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**CIVIL RIGHTS
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Vision for Justice

A New Paradigm for Public Safety

2024



THE AMERICAN CRIMINAL-LEGAL SYSTEM IS A STAIN ON OUR DEMOCRACY.

The U.S. criminal-legal system has failed to protect all communities equally and justly. Rather than ensure public safety, especially for Black, Brown, and low-income people, the system has too often targeted these communities with policing instead of recognizing and addressing their priorities and safety needs. This continues a long history of disinvestment in critical areas like mental health services, quality schools that can identify and address learning disabilities and provide wraparound supports, and meaningful job opportunities and programs for young people — just to name some common demands. Too often, the failure to identify and meet these needs results in calls to the police department for a loved one who needs medication or a child who needs counseling or other educational supports. Meanwhile, profiling and abusive policing practices in Black, Brown, and low-income communities result in more distrust.

This paradigm can change. The nation can promote lasting public safety and justice for all by meeting the needs of all communities, especially those experiencing the twin problems of higher violence and abusive police practices. The U.S. 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 U.S. system has also long engaged in efforts to suppress social movements protesting these and other injustices, while simultaneously doing a poor job of preventing harm and keeping communities safe. The result is a criminal-legal bureaucracy that denies millions of people the opportunities, legal equality, and human rights they deserve while fueling the world's highest incarceration rate. This system makes the lives of people in the United States less safe by wasting resources criminalizing poverty instead of promoting public safety.

This platform envisions a path forward to keep communities safe through a new paradigm for public safety that respects the dignity and human rights of all people — a paradigm that rejects all systems rooted in white supremacy, coercive control, and a desire to regulate and surveil Black people using tools that replicate the carceral state. We propose a holistic framework that puts U.S. resources toward effective ways to keep people safe instead of doubling down on failed policies. This requires a commitment to violence and harm prevention through upfront investments in non-carceral social supports and community-based programs, including additional resources for education, housing, employment, health care, social-emotional supports, and other public benefits. We believe that this paradigm not only furthers equity, but also will keep people safe: When the nation invests in harm prevention and social policies, rather than making poverty or skin color the deciding factor in criminal-legal entanglement, all communities are better off.

The United States leads the world in imprisoning or supervising [almost 6 million people](#) while ripping parents, children, and loved ones from their families every day. People in the United States live in communities where, by design, guns are easily accessible while jobs, mental health treatment, and education are not. This bureaucracy will not vanish overnight. Even if the United States reduces 80 percent of the incarcerated population, the nation would barely reach its incarceration rate from 40 years ago. Keeping communities safe and solving the racial inequities that exist require not only the solutions enumerated here, but also an ongoing commitment to a new paradigm for public safety.

This 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 U.S. criminal-legal system requires us to recognize that U.S. prisons are filled with people with mental illnesses and with people who are not a danger to their communities. This country addresses small problems with big punishments, rather than with counseling or a paycheck. No community wants to feel unsafe or abused by police structures that harass and harm. Problems should be prevented before they happen, making all people safer and dramatically changing reliance on jails and prisons for problems that they don't solve. There is no one step or single path to this much more prosperous future. There is, however, a clear and cohesive map accounting for all the changes that can produce a new reality of public safety and prosperity. We created the “[Vision for Justice: 2020 and Beyond](#)” to offer exactly this prescription while offering the flexibility that enables activists, advocates, lawmakers, and elected leaders to find the starting points most relevant for their jurisdictions — even while laying out the long-term vision toward the destination that we deeply desire.

In our 2019 report — “[Vision for Justice: 2020 and Beyond](#)” — we presented a platform of 14 planks that offered concrete solutions in every stage of the criminal-legal process. Similarly, in this report, our platform presents planks across 18 themes. They are grounded in a set of core principles that must undergird any change pursued.

- All policy changes must produce more prevention of crime and result in dramatic reduction of people in jails and prisons who don't have to be there, ending the racial and economic injustice that the current system drives and replicates.
- All policy changes should reinvest saved dollars from reducing the size of the criminal-legal system into the communities that have been most harmed by the failure to invest in better schools, more jobs, counseling, and mental health services, which has driven the problem in the first place.
- Policy changes must center human rights and be rooted in holistic strategies to improve the health, welfare, and genuine safety of communities.
- Policy changes should involve a participatory decision-making process that empowers community members to provide greater direction on priorities to build community opportunities and greater oversight, accountability, and influence over community safety priorities and activities.
- While not all policies may be implementable simultaneously, policy change must be comprehensive; a truly meaningful overhaul requires a plan and goal of ultimately implementing all these suggested changes, as well as simultaneously implementing those steps that must be taken together to be effective. This platform should be seen as a unified prescription, not a menu of options, even while choices may need to be made about sequencing.
- All policy changes must be intersectional. Although this platform highlights the experiences of Black, Brown, and low-income communities, we recognize that within and beyond these communities lies great diversity that compounds disparities within the criminal legal system, including diversity based on sex, gender and gender identity, sexual orientation, immigration status, disability, HIV status, and involvement in underground economies. Our goal is to build a system that respects the dignity, rights, and humanity of *all* people.
- All policy changes must result in expanding anti-racist impacts and preventing harm. The outcomes should produce dignity, health, opportunity, and overall individual and community well-being no matter one's race, national origin, sexual orientation and gender identity, or zip code.

