

# Vision for Justice: 2020 and Beyond

## A New Paradigm for Public Safety

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The American Federation of State, County and Municipal Employees (AFSCME) is a member in good standing of The Leadership Conference on Civil & Human Rights and represents public safety officers and other public service workers. While AFSCME agrees with many aspects of this platform, it does not support several recommendations outlined in the document. A longer statement presenting the view of AFSCME's frontline members can be found [here](#). (link)

## PREAMBLE

The American criminal-legal system is a stain on our democracy. This system replicates and reinforces patterns of racial and economic oppression that trace from slavery, including [Black Codes](#), convict leasing, Jim Crow laws, and the War on Drugs. The result is a criminal-legal bureaucracy that denies millions of people the opportunities, legal equality, and human rights that they deserve, even as it fuels the world's highest incarceration rate.

This platform envisions a new paradigm for public safety that respects the humanity, dignity, and human rights of all people. We propose a holistic framework that expands our view of public safety and prioritizes upfront investments in non-carceral programs and social services, including additional resources for education, housing, employment, healthcare, social-emotional supports, and other public benefits. We believe that this paradigm not only furthers equity, but also constitutes effective policy: When we stop using criminal “justice” policy as social policy, we make our communities [safer](#), [more prosperous](#), and better at ensuring opportunity.

The following platform offers concrete solutions spanning every stage of the criminal-legal process, yielding a comprehensive framework for transformation. We believe that this comprehensive approach is necessary: Transforming the American criminal-legal system requires dramatic decarceration and a cohesive pathway to do so, not piecemeal reforms that tinker around the margins. We created the *Vision for Justice: 2020 and Beyond* to offer exactly this prescription.

Even with this comprehensive and unified approach, *Vision for Justice: 2020 and Beyond* is only a starting point. The United States leads the world in imprisoning or supervising [more than 6.6 million](#) people while ripping moms, dads, and loved ones from their families every day. This bureaucracy will not vanish overnight. Even if we reduced our incarcerated population by 80 percent, we would barely reach the U.S. incarceration rate from 40 years ago. A new paradigm for public safety requires not only the solutions enumerated here, but also an ongoing commitment to further reforms.

Our platform presents planks across 14 themes. Before discussing these planks, though, we first offer a set of core principles that must undergird any change pursued.

- All reforms must produce decarceral results and work to end racial inequity.
- All reforms, as they shrink the criminal-legal system, must invest resources in those communities that have been most harmed by mass incarceration and mass criminalization.
- Reforms must be rooted in human rights, restorative justice practices, and evidence-based strategies to improve the health, welfare, and safety of communities.
- Reforms must involve a participatory decision-making process that empowers communities to provide greater oversight and accountability influence over public safety priorities and activities.
- Reform must be holistic; a truly meaningful overhaul requires that all planks be implemented together. This platform is a unified prescription, not a menu of options.
- All reforms must be intersectional. Although this platform highlights the experiences of Black and Brown communities, we recognize that within those communities lies great diversity that compounds disparities within the criminal-legal system, including diversity based on gender, sexual orientation, gender identity, immigration status, disability, HIV status, economic status, and involvement in underground economies. Our goal is to build a system that respects the dignity, rights, and humanity of *all* people.

# I. Ensure Equity and Accountability in the Criminal-Legal System

## Plank #1: Create a new paradigm for public safety and policing.

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Public safety is served when all people feel and are safe in their communities. But our nation’s approach to public safety contravenes this goal, undermining our shared values of fairness, equity, and justice. The current system of criminalization—a system that has disproportionately targeted communities of color, beginning with slave patrols and continuing with modern-day unconstitutional policing practices—has left many communities deeply distrustful of law enforcement. It is not working for many people, particularly in Black and Brown neighborhoods. Indeed, communities of color are [disproportionately impacted](#) by police practices that can actually *harm* public safety, such as “broken windows” policing that criminalizes people for minor infractions; police killings of unarmed Black people and people with disabilities; police presence in schools that predominantly serve students of color; and the profiling of individuals who are engaged in everyday activities, including Muslim Americans targeted through the “War on Terror.”

Our current criminal-legal system and policing practices rely on a criminalization model that produces racial inequity while widening the divide between police and the communities that they’re supposed to protect and serve. Policing is the front-end driver that pushes people into the criminal-legal system: We cannot dismantle mass incarceration without *also* dismantling over-policing. Our misplaced reliance on police to address public health and social problem, as well as the “War on Terror’s” expansion of the carceral and surveillance state, has led to the over-criminalization of entire communities. Building police-community “trust” is not enough, as distrust is merely the symptom of deeper, structural problems. Police departments, operating as they do now, *erode* our trust. Big, [systemic changes](#) to policing are needed to keep our communities safe.

Advancing a new paradigm for public safety requires rethinking the purpose and amount of resources that we give to punitive-, arrest-, and surveillance-focused activities, including the roles that police play in gathering military intelligence and in our society. In many cities, police departments receive the largest component of general spending. This leaves fewer resources for social services and infrastructure that enable communities to be safe and thrive. It’s time to rebalance our resources so that they address the broader societal problems — such as poor public health, low-quality education, and lack of economic opportunity and housing — that are the root causes of many public safety problems. Reforms that don’t challenge and offer alternatives to the current scope, structure, and role of punitive policing won’t sufficiently address the crisis in our criminal-legal system. A new paradigm for public safety emphasizes investment in community-based interventions and programs, not handcuffs and prisons, to keep communities safe.

### State Policy Priorities

- Shift public resources *away* from punitive, arrest-focused policing activities and *toward* front-end, community-based investments that that don’t rely on the carceral state and enable communities to be safe and thrive. This shift requires a reduction in carceral actors who are exclusively engaged in arrest/incarceration activities; monetary savings from such reductions should fund front-end, public health-based, noncarceral programming.
- Expand investments that build social capital and proactively keep communities safe, such as restorative justice, neighborhood mediation and peace-keeping programs, community-based gang intervention, “violence interruption” programs, locally controlled economic development, and other investments that have proven effective at building social capital and proactively keeping communities safe.
- Establish a state commission to study policing practices, including the distribution of policing resources and how they interact with arrests, stops per capita, officers per capita, crime rates, racial and other disparities, types of crimes to which policing resources (including officers) are allocated, and various measures of public

welfare, including health and educational attainment. This study should make comparisons not only between local jurisdictions within states, but also between U.S. jurisdictions and other countries.

- Strictly limit or, ideally, end police activities that have a disparate impact on marginalized communities, such as pretextual stops and “consent” searches. In addition, require the collection, analysis, and reporting of police data as a way to inform policies and address practices that have a disparate impact on historically disadvantaged communities.
- Create integrated, community-based services to prevent and respond to crises related to mental health, substance use, and other factors, so as to reduce criminal-legal system contact for people with disabilities, mental health problems, or substance use disorders.
- Create programs that divert people from the criminal-legal system and instead provide free, needs-based medical care, social services, education, employment, housing, and/or other programs, none of which should be administered by the criminal-legal system.
- Pilot and expand new models that give communities a more active role in setting policing priorities, developing policies and trainings, exercising oversight, and holding police accountable for their actions.
- Comply with the federal law that requires state reporting on fatalities that occur in police custody, jail, or prison.
- Create new evaluation metrics for police officers and prosecutors that replace arrest and/or conviction rates and with metrics that focus on social service referrals, community ratings, and other noncarceral data points.
- Radically change police and prosecutor protocols for working with people who have experienced trauma, including a requirement to provide timely, robust, and trauma-informed services.
- Change state laws to require commissions that govern police officer standards and training (POST) to create uniform standards regulating the use of force, arrests, and other enforcement actions. Ensure that individuals on these commissions represent diverse communities, including communities that have a high number of service calls and/or pervasive police deployment. Require that officers be certified by these commissions and require police departments to report officers whose certification has been removed to a national decertification database.
- Enact state laws that permit officers to use force only if it is necessary under the circumstances, proportional to the threat, and is used after all other reasonable alternatives — including de-escalation tactics — have been exhausted. De-escalation tactics include taking action or communicating verbally or nonverbally during potential force encounters in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be used to resolve the situation *without* the use of force or with a reduction in the level of necessary force.
- Require police departments to develop and implement early intervention systems that track officer conduct and address officer needs and deficiencies at the earliest opportunity.
- Enact state laws establishing clear protocols for and jurisdiction over who investigates and prosecutes officer-involved crimes and shootings. Create an independent office to conduct these investigations, as described in *Plank #5: Ensure accountability and transparency in prosecution*.
- End police gathering of military intelligence, including police participation in Suspicious Activity Reports; state-level fusion centers connecting local and federal agencies for information sharing; and Joint Terrorism Taskforces that include local police, ICE, and the FBI.
- Prohibit the use of predictive policing and facial recognition technologies.
- End civil asset forfeiture.

- Support initiatives that provide training and transitional job opportunities for those who are impacted by policy changes.

