUNTABILITY: PROMOTE ENHANCED LEADERSHIP, SUPERVISION AND ACCOUNTABILITY

It's imperative that top leaders embrace the mission of their department and communicate expectations to mid-level management and ultimately to officers on the street for effective mission buy-in. Goals, standards, and expectations must be clear throughout the organization to ensure proper implementation and improve department culture. Mid-level roles, such as patrol sergeants, are well-placed to interpret and implement that vision. Communication must also flow in the opposite direction to provide awareness to leaders of the strengths, weaknesses, and innovations occurring throughout the department, particularly at the line officer level.

EDUCATION AND TRAINING: ENCOURAGE EFFECTIVE TRAINING AT ALL LEVELS

From academy instruction through field training to ongoing professional development, quality, evidence-based training needs to be promoted and used. It is important that as officers progress through to management ranks that appropriate training is provided, particularly with patrol sergeant promotions, to prepare them for these new roles and necessary skills. Testing, training, and in-service education must continually evolve and be formally evaluated for effectiveness. An effort should be made to bridge silos within the system and share/integrate best training practices emerging in court and correctional components as well.

DEVELOP A COMPREHENSIVE RESOURCE GUIDE FOR POLICE CHIEFS

Provide a user-friendly and cumulative list of programs and resources available through the U.S. Department of Justice, professional associations, and other organizations. Resources may include model policies, curriculum, training, data processing and evaluation tools, and/or other materials open to chiefs for free or at a reduced cost. While this action will require either private or public sector funding, it is a worthy effort, much like the earlier IACP "Police Chiefs Desk Reference" publication funded by the Bureau of Justice Assistance in 2008.¹⁸ This new document could provide essential, updated, and expanded resource information to the field.

Individuals with little or no means of financial support often find themselves confronted by the justice system because they are unable to pay fines and fees associated with traffic or municipal code violations, misdemeanors, or felonies.



United States District Court, Erie, Pennsylvania. This expansion and modernization of an historic court facility achieves contemporary security needs for user screening, separates public, judicial and prisoner movements through facility adaptation, and incorporates other recognized advanced practices standards. KBHA Architects+ Moyer Associates Inc. Justice Facility Consultant.

TRANSFORMATIONAL PRACTICES FOR COURT

Local, state, and federal courts in the U.S. mete out justice to millions of individuals every year. Once an arrest is made, the courts make critical pretrial decisions on whether to incarcerate or release accused individuals prior to trial. At point of adjudication, whether through bench or jury trial, the court determines the guilt or innocence of those accused of minor or egregious crimes. At point of sentencing,

the court has immense power to punish and rehabilitate as it sees best. To remain viable, courts must continue to improve how they reach decisions and implement innovative practices to help those who come into their contact return home and become productive community members, as soon as feasible.

Recommendations

EQUALITY IN ADMINISTRATION: ELIMINATE CASH BAIL

The United States is one of only two nations in the world, along with the Philippines, that utilizes commercial bail bond companies.¹⁹ Research and policy work by global, and U.S.-based organizations, including major justice system actors have repeatedly found this system to be unfair, biased, and damaging, particularly to those without money to make bail. More recently, jurisdictions across the U.S. have voted to end cash bond systems and replace them with a preventative

detention model, holding individual hearings with defense counsel present to determine pretrial release or detention as appropriate and use validated pretrial risk assessment tools to determine conditions of release. For example, Washington, D.C.²⁰ and New Jersey²¹ made recent and significant improvements to their pretrial justice practices.

ELIMINATE INCARCERATION FOR THOSE UNABLE TO PAY FINES AND FEES

Individuals with little or no means of financial support often find

themselves confronted by the justice system because they are unable to pay fines and fees associated with traffic or municipal code violations, misdemeanors, or felonies. And when they cannot pay these costs, the court remands them into custody typically in the county jail. The decision to incarcerate causes additional harm to the individual and does little to ensure the payment of the fees and fines. Rather, it can actually make it more difficult to ensure payment as the individual is unable to maintain employment. The U.S. Supreme Court recently curbed the power

of states and local entities to levy fines and seize property.²² Courts should identify innovative alternative options to incarceration, preferably ones that provide meaningful work opportunities.