This is more than just a policy platform — it's a new paradigm for public safety. This is a Vision for Justice.

**THIS BUREAUCRACY WILL
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I. Promote Equal Justice, Public Safety & Accountability

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PLANK 14

**Invest in violence prevention
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responses.**

PLANK 15

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survivors.**

PLANK 16

**Reimagine reentry to promote
dignity and safety for all.**

PLANK 17

**Build a school-to-opportunity
pipeline.**

PLANK 18

End the War on Drugs.

The American Federation of State, County and Municipal Employees (AFSCME) is a member in good standing of The Leadership Conference on Civil and 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](#).



I.

Promote Liberty, Equity, and Accountability

PLANK 1:

Protect communities with a new paradigm for public safety beyond policing.

Public safety is served when all people feel safe and are safe in their communities. But the nation’s current approach to public safety does the opposite: It endangers people and communities. The current system of policing and criminalization is one that has [disproportionately targeted Black and Brown communities](#), beginning with slave patrols and continuing with modern-day policing practices, including brutal suppression of social justice, labor, and protest movements. It has also disproportionately harmed [people with disabilities and other vulnerabilities; people with disabilities comprise 50 percent of those who are killed by law enforcement](#) — and more than 50 percent of Black people who have disabilities have been arrested by the time they turn 28. Tactics like “stop and frisk,” police killings of Black people with impunity, police presence in schools that predominantly serve students of color, and disproportionate enforcement of drug laws against people of color all perpetuate this crisis.

To ensure all people can feel safe and be safe, the nation must end this racist and classist system of criminalization and ensure any transformation is premised on actual safety and genuine accountability. Advancing a new paradigm for public safety requires rethinking the purpose and number of resources that communities give to punitive arrest and

surveillance-focused activities. It also requires ending the discriminatory policies and practices that enable systemic abuses against Black, Brown, Indigenous, low-income, and other communities. Because police departments receive so much funding and resources, less funding is available for the social supports and infrastructure that enable communities to be safe and thrive. Devoting more resources to providing these necessities — high-quality health services, well-resourced schools, good-paying jobs, affordable housing — is what keeps communities safe.

Real safety is located not in carceral institutions, but in rebalancing spending and meeting the needs of communities — especially Black, Brown, Native, and low-income communities — who have gone unmet for decades.

It is time for public safety to be premised on real safety and accountability.

State and Local Policy Priorities

Focus resources on investments in community safety

- Increase resources for front-end, public health-based, and non-carceral interventions that protect public safety and prevent incarceration for things like mental illness and other issues that are more appropriately managed as social needs, rather than carceral interventions. Shift public resources *away* from punitive, arrest-focused policing activities, wherever appropriate, and *toward* front-end, non-carceral, community-based safety investments that enable communities to be safe and to thrive. This shift requires a reallocation of funding away from carceral actors who are exclusively engaged in arrest/incarceration activities that are more appropriate for other forms of intervention and toward front-end, public health-based, non-carceral interventions that prevent problems, not create them.
- Expand investments that build social capital and proactively keep communities safe, as described in ***Plank 14: Invest in violence prevention and non-carceral crisis response***. These investments may include, among many others, neighborhood mediation, peace-keeping programs, violence interruption programs, behavioral health treatment, and supportive housing.
- As described in ***Plank 14: Invest in violence prevention and non-carceral crisis response***, create integrated, non-carceral, community-based services to prevent and respond to crises related to mental health, substance use, and other factors to reduce criminal-legal system contact for all people — especially in the most vulnerable communities. Ensure that these services are provided by people who are trained in crisis intervention techniques and trained to better understand specific communities, such as people who are deaf or hard of hearing and people with intellectual or developmental disabilities.
- As described in ***Plank 14: Invest in violence prevention and non-carceral crisis response***, create programs that divert people from the criminal-legal system and instead provide free, needs-based medical care, education, employment, housing, and/or other programs, none of which should be administered by the criminal-legal system.

- Pilot and expand new models of community-based safety that operate fully outside of the criminal-legal system and that invest in non-carceral services and alternative approaches to preventing, managing, and resolving crises.
- Support initiatives that provide training and transitional non-carceral job opportunities for those who are impacted by the policy changes discussed in this platform.

Eliminate racial bias and high-tech harm

- For restrictions regarding the use of technologies, please see ***Plank 9: End high-tech harm and the surveillance state.***
- End the police gathering of military intelligence, which has particularly impacted Muslim communities, including police participation in Suspicious Activity Reports, state-level fusion centers connecting local and federal agencies for information sharing, and Joint Terrorism Task Forces comprising members of local police departments, U.S. Immigration and Customs Enforcement (ICE), and the Federal Bureau of Investigation (FBI).

Reduce police-community contact

- End police enforcement of traffic violations and other minor offenses to prevent police encounters from escalating into police violence, moving instead to [civil enforcement of all traffic violations](#).