## Federal Policy Priorities

- Rescind the Department of Justice’s 2018 [memorandum](#) that gut the DOJ Civil Rights Division’s use of consent decrees.
- End federal programs that provide military equipment to state and local police departments. Redirect federal financial resources — such as grants from the U.S. Department of Homeland Security to buy military equipment — *away* from surveillance/criminalization activities and *toward* noncarceral, community-based, community-led services.
- Rebalance social policy-oriented funding programs and criminal-legal funding programs, including [Byrne-JAG](#), and redesign all performance metrics so that they prioritize noncarceral, social policy-oriented interventions. Incentivize state and local governments to seek funding for other areas currently authorized under Byrne-JAG, such as indigent defense, courts, drug treatment, and mental health programs.
- Under federal funding programs, create evaluation metrics for police departments other than arrests. New metrics should include treatment or service referrals, community ratings, and other noncarceral data points. Similarly, eliminate consideration of arrest and/or conviction rates for prosecutors and substitute metrics that focus on referral to, or use of, social services.
- End local police and law enforcement officers’ [civil immigration enforcement cooperation](#) under 287(g) agreements.
- End qualified immunity for police officers, which prevents them from being held legally accountable when they break the law.
- Enforce the Death in Custody Reporting Act.
- Mandate data collection and reporting of all enforcement-focused police-community interactions, including data about officer-involved shootings, use-of-force incidents, stops, searches, and arrests, and mandate officer training on de-escalation, crisis intervention, adolescent development, and proper interactions with people with mental and physical disabilities. Ensure that all data collection is disaggregated by race, ethnicity, gender, disability, and other demographic characteristics and made publicly available.
- Prohibit the use of predictive policing and facial recognition technologies by law enforcement.
- Prohibit profiling based on actual or perceived personal characteristics, including race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, age, disability, proficiency with the English language, immigration status, and housing status by rigorously implementing comprehensive anti-profiling policies, creating interventions, and enacting legislation such as the End Racial and Religious Profiling Act.
- Establish a federal use-of-force standard that emphasizes de-escalation and the use of force only when necessary.
- Amend Section 242 of Title 18 to provide a lower *mens rea* standard (*i.e.*, [recklessness](#)) to ensure accountability for civil rights violations that result from police misconduct.
- Dismantle and reverse all harmful policies in the Violent Crime Control and Law Enforcement Act of 1994 (the “1994 Crime Bill”) and pass a modern 21<sup>st</sup>-century public safety bill. (See *Plank #11: Rebalance spending priorities by investing in communities.*)

- Introduce comprehensive, non-criminalizing legislation that regulates firearm commerce (*i.e.*, placing rules on gun manufacturers and limiting the production and sale of firearms); holding corporate entities and financial institutions (*i.e.*, banks and businesses that profit from gun violence) accountable for gun violence; and supporting community-based, prevention-focused “[violence interruption](#)” initiatives that operate outside of the policing and criminal-legal systems.
- Encourage states to adopt programs that deflect and divert people from the criminal-legal system, replacing arrests with the provision of medical care, social services, education, employment, housing, and other needed programs.
- End civil asset forfeiture.
- Enact federal legislation like the Jobs, Not Jails Act, which would provide grant awards to localities across the nation, provided that they:
  - Spend grant dollars on education, health, workforce- or social service-related programs, community-based organizations, and/or community infrastructure — and not on criminal-legal system actors;
  - Spend dollars after a needs-assessment that includes a participatory community process; and
  - Include resources for a jobs board that coordinates workforce development training for green jobs and other 21<sup>st</sup>-century fields, creates summer jobs programs for youth; expands youth employment opportunities, and provides employment opportunities for people who have mental health problems or face other barriers to work; and
  - Support initiatives that provide training and transitional job opportunities for those who are impacted by policy changes.

## **Plank #2: Create a new framework for pretrial justice.**

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Every night, [nearly half a million people](#) sit in jail not because they’ve been convicted of a crime, but because they can’t afford [money bail](#).

This pretrial system isn’t serving the goal for which it was designed: to ensure that people appear for their court dates. Rather, it’s devastating communities. Being detained [before trial increases people’s likelihood of conviction](#) and of committing another crime. It rips parents from their children. It causes people who are detained to lose their jobs and their homes. It inflicts financial and emotional hardship on individuals and families, especially women, many of whom suffer health and economic consequences while [navigating predatory bail agencies](#). It exposes people to [infectious disease](#), [mental illness](#), unsanitary conditions, [sexual assault](#), and even [death](#) from suicide, violence, or medical inattention. It bleeds resources from the communities that can least afford it, sucking away [billions](#) from families that will never get it back. All of this, even though no one’s been convicted of anything — often, anything except being a poor person of color.

The time has come to overhaul the bail system. We need a pretrial framework that dramatically reduces pretrial detention, ends racial and other inequities prevalent in the current system, and abolishes wealth-based discrimination throughout the pretrial process.

### **State Policy Priorities**

- Reduce jail populations and ensure that at least 95 percent of individuals are released before trial.

- Eliminate the use of money bail, pretrial fees, and any other “secured” financial conditions that require upfront payments and/or proof of collateral.
- Automatically release everyone charged with a misdemeanor and/or certain felonies using a “cite and release” program that avoids the need for police processing or jail booking. The only condition should be that the person returns to court.
- Before imposing conditions or detention, require robust hearings that start by presuming innocence and, accordingly, release. Such a process must require, at minimum:
  - The right to appointed counsel immediately following arrest;
  - A written record justifying detention or any release conditions imposed;
  - The right to discovery;
  - The right to testify, present witnesses, cross-examine witnesses, and present evidence;
  - The right to a good cause continuance; and
  - The right to appeal and to have decisions speedily reviewed.
- Ensure that eligibility for pretrial detention (the “detention eligibility net”) is extremely limited, including only the most serious felony cases. In addition to the “net” requirement, ensure that before imposing onerous conditions or detention, judges find by clear and convincing evidence that individuals pose a high risk of intentional flight or of seriously physically harming another reasonably identifiable person during the adjudication period. Evidence supporting these findings must be specific to the individual and not based on generalized characteristics, such as the neighborhood in which they reside.
- Ensure that neither probation offices nor other enforcement agencies bear responsibility for providing pretrial services, including, but not limited to, engaging in monitoring, surveillance, and searches.
- Require release conditions to be no more restrictive than necessary to mitigate — and directly tied to mitigating — the specific risk or risks identified.
- Require robust, timely collection and reporting of pretrial detention and release data so communities can monitor whether racial and/or other disparities persist. Specifically, data must be automatically collected before trial for each individual detained and must include information about race and ethnicity, age, and gender.
- Require reporting of all prosecutorial decision-making (*i.e.*, charging decisions and other discretionary decisions).
- Resist the use of algorithm-based “risk assessment” tools that exacerbate racial biases surrounding release condition and detention decisions.
- Automatically offer and provide, without charge, pretrial supports, such as phone, text, or email court reminders, redesigned summons forms, rides to court, childcare, and temporary housing, which help people who have been arrested successfully make court appearances and avoid new crimes. Collect data on the demographics of people who receive supports and document the outcomes of those supports.
- When implementing these and other reforms, calculate the money “saved” and reinvest it in noncarceral, community-led programming or infrastructure that is selected through a participatory process. Such investments may include, but are not limited to, drug and alcohol treatment, job training, youth programs, financial literacy, and childcare for communities traditionally impacted by over-policing and discriminatory bail practices. Under no circumstances should money saved through pretrial reform directly support police activities.

- Ensure that people accused of probation and parole violations receive the same rigorous processes accorded to those who are initially arrested for a crime. See *Plank #10: Reimagine re-entry, probation, and parole* for more guidelines surrounding probation and parole.

## Federal Policy Priorities

- Set clear targets for reducing pretrial detention: Before the Bail Reform Act of 1984, the federal pretrial [detention rate was 24 percent](#); now, [it is 75 percent](#). Policymakers should set clear metrics for reversing this increase and returning to a rate consistent with pre-Bail Reform Act levels.
- Reform the federal system so that it eliminates [existing “presumptions” of pretrial detention](#) — e.g., the “previous violator presumption” and “drug and firearm offender presumption” — and conforms, as closely as possible, to the *State Policy Priorities* in the full platform. This includes substantially shrinking the eligibility net for pretrial detention so that it only includes the most serious offenses.
- Require the federal government to calculate savings from bail reform and reinvest it in community-based, community-led services, including drug and alcohol treatment centers, job training, youth programs, financial literacy, and childcare for communities adversely impacted by discriminatory bail practices.
- Use Section 5 of the Fourteenth Amendment to end unconstitutional wealth-based detention in state and local jails — pretrial detention that occurs solely because people are too poor to pay money bail.
- Incentivize states to reform their pretrial systems so that they conform to the *State Policy Priorities*.

## Plank #3: Ensure an effective right to counsel.

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Our constitutionally mandated “right to counsel” services are in crisis. These services fail to guarantee low-income people access to effective lawyers; indeed, the system is broken in essentially every city and county across the nation. [More than 80 percent of individuals](#) charged with felony offenses cannot afford a privately retained lawyer, meaning that they often must rely on under-resourced, state-administered systems of indigent defense including public defenders, contract attorneys, or other forms of court-appointed counsel.

Notwithstanding the size and importance of this state-administered system, the gaps are egregious. In many cases, individuals lack counsel entirely. Throughout the country, individuals have attorneys in name only — lawyers who have too many cases, too little time, few resources for investigation and mitigation, and/or financial conflicts that make zealous advocacy impossible. This system fails the most vulnerable in our society. Allowing it to persist hollows out the Sixth Amendment right to which all individuals are entitled.

## State Policy Priorities

- Increase funding for indigent defense so public defenders have manageable caseloads and can provide diligent, high-quality services for all clients at trial and on appeal, as well as resources for investigators, experts, mitigation, and language access services. Mandate adherence to maximum caseloads set by independent commissions.
- Ensure funding and salary parity between public defenders and prosecutors.



- Prohibit charging low-income people fees for court-appointed or court-provided lawyers.
- Prohibit courts from practices and procedures that encourage children, youth, or adults to represent themselves.
- Mandate open file discovery, as discussed in *Plank #5: Ensure accountability and transparency in prosecution*.
- Create fair, transparent, and uniform criteria for determining indigence. Defendants should be presumed unable to pay court-imposed fines and fees if they are eligible for a public defender, earn an income that is at or below 200 percent of federal poverty guideline, are full-time students, receive means-tested public assistance, or have recently been incarcerated, homeless, or in a residential treatment program.
- Build a robust, well-funded, independent, state-administered “right to counsel” system that includes:
  - An independent, statewide commission for standardization and oversight that sets standards for the appointment process and timing, attorney qualifications, workload maximums, and other items;
  - Public defender offices in all communities where needed; and
  - Sufficient funding so that public defenders have manageable trial and appellate caseloads and resources not only for investigators, experts, mitigation, and language access services, but also for early representation (like the [Pretrial Release Unit](#) in San Francisco) and for “holistic defense” practices that support public defenders with staff offering social services and civil legal support.

