

CRIMINAL JUSTICE SYSTEM: WHAT DOES REFORM MEAN?

Police Infrastructure Reforms Assessment and Discipline Reforms Criminal Process Reforms Supplemental Data Points KEY STEPS IN THE Investigations of **POLICING Complaints** Investigation, AND Police Trial. **Pre-Trial Police Officer** against Police **CRIMINAL** Stop-and-Frisk Department Sentencing, Lawsuits against, Arrest (Indictment. Officers and JUSTICE Recruitment, Selection. (reasonable and Discipline of, Accreditation. Appeal, (probable arraignment, **PROCESS** suspicion), **Performance Police Officers** detention/bail, and Scope, and cause) **Punishment Training** Search Appraisal of plea bargaining) **Budgeting** and Parole (probable cause) **Police Departments** FEDERAL ACCREDITATION RECRUIT MINORITY OFFICERS REDUCE STOP-AND-FRISK LIMIT PRETRIAL DETENTION ADEQUATELY FUND LIMIT POLICE UNION CIVILIAN REVIEW BOARDS WITH **OVERSIGHT** Minority groups are underrepresented "in Before stopping a suspect **NO CHOKEHOLDS** Hundreds of thousands of **PUBLIC DEFENDER** INTERVENTION IN REAL POWER TO DISCIPLINE Each police department must go nearly all local law enforcement agencies the police must have OR OTHER NECK individuals spend months in iai **OFFICES INVESTIGATIONS AND** The Justice in Policing Act amends the through an accreditation process, serving at least 100,000 residents." In easonable suspicion" that RESTRAINTS before being convicted of any Public defender offices **DISCIPLINARY MATTERS** Omnibus Crime Control and Safe Streets which currently consists of a particular, racial and ethnic minorities are crime is about to be The death of George crime. Twenty percent of these are underfunded and Act by empowering the Attorney General In most employment relationships privately conducted review by a underrepresented in the police force by an committed or has been Floyd has shined a pretrial detainees eventually understaffed which limits to provide grants to State, local, and ational accreditation body, such as the purview of labor unions is limited average of 24% when compared with Census committed by the suspect. spotlight on the abuse have their case dismissed or are the ability of courttribal law enforcement agencies that to wages, work conditions. the Commission on Accreditation for estimates. The national debate focuses, in NYC between 2014 and of chokeholds or neck acquitted Reform proposals mandated lawyers to promotions, and administrative and create civilian review boards. The Act Law Enforcement Agencies. The part, on mechanisms to improve the 2017, black and Latino male restraints by police include setting a cap on the represent indigent equires that these civilian review boards disciplinary processes (but not the goal of some reform proposals is to recruitment of minority officers to better reflect were 5% of population but officers. Recently, the amount of time an accused defendants. Reform have, among other things: (a) decision to discipline an employee). open the accreditation process for the racial composition of the communities they accounted for 38% of stop-NYPD has criminalized individual can be detained proposals include In short, the discipline of employees representative levels of community review by broader constituencies serve. For example, Michigan State Police and and-frisks by police officers, (as a Class C felony before trial, allowing social redirecting funds spent diversity. (b) investigatory authority and for poor performance or misbehavio such as civilian oversight boards. local police departments in Bloomington and despite being innocent 80% with up to 15 years of service organizations to subpoena power, and (c) policy making on pretrial detention to is the sole province of the employer The Justice in Policing Act gives the Normal, Illinois have made recruiting diverse of the time. Although efforts intervene during the pretrial imprisonment) the use public defender offices. However, police unions often authority Attorney General the power to candidates a priority to address implicit bias in of chokeholds or neck detention phase, and improvir intervene and have the right of review the accreditation standards policing should reduce the restraints by police as the conditions of those placed in approval over disciplinary matters of law enforcement accreditation disproportionate stop-anda means of detaining pretrial detention even where there is just cause for organizations nationwide. Moreover frisks of black and Latino criminals. Many the Act calls on the Attorney CONTINUOUS TRAINING ON DEhe employer (e.g., the city or county citizens reform proposals iurisdictions are ESCALATION TECHNIQUES; USE OF to take immediate action. Reform General to partner with Federal quite 2% of all white adult males should also directly address considering adopting proposals include removing **FORCE AS LAST RESORT** State, local, and tribal law the decision-making and **NO MANDATORY** similar bans on the investigations and discipline as Traditionally, police officers have been taught enforcement agencies to pursue LIMIT QUALIFIED IMMUNITY protocols for stop-and-frisks. use of chokeholds and MINIMUM SENTENCES subjects for collective bargaining professional standards. to make decisions and act as quickly as Qualified immunity is a defense in civi neck restraints by DRUG POLICIES DRIVE RACIAL DISPARITY IN In the race for one between the police union and the possible, which can result (through intentional actions (usually Section 1983 actions) in REFORM BAIL SETTING police officers. politician to appear employer or unintentional bias) in overaggressive use of which victims of excessive force by **ASSESSMENT** tougher on crime than force against black citizens. De-escalation police seek money damages from police **INCREASE SOCIAL** At this time, bail is set without another, legislation on training teaches officers techniques to slow officers and departments. Qualified regard for an individual's **DEFUND THE POLICE** SERVICE INTERVENTIONS crimes often calls for own and use time, space, and communication immunity effectively shields all civil income. Bail setting is complete Instead of continuing to liberally n many instances, police are mandatory minimum to find less aggressive alternatives. Of 155 because of myriad risk factors. actions against police officers because und law enforcement, policymakers called to deal with domestic sentences that leave no police departments surveyed