Restrict police practices and activities

- Prohibit police officers from the following practices and activities that have a disparate impact on marginalized communities:
 - Suggesting, encouraging, or requesting EMS to administer chemical restraints;
 - The use of physical restraints that are life-threatening or those that restrict breathing or restrict flow of blood or oxygen to the brain;
 - Using modes of transport that risk asphyxiation;
 - Requesting any warrant that permits no-knock or quick-knock entries;
 - Conducting SWAT raids;
 - Conducting body cavity searches, visual cavity searches, or strip searches;
 - Performing more frequent or more intrusive searches of transgender, gender nonconforming, or non-binary people;
 - Conducting searches that are performed to assign gender based on anatomy or to harass, humiliate, or sexually degrade or assault someone;
 - Executing consent searches and pretextual searches;
 - Executing canine drug sniffs in order to establish probable cause or utilizing canines against members of the public;

- Requesting gang injunctions;
- Creating and enforcing watchlists, including but not limited to: counter-terrorism, counter-intelligence, and transnational crime-related watchlists; and
- Engaging Child Protective Services without noticing imminent, direct, physical harm to children’s well-being.
- Prohibit state and local law enforcement from using the following tools that have a disparate impact on marginalized communities, including protesters and communities working to advance social change:
 - Tear gas, rubber bullets, pepper bullets, pepper spray, flash bangs, long range acoustic devices (LRADs), Stingrays, lasers, and any other “less than lethal” forms of crowd control;
 - Military-grade weaponry, vehicles, and stun grenades;
 - Sedatives, such as ketamine; and
 - TASERs.
- Prohibit the use of [gang](#) injunctions — restraining orders that, before any crime has been committed or incident has occurred, are imposed to prevent predominantly Black and Latino men from undertaking the most basic life activities, including visiting neighbors, driving to church, or even standing in their own front yards.
- End civil asset forfeiture.
- Abolish and expunge all records within federal gang, terrorist, and extremist databases, including those databases that contain personal identifying information with which a person may be designated as a suspected gang member, associate, affiliate, suspected terrorist, or extremist.

[Ensure transparency through data collection and reporting](#)

- Require the collection, analysis, and reporting of state and local police data as a way to inform policies and address practices that have a disparate impact on historically disadvantaged communities.
- Create state-based sanctions or other mechanisms to ensure compliance with the federal law that requires state reporting on fatalities that occur in police custody, jail, or prison.
- Ensure that all contracts between police unions and state and/or local governments, including school districts, are publicly available online and accessible.
- Ensure that all contacts between police departments and private entities, including schools, businesses, and other corporations, are publicly available online and accessible.
- Conduct [financial and operational audits](#) of police departments.
- Adopt a decertification system for police officers.

Uphold human rights

- Radically change police and prosecutor protocols for working with victims, survivors, and people who have experienced trauma, including a requirement to provide timely, robust, and trauma-informed services.
- Enact state laws that permit officers to use force only if it is necessary under the circumstances and proportional to the threat, and only 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. For these purposes, “necessary” should include:
 - If there is a need for the application of force, the minimum amount of force that could effectively accomplish the legitimate law enforcement objective; and
 - Should force be necessary, that it should only be used until it accomplishes a legitimate law enforcement objective. Officers must immediately modulate force as the threat diminishes and cease the use of force if:
 - The person on whom force is being used is under control or no longer poses a threat of physical injury or harm; or
 - The officer determines that force will no longer accomplish, or is no longer necessary to accomplish, a legitimate law enforcement objective.

End impunity for civil rights violations

- Enact state laws establishing clear protocols for any jurisdiction that investigates and prosecutes officer-involved crimes and shootings.
- Prohibit the allowance of “cooling-off” periods, defined as a period of time, not provided to civilians, following an officer-involved shooting during which individuals investigating the shooting are prohibited from communicating with any officer involved in the shooting.
- Eliminate state statutes, including Freedom of Information laws and Right to Know laws, that allow allegations, complaints, and adjudications involving police officers to remain confidential.
- Eliminate state statutes that protect police officers from misconduct allegations and disciplinary proceedings, including nondisclosure and destruction of disciplinary records, such as any state Law Enforcement Officer Bill of Rights.
- Repeal any secrecy laws that prevent the publication of officer misconduct records.

- End the use of paid administrative leave when police officers and staff from any carceral institutions, including police forces, are being investigated for violating people’s civil rights or committing a crime; ensure that any leave taken is unpaid. Allow recoupment of unpaid leave when an individual is cleared of wrongdoing.
- Oppose legislation that would expand hate crimes law to include law enforcement officials, increase penalties to “protect law enforcement,” and expand third party arrest authority to federal probation officers.

End the criminalization of immigration

- End all 287(g) agreements and all other forms of collaboration/cooperation between state and local police and immigration authorities. See **Plank 10: Support fair sentencing policy and the end of the criminalization of immigrants** for more details.