## Federal Policy Priorities

- Provide significant grants to states, provided that they conform their public defense systems to meet core principles set forth in the *State Policy Priorities*. Place data collection contingencies on states receiving funding to incentivize robust data collection and reporting; in addition, require states to produce data that are disaggregated by defendants’ demographics and that specify how much time was dedicated to each defendant’s case. The funding should provide resources for building a robust, independent, statewide “right to counsel” system.
- Create a federal Center for Defense Services that provides technical assistance, support, and oversight for state public defense services.
- Create financial incentives for states that meet performance goals, including adherence to caseload guidelines and enactment of policies that significantly reduce their overall number of cases. These reforms may include re-classification and decriminalization of certain offenses.
- Ensure funding and salary parity between public defenders and prosecutors.
- Authorize the U.S. Department of Justice (DOJ) to sue jurisdictions that violate the Sixth Amendment by denying defendants counsel with adequate resources and independence to mount a zealous defense.
- Require that states certify compliance with the Sixth Amendment before they receive federal funds related to the criminal-legal system, including adherence to caseload maximums and independence requirements.
- Use Section 5 of the Fourteenth Amendment to allow civil legal claims to be brought for state and local government failures to meet their Sixth Amendment obligations.

## Plank #4: Decriminalize poverty.

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The United States criminalizes poverty. This practice fills our jails and prisons with poor people, turning jail cells into debtors' prisons. Worse, it exacerbates challenges faced by low-income people and families: Incarceration lowers employment rates, destroys family relationships, triggers housing insecurity, and makes it otherwise hard to achieve economic stability.

The criminalization of poverty takes many forms. We deny voting rights to people who cannot pay criminal-legal debts. We suspend and revoke driver's licenses for unpaid fees and fines, making it impossible for nearly [7 million](#) people to conduct their daily lives — to work, see the doctor, buy groceries, visit family, pick-up and take care of children, and even to leave the house. We jail people over unpaid debts. We keep people on probation because they cannot pay off their fines. Decriminalizing poverty means addressing all of these issues, even as we make upfront investments in the programs and services that individuals need to escape poverty and secure financial stability.

### State Policy Priorities

- Abolish fees and costs from the criminal-legal process. Stages of abolition may include the abolition of:
  - Fees that are part of the pretrial process;
  - Juvenile system fees;
  - Incarceration-related fees, including fees for jail stays and medical co-pays;
  - Probation and parole fees; and
  - All other fees.
- Create a county-based grant program that requires applicant jurisdictions to survey their jail populations, evaluate the root causes of individuals' criminal-legal involvement, and propose action plans that offer upfront, noncarceral programs and services (*e.g.*, transitional housing, expanded access to behavioral health) that address the major needs identified. Financial incentives should be provided to jurisdictions that dramatically reduce criminal-legal involvement in the local area.
- Require that assessments of fines reflect people's incomes and ability to pay, such as by using the "day fine" system that ties fine amounts to daily income levels.
- Wherever any financial obligations remain, institute clear criteria for determining ability to pay. See *Plank #2: Ensure an effective right to counsel*.
- Mandate that the state offer noncarceral responses, such as free, needs-based social service-based interventions for behavior to which poverty, mental health, trauma, or substance use was a contributing factor. Set a goal that no one identified as having a mental health-, poverty-, substance use-, or housing-related need will be incarcerated or entangled with the criminal-legal system. Achieving this goal may involve interventions at various stages, including upfront treatment, [non-police options](#) for addressing mental health-related crises, and universal screenings before jail booking place.
- Eliminate the suspension of driver's licenses for any reason that isn't immediately connected to public safety. This must include, at minimum, an end to suspending licenses for failure to pay fees or fines.
- End [debt as a barrier to voting](#). This means repealing laws in [eight states](#) that explicitly link debt repayment and voting. In 18 other states, this means assessing probation / parole laws to determine if debt repayment is required to "complete" a sentence. In two states, it means assessing clemency policies to see if debt repayment is an application requirement.

- Prohibit incarceration, or the extension of probation terms, over unpaid debt.
- Ensure that courts provide meaningful notice and, in appropriate cases, access to counsel, when individuals face any form of sanction as the result of unpaid fines and fees.
- Prohibit arrests as a means of coercing government-related debt payments.
- Prohibit body attachments for unpaid fees and consumer debt owed to private actors, including bail bond agents and private actors within the jail, prison, and probation systems.
- Eliminate the practice of civil asset forfeiture.
- Significantly expand grant programs that increase access to behavioral health, substance use, homelessness prevention, and related services that help prevent unnecessary criminal-legal involvement. Such grants may be used, among other things, to fund housing programs and to implement [sequential intercept models](#) that prioritize interventions before criminal-legal involvement occurs.

## Federal Policy Priorities

- Condition federal grants on certification that the state doesn't [restrict voting](#), suspend driver's or other professional licenses, jail people, or extend probation terms based on unpaid debt.
- Remove the federal mandate that states maintain discretion over whether they can suspend driver's licenses for unpaid child support.
- Expressly prohibit states from incarcerating people for failure to pay child support. Allow Section 5 civil legal lawsuits to hold states accountable if states engage in such unconstitutional incarceration.
- Fund pilot programs that set and adjust fines based on income levels.
- Reinstate the U.S. Department of Justice's 2016 [guidance](#) on enforcement of fines and fees.
- Create a federal grant through the Department of Health and Human Services that requires applicant localities to survey their jail populations, evaluate the root causes of individuals' criminal-legal involvement, and propose action plans that offer upfront, noncarceral programs and services (e.g., transitional housing, expanded access to behavioral health) that address the major needs identified. Financial incentives should be provided to jurisdictions that dramatically reduce criminal-legal involvement in the local area.

## **Plank #5: Ensure accountability and transparency in prosecution.**

Prosecutors have an extraordinary amount of power. Given their broad discretion to decide which cases are charged and which proceed to trial, prosecutors have wide latitude to determine who to drag through the criminal-legal system. And, given [high rates](#) of pretrial detention and mandatory minimum sentences, they have a structural advantage when offering plea agreements: People who are detained, facing financial hardship, and desperate to go home are more likely to plead guilty than fight cases. Research shows that people detained before trial plead to more severe penalties than people charged with the same crimes but who aren't detained. The vast majority of cases — [97 percent of federal cases](#) and [94 percent of state cases](#) — end in plea agreements.

Our laws and policies do not provide sufficient transparency, standardization, or accountability over prosecutorial decisions and prosecutorial misconduct. Even when prosecutors intentionally break the rules, such as by not fulfilling their constitutional mandate to produce exculpatory "[Brady](#)" evidence that favors the accused or impeaches a government witness, the court-created doctrine of "[absolute immunity](#)" protects prosecutors from

facing liability. And, because many states lack statutory rights to make “[actual innocence](#)” claims after conviction, many people never procure the evidence to prove their innocence.

Our communities are safest and strongest when people believe that the system is fair. Ensuring transparency and accountability in prosecution is an essential first step.

## State Policy Priorities

- Mandate “[open-file](#)” discovery. Although prosecutors are legally bound to disclose evidence that shows innocence or is otherwise favorable to the accused, the so-called “Brady” rule puts defense attorneys at a disadvantage: They don’t know what should have been disclosed. Open file discovery requires that prosecutors turn over all files, eliminating information asymmetry. Such reforms — already in use in many jurisdictions — may include appropriate protections for witnesses.
- End state civil immunities for prosecutors.
- Ensure that police misconduct is included as Brady material. Although histories of police misconduct are established Brady material, many prosecutors’ offices don’t hand over this information — in flagrant violation of the law. Disclosure of both police and prosecutor misconduct must be required, and penalties for noncompliance should be severe. In addition, prosecutors must be required to disclose arrests by individual officers that don’t result in charges, as well as complaints of officer misconduct. States should repeal unreasonable secrecy laws that prevent disclosure of police officer complaint histories.
- Require discovery before a plea agreement takes place. Since most cases never go to trial, plea bargaining is the only “adjudication” available to defendants. People deserve to know what evidence prosecutors have before deciding whether to accept a plea. Forensic evidence must be disclosed as early as possible.
- Reduce the leverage that prosecutors have to coerce plea agreements, namely by reforming the bail system (see *Plank #2: Create a new framework for pretrial justice*), abolishing mandatory minimum sentences, adequately funding the public defense system, and requiring judicial “second look” provisions (see *Plank #8: Dramatically reform sentencing policy*).
- Introduce new requirements to ensure the quality of, retention of, and access to evidence, which should include at minimum:
  - Prohibiting prosecutors from relying on evidence at trial, such as bite marks or old-school fire investigations, which have been discredited as unscientific by this [National Academy of Sciences report](#);
  - Mandate post-conviction review of old cases that relied on discredited forensics;
  - Ensure the preservation of evidence, including after conviction;
  - Create a statutory right to pursue an “actual innocence” claim in post-conviction appeals, which includes the ability to test DNA evidence; and
  - Establish a lab that defense counsel may use to test forensic evidence, or clearly state that all existing labs must equally prioritize evidence submitted by defense counsel and the prosecution.
- Appoint state judges who have a wide variety of backgrounds, including histories as civil rights and defense attorneys.
- Establish an independent, publicly accountable statewide agency — with robust, meaningful mechanisms of community oversight — tasked with investigating prosecutorial misconduct and prosecutorial over-charging. Give this commission subpoena power and the ability to impose sanctions — on both the prosecutor

individually *and* the entire office. Expand this agency’s purview, or create a parallel agency, to similarly investigate criminal activity by police, prosecutors, judges, and jail and prison guards.