nationwide **REFORM** such as the seriousness of the of the high burden of proof on injured should (a) brainstorm (e.g., disputes, homelessness, LEGALIZE CIVILIAN CELLPHONE discretion for the judge including D.C. and the 3 largest cities in each plaintiffs. Moreover, even if officers are reimagine") how to limit the police **CRIMINALIZE** crime, aggravating factors, prior mental health issues, noise **PROPOSALS** to impose a reduced **FOOTAGE** state), 71% offer de-escalation training, but it found liable, their department may pay DISABLEMENT OF convictions, likelihood of flight, department to its narrow, core complaints, traffic control, and sentence due to In instances where the police is not always mandatory. The reform proposals the damages for the officer's wrongdoing **BODY CAMERAS** potential failure to appear, and functions and redistribute to other other non-criminal social mitigating officer's body camera is not call for mandatory and ongoing de-escalation under indemnification arrangements: issues. Police departments In the absence of a the relationship between government agencies the circumstances. functioning, the officer's written herefore, the civil action doesn't change recording by a socioeconomic status and race responsibility and funding to deal are not often trained with the Mandatory minimum account of the arrest is the only skills to address non-criminal bystander or These factors result in lower officers' behavior. Reform proposals, with the mentally ill, school truants sentences usually apply evidence of the encounter, unless a including the Justice in Policing Act, neighboring business's income defendants, often black matters. Reform proposals domestic abuse, traffic, the to drug offenses, bystander or neighboring business individuals, making bail at a lower the burden of proof by getting rid security camera, a homeless, etc. and (b) implement often linked or associated with particularly to happens to record the arrest. Some of the requirement that the law be alternative ways of keeping the "Defund the Police" police officer's body significantly lower rate than their possession and jurisdictions make it illegal to record "clearly established" before an officer ACCESS TO OFFICERS' PRIOR camera footage higher income counterparts. communities safe without movement advocate for distribution of crackarrests made by police officers. disproportionately burdening black DISCIPLINARY RECORDS; NATIONAL strengthening alternative (especially those with Reform proposals advocate for can be liable for money damages. cocaine Reform Reform proposals would legalize the REGISTRY OF POLICE MISCONDUCT high resolution) setting bail amounts in residents. (See Camden, New organizations, crisis proposals advocate for use of civilian footage provides valuable proportion to the accused Jersey Police Department At the moment, records of complaints of intervention training, or bette eliminating mandatory criminal's ability to pay Experience.) abusive behavior and the disciplinary histories funding for other government objective evidence to minimum sentencing of police officers are sealed in many agencies. For example, a his or her encounte guidelines. with, or arrest of, an iurisdictions, allowing officers to migrate from social worker would ride along one department to the next without a full accused criminal. To ATTORNEY GENERAL with the police in response to DENY ACCESS TO PENSION understanding of their backgrounds. In June address instances a non-criminal complaint call. **OVERSIGHT** If a police officer has been investigated 2020. President Trump signed an executive where the body The Justice in Policina Act gives the for misbehavior and determined through ADEQUATE FUNDING FOR BODY order creating a federal database of police camera is disabled Attorney General broad discretion to the internal processes or at a civilian trial **CAMERAS** officers who have a history of using excessive intentionally at the time subpoena any governmental to be guilty of wrongdoing, the officer Despite their usefulness, not all **ELIMINATE NO-KNOCK** ELIMINATE BIAS IN of the encounter or authority that is responsible for the may be terminated or otherwise police departments can afford high WARRANTS administration of juvenile justice. The arrest, there are reform **PROSECUTORIAL** disciplined, but still retain pension resolution body cameras. The "No-knock warrants" allow proposals to DISCRETION AND PLEA Act empowers the Attorney General benefits. Reform proposals call for Bureau of Justice Assistance Body police officers to enter a criminalize such acts **BARGAINING** to subpoena any governmental suspension of pension and other Worn Camera Grant Program offers property without making their or shift the burden of There are significant racial authority that he or she believes is penefits if an officer is terminated with competitive grants to state, local, presence on the property proof in favor of the disparities in the plea-bargainin engaging in a "pattern or practice of **CONTINUOUS DIVERSITY TRAINING** and tribal law enforcement agencies cause known. Breonna Taylor was accused criminal process. For example, white conduct" that deprives those in To address implicit biases in law enforcement nationwide. The Justice in Policing killed during the execution of defendants in Wisconsin are custody of their Constitutional rights reform proposals include mandatory and Act takes this grant structure one a "no-knock warrant" and he 25% more likely than black Moreover, the Act allocates ongoing diversity training for the purposes of step further and requires law death has shined a spotlight defendants to have their most \$100,000,000 for each year from (a) eliminating police officers' enforcement agencies to have on the practice. Reform FY2020 to FY2022 to the Attorney serious initial charge dropped misunderstandings rooted in differences in body-worn camera programs as a proposals would ban, or reduced. Reform proposals General to be used to assist States language, culture, living conditions, etc., and prerequisite to receiving certain incentivize the ban of, "nowould require prosecutors to that engage in similar oversight (b) building community trust. federal funds. knock warrants" or require law state their reasons for plea procedures mentioned above. enforcement agencies to agreements for transparency report when "no-knock and accountability warrants" are used.