Federal Policy Priorities

Rebalance federal funding and end the perpetuation of state-level harms

- Federal funding plays a critical role in [instigating harmful police policies and practices](#) like excessive force, racially disparate policing strategies, profiling, lack of data collection, reporting on police community interactions, and militarization. Eliminate federal funding flows that are perpetuating these harms and leverage existing federal funding to ensure that states and local governments institute policy changes and enact laws to end these abusive and discriminatory policing practices.
- End all federal programs that provide military equipment to state and local police departments, such as the 1033 and 1122 programs. 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 non-carceral, community-based, community-led services.
- Rebalance federal spending priorities, as discussed further in ***Plank 13: Invest in people and communities first***, so that the federal government prioritizes non-carceral, prevention-oriented programs and services rather than investment in carceral actors. Such rebalancing should immediately incentivize state and local governments to seek funding for non-punitive areas currently authorized under Byrne-JAG, such as indigent defense and reentry programs.
- Leverage federal funding streams to hold law enforcement accountable and redirect resources away from criminalization and policing towards investments in social supports and community-led programs.
- 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 21st century public safety bill. (See ***Plank 13: Invest in people and communities first***.)
- Introduce comprehensive, non-criminalizing legislation that regulates firearm commerce (*i.e.*, placing rules on gun manufacturers and limiting the production and sale of firearms); holds corporate entities and financial institutions (*i.e.*, banks and businesses that profit from gun violence) accountable for gun violence; and supports community-based, prevention-focused “[violence interruption](#)” initiatives that operate outside of the policing and criminal-legal systems.
- Encourage states to adopt programs that deflect people from the criminal-legal system, replacing arrests with the provision of medical care, education, employment, housing, and other needed programs.

Restrict police practices and activities

- Prohibit pretextual searches and pass legislation to end federal civil forfeiture as well as the equitable sharing program that incentivizes federal-state/local policing for financial gain through property seizures and forfeitures that were created as a result of unconstitutional policing practices.
- Prohibit federal law enforcement from using the following tools that have a disproportionate impact on marginalized communities, including protesters and communities working to advance social change:
 - Tear gas, rubber bullets, pepper bullets, pepper spray, flash bangs, long range acoustic devices (LRADs), Stingrays, lasers, and any other “less than lethal” forms of crowd control;
 - Military-grade weaponry, vehicles, and stun grenades;
 - Sedatives, such as ketamine; and
 - TASERS.
- Prohibit police officers from the following practices and activities that have a disproportionate impact on marginalized communities:
 - Suggesting, encouraging, or requesting EMS to administer chemical restraints;
 - The use of physical restraints that are life-threatening or those that restrict breathing or restrict flow of blood or oxygen to the brain;
 - Using modes of transport that risk asphyxiation;
 - Requesting any warrant that permits no-knock or quick-knock entries;
 - Conducting SWAT raids;
 - Conducting body cavity searches, visual cavity searches, or strip searches;
 - Performing more frequent or more intrusive searches of transgender, gender nonconforming, or non-binary people;



- Conducting searches that are performed to assign gender based on anatomy or to harass, humiliate, or sexually degrade or assault someone;
 - Executing consent searches and pretextual searches;
 - Executing canine drug sniffs in order to establish probable cause or utilizing canines against members of the public;
 - Requesting gang injunctions;
 - Creating and enforcing watchlists, including but not limited to: counter-terrorism, counter-intelligence, and transnational crime-related watchlists; and
 - Engaging Child Protective Services without noticing imminent, direct, physical harm to children's well-being.
- End civil asset forfeiture.

End the criminalization of immigration

- End local police and law enforcement officers' [civil immigration enforcement cooperation](#) under 287(g) agreements.
- Also see ***Plank 10: Support fair sentencing policy and the end of the criminalization of immigrants.***

Ensure transparency through data collection and reporting

- Ensure that when federal funding programs are requesting data on police department performance, they are requesting and using evaluation metrics that do not rely on arrest rates. Instead, new metrics should reflect treatment or service referrals, community ratings, and other non-carceral data points. Similarly, ensure that when funding programs are requesting data on prosecutor offices, they do not base performance on arrest or conviction rates.
- Finalize regulations for the Death in Custody Reporting Act of 2013.
- Mandate data collection and reporting of all enforcement-focused police-community interactions, including data about shootings by police, 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, religion, gender, sexual orientation, gender identity, disability, housing status, and other demographic characteristics and made publicly available.
- Adopt a decertification system for police officers.

End impunity for civil rights violations

- Provide a lower *mens rea* standard (*i.e.*, recklessness) to ensure accountability for civil rights violations that result from police misconduct through the amendment of [Section 242 of Title 18](#).
- Prohibit profiling based on actual or perceived personal characteristics — including race, ethnicity, national origin, religion, sex (including gender identity and 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.
- End federal prosecution and arrests for minor, nonviolent misdemeanors and other “broken windows” policing practices.
- Oppose legislation that would expand hate crimes law to include police, increase penalties to “protect police,” and expand third party arrest authority to federal probation officers.
- Ensure that law enforcement officers can be held accountable for their conduct, including by ending qualified immunity.
- Guarantee a private right of action for recovering damages for all unconstitutional violations by all federal officials by amending Section 1979 of the Revised Statutes (42 U.S.C. 4 1983) to insert “of the United States” or before “of any State.”