- Categorically ban the practice of jailing people solely because they are material witnesses in a case.
- Encourage prosecutors to adopt policies that appropriately support and respect crime victims, including the use of trauma-sensitive practices.
- Create financial accountability for prosecutor offices, such as by considering the ways that prosecutorial decisions impact state and local budgets — namely through increasing jail and prison spending — and limiting the share of state/local resources each office can use. Other options include charging localities for their share of state/local resources consumed or providing block grants to local communities so that they can allocate resources effectively and not rely too heavily on jails and prisons.
- Enact legislation requiring that, when prosecutorial misconduct is found (including in instances where the court determines the error was harmless), the court *shall* refer the matter to the bar and the bar *shall* investigate the matter. In addition, all states should adopt [3.8\(g\) and \(h\)](#) of the Model Rules of Professional Conduct, which specify prosecutors’ ethical responsibilities. Adequately fund state bar ethics investigations into prosecutorial misconduct.
- Reform the grand jury process to include greater transparency and due process requirements.
- Require prosecutors to recuse themselves from officer-involved use-of-force cases, whether with or without guns and whether fatal or nonfatal.

## Federal Policy Priorities

- End “absolute immunity” for prosecutors.
- Appoint judges to the federal bench who have a wide variety of backgrounds, including histories as civil rights and defense attorneys.
- Appoint DOJ officials, including the U.S. Attorney General and U.S. Attorneys, who commit to criminal-legal system and prosecutorial policy reforms, including, at minimum, ceasing prosecutions for immigration-exclusive violations and against human rights activists at the southern border, as well as reversing guidance requiring federal prosecutors to seek the highest possible sentence.
- Categorically ban the practice of jailing people solely because they are material witnesses in a case.
- Create policies that mirror the *State Policy Priorities* around ensuring the quality of, retention of, and access to evidence.
- Enact legislation requiring that the Office of Professional Responsibility, which oversees DOJ lawyers, answer to the Office of the Inspector General rather than the U.S. Attorney General. Require the inspector general to investigate and act on any credible allegation of prosecutorial misconduct. Further, require annual reporting of all findings to the U.S. Congress.
- Transfer the DOJ’s responsibility for clemency to independent experts.
- Follow the recommendations of the National Academy of Sciences and create a National Institute for Forensic Science outside of the DOJ that would set national standards for quality improvement in forensic disciplines.

- Reallocate existing DOJ budgetary resources between the DOJ Criminal Division and the DOJ Civil Rights Division, giving the Civil Rights Division resources to increase civil enforcement investigations into prosecutor and police misconduct.
- Give the Department of Justice Civil Rights Division explicit authority to investigate local and state prosecutors' offices for systemic violations of federal and constitutional law.
- Amend 34 USC 12601 from "juvenile justice" to "juvenile and criminal justice."

## II. Build a Restorative System of Justice

### **Plank #6: End jails and prisons as we know them in America.**

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Jails, prisons, and detention centers [across the United States](#) are inhumane. [Approximately one in 30 people](#) are sexually assaulted in these institutions. Medical needs are [often not met](#). Food is [contaminated](#). Vermin [infestations are common](#). Floors and walls are [covered in blood, feces, and mucus](#). Many people are not permitted to visit with their loved ones, and many are deprived of exercise, fresh air, and sunlight. Between July 2015 and July 2016, more than [815 people died in local jails](#). Rather than focusing on rehabilitation and increasing public safety, these institutions make our communities *less* safe. Even when jurisdictions introduce reforms, such as medical- or mental health-focused jails, these institutions often replicate many of the same human rights-related abuses. At the same time, they magnify disparities based on sexual orientation and religion: [One-third of incarcerated women](#) are lesbian or bisexual, though this group comprises [only 3.5 percent of the U.S. population](#). Meanwhile, Muslims are [20% of the prison population](#) in certain states, despite representing less than 2% of the U.S. population.

The time has come to rethink what "incarceration" means and to create a new system that provides justice and accountability while decarcerating our communities, promoting rehabilitation, supporting and keeping families together, respecting human rights, and building opportunity.

### **State Policy Priorities**

- Dramatically expand alternatives-to-incarceration, including a requirement that judges find by clear and convincing evidence that no noncustodial sentencing options would be sufficient *before* imposing a custodial sentence.
- Require that all prison wardens have a background in community-based nonprofit work, social work, and/or holistic healing, or have a co-warden who does.
- Use a commission to evaluate and give every prison a grade that reflects various metrics of quality. Such metrics may include its implementation of rehabilitative programs and restorative practices, as well as feedback from stakeholders including incarcerated individuals and their loved ones. Prisons with bad grades should face closure or restructuring.
- Require that all facilities follow structural guidelines using the treatment-focused models found in other nations. Such guidelines should be created pursuant to a task force that includes not only researchers and system actors, but also individuals who have been incarcerated, their families and loved ones, public defenders, and community advocates.

- Require that every individual employed in a jail, prison, or probation office be trained in restorative justice and trauma-informed care. Such training may occur through State Department's of Health and Human Services and be available to all individuals who directly interact with constituents.
- Use the general fund to provide matching funds that incentivize jurisdictions to close jails. With these funds, jurisdictions would get double the amount that they would save. Require that these funds go exclusively into noncarceral social services and infrastructure investments identified by the community.
- Ensure that all jails (and prisons where state law allows voting for people who are serving criminal sentences) can serve as polling locations. In states that do not change their laws to let sentenced individuals vote, people detained pretrial — that is, the [six in 10](#) people in local jails who are simply awaiting their day in court — [must have access](#) to a polling location. In addition, ensure that individuals detained before trial are able to receive election mail and absentee ballots; ensure no charge for the postage that is required to send and receive ballots.
- Prohibit youth confinement in adult correctional facilities and close youth facilities entirely.
- Prohibit foster youth from being detained while awaiting placement; youth not charged with a crime threatening public safety should under no circumstances be incarcerated.
- Ensure that high-quality, age-appropriate educational opportunities are provided to all people who are detained, especially youth.
- End solitary confinement. Ensure that alternative therapeutic and rehabilitative mechanisms are available to effectively ensure the safety of individuals in prisons and staff.
- Improve and increase rehabilitative programming in prisons *without* the use of risk assessment instruments.
- Dramatically reform parole to ensure greater due process, transparency, and resources for parolees. Prohibit imprisonment for technical violations and commit to parole for elderly people.
- Ensure that all basic necessities, including hygiene products, are provided free of charge. See *Plank #4. Decriminalize Poverty* for more details regarding fee abolition — including the abolition of fees related to jails and prisons — more broadly.

## Federal Policy Priorities

- Introduce requirements for the federal system that mirror the *State Policy Priorities*, including an end to solitary confinement.
- Require that all federal agencies confining people, either directly or through a contract or intergovernmental agreement, adopt, abide by, and go beyond the [Nelson Mandela Rules](#), which lay out a minimum standard of how incarcerated individuals should be treated. Ensure that all facilities confining people operate in a safe and humane manner that promotes rehabilitation.
- Prevent federal money from funding solitary confinement within state prisons. Instead, provide training and technical assistance to help states reduce isolation/restraint and require increased data collection on when these techniques are used.
- Establish requirements for serving the health-based needs of people who are incarcerated, including the provision of trauma-informed care and the free provision of health products.
- Establish an Office of Civil Rights and Civil Liberties at the Federal Bureau of Prisons (BOP) to:

- Receive and investigate civil rights complaints from incarcerated individuals;
- Enforce transparency, reporting, and accountability requirements to monitor prison conditions, safety, spending, and other data points;
- Recommend policies enhancing the dignity and safety of incarcerated individuals; and
- Report directly to and advise the BOP director on the civil rights and civil liberties of incarcerated individuals, including their right to disability-based accommodations.
- Enact legislation to clarify the BOP’s obligation to disclose documents and other information, pursuant to Freedom of Information Act (FOIA) requests, from companies that contract with BOP and other parts of the U.S. government. The BOP should disclose contracts, operating procedures, operating records, monitoring documents, and any other similar documents related to private facilities pursuant to FOIA Exemption 4, which is intended to protect trade secrets.
- Enact legislation to give the DOJ Civil Rights Division oversight authority over U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE), including over immigrant detention facilities.
- Ensure enforcement of the Prison Rape Elimination Act and enact policies that further protect people in prison from sexual abuse and harassment, including mandatory termination of all prison staff who engage in misconduct and a private right of action to fully enforce the law.
- Require incarcerated individuals who hold jobs to be paid the same hourly/salary rates as individuals on the “outside.”
- Use the DOJ’s Office of Juvenile Justice and Delinquency Prevention to ensure states’ compliance with the Juvenile Justice and Delinquency Prevention Act’s requirement that states not hold youth in adult jails, regardless of whether they’re charged as adults or youth.
- Introduce a federal Incarcerated Person’s Bill of Rights, which guarantees all people in federal prison:
  - Access to free education and workforce development, including GED programs, college programs, and vocational programs that have a pathway to permanent jobs;
  - Access to work-release programs that pay sustainable, living wages that can be saved for personal use upon release;
  - Access to visiting spaces that are developmentally appropriate for children, including playing grounds for sports;
  - Access to therapeutic programming, counseling, and any treatment that may be necessary for successful rehabilitation;
  - Access to unlimited free visits, phone calls, and video calls if available;
  - A prohibition on preventing parent-child visits and due process protections before visiting privileges can be removed; and
  - A right to be served by prison and/or jail staff who are trained in restorative justice and trauma-informed care.
- Introduce a Parks, Not Prisons Act that financially incentivizes states and localities to close jails and prisons. Such legislation should include a requirement that closed facilities become employment, art, social service, health, recreation, and/or education hubs for local communities, and that cost savings from closed facilities — *i.e.*, an amount equivalent to this sum — be used to fund noncarceral social services and infrastructure priorities identified by the local community.