PUBLIC SAFETY AT THE CENTER: ADOPT PRACTICE OF PRESUMPTIVE PRETRIAL RELEASE FOR ALL MISDEMEANOR CHARGES

U.S. jails and prisons are often occupied with residents who do not need to be incarcerated. They would benefit more from other remedial court actions such as diversion to treatment for alcohol or drug addiction and mental health problems. It serves no public safety function to keep people incarcerated when they are no risk to the public. One immediate action is recommended: presumptive pretrial release (automatic release) for individuals charged with misdemeanor offenses. The only exception being those deemed dangerous to the community during the pretrial release process. In those cases, a preventative detention hearing should be held before determining release or incarceration. In Texas, a federal judge mandated the prompt release of poor defendants charged with petty crimes with no payment of bail.²³

RESEARCH-DRIVEN PRACTICES: REEVALUATE HOW AND WHEN TO USE VALIDATED RISK ASSESSMENT TOOLS IN THE PRETRIAL PHASE

Use results of validated risk assessment screening tools to determine pretrial decisions have long been held to be a more enlightened approach than the often prevalent cash bond system. Continued and expanded use of this model is recommended *after* preventative detention hearings (with

defense counsel present). Validated risk assessment tools should then be used to determine conditions of release. Also suggested, based on more recent risk assessment research, is a re-weighting of criminal history and other factors that may be moderated by race and could infer racial bias in the screening process.

EVALUATE IMPACT OF SENTENCING DECISIONS AND PRACTICES ON COMMUNITIES AND PUBLIC SAFETY

Each sentencing decision handed down by the court should have the goal of long-term impact — particularly presenting the offender with the chance to reform his or her behavior, and the victim a chance to heal and move forward. Unduly harsh sentencing decisions for low-level crimes, and conversely light sentences for heinous crimes thwart those long-term outcomes. Courts should take a hard look at sentencing practices, particularly when the defendant is presenting problems such as drug, alcohol addiction or mental health issues that would benefit from diversion versus incarceration.

VICTIMS' RIGHTS AT THE FOREFRONT: EXPAND NUMBER OF AND ACCESS TO RESTORATIVE JUSTICE PROGRAMS

Court actors should be responsive to victims' needs and rights and also recognize the victim-offender overlap. Restorative justice programs are one way to begin to address both of these. The Center for Justice and Reconciliation states that “restorative justice views crime as more than breaking the law — it also causes harm to people, relationships, and the community. So a just response must address those harms as well as the wrongdoing.” Restorative justice

programs bring the victim and the offender together to repair the damage done. Successful restoration brings about transformation well beyond court ordered penalties for the accused and helps bring closure to victims. Model restorative justice programs abound and should be replicated, such as Impact Justice working in partnership with sites across the U.S.²⁴

SUFFICIENT RESOURCES PROVIDED: APPOINT COUNSEL EARLY

The right to counsel is a guaranteed right of the U.S. Constitution for those accused of a crime and whose liberty is at stake in the U.S. justice system. Unfortunately, based on inconsistent or entirely lacking resources, arrestees in many jurisdictions, particularly those without financial resources to obtain counsel, often wait too long for appointed counsel and/or receive assistance from a dedicated albeit overburdened public defense provider. Every court in the country should re-evaluate its ability to provide counsel with enough resources and time to devote to each individual, at the earliest possible point of time after arrest, ensuring that defendants are assigned legal representation prior to their first hearing. For example, Alameda County, California has been at the forefront of community-oriented public defense orientation.²⁵

COMMUNITY PARTNERSHIPS: INCREASE ACCESS TO DIVERSION COURTS

Significant progress has been made over the past two decades on the creation of specialized diversion courts. Examples include drug courts, veterans' courts, mental health courts, and human trafficking intervention courts. All court systems in the U.S. should embrace these model courts,

U.S. jails and prisons are often occupied with residents who do not need to be incarcerated and who would benefit more from other remedial court actions such as diversion to treatment for alcohol or drug addiction and mental health problems.

and be more inclusive in assigning cases to both new and existing diversion courts because they work better than the traditional model at reducing recidivism. This might include reexamining eligibility criteria and barriers to access. Court administrators should also look at individualized case plans and be aware of, and avoid, net widening. Defense counsel should be included throughout the process. Continuous education should be provided to participants on programs and continuum of care. Additionally, symposium participants encouraged courts to look at making diversion courts pre-adjudication.

WORK DIRECTLY WITH COMMUNITIES

This is a must in creating a shared culture. Court practitioners should partner directly with communities with approaches such as participatory defense models. For example, the Albert Cobarrubias Justice Project based in San Jose, California, has been developing and refining a participatory defense approach, a community organizing model that encourages families and friends of people facing criminal charges to partner with public defense providers.²⁶ The program brings community and family members together to impact the outcome of cases, lend support to the accused and his or her family, and to transform the landscape of power in the court system.