Restrict police practices and activities

- Enact a federal “use of force” by police law that permits officers to use force only if it is necessary under the circumstances and proportional to the threat, and only 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. For these purposes, “necessary” should include:
 - If there is a need for the application of force, the minimum amount of force that could effectively accomplish the legitimate law enforcement objective; and
 - Should force be necessary, that it should only be used until it accomplishes a legitimate law enforcement objective. Officers must immediately modulate force as the threat diminishes and cease the use of force if:
 - The person on whom force is being used is under control or no longer poses a threat of physical injury or harm; or
 - The officer determines that force will no longer accomplish, or is no longer necessary to accomplish, a legitimate law enforcement objective.



PLANK 2: Enact common sense pretrial justice.

Every night, [nearly half a million people](#) sit in jail across America — not because they’ve been convicted of any crime, but often because they can’t afford [money bail](#). The current system of incarcerating so many people while they are legally innocent is racist, morally reprehensible, and unconstitutional.

This profound injustice devastates families and communities. Being jailed before trial rips parents from their families. It [increases people’s likelihood of conviction and of committing another crime](#). It causes people who are detained to lose their jobs and homes. It [significantly increases the likelihood of future unemployment](#) for those detained. It exposes people to [infectious disease](#), [mental illness](#), [unsanitary conditions](#), [sexual assault](#), and even [death](#) from suicide, violence, or medical inattention. Put simply, it robs [billions of dollars](#) from communities and the economy, and it causes immeasurable harm to those who can least afford it.

The time has come to completely overhaul the pretrial system and to ensure people are supported and their pretrial liberty is maximized. Drastically reducing the number of people incarcerated pretrial means less money spent on jails and more money spent on local community-based efforts surrounding child care, housing, mental health and drug treatment, and other non-carceral programs. These sorts of investments will help keep communities safe while allowing people facing charges to show up for their court dates without the use of restrictive conditions.

It is time to make policy changes that will ensure pretrial liberty — and human dignity — is protected for all people.

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State Policy Priorities

Eliminate wealth-based discrimination in the pretrial process

- Eliminate the use of money bail as a way of unconstitutionally detaining people.
- Eliminate all pretrial fees.
- Pass legislation to address excessive fines and fees, including in the juvenile legal system; see **Plank 4: Decriminalize poverty** for more information.

Preserve the presumption of innocence

- Automatically release everyone charged with a misdemeanor or felony, including only the narrowly drawn exceptions noted below for cases in which release threatens the safety of a specific person or persons. People should be released 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.
- Ensure that any accused individual has counsel available and is able to advocate zealously at any proceeding where their fundamental right to liberty is jeopardized, including at bail or pretrial detention hearings; see **Plank 3: Ensure a right to effective counsel for all** for more information.
- Ensure that neither probation offices nor other enforcement agencies, or any for-profit entities, bear responsibility for providing pretrial services — including, but not limited to, engaging in monitoring, surveillance, and searches.
- Ensure that, before issuing bench warrants, courts make repeated, documented efforts to contact the individual and wait an appropriate amount of time, such as a week following the missed appearance.
- Restrict the practice of direct filing youth to be prosecuted in adult court.

Make pretrial detention the carefully limited exception

- Ensure that eligibility for pretrial detention (the “detention eligibility net”) is extremely limited, including only the most serious felony cases.
 - Before imposing conditions or detention, require robust hearings that start by presuming innocence and, accordingly, release. The prosecutor must present evidence that the individual has committed the crime charged, and that the crime charged is eligible for detention. Failure to present evidence in this hearing would not result in dismissal of the case, but only in release from pretrial detention. Similarly, testimony in this hearing must not be admissible in subsequent proceedings, except for as a prior inconsistent statement when applicable. This hearing, while similar to a “probable cause” hearing, must not replace the need for a formal preliminary hearing. 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, as described in the below bullet;
 - 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, 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 or persons during the adjudication period. Not all jurisdictions currently allow detention based on perceived public safety risk; in New York, for example, courts are not authorized to consider a person’s “dangerousness” in detention decisions. Evidence supporting findings of being a public safety risk must be specific to individuals and not based on generalized characteristics, such as the neighborhood in which they reside or that they are undocumented. Note: This platform in no way supports states adding new grounds for detention.
 - Reduce jail populations by ensuring that essentially all individuals can be released pretrial. For any jurisdictions where fewer than 95 percent of people are released pretrial, create a mandatory review process that provides additional oversight, scrutiny, and guidance that forces these jurisdictions to reduce their pretrial detention rates.
 - Ensure that bail is not revoked over technical violations.

Invest in — and maximize the use of — voluntary supports

- Invest robustly in alternatives to pretrial services that are voluntary, community-led, and restorative.
- Require release conditions to be no more restrictive than necessary to mitigate — and be directly tied to mitigating — the specifically identified risk or risks.
- Automatically offer and provide, without charge, accessible 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 arrests. Collect data on the demographics of people who use and receive supports and document the outcomes of those supports.
- Require judicial officers, before imposing any conditions of release, to first consider offering free, non-coercive, fully voluntary supports, including those services listed in the previous bullet.

Minimize detention in the probation and parole contexts

- 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 6: Transform probation and parole*** for more guidelines surrounding probation and parole.)