- Support state efforts to abolish youth prisons and replace them with community-based, developmentally appropriate programs, as well as upfront investments in young people. Such investments may include home visits, adoption assistance, summer jobs programs, restorative justice programs, and after-school programs.
- Provide fiscal incentives for states to accelerate decarceration efforts and close youth prisons; earmark these funds for upfront social services.
- Ensure that all basic necessities, including hygiene products, are provided free of charge. See *Plank #4. Decriminalize Poverty* for more details regarding fee abolition — including abolition of fees related to jails and prisons — more broadly.
- Pass legislation allowing incarcerated individuals to access Medicaid while they are confined, repealing the [current exclusion in the Social Security Act](#), and otherwise ensure seamless integration with post-release healthcare so that no individual is ever without health coverage.

## **Plank #7: Deprivatize justice.**

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Today, private companies make vast sums of money off of our society’s most vulnerable individuals: arrested, supervised, and incarcerated individuals. And, in many cases, it’s these individuals’ families who foot the bill. In [63 percent of cases](#), research shows, families were primarily responsible for paying their loved one’s court costs. In [83 percent of those cases](#), women were primarily responsible.

This profiteering lies at the intersection of two troubling trends. First, the United States increasingly [outsources the criminal-legal system](#) to the private sector, such as by using private prisons rather than public ones. Second, we often fund our “carceral state” through fines and fees that mainly fall on low-income people accused of criminal activity. The scale of private industry’s involvement in the criminal-legal system is staggering: Few criminal-legal functions have *not*, in some way or in some jurisdiction, been commercialized by private industry.

Companies profiting from punishment often make decisions that maximize their financial interests, even if doing so [directly conflicts with public policy goals](#). Worse, the costs resulting from these exploitative practices are borne by our society’s most vulnerable: [About one in four women](#) in the United States — and nearly [one in two Black women](#) — have a family member in prison. Policymakers should eliminate this inhumane and counter-productive financial exploitation of low-income people.

### **State Policy Priorities**

- End all contracts with private prisons, jails, detention centers — including those housing immigrants and juveniles — and probation companies. Review all contracts with private food, commissary, telecom, medical, and other service providers, rebidding all contracts originating more than 3 years ago only after first exhausting all public or non-profit options. All contracts granted to private vendors should prioritize quality, with significant weight given to the number of litigation challenges that have been brought against the company.
- Prohibit all so-called “offender-funded” contracts and fund outsourced services from statewide sources of revenue. States should fund the full cost of their criminal-legal systems, including services often provided by private companies, such as electronic monitors, commissary hygiene products, video calls, phone calls, and food in prison visiting rooms. These funds should come from government *general* revenues — not the families of individuals who are being processed through the system.

- Prohibit commission payments in all forms, both for state agencies and local jurisdictions that contract with private entities.
- Require all state agencies to negotiate contracts based on delivering the *best value* to consumers, including currently incarcerated people, and providing services in a manner that furthers the public interest.
- End commissary mark-ups.
- Limit outsourcing to services/companies whose profits don't rely on outcomes that are contrary to public policy goals. Where outsourcing is allowed, restructure contracts to align companies' incentives with positive outcomes and eliminate the temptation to subvert important policy goals.
  - Eliminate participation, supervision, and all other people-facing fees for diversion, probation, pretrial services, and other programs associated with community corrections.
  - Until these fees are abolished, contracts with private entities should:
    - Specifically prohibit unauthorized charges to the people being served or supervised — *e.g.*, late fees or charges for random (and unnecessary) drug tests — and require that authorized charges be reduced or waived for those who cannot afford to pay; and
    - Prohibit financial penalties for nonpayment, including late charges.
  - Eliminate other conflicts of interest that tie company profits to financial obligations shouldered by program participants, the length of time that individuals remain under supervision, or the possibility of readmission.
- For incarcerated individuals, provide all forms of communication — and other consumer services — free of charge.
- Require full transparency, including publication on the state's official website of annual data, all contracts with private companies, and itemized costs for any goods or services that private companies provide. Companies that perform functions of our criminal-legal system should be subject to the same, or substantively similar, records requirements as government agencies.

## Federal Policy Priorities

- End all contracts with private prisons, jails, detention centers — including those housing immigrants and juveniles — and probation companies.
- Review all contracts with private food, commissary, telecom, medical, and other service providers, rebidding all contracts originating more than 3 years ago only after first exhausting all public or non-profit options. All contracts granted to private vendors should prioritize quality, with significant weight given to the number of litigation challenges that have been brought against the company.
- Where outsourcing is allowed for discrete services, restructure contracts to align companies' incentives with positive outcomes and eliminate the temptation to subvert important policy goals.
- Prohibit private contractors from imposing “user fees” on people in prison and/or their families.
- For incarcerated individuals, provide all forms of communication — and other consumer services — free of charge.
- Clarify that consumer protection laws cover all privately provided services within the criminal-legal system.

## **Plank #8: Dramatically reform sentencing policy.**

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The United States imprisons people at a higher rate than any other nation. Some [655 of every 100,000](#) people in the United States are behind bars. This statistic is much worse for certain groups: Black people are [five times more likely to be incarcerated](#) than White people and Black women are [twice as likely to be incarcerated](#) as White women. Further, long sentences are tearing families apart. They're undermining entire communities. And they're not keeping people safe.

Our soaring level of incarceration is caused, in no small part, by sentencing policies that are inhumanely harsh. We use criminalization as our default solution to social problems. And, when we sentence people, we make their sentences disproportionately long — much [longer than in comparable nations](#). Yet studies show that the certainty of accountability [deters crime more effectively](#) than the severity of punishment. Further, [people age out of crime](#), countering *any* rationale for incarcerating people into old age. To end mass incarceration, we must rethink what we classify as — and how we punish — crimes.

The twin goals of sentencing reform must be decarceration and racial equity: The end objectives are *fewer* people in jail, in prison, and subject to supervision; to have people detained or supervised for *less time*; and to eliminate racial and other disparities that infect the system. Sentencing reform will only be successful if it achieves all of these results.

### **State Policy Priorities**

- Establish commissions to review the state criminal code and:
  - End arrests and summonses/tickets in schools for misdemeanors and violations.
  - Decriminalize behaviors that are not best addressed through the criminal-legal system, such as drug possession, prostitution, and crimes that stem from substance use, mental illness, or homelessness.
  - Review all felonies and misdemeanors to determine if they can be decriminalized, reclassified downward, or shortened, making United States sentences align with peer nations worldwide. Ensure that sentence reductions are accompanied with investments that use noncarceral, prevention- and treatment-focused initiatives that promote public safety by addressing poverty, addiction, mental health, and other issues at their roots.
  - Abolish mandatory minimum sentences.
  - Eliminate the felony murder rule.
  - Reform drug laws, as described in *Plank #14: End the War on Drugs*.
  - Abolish the death penalty.
- End life-without-parole sentences, including juvenile life without parole and de facto life sentences. Ensure that all changes apply both currently and retroactively.
- Bring the United States [in line with other countries](#) that have shortened prison terms by creating a maximum sentence of 20 years, with only extremely rare exceptions and a rigorous process for applying those exceptions prior to release or continued detention.
- Dramatically expand alternatives to incarceration, including restorative justice and community supervision, provided that such alternatives don't rely on expensive, commercial products that pad the pockets of for-profit companies. These rehabilitative, non-institutional "alternatives" should be the default, not the

exception, and judges should have to justify why they are *not* imposing “alternative” sentences. Restorative justice should be the default.

- Minimize the immigration-related consequences of conviction, such as by reducing maximum incarceration periods for misdemeanors from 365 days to 364 days, so as to explicitly avoid triggering federal immigration consequences.
- Create a judicial review mechanism requiring judges to periodically evaluate sentences individuals receive as children after no more than 10 years into their incarceration. Subsequent reviews should happen every three years.
- Dismantle the use of out-of-home placements and youth prisons and replace them with a continuum of culturally relevant, gender-responsive, developmentally appropriate, strength-based services, supports, and opportunities for youth and families in communities.
- Mandate racial equity in sentencing practices through periodic audits to identify sentencing disparities based on race. Provide meaningful opportunities for defendants to reduce sentences due to those disparities.

## Federal Policy Priorities

- Restrict the use of algorithm-based “risk assessment” tools, which exacerbate racial biases in sentencing determinations.
- Abolish all mandatory minimum sentencing laws.
- Dismantle and reverse all harmful policies contained in the Violent Crime Control and Law Enforcement Act of 1994 (the “1994 Crime Bill”) and pass a modern 21<sup>st</sup>-century public safety bill.
- Reform conspiracy laws, including those relating to drug conspiracies, to reduce individuals’ liability for the conduct of others. Require specific intent to be held liable as a co-conspirator, raise the bar for the type of evidence necessary to establish conspiracy, and limit liability for conduct that a co-conspirator did not commit.
- Abolish the death penalty.
- End life-without-parole sentences.
- Create a maximum sentence of 20 years in prison, with extremely rare exceptions and a rigorous process for the application of those exceptions prior to release or continued detention.
- Expand the application of “compassionate release” to ensure that older people, people with health issues, and people with compelling circumstances (*e.g.*, caretaking responsibilities) receive early release.
- Require a “second look” process to systematically review long sentences.
- End “Three Strikes and “Truth in Sentencing” laws.
- Make all sentencing changes retroactive so they apply to currently incarcerated individuals. To facilitate this process, create an office that reviews federal case law and sentencing guideline changes and ensures that all beneficial changes and case law are applied to currently incarcerated prisoners.
- Expand the use of sentencing alternatives, including community supervision, halfway houses in local communities, and suspended sentences, without the use of electronic monitoring.
- Require sentencing guidelines be amended so that sentence length is commensurate with Western European nations including England, Finland, and Norway. Ensure that the new guidelines contain an ongoing

mechanism to document any racial, ethnic, religious, gender-based, sexual orientation-based, or other disparities that emerge.