EMPHASIZE JUDICIAL ENGAGEMENT IN THE COMMUNITY

Promotion of public confidence in the judiciary can be bolstered and achieved through community outreach. Judges should be more engaged, available and responsive to communities — intentionally available to the people they serve. This can be done through regular newsletter communication, participation in public forums, or

presenting annual “State of the Court” addresses. Police, prosecutors, defense attorneys, and corrections officials have found a number of ways to engage communities and have benefited substantially from that outreach. Judges should adopt these models rather than risk becoming removed from or out of touch with the people they serve.

LEADERSHIP AND ACCOUNTABILITY: ENCOURAGE PROSECUTORIAL ACCOUNTABILITY

Have seasoned attorneys conduct early evaluation of cases, look at indictment, charging, and plea practices. Traditional, collegial acceptance of cases moving to prosecution from the police without assessment has proven inappropriate and in many cases damaging to all. Police agencies have begun the use of ‘red flag’ supervisory assessment of cases before they move to prosecution. Weak cases, with questionable validity (for example, relying exclusively on single eyewitness identification with no additional evidence) are questioned and sent back for further investigation. Prosecutors should call for these re-assessments in their official capacity as well with the singular goal of avoiding inappropriate charging decisions and wrongful convictions. Other indictment, charging and plea-bargaining practices should come under scrutiny as well to ensure they are properly and appropriately made. See the Brennan Center for Justice’s report on 21 Principles for the 21st Century Prosecutor.²⁷

PROMOTE JUDICIAL RESPONSIBILITY AND ACCOUNTABILITY

From the creation of the criminal justice system, the judiciary has never had to face the strict accountability of others in decision-making roles in the system — the only exception to

this being when cases are appealed within the court system. Using readily available data, and with the support of external and unbiased research organizations and universities, the sentencing patterns and practices of judges should be a core focus of the administrative office of the courts in all jurisdictions. Symposium participants encourage a 360-degree evaluation of all judges, issued and overseen by the administrative office of the courts. These evaluations bring about the potential for supporting and improving judicial best practices, holding judges accountable, and imposing sanctions for improper practices.

EDUCATION AND TRAINING: OPEN UP DATA TO OUTSIDE RESEARCHERS

Court proceedings and decision-making are often the least researched part of the justice system. Courts have often been reluctant or have refused to share data for external research, citing privacy protection, often with underlying intention to avoid external research that might yield uncomfortable findings. Looking to the future, the theme of openness and transparency being adopted at the front end of the system (law enforcement) should carry through to courts. Providing and even promoting access to court records for credible external researchers is an enlightened and positive step that can provide valuable research opportunities. Researchers can use that data to analyze and evaluate practices, share trends affecting the administration of justice, and promote advanced practices all while protecting individual identities and adhering to requisite privacy standards. Measures for Justice is one example of an organization that tracks how criminal cases are being handled at the county level from arrest to post conviction.²⁸



Sheboygan County Detention Center, Sheboygan, Wisconsin. Normalization of the facility image posed an important design criterion for this detention facility located in an urban business park. Building forms and materials responded to the vocabulary of their surroundings, while incorporating advanced practices correctional facility standards. Bray Architects + Moyer Associates Inc. Design Architect.

TRANSFORMATIONAL PRACTICES FOR CORRECTIONS

The corrections environment, both in structure and management, influences the behavior of residents and staff while at the same time creating expectations — internal and societal — upon both populations. It is clear that the corrections field within the United States is evolving to a more rehabilitative, less punitive state. The move to treat residents with human

dignity and respect creates a positive baseline upon which more progressive treatments can be applied. Working together, academics and practitioners along with formerly incarcerated individuals can provide evidence-based approaches to professionalize those working in the field and offer residents new skills and support they can use as they re-integrate

as productive members of society. Prisons and jails must be seen as areas of opportunity to help improve the human condition, prepare residents for return to productive work in the community, and address current and past traumas inflicted upon residents while serving their sentences.

Recommendations

EQUALITY IN ADMINISTRATION: EMBRACE A MULTIDISCIPLINARY APPROACH TO POLICY

Correctional best practice policies should be informed by the latest

information and relevant research. This can emerge when law enforcement, mental health professionals, victim advocacy organizations, and community members work collaboratively

with corrections. Clear points of contact or liaisons can help ensure this communication. Establish liaison programs to ensure sustainability and continuity.

