



FACING AND CORRECTING THE PROBLEMS IN OUR CRIMINAL JUSTICE SYSTEM

with a Special Focus on

CREATING SUCCESSFUL RE-ENTRY TRANSITIONS FOR RETURNING CITIZENS

June 19, 2021

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Summary of the Problem:

Our communities are plagued by poverty, lack of opportunity, and the need to make money, all of which produce crime.

The criminal justice system is not working fairly or equally for our communities. People of color and low-income people are being treated unfairly. People are locked up for non-violent offenses. Many of them are required to work at extremely low-paid jobs while incarcerated. This is another way to enslave people. In fact, it says in the Thirteenth Amendment to the Constitution that was to have eliminated slavery: "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."

Too many of our peers are expected to be dead or in jail before they are 25, and many internalize this expectation for themselves. We see evidence all around us that this is what happens in our neighborhoods when young men and women fall off track. It appears that the pipeline to prison has been well laid. We need young people to have ways to break this cycle.

When people come out of prison, the punishments last for a lifetime, denying them jobs, housing, and other opportunities. In many states they are denied the right to vote. Our nation loses the enormous talents of millions of people.

Reform is not happening as strongly and quickly as it needs to. People in prison are the "most forgotten about people on the planet." Injustice results in deep-seated powerlessness. It is happening all over.

What Needs to Happen

People need to take the power to correct the situation, through legislation, changed regulations and practices, through people treating each other differently, through many actions and reforms.

Poverty needs to be eliminated, homelessness and food insecurity ended, and schools improved in low-income communities. Respect and equal opportunity must be extended to all people. Our communities need to be restored, and our nation healed. All of this will diminish crime. Within that broad picture, the criminal justice system itself needs immediate deep reform. This document focuses on the criminal justice system. For the broader picture see the ***Recommendations to Increase Opportunity and Decrease Poverty in America*** produced by Opportunity Youth United. (available at www.oyunited.org)

Mass incarceration needs to be ended. The criminal justice system should end the pipeline to prison for children and youth; make sure punishments actually fit the crimes; eliminate disparities in sentencing that correlate with race; end for all offenders the various forms of lifetime punishments that destroy lives, families, and communities; and build welcoming, supportive re-entry programs for returning citizens to rebuild their lives and their communities.

We call for the following specific changes in the criminal justice system:

A renewed effort to build collaborative community commitment to safety and crime prevention by doing the following:

- Train the police in community relationships, sensitivity, and not stereotyping young men of color and communities of color.
- Provide continuous training in de-escalation and anti-bias awareness.
- Rebuild relationships and communication between the police and the community so residents can trust police and work with them.
- Have the police themselves reflect the demographics of the community and include residents of the community itself.
- At the state and local level when advisory boards in the criminal justice system are created make sure that people directly affected and connected are included.
- Engage churches and community centers in supporting children and youth.
- Provide mental health and grief counseling for children and youth who have lost friends and family members through violence.
- Highlight positive role models in the neighborhood.
- Create safe routes for children to get to school, and safe playgrounds.

- Bring back programs like the Police Athletic League, where police provide sports activities for neighborhood young people.
- Create caring programs and provide attention for the children of incarcerated parents.
- Encourage residents to take responsibility for correcting each other.
- Make sure young people and all residents are aware of the laws and the consequences of various types of action; new laws should be publicized widely.

The elimination of unfair sentencing

- Juveniles should not be tried or sentenced as adults. An overwhelming amount of research shows that the adult criminal justice system is ill equipped to meet the needs of youthful offenders, from trial, to incarceration, to re-entry.
- Low-income people who cannot afford to pay excessive bail charges should not be held in prison awaiting trial. The cash bail system should be eliminated entirely. It has the effect of criminalizing poverty.
- Black, Hispanic, Native American, and Asian individuals should not be subject to more severe sentences than white individuals who committed a similar crime.
- Mandatory minimum sentences should be eliminated, “three strikes and you’re out laws” ended, and judges should have more discretion to recognize the potential of offenders to benefit from alternatives to incarceration.
- People incarcerated for DUI, petty theft, graffiti, and other petty crimes should have shorter sentences and should receive forms of support and guidance to steer them toward a positive lifestyle.
- There should be pathways other than incarceration, including community service options, for lesser offenses.
- People incarcerated for use and sale of marijuana should be released now that marijuana is being legalized.