- Fund state-based pilot programs to develop and implement rehabilitative, non-institutional “alternatives to incarceration,” including models based on restorative justice and free, needs-based treatment and social services.
- De-schedule marijuana while including reparative justice and reinvestment language for those communities most impacted. Follow the specific guidelines in *Plank #14: End the War on Drugs*.
- Never detain youth who are awaiting immigration proceedings.
- Eliminate the [“valid court order” exception](#) in the Juvenile Justice and Delinquency Prevention Act that allows judges and other court personnel to detain youth adjudicated as status offenders.
- Require racial impact statements for sentencing and other prison related bills.
- End the indefinite detention of Muslim Americans and an end to Communication Management Units.
- Mandate racial equity in sentencing practices through periodic audits to identify sentencing disparities based on race. Provide meaningful opportunities for defendants to reduce sentences due to those disparities.
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- Reinstate the Department of Justice’s 2013 Smart on Crime [guidance](#) to federal prosecutors.

## **Plank #9: Support the children of incarcerated parents.**

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[Today, one in 28 children](#) has an incarcerated parent; [more than one-fifth of these kids](#) 4 and under. More than [5 million](#) have had a parent behind bars in the past. Among adults, [one in five](#) has had a parent locked up. This prevalence leaves a population of millions of kids, many of whom are now young adults, who have suffered the consequences of parental incarceration.

This separation hurts kids and tears families apart. Kids with incarcerated parents may [do worse academically and are more likely to drop out of school](#). They’re [more likely to experience](#) anxiety, depression, post-traumatic stress disorder, and behavioral problems. Put simply, having an incarcerated parent is a traumatic experience. And, as research shows, [traumatic experiences during childhood](#) have lifelong effects.

To address this travesty, we must first stop caging so many people. Where separation still exists, we must take the steps below to mitigate its harms. In no case, however, should these reforms inject additional funding into the criminal-legal system. Our ultimate goal is to dismantle the carceral system that is now ripping so many families and communities apart.

### **State Policy Priorities**

- Adopt the [Children of Incarcerated Parents Bill of Rights](#) developed by the San Francisco Children of Incarcerated Parents Partnership, as well as a concrete framework for convening agency heads, advocates, and directly impacted individuals to co-create different ways that the Bill of Rights can be implemented through agency action.
- Replace or [substantially amend the Adoption and Safe Families Act](#) to ensure that adoption policies maximize preservation of the parent-child bond, including for parents who are or were recently incarcerated.

- Adopt a more modern and comprehensive definition of parent eligibility, defining “custodial and noncustodial parent” as an expectant parent, biological parent, adoptive parent, stepparent, or person who is acknowledged as a parent figure. This may include siblings who are minors.
- Require that, when sentencing a parent, judges consider noncustodial and community-based sentences first, and then justify any decision not to use such sentences.
- Provide parents forced to serve custodial sentences with a placement preference, which helps them stay closer to home.
- Allow parents to serve the last year of their sentences either in their communities (*e.g.*, in a halfway house) or at home.
- Require all jails and prisons to have “family days” at least once a month; these days must include structured activities for kids and visiting spaces that are youth- and family-friendly. Transportation assistance should be provided to families wherever possible.
- Require all jails and prisons to provide in-person, contact visits; where space is not readily available for this purpose, existing spaces should be repurposed.
- Enshrine a robust procedure before people in jail or prison lose visiting privileges and require that parents *never* lose the right to see their kids.
- Ensure that children are never kept from seeing their parents because of a facility lockdown, clothing-related problem, or other such issue, unless proceeding with such a visit would place the child in danger. Where a clothing or similar issue arises, facility staff must help children comply with the rule, such as by offering temporary clothing.
- Give kids the right to transition services and provide them with reunification planning, which helps stabilize families immediately following parental incarceration. Such services should include assignment of a case worker — with a caseload that allows for meaningful engagement and attention — who can help kids navigate the system and access resources.
- Ensure that immediate family members who travel more than two hours to see a family member be allowed extended visits.
- Require that children age 16 and older be allowed to visit their parents alone — *without* the presence of an adult guardian.
- Provide resources, including educational support, transition counseling, and social services, to children who have an incarcerated parent not only after the parent’s confinement, but also throughout the parent’s sentence.
- Design all policies and programs in a way that maximally maintains and strengthens family bonds.

## **Federal Policy Priorities**

- Adopt a more modern and comprehensive definition of parent eligibility, as discussed in the *State Policy Priorities*.
- Require that, when sentencing a parent, judges consider noncustodial and community-based sentences first, and then justify any decision not to use such sentences.
- Allow and openly encourage the BOP to let people serve the last 12 months of their sentences at home in order to preserve and strengthen relationships with their children.
- Require family impact statements for sentencing- and prison-related bills.

- Enact legislation that would require judges to consider placing or transferring incarcerated parents to prisons closer to where their children and families live in order to support maintenance of the parent-child bond.
- Make phone calls and all other communications free of charge, as discussed in *Plank #6: End jails and prisons as we know them*.
- Make state criminal-legal grants contingent on passing reforms outlined in the *State Policy Priorities*.

## **Plank #10: Ease challenges to racial inequity and abolish slavery in prisons.**

The Thirteenth Amendment, ratified in 1865, says: “Neither slavery nor involuntary servitude, *except as a punishment for crime whereof the party shall have been duly convicted*, shall exist within the United States, or any place subject to their jurisdiction.” The “except” clause has contributed to a prison-industrial complex that incarcerates Black people at nearly [six times the rate of White people](#), while profiting off of their unpaid and/or underpaid labor.

After passage of the Thirteenth Amendment, Black Codes in the South created offenses that were intentionally vague, sending more Black people to prison than ever before. At the same time, many states put people in prison to work through the brutal and inhumane practice known as “[convict-leasing](#)” — a practice that allowed White plantation owners and industrialists to “lease” people in prison to work for them (against their will and for no pay) decades after the end of the Civil War. Often, leased individuals served sentences for petty crimes like vagrancy and theft. States also benefited from this free labor, such as by forcing people to work on “chain gangs” building roads and growing crops on prison farms.

Unfortunately, this practice continues today in different forms. According to Michelle Alexander, author of [The New Jim Crow](#), “after a brief period of progress during Reconstruction, African Americans found themselves, once again, virtually defenseless. The criminal justice system was strategically employed to force African Americans back into a system of extreme repression and control, a tactic that would continue to prove successful for generations to come.” What’s more, decisions in other areas have made equity-based challenges to this exploitative, biased system difficult: The failure to consider “disparate impact” as an acceptable basis for Fourteenth Amendment Equal Protection Clause claims, as well as for many statutory claims, has foreclosed legal challenges that could have helped combat racial injustice.

Every year, states, private companies, and the military use unpaid or poorly paid prison labor to save millions of dollars. Meanwhile, legal hurdles prevent advocates from challenging practices that produce extraordinary race-based inequity. These injustices must end.

### **Federal/State Policy Priorities**

- Support a constitutional amendment to eliminate the “except clause” of the Thirteenth Amendment, which continues to allow involuntary servitude in U.S. prisons and jails.
- Support the establishment of a federal commission to study and develop reparation proposals for African Americans. The commission should examine slavery and discrimination in the colonies and in the United States from 1619 to the present, and it should recommend appropriate remedies.
- Ensure that the employment rights, including wages, of incarcerated or detained workers in federal, state, local prison, jail, and detention centers are regulated by the respective labor authority in the jurisdiction. All workers should be paid the prevailing wage in their jurisdictions.

- Support statutory changes to the Section 1983 of the Civil Rights Act of 1871, the Equal Credit Opportunity Act (1974), Title VI of the Civil Rights Act of 1964, and potentially other statutes to allow “disparate impact” claims.
- Repeal the Prison Litigation Reform Act (1996).
- Repeal the Antiterrorism and Effective Death Penalty Act of 1996.

### III. Rebuild Communities

#### **Plank #11: Rebalance spending priorities by investing in communities.**

In the United States, our spending priorities are all wrong: We spend billions on jails and prisons, including [\\$38 million every day](#) to detain people who are simply awaiting trial, while neglecting the upfront services and infrastructure that communities really need. This carceral approach isn’t keeping us safe. And it’s neglecting the investments in jobs, treatment, social supports, mental health, and other programs that help communities — and families — succeed.

Community reinvestment is a framework to start rebalancing these priorities. The model measures current spending on the criminal-legal system and, as reforms reduce this amount, channels an equivalent amount into noncarceral programs and infrastructure that support communities — particularly those that have been most harmed by the criminal-legal system.

The federal government can enact legislation that encourages states to reinvest criminal-legal spending reductions (“savings”) into communities, such as through a grant competition that incentivizes state reforms by dangling a grant award — totaling in the billions — to spur change.

#### **State Policy Priorities**

- Create a transparent, comprehensive framework for evaluating state “savings” associated with criminal-legal reforms and place this money into a Community Reinvestment Fund. Dedicate all money in the Community Reinvestment Fund to noncarceral programming and infrastructure, including a commitment that at least 50 percent of all savings go to the areas that have been hardest hit by over-incarceration, violent crime, and jail and prison closures. Develop a participatory, community-led framework to distribute Community Reinvestment Fund money to selected communities. Ensure that this money is distributed via a participatory, community-led process that prioritizes noncarceral programming and community infrastructure.
- Create new grants through the Department of Health and Human Services to fund the local interventions and social services that most effectively prevent violence and incarceration, including programs for violence prevention or “interruption” programs, behavioral health, workforce development, and transitional housing. Integrate these grants with, or run these grants parallel to, existing programs that address the social determinants of health.