PUBLIC SAFETY AT THE CENTER: PURSUE ADOPTION OF SCIENCE-BASED BEST PRACTICES AND RISK MITIGATION

Corrections should seek evidence-based practices that balance discipline in a way that humanizes the individual while ensuring integrity and safety. Engage in “punishment with purpose” coupled with incentives and disincentives for behavioral change within a correctional environment.

BEHAVIORAL AND MENTAL HEALTH ADDRESSED: ACKNOWLEDGE THE IMPACT OF TRAUMA ON BEHAVIOR AND HEALTH

There is a need to better understand the trauma that has affected people — both those employed and those residing — in facilities and develop programs that address those experiences. Without such awareness and treatment, the cycle of violence and trauma will continue to the detriment of all involved. Federal initiatives like the Prison Rape Elimination Act (PREA) have awakened the public to the problem of sexual assault inside correctional institutions and have put in place reforms to address this ongoing problem. Correctional leaders need to go beyond PREA to examine all behavioral and health risks attendant to incarceration and address those risks effectively.

RESEARCH-DRIVEN PRACTICES: CREATE STRONGER CONNECTIONS BETWEEN RESEARCHERS AND PRACTITIONERS

Develop opportunities and support for academic researchers to collaborate with correctional officers in the

institutional environment and invite officers to participate in academic projects as well. Correctional leaders are urged to think of engagement, education, research, and training in new ways, leveraging virtual classrooms and setting up practicum and internship experiences. One example is the emergence of the *Inside-Out Prison Exchange* curricula.²⁹ This innovative educational approach, originally created by Temple University brings university students studying justice and corrections into jails and prisons to study and learn alongside each other. Opportunities like this help to build bonds that help returning offenders succeed, and future correctional staff members more fully understand their roles.

PARTNER ON RESEARCH OPPORTUNITIES

Corrections professionals could benefit from working with researchers on helping to fill gaps in neglected areas of research. There is a great need for research evidence to ensure that the programs or policies being implemented have proven to be effective. Universities with legacies of work in police, courts and correctional fields can provide excellent advice to correctional leaders seeking to partner in new areas of research. American University, Temple University, University of Cincinnati, John Jay College, and George Mason University are all examples of programs continuously open to partnering with the field.

SUFFICIENT RESOURCE PROVIDED: PROVIDE ADEQUATE RESOURCES TO CORRECTIONAL FACILITIES, EMPLOYEES AND OPERATIONS

In many local and state systems and on the federal level, correctional

budgets have long been inadequate. To ensure public safety, it is imperative that corrections have sufficient funding to pay for credentialed and professional staff, and educational and vocational programming for residents, as well as training in mental health addiction and trauma. Resources must also be sufficient to allow for safe and secure facility design, sufficient correctional officer and program staffing, and resources to promote successful citizen re-entry programming.

ADD GREATER EMPHASIS TO THE RE-ENTRY PROCESS

Build on existing national efforts and expand research and programs to improve the re-integration process for those incarcerated. In 2018, the federal government passed the First Step Act aimed at lowering federal prison populations and reducing recidivism through rehabilitative programming. A Second Step Act is under consideration focused on easing employment barriers for formerly incarcerated people. With recidivism rates topping 60 percent, there is a need to reject the status quo and re-imagine new approaches to successfully transition those incarcerated back into society. Review current disciplinary practices and the visitation process to strengthen and maintain family ties to support re-entry. Build strong community, health, and business partners to establish and/or enhance existing re-entry programs to ensure that returning citizens have sufficient housing, counseling, educational and employment opportunities to succeed.

LEVERAGE TECHNOLOGY TO IMPROVE COMMUNICATION

Use data to share information about residents across jurisdictions,

including mental health history. Improve data management to help identify relevant areas for potential research on program effectiveness. Create institutional communication systems to keep all staff and residents in contact and well informed. Corrections officers inherit residents and work with them long-term, so state of the art communication among officers and residents is crucial to successful outcomes.

COMMUNITY PARTNERSHIPS: IMPROVE PUBLIC AWARENESS

The public perception of corrections in pop culture is much different from the reality within the system. Community-based programs, tours, events, and symposiums at facilities could help educate the public and

change the image of corrections in a positive direction and increase support from all sectors. Engaging community volunteers to provide various cultural, education, and entertainment programs are an excellent and readily available resource.

WORK COLLABORATIVELY

Encourage leaders in the corrections field to build partnerships with their criminal justice colleagues and participate in consortiums, regional partnerships, and professional organizations to seek and create best practices. Involvement can open doors for researchers to study trends and share model policies. Historic models of police-prosecutor and police-probation practices can be

translated into effective correction-based approaches.