BLACKS ARRESTED DISPROPORTIONATELY:

During a three-year period from 2015 - 2018, black people were arrested at a rate five to ten times higher

STRONG MISTRUST OF CRIMINAL JUSTICE SYSTEM

A recent Gallup poll showed that nearly two-thirds of African Americans surveyed believe that the criminal justice system is rigged against them.

DRIVING WHILE BLACK IN MISSOURI:

Black drivers across Missouri are 91% more likely than white motorists to be pulled over by police.

RACIAL DISPARITY IN ARRESTS, INCARCERATION, AND CAPITAL PUNISHMENT:

African Americans make up 12% of U.S. population, but account for 20% of all arrests, 50% of the prison population, and 50% of the inmates on death row

MALE RACIAL DISPARITY IN PRISON POPULATION: More than 9% of all African American adult males are in jail or prison or on probation for parole, compared with not

PUNISHMENT: Drug policies constitute the single most important factor contributing to racial disparities in criminal justice. Blacks are four times more likely than whites to be arrested on drug charges, even though the two groups use drugs at almost the same rate. Until recently, federal crimes involving crack-cocaine were punished much more severely than those involve powder-cocaine, and African American cocaine users prefer crack while white users

LOCAL JUSTICE ADMINISTRATION:

prefer powder

The administration of justice in the U.S. is primarily a state and local affair. State and local governments employ two-thirds of criminal justice workers and pay a much larger share of the cost of criminal justice than the federal government

LACK OF POLICE DIVERSITY:

Police forces across the U.S. are disproportionately whiter than the communities they serve. In Baltimore 50% of the population is white, while 85% of the police officers are white.

LACK OF DIVERSITY IN JUSTICE SYSTEM:

Ninety-five percent of all elected prosecutors holding office in 2014 were white. Among active judges, 73% are white (includes 80% of all federal judges)

RACIAL DISPARITIES IN PLEA-BARGAINING:

Vhite people facing misdemeanor charges are 75% more likely than black people facing similar charges to have their charges dropped or reduced.

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