#### **Federal Policy Priorities**



- Pass a Freedom to Thrive bill that repeals and replaces the harmful provisions within the “1994 Crime Bill” with noncarceral investments in communities, as determined through a [“People’s Assembly process”](#) that draws input from directly affected communities nationwide.
- Establish a Community Reinvestment Fund that collects money from several sources — such as general appropriations and reduced spending in the federal criminal-legal system — and provides annual payments to competitively-selected states. Use this Fund to launch a Community Reinvestment Program competition, which requires applicant states to:
  - Reform their criminal-legal systems, including through enacting bail and sentencing reforms and ending the criminalization of poverty;
  - Create a framework for evaluating savings associated with these reforms — that is, money *not* spent on jails, prisons, or probation — and place these dollars into a Community Reinvestment Fund;
  - Designate Reinvestment Communities — areas that have been most hurt by the criminal-legal system — across the state; and
  - Develop a framework to distribute Community Reinvestment Fund money to select communities, provided that such communities spend the dollars on noncarceral programming and community infrastructure that’s identified using a participatory process. Make grant awards to winning states, with the final amounts reflecting the quality and scope of their proposed reinvestment programs.
- Form a partnership initiative (“Reimagining Public Safety”) between the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Labor, and other relevant agencies to make grants that help communities address the social factors that lead to an increase in jail populations at the local level. Include technical assistance as part of this program, helping ensure that all communities can design effective proposals that apply best practices in needs assessment, program development, and program evaluation.

## **Plank #12: Reimagine re-entry, probation, and parole.**

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Every year, [more than 600,000](#) people return home from prison, and [approximately 9 million](#) leave local jails. These individuals face extraordinary barriers to success. These barriers contribute to a recidivism rate — often [upwards of 40 percent](#) — that essentially turns the prison gate into a revolving door.

Effective policy to support re-entry requires two elements. One is a commitment to addressing the [specific barriers](#) that re-entering people face, including employment discrimination, family separation, lack of education and training, discrimination in the job market, barriers to obtaining occupational licenses, bans from social programs and public housing, inadequate access to medical care, and restrictions on voting. The other is better funding for, and integration of, existing services so that people are not inadvertently prevented from accessing needed services. In addition, effective policy requires a rethinking of probation and parole. At present, probation and parole fees hamper people who are in need of a fresh start. These people are told that this is their “second chance” yet are often forced to miss work so that they can make appointments and pay the system that’s monitoring them. Parole officers, often visibly armed, frequently make visits to people’s homes and workplaces, demanding to see every corner of the place and often startling those family, friends, coworkers, and supervisors who must concede authority over a place that they own or operate. For those who cannot pay parole and probation fees, it can quickly yield thousands in stress-inducing debt, creating mutual animosity between people on parole and the people who are monitoring them. Still worse, the slightest slip-up or mistake — including inability to pay fines and fees — can land a person in prison all over again.

## State Policy Priorities

- Remove barriers on individuals accessing social programs or services, including driver's licenses. For further reforms relating to debt-based rights restrictions, see *Plank #4: Decriminalize poverty*.
- Award state and local contracts to businesses that affirmatively hire individuals with arrest or conviction records, including worker cooperatives operated by formerly incarcerated people.
- Remove conviction-related occupational licensing barriers.
- Remove barriers to post-secondary education for individuals with arrest or conviction histories, ensuring that Pell grants are available to individuals during *and* after prison. In doing so, ensure that no benefits go to for-profit institutions.
- Remove prohibitions that prevent individuals in or returning from prison from receiving public benefits or participating in public programs. These benefits include, but are not limited to, federal financial aid, Medicaid, the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Unemployment Insurance (UI) programs, small business loans, and retraining programs.
- Remove barriers to public or private housing facing individuals with arrest or conviction histories.
- Remove restrictions on individuals accessing public housing, employment, occupational licenses, driver's licenses, and public benefits. [Automatically seal](#) and expunge records immediately upon release for misdemeanors and within several years for certain felonies.
- End felony-related voting restrictions, including bans on voting while incarcerated.
- Invest in employment opportunities that benefit formerly incarcerated individuals, including grants for entrepreneurship; technical assistance and financial incentives to businesses that hire formerly incarcerated individuals; and state-led affirmative hiring programs and worker cooperatives operated by formerly incarcerated people.
- Create educational programs that have both financial and human capacity to work with returning individuals for the purposes of secondary and/or post-secondary credentials.
- Start counting incarcerated individuals in their home districts rather than in the districts of the prisons where they reside — end [prison gerrymandering](#).
- Reserve community supervision for rare cases, remaining mindful of the way that supervision impedes on privacy, liberty, family obligations, employment, and many other aspects of leading a fulfilling life.
- Shorten the length of terms of supervision and of supervised release; ease the process to reduce probation length as people progress through their sentences; and end lifetime probation.
- Ensure supervisory conditions imposed are severely limited, related to ensuring individuals' success in their communities, and are no more restrictive than necessary to meet specifically identified rehabilitative purposes related to their offenses.
- Ensure that reporting requirements are flexible, accommodate individuals' family, employment, health, and other needs, and are clearly tied to furthering rehabilitation.
- Eliminate fees for supervision, as described in *Plank #4: Decriminalize poverty*.
- Improve community-based supports and services for people under supervision.
- Require that supervising officers have backgrounds in community-based nonprofit work, social work, and/or holistic healing, as well as training in trauma-informed care and restorative justice practices. (See *Plank #6: End jails and prisons as we know them.*)

- Reform the probation and parole revocation processes by setting clearer and fairer guidelines for violations; developing intermediate sanctions for violations; and severely reducing prison admission for violations.
- Categorically eliminate re-incarceration over technical violations of probation or parole conditions.
- Categorically eliminate misdemeanor and “pay only” probation.
- Decouple sentence completion and payment of fees, fines, or restitution.
- While working to implement *Plank #7: Deprivatize justice*, which eliminates private probation and profit-making from supervision services, immediately recall all outstanding probation warrants issued by private providers.
- Restrict the use of algorithm-based “risk assessment” tools to make parole, probation, or other early release determinations, including which individuals will receive rehabilitation/reentry services and which individuals are eligible for parole, probation, and/or earning credits toward early release to a residential reentry center or home confinement.
- Remove parole boards’ unilateral discretion to make final decisions by: developing a presumption of parole if an incarcerated individual meets certain eligibility requirements; and ensuring that incarcerated individuals have a right to appeal parole decisions to a court of law. Prohibit the denial of parole due to an incarcerated person’s lack of resources and, instead, require the state to identify the resources needed.

## Federal Policy Priorities

- Adopt all of the probation and parole reforms contained in the *State Policy Priorities*.
- Restore federal-level voting rights to currently and formerly incarcerated people.
- Provide individuals in federal prison with information about voting eligibility and registration prior to release.
- Revise student financial aid forms to encourage people with felony drug convictions to pursue higher education.
- Promote a “continuum of education” for all re-entering individuals.
- Reauthorize and increase funding for the [Second Chance Act](#).
- Adopt “[fair chance](#)” [licensing reforms](#) and remove conviction-related occupational licensing barriers.
- Adopt “[fair chance](#)” [hiring practices](#) (*i.e.*, “ban the box”); remove questions regarding conviction histories from employment applications; and delay inquiries into arrest and/or conviction histories until after conditional offers have been made. At the same time, increase enforcement of laws surrounding racial discrimination in hiring under Title VII of the Civil Rights Act of 1964.
- Clean the [FBI’s background check systems](#) to ensure records are accurate.
- Remove barriers to post-secondary education for individuals with arrest or conviction histories, ensuring that Pell grants are available to individuals during *and* after prison. Ensure that no benefits go to for-profit institutions.
- Remove prohibitions that prevent individuals in or returning from prison from receiving public benefits or participating in public programs. These benefits include, but are not limited to, federal financial aid, Medicaid, SNAP, TANF, SSI, UI, small business loans, and retraining programs.

- Award federal contracts to businesses that affirmatively hire individuals with arrest or conviction records, including worker cooperatives operated by formerly incarcerated people.
- Provide entrepreneurship training grants for formerly incarcerated people and help businesses share best practices in affirmatively hiring formerly incarcerated people through roundtables and other tactics.
- Introduce an Incarcerated Person’s Bill of Rights, as described in *Plank #6: End jails and prisons as we know them*, which would ensure that people in prison get the education, training, and treatment they need for successful re-entry and are able to maintain family relationships.
- Introduce a Reentry Accountability Act that:
  - Encourages communities to establish re-entry accountability organizations that comprise a required set of formerly incarcerated individuals, youth, government actors (*e.g.*, prosecutors, public defenders, and officials from housing departments, health agencies, and social service agencies) and a required number of community-based organizations;
  - Gives re-entry accountability organizations technical assistance and seed funding to coordinate their efforts, ensuring that people returning from jail or prison have housing, health care, employment services, needed treatment, case management, and anything else deemed necessary to ensure their success;
  - Allows re-entry accountability organizations to keep state-level savings associated with crime reductions that their actions and coordination produce;
  - Allows re-entry accountability organizations to reinvest those savings locally, using the mechanism described in *Plank #11: Rebalance spending priorities by investing in communities*.
  - Establishes a National Office of Reentry that provides technical assistance to re-entry accountability organizations and identifies further areas for reform. This office should be led by impacted groups, organizations, or individuals; and
  - Establishes a re-entry continuum within funding structures that provides access to education, including, but not limited to, Perkins, Pell, FAFSA, and other grants, loans, and aid for career and technical education.