Eliminate racial bias and hi-tech harm

- Ensure that restrictive conditions of release, including electronic monitoring, are only available in the same narrow set of cases and afforded the same robust, procedural protections that accompany outright orders of detention, thereby ensuring that no changes in pretrial policies increase the usage of such surveillance and monitoring tools. All costs for electronic monitoring must be paid by the entity imposing the condition.
- Eliminate the use of algorithm-based “risk assessment.” (See [Shared Statement of Civil Rights Concerns](#) for more information regarding the various issues surrounding the use of algorithm-based risk assessment.)

Ensure transparency through data collection and reporting

- Require robust, timely collection and reporting of pretrial detention and release data so that 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, gender, sexual orientation, gender identity, disability, and religion.
- Require reporting of all prosecutorial decision-making (*i.e.*, charging decisions and other discretionary decisions).

Reinvest in justice

- When implementing the policy changes described in this section, calculate the money “saved” and reinvest it in non-carceral, community-led programming or infrastructure that is selected through a participatory, community-involved 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 transformation directly support police activities.

Federal Policy Priorities

Make pretrial detention the carefully limited exception

- 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 almost 70 percent](#). Policymakers should set clear metrics for reversing this increase and enact legislation that reflects [the reality that 99 percent of people released pretrial appear for court and more than 98 percent are not rearrested on release](#).
- Limit the federal detention eligibility net to only the most serious offenses, keeping with [recent state legislation](#), and remove all drug offenses. Further limit the eligibility net by making detention [discretionary rather than mandatory for flight risk](#).
- Narrow the standard for detention based on flight risk by requiring a finding by clear and convincing evidence, keeping with the Due Process Clause, state legislation, and recent [state rulings](#). Further narrow the flight risk standard by requiring a prosecutor to prove, [based on individualized facts, that the person's release creates a high risk of intentional non-appearance in court and that no conditions of release could reasonably mitigate that risk](#).
- Narrow the standard for detention based on community safety concerns by requiring a finding [by clear and convincing evidence, based on individualized facts, that the person's release creates a specific and substantial risk that the person will cause bodily injury or use violent force against a reasonably identifiable person or persons and that no conditions of release could reasonably mitigate that risk](#).

Eliminate wealth-based discrimination in the pretrial process

- Eliminate all financial conditions of release. Financial conditions in the federal system [enable the rich to buy their freedom while low-income people are forced to rely on bail bonds](#) or suffer detention when their [family isn't wealthy enough to cover high unsecured bonds](#).
- Require the appointment of counsel at all initial appearance hearings for anyone who cannot afford counsel to eradicate the unconscionable federal practice of jailing people without lawyers.

Preserve the presumption of innocence

- Direct the attorney general to minimize arrests, decline to seek detention of individuals at their initial appearance in court, and consent to the release of those already detained, absent clear and convincing evidence that the person poses a specific threat of violence to a specific person or persons.

- Eliminate [existing “presumptions” of pretrial detention](#) — e.g., the “previous violator presumption” and “drug and firearm offender presumption” — and institute reforms so that the federal system conforms, as closely as possible, to the State Policy Priorities in the full platform. The presumptions [create racial disparities and have become an almost de facto detention order for approximately half of all federal cases and 93 percent of federal drug cases](#).

Uphold human rights

- Pass legislation to hold the United States Marshals Service accountable for its failure to ensure humane conditions of confinement for those in its custody and to implement adequate oversight of federal pretrial detention.

Ensure transparency through data collection and reporting

- Collect and publish federal pretrial release and detention data, especially data about disparities based on race, disability, and other categories, which is [currently not available to the public](#). Use this data to create legislation that specifically targets the laws and policies underlying these disparities. Additionally, pass legislation to require the release of demographic data about the pretrial population from the Department of Justice and Administrative Office of the Courts.

Reinvest in justice

- Require the federal government to calculate savings from the policy changes described in this section and reinvest it in community-based, community-led services, including drug and alcohol treatment centers, job training, youth programs, financial literacy, and child care for communities adversely impacted by discriminatory bail practices.

Incentivize state pretrial policy change

- Use Section 5 of the 14th 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.
- Pass legislation that incentivizes states to transform their pretrial systems into systems that truly respect the fundamental right to pretrial liberty. (See *State Policy Priorities*).



PLANK 3: **Ensure a right to effective counsel for all.**

The U.S. Constitution requires that people charged with a crime be represented by a lawyer, even if they cannot afford one. The current reality falls woefully short of this guarantee. [More than 80 percent of people](#) charged with felony offenses cannot afford a private lawyer and must rely on under-resourced systems of indigent defense, including overstretched public defenders with crushing caseloads, contract attorneys, or other forms of court-appointed counsel.

These indigent defense systems [“exist in a state of crisis.”](#) In some cases, people lack counsel entirely. In others, people are responsible for paying for counsel through fees they cannot afford. When counsel is provided, it is often 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. These patchwork systems fail the most vulnerable in society and contravene the constitutional obligation to provide a lawyer to everyone accused of a crime. They lead to more jail time and less justice. It is important that prosecution does not take place without a system of public defenders’ offices that have the resources and expertise to provide dedicated representation to anyone who is charged with a crime. Only then will the Constitution’s guarantee of effective counsel be fully realized.