Strengthened accountability for police and prison performance and elimination of practices that alienate, exploit, or harm the community.

- When a credible charge is made against a police officer of using excessive force, an independent prosecutor should be assigned to the case.

- Police officers should be held accountable for all police misconduct or brutality and not just the incidents resulting in death. Strong Civilian Complaint Review Boards should be added in all communities with the authority to push local police forces towards transparent measures and accountability.
- Quotas for police performance based on numbers of arrests should be eliminated.
- Body cameras should be required.
- The practice in some communities of raising funds for municipal services through fees constantly charged for minor infractions should be ended.
- Militarization of local police forces should be avoided and reversed where it has already occurred.

Elimination of the for-profit prison system and profit-making by vendors in the public prisons. We do not believe that some people should have a financial stake in other people being incarcerated.

Creation of a Foundation for Re-Entry. and Active Support for the Successful Transition of Returning Citizens to Productive and Contributing Lives

More than 650,000 Americans are released from state and federal prisons every year. More than half are re-incarcerated within 3 years. To make their transitions successful, change is needed:

- Provide high quality education, job training leading to certifications, college programs, access to Pell grants, and group reflection behind the walls to prepare inmates for transition back to society.
- Ensure that there are quality mental health resources for those currently incarcerated, and that mental health resources are available outside of prison.
- Encourage and support frequent visitation of family members and mentors to inmates.
- Train parole and probation officers in how to be supportive mentors, not just focused on compliance monitoring and control. They should help connect former inmates to job training, employment, education, housing, and service opportunities.
- Fund major expansion of those comprehensive re-entry programs that have been proven to diminish recidivism rates.

- Provide direct pathways from prison to re-entry programs.
- Provide guidebooks for people coming out on parole or probation to share information about how to handle health care, job searches, job training, mental health, housing, and any other services or opportunities available.
- Create fair policies for expunging records in every state.
- Allow ex-offenders to submit their achievements to the criminal history systems bank so that potential employers can see not only the criminal record but the subsequent positive actions.
- Do not permanently deny former offenders the right to public housing, voting, scholarships, and running for office.
- Make sure former inmates are eligible for National Service options.
- Create Federal legislation protecting ex-offenders' right to vote as citizens with a deep stake in the well-being of our society.

Some Important Facts:

2.3 million Americans are incarcerated. Despite making up only 5% of the global population, the U.S. has nearly 25% of the world's prison population. Our level of crime is comparable to those of other stable, internally secure, industrialized nations, but the United States has an incarceration rate 5 times higher than most countries.

Black, Latino, and Native American people are more likely to be arrested, convicted, and given longer sentences than White people for similar offenses.

In 2019, almost 350,000 children were being held in detention facilities. Black juveniles make up 14% of the American youth population, yet they are 43% of the juvenile justice system.

The number of American children who have experienced parental incarceration is between 1.7 million to 2.7 million.

\$80 billion/year of taxpayer funds are spent on the costs of incarceration.

Overall, this is a shameful situation for our country that is profoundly damaging to our society, our culture, our communities, our people, our future. It must be corrected.

Closing Thoughts:

In addition to pro-actively advocating for legislation, policies, and practices that will produce the above changes, we must also address the mindsets of residents in low-income communities and increase the awareness of policy makers.

Young people need mentors, belonging, meaning, kindness, role models, good education, jobs, and opportunities to make a difference. They need strong families, both by blood and a sense of “family” through community.

Policy makers need to understand the profound and costly harm done by the unjust, biased, and punitive criminal justice system, and the extraordinary positive force for good that could be liberated by giving returning citizens the opportunities to contribute to society. Policy makers need to meet the returning citizens, and hear their vision for a society with opportunity, community, and responsibility for all.

These Recommendations were developed by integrating the Criminal Justice content from the **Recommendations for Increasing Opportunity and Decreasing Poverty** produced by the OYUnited National Council of Young Leaders, with the recommendations focused on re-entry developed in 2021 by the members of OYUnited’s Re-entry Action Committee (RAC) named below.

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