## **Plank #13: Build a school-to-opportunity pipeline.**

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The [school-to-prison pipeline](#) has become a front door into the criminal-legal system. This pipeline is characterized by punitive and exclusionary policies and practices that push students out of school and into the criminal-legal system. Typical adolescent behavior has become criminalized in school. School-based officers [arrest students on-site](#), put them in [chokeholds](#), and [handcuff children](#) — including kindergarteners. This approach funnels youth into jails and prisons — and, in so doing, denies them the very opportunities that schools are meant to provide.

Policymakers must work to end the school-to-prison pipeline. But the real solution must go beyond banning school-based officers and prohibiting out-of-school suspensions; it must also offer schools a holistic, noncarceral way to address problematic behavior and ensure student success. Providing these supports will not only end the school-to-prison pipeline but will also create a *school-to-opportunity* pipeline that improves all children’s chances for success.

### **State Policy Priorities**

- Create culturally competent social-emotional learning standards at the state level.
- Provide schools with additional resources to meet the needs of children of incarcerated parents, with particular attention to schools with high concentrations of children of incarcerated parents.
- Provide technical assistance and grant funds to culturally competent community schools that provide extra counselors, trauma-informed care, and wraparound services to families to support the extra services provided.
- Meet constitutional requirements to provide access to quality legal counsel for children in the justice system.
- Require courts and judges to aggressively protect youths' due process rights.
- Ensure quality educational services for children in the justice system, including additional services for children with disabilities.
- Fund and implement robust restorative justice practices in schools.
- Require all schools in high-need areas to become trauma-informed schools.
- Remove youth from adult facilities and, to strengthen states' incentives to do so, create a private right of action under the [Prison Rape Elimination Act](#).
- Ban police from being stationed in schools.
- Create a clear, time-bound plan for closing youth prisons and replacing them with community-based, rehabilitation-focused continua of care.
- Provide for positive school supports that contribute to a safe, just, and welcoming climate for all students, including resources for counselors, training for staff, restorative practices, culturally responsive Positive Behavioral Interventions and Supports (PBIS), and mental health supports for students in crisis. In addition, ban police from being stationed in schools and eliminate state funding for infrastructure and personnel that criminalize students and school environments.
- Prohibit arrests, summonses/tickets, and any criminal charges for school-based disciplinary behavior and remove all criminalizing infrastructure, as described above.
- Support community-led, community-driven efforts to develop a comprehensive policy concerning police-youth interactions. This policy must ensure that police-youth interactions are informed by the principles of child and adolescent development, as well as an understanding of youth-specific law.
- Stop prosecuting youth under 18 as adults and ensure that juvenile courts raise the minimum age of juvenile jurisdiction to 21. Expand programs, such as [Young Adult Court](#) in San Francisco, that work with young adults between the ages of 18 and 24 because this population is qualitatively different in development, skills, and needs from both children and older adults.
- As savings accrue from school decriminalization, commit an equivalent amount to upfront, noncarceral, alternative investments that promote a positive vision for youth opportunity.
- Provide funding and support to schools to help ensure a smooth return to school for students leaving confinement and re-entering communities, including planning to ensure students are on track for high school graduation and postsecondary education.
- Ensure access to high-quality instruction and adequate educational resources, and provide supports needed to narrow disparities in high school graduation and college matriculation rates by providing all students meaningful educational opportunities. Such reforms should include policies to ensure funding equity among school districts.

## Federal Policy Priorities

- Provide a child benefit, or a targeted expansion of the Earned Income Tax Credit, that eliminates child poverty.
- Provide states with funding for positive school supports that contribute to a safe, just, and welcoming climate for all students, including resources for counselors, training for staff, restorative practices, culturally responsive Positive Behavioral Interventions and Supports (PBIS), and mental health supports for students in crisis. Eliminate federal funding for police stationed in schools, and infrastructure and personnel that criminalize students and school environments.
- Require, as a condition of receiving federal education- or criminal-legal funding, an end to school-based officers.
- End the U.S. [Department of Defense 1033 program](#), including its transfer of military equipment to schools.
- Create an enforcement protection and advocacy program to fund the work that state Protection and Advocacy Systems currently offer youth with disabilities who face school removal and/or referral to the criminal-legal system.
- Increase coordination between the criminal-legal and child welfare systems, such as by enacting the [Child Outcomes Need New Efficient Community Teams \(CONNECT\) Act](#), which seeks to help states identify and respond to the needs of children who come into contact with both the criminal-legal and child welfare systems.
- Amend the [Sex Offender Registration and Notification Act title of the Adam Walsh Child Protection and Safety Act of 2006](#) to exclude youth from sex offender registries and community notification practices.
- Fully fund the [Juvenile Justice and Delinquency Prevention Act](#) and support implementation of the [Juvenile Justice Reform Act of 2018](#).
- Support culturally responsive year-round programming for system-involved and re-entering youth, which includes increasing federal coordination on youth re-entry and providing funding for youth re-entry, and year-round programming, including summer jobs and internships.
- Support the implementation of graduated sanctions and positive enforcements within the [Juvenile Accountability Block Grants program](#).
- Fully fund and staff the [U.S. Department of Education Office for Civil Rights](#) and ensure proper investigation into both individual and systemic civil rights complaints regarding school discipline and policing.
- Reintroduce and pass the Record Expungement Designed to Enhance Employment Act of 2017 (REDEEM) Act's provisions on the age of adult court jurisdiction and incentivize states to raise the minimum age of juvenile court jurisdiction to 21.
- Enact a federal Youth Opportunity and Community Schools Act, which provides grants to school districts that turn high-need schools into “community schools” by doing at least the following:
  - Adopting a restorative approach to discipline, including eliminating of “zero tolerance” policies, adopting restorative justice, ending long suspensions, implementing better due process policies, and rethinking the use of “school jails” for young people who are subjected to long suspensions and expulsions;
  - Providing ongoing, comprehensive, mandatory training for all staff in cultural competence, trauma-informed care, and age-appropriate responses to discipline;
  - Offering social services and two-generational programming at or near school sites, using partnerships with community-based organizations;

- Implementing positive behavior support systems that focus on rewarding good behavior rather than punishing bad behavior;
  - Providing expanded learning, art, music, and enrichment opportunities during and after school and during holiday breaks;
  - Requiring clear communication with parents/guardians about students’ well-being and behavior and seeking input parents/guardians before school discipline-based decisions are made;
  - Extensively engaging parents and community members in student learning; and
  - Having extra counselors and support staff available to help meet student needs.
- Create incentives for [Statewide Family Engagement Centers](#) that integrate support services for families involved in the criminal-legal system.

## **Plank #14: End the War on Drugs.**

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The U.S. government began its so-called [War on Drugs in the 1970s](#). Police budgets ballooned. Mandatory minimum sentences were imposed. Rather than turning to treatment and support to address drug use, as we currently see with the rhetoric surrounding today’s opioid epidemic, we use ever-increasing punishments. This approach has devastated thousands of communities, particularly Black and Brown ones.

We must end the failed War on Drugs now, and we must begin repairing the damage it has done. Ending the War on Drugs means not only repealing the problematic policies of the last few decades, but also making proactive investments in the communities that have been harmed most.

### **State Policy Priorities**

- Legalize marijuana through a racial justice framework that focuses on access, equity, and repairing the damage of prohibition. For example, reserve a large share of licenses for marijuana businesses for people and communities that have been most harmed by prohibition.
- Remove criminal penalties for drug possession and certain trafficking offenses that, over the last 40 years, have caused an explosion in our incarcerated population. Ensure that this approach includes resentencing, expunging records, affording relief for immigrant communities, and funding reinvestment in the communities that have been most impacted by the War on Drugs. Work towards dismantling the current paradigm of drug criminalization and replacing the current system with a regulatory approach that treats drug as a public health issue, including through investments in medical care, mental health care, community empowerment, and other evidence-based wellness practices that reduce overdose deaths, such as syringe and naloxone programs, drug checking, safe consumption spaces, and medication-assisted treatment.
- Facilitate the adoption of free, needs-based, public health-run diversion programs in every community.
- Target money “saved” from criminal-legal reforms to repair communities that have been most damaged by the War on Drugs.
- Embrace evidence-based harm reduction interventions to reduce overdose deaths, such as syringe and naloxone programs, drug checking, safe consumption spaces, and medication-assisted treatment.

### **Federal Policy Priorities**

- End the federal prohibition on marijuana and implement marijuana reform through a racial justice lens. As with the *State Policy Priorities*, ensure that the end of prohibition includes resentencing, expunging records, promoting equity and access to the marijuana industry, affording relief for immigrant communities, and funding reinvestment in communities that have been most impacted by the War on Drugs.
- Remove criminal penalties for drug possession and certain trafficking offenses that, over the last 40 years, have caused an explosion in our incarcerated population. Ensure that this approach includes resentencing, expunging records, affording relief for immigrant communities, and funding reinvestment in the communities that have been most impacted by the War on Drugs. Work towards dismantling the current paradigm of drug criminalization and replacing the current system with a regulatory approach that treats drugs as a public health issue, including through investments in medical care, mental health care, community empowerment, and other evidence-based wellness practices that reduce overdose deaths, such as syringe and naloxone programs, drug checking, safe consumption spaces, and medication-assisted treatment.
- [Overhaul the U.S. Drug Enforcement Administration](#) and ensure that any federal entity focusing on drug use conducts its work using a public health approach (*i.e.* including harm reduction, drug treatment, and research). Divest “drug enforcement aid” from countries with human rights abuses and invest this money instead in public health, sustainable development, and achievement of human rights goals.
- Eliminate funding to drug reduction programs that are not demonstrated to be effective, including [abstinence-only anti-drug campaigns and Drug Abuse Resistance Education \(DARE\)](#).
- Allow states to reform their drug laws and pursue innovative overdose prevention initiatives.