We must ensure prosecutions do not take place without a system of public defenders’ offices that have the resources and expertise to provide dedicated representation to anyone who is charged with a crime.

MORE THAN 80 PERCENT

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INDIGENT DEFENSE.

State Policy Priorities

Ensure access to high-quality counsel

- Ensure that no one is prosecuted without the presence of a robust, well-funded, independent, state-administered “right to counsel” system that includes:
 - An independent, statewide commission for standardization and oversight that sets standards and timing for the appointment process, attorney qualifications, workload maximums, and other items; and
 - Public defender offices in all communities that need them.
- Ensure that no one is prosecuted without provisions such that public defenders have manageable trial and appellate caseloads and resources to provide diligent, high-quality services for all clients at trial and on appeal; during probation and parole revocation hearings; and for youth in delinquency courts. These provisions also must ensure that public defenders have adequate resources for investigators, experts, mitigation, language access services, accessibility services, early representation (like the [Pretrial Release Unit](#) in San Francisco), and holistic defense practices that support public defenders with staff offering social and civil legal supports.
- Mandate adherence to maximum caseloads set by independent commissions.
- Ensure funding and salary parity between public defenders and prosecutors.
- Mandate early, automatic, and open file discovery, as discussed in ***Plank 5: Ensure accountability and transparency in prosecution.***
- End the coercive effects of pretrial detention, including detention based on not paying money bail, by enacting the policy reforms that are described in ***Plank 2: Enact common sense pretrial justice.***

Remove barriers to accessing counsel

- 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.
- Create fair, transparent, and uniform criteria for determining indigence, such as the guidelines developed by the Fines and Fees Justice Center and a presumption that all youth are presumed indigent.

Federal Policy Priorities

Ensure that states have high-quality right to counsel systems

- Provide 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 housing status, and that specify how much time was dedicated to each defendant's case. The funding should provide resources for a robust, independent, and statewide "right to counsel" system.
- 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 reclassification and decriminalization of certain offenses.
- Authorize the Justice Department to sue jurisdictions that violate the Sixth and 14th Amendments by denying people counsel with adequate resources and independence to mount a zealous defense.
- Require that states certify compliance with the Sixth and 14th Amendments before they receive federal funds related to the criminal-legal system, including adherence to caseload maximums and independence requirements.
- Use Section 5 of the 14th Amendment to allow civil legal claims to be brought for state and local government failures to meet their Sixth and 14th Amendment obligations.
- Create a federal Center for Defense Services that provides technical assistance, support, and oversight for state public defense services.

Ensure high-quality federal public defense

- Prohibit prosecutions unless all accused individuals have access to high-quality indigent defense, including representation at all pretrial proceedings and access to holistic defense services.
- Establish a federal public defender office for every federal district court.
- Support and promote efforts that ensure parity in funding, pay, attorney and investigator staffing, and resources for federal defender offices and Criminal Justice Act attorneys with funding for law enforcement and prosecution.
- Ensure parity in policy by consulting with experts in indigent defense in developing and promulgating federal criminal laws and policies.



PLANK 4: Decriminalize poverty.

The United States makes it a crime to be poor. [People are jailed over unpaid debts.](#) People are kept on probation because they cannot pay off their fines. [People experiencing homelessness](#) are fined and jailed for basic, life-sustaining activities like sleeping and sheltering themselves. People's driver's licenses are suspended or revoked 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 leave the house. And [voting rights](#) are denied to people who cannot pay criminal-legal debts.

This practice of criminalizing poverty disproportionately affects Black, Brown, Indigenous, LGBTQ, and low-income communities, and people with disabilities, and it turns jails into debtors' prisons where poor people are incarcerated simply for being poor. Criminalizing poverty prevents families from thriving by exacerbating challenges that low-income people already face. Incarceration lowers employment rates, destroys family relationships, triggers housing insecurity, and makes economic stability even more difficult to attain.

Decriminalizing poverty is a necessary step toward building a world in which we invest in low-income communities and invest in ensuring that every community has the tools it needs to thrive.

This practice of criminalizing poverty turns jails into debtors' prisons where poor people are incarcerated simply for being poor.

State Policy Priorities

Use social supports, not incarceration, to address root needs

- Create a county-based grant program that requires applicant jurisdictions to survey their jail populations, evaluate the root causes of people’s criminal-legal involvement, and propose action plans that offer upfront, non-carceral, non-coercive programs and services (e.g., transitional housing and expanded access to behavioral health care) that address the major needs identified. Financial incentives should be provided to jurisdictions that dramatically reduce criminal-legal involvement.
- Require jurisdictions to offer non-carceral responses, such as free, need-based, non-coercive social supports for behaviors caused in part by poverty, mental health disabilities, trauma, or substance use. Set a goal that no one identified as having a disability-, mental health-, poverty-, substance use-, or housing-related need will be incarcerated or entangled with the criminal-legal system. Achieving this goal may require interventions at various stages, including access to health care, upfront treatment, [non-police options](#) for addressing mental health- and disability-related crises, and universal screenings before jail booking takes place.
- Authorize and fund non-carceral mechanisms that link people involved in the criminal-legal system who are uninsured (including individuals who are not eligible for Medicaid) to community health centers, and programs that provide health care services, mental health and substance use disorder services, harm reduction services, and linkage to social support (i.e., job training programs, housing assistance, and voluntary mental health services).
- Pass legislation to expand and strengthen safety net programming, including Medicaid, SNAP, TANF, SSI, SSDI, housing assistance, and grant programs provided by HHS and other federal agencies, and ensure that people involved in the criminal-legal system have non-discriminatory, equitable access to these programs, benefits, and services.
- Significantly expand grant programs that increase access to health care, behavioral health, substance use, homelessness prevention, and related services that help prevent unnecessary criminal-legal involvement, particularly for people with disabilities. Such grants may be used to, among other things, fund housing programs and implement [sequential intercept models](#) that prioritize interventions before criminal-legal involvement occurs.