EDUCATION AND TRAINING: ELEVATE EDUCATION AND TRAINING

There is a critical need to expand relevant training for leaders, staff, and officers on issues including residents' physical needs, mental health, addiction, and program accessibility for those with special needs, as well as cross-communication among residents and staff. Professional development could help with retention and promotion. For those incarcerated, training is necessary on fundamental life skills, outside dynamics, and adjusting back to community culture once released.

HOW THE 10 TRANSFORMATIONAL VALUES INFLUENCE SYMPOSIUM CIRCUMSTANCES

The reference chart (below) demonstrates how the 10 Transformational Values created at the outset of the symposium were subsequently used to guide and influence

specific police, court and correctional recommendations. The page numbers listed in the cells indicate the policy recommendations aligned with the listed value(s).

	POLICING	COURTS	CORRECTIONS
EQUALITY IN ADMINISTRATION	Page 23	Page 26	Page 30
EQUITY AND INCLUSION IN THE WORKFORCE	Page 23		
PUBLIC SAFETY AT THE CENTER	Page 23	Page 27	Page 31
BEHAVIORAL AND MENTAL HEALTH ISSUES ADDRESSED	Page 23		Page 31
RESEARCH-DRIVEN PRACTICES INCORPORATED	Page 24	Page 27	Page 31
VICTIMS RIGHTS RECOGNIZED	Page 24	Page 27	
SUFFICIENT RESOURCES PROVIDED	Page 24	Page 27	Page 31
COMMUNITY PARTNERSHIPS	Page 24	Page 29	Page 32
LEADERSHIP AND ACCOUNTABILITY	Page 24	Page 29	
EDUCATION AND TRAINING	Page 25	Page 29	Page 32

"Our criminal justice system fails at our most fundamental mandate and that's equal justice. There has never been equal justice in America. We cannot have conversations about transparency and trust unless and until we acknowledge that we have multiple systems of justice that are based on personal wealth, social class, national origin and most of all on race."

Tim Murray

Executive Director Emeritus,

Pretrial Justice Institute in Maryland

ACTION AGENDAS FOR SYSTEM TRANSFORMATION

With the launch of this report, American University hopes to inform policy makers and others responsible for the future of our justice system. In many cases, recommendations shared by symposium attendees offer programs already proven to work through evidence-based research. In other instances, recommendations are new and can be attributed to the thoughtful work of symposium participants.

American University is grateful for the input of the many practitioners it has collaborated with over the years, and certainly those who attended the symposium. Practitioner-researcher partnerships are the absolute cornerstone of justice system innovation and improvement. We stand ready to partner with the broader justice community as they read this report and consider next steps.

Long-term, there is a broad set of potential action items stemming from this symposium. For the near-term, symposium attendees outlined immediate suggestions below. Attendees made one thing clear: Action will be required across the community to put into practice the innovative ideas in this document.

Symposium attendees recommended the following next steps:

AMERICAN UNIVERSITY

The Department of Justice, Law, and Criminology and the Justice Programs Office – both part of AU School of Public Affairs – committed to producing and distributing this report to all major justice system leadership and oversight organizations. Ideally those organizations will share with their respective members.

SYMPOSIUM PARTICIPANTS

We are hopeful that participants will share the report with their respective justice communities, ensuring broad reach for the report findings and recommendations.

JUSTICE SYSTEM PRACTITIONERS

System practitioners at all levels of leadership and in all components of the system have the potential to review the report with their

staff, identify and implement recommendations that will provide immediate improvements, and look for opportunities for collaboration across the entire system.

RESEARCHERS

In the academic community and other private or public sector organizations may be able to leverage concepts in this report to seek practitioner partnerships. Partnerships can be used to test research validity, value, and impact of selected recommendations, using gold standard random control trials (RCT) or other research approaches, with positive outcomes motivating replication.

POLICYMAKERS AND LEGISLATORS

Local, state, and federal policymakers have this report at their disposal to ensure knowledge of current best practices and ongoing research on the

justice system. Understanding proven, innovative practices on justice system outcomes can inform policy and funding decisions.

The policy recommendations developed by participants can be viewed as a starting point to inform leaders as they craft unique solutions addressing the specific concerns they face in their own jurisdictions.

In presenting this report to the nation, we have great hope that the values and recommendations it collected from symposium attendees will inform justice system actors, researchers, policymakers, legislators, future leaders and members of the community. As we look toward the future with equal justice for all, we must all work together. We hope this document informs your work as you move forward.



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ENDNOTES

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