End the imposition of burdensome fees and fines

- Abolish fees and costs from the juvenile and adult criminal-legal processes. Fees are itemized payments for court activities, supervision, diversion, or any aspect of incarceration that are charged to the individuals being pushed through the criminal-legal system and are generally designed to recoup money. Fines are monetary punishments for infractions, misdemeanors, or felonies. The process of abolishing fees and costs from juvenile and legal processes may include abolishing:
 - Fees that are part of the pretrial process;
 - Incarceration-related fees, including fees for jail stays, prison stays, and medical co-pays;
 - Public defender and counsel fees;
 - Probation and parole fees; and
 - All other fees and poverty penalties, including fees to be on a payment plan, fees to cover the cost of collection, and interest on fines and fees.
- Abolishing fees should include ending the charging of fees, ending the collection of new fees, and writing off old debt — [most of which is uncollectable anyway](#).
- Require that assessments of fines reflect people’s incomes, such as by using the “day fine” system that ties fine amounts to daily income levels, while working to minimize the use of fines overall.
- Wherever any financial obligations remain, institute clear criteria for the court or locality to show that an individual has the ability to pay, as well as an automatic process for requesting payment plans, waiving financial obligations, or reducing financial obligations — including protections for youth, so that they are not tied to their parents’ incomes. (See ***Plank 3: Ensure a right to effective counsel for all.***)

Prevent coercive and poverty-enhancing debt repayment tactics

- Eliminate the suspension of driver’s licenses for any reason that isn’t immediately connected to dangerous operation of a motor vehicle. This must include, at minimum, an end to suspending licenses for failure to pay fees or fines, as well as failing to answer or appear in court. Create funding opportunities so that traffic enforcement based on broken taillights or other minor repairs can be addressed through financial assistance for the repair, rather than punitive fines or fees.
- End [debt as a barrier to voting](#). (Also end all criminal-legal involvement as a barrier to voting, as specified in ***Plank 16: Reimagine reentry to promote dignity and safety for all.***) In some [states](#), this means repealing laws that explicitly link debt repayment and voting. In many others, this means amending probation and parole laws that require debt repayment to be considered as having “completed” a sentence, or reforming clemency policies that require debt repayment before a person may apply.

- Prohibit incarceration, or the extension of probation terms, for 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 arrest 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.

End practices that punish low-income people

- Repeal all statutes and ordinances criminalizing homelessness, including anti-camping, -sleeping, -sitting, -lying, -vehicle residency, -panhandling, and similar laws, and pass homeless bills of rights consistent with the [Martin v. Boise decision](#). Prohibit enforcement against persons experiencing homelessness of laws used to criminalize homelessness, including trespass or disorderly conduct, unless adequate alternative housing is available, and provide affirmative defenses to such conduct in court if alternative housing is not available.
- End civil asset forfeiture.



Federal Policy Priorities

Encourage and require states to stop criminalizing poverty

- Condition federal grants on certification that the state doesn't [restrict voting](#), suspend driver's or other licenses, jail people, or extend probation terms based on unpaid debt.
- Condition federal grants on certification that police will not enforce laws criminalizing life-sustaining behavior, such as sleeping or sheltering oneself in the absence of adequate alternative housing.
- End federal incentives that coerce people into paying child support and end the practice of using licenses as leverage to collect back child support, including by removing the federal mandate that states maintain discretion over whether they can suspend driver's licenses for unpaid child support. Additionally, pass legislation to expressly prohibit states from incarcerating people for nonpayment of child support, and provide greater support for noncustodial parent employment programs.
- Expressly prohibit states from incarcerating people for failure to pay child support. Allow Section 5 civil legal lawsuits to hold states accountable if they engage in the unconstitutional act of incarcerating people for failure to pay child support.
- The Department of Justice should require federal, state, and local data collection and disaggregation of arrest, incarceration, and use of force statistics by housing status.

End the imposition of burdensome fees and fines

- Fund pilot programs that set and adjust fines based on income levels.
- Bar the Bureau of Prisons from penalizing incarcerated people who are unable to make payments towards restitution, fines, or fees.
- Repeal the Bureau of Prisons' requirement that Residential Reentry Management Centers collect subsistence fees from individuals returning from incarceration.
- Pass legislation to ensure that all basic necessities, including hygiene products, are provided free of charge, and end prison commissary mark-ups; ensure no additional funding to carceral institutions when implementing this policy.

Help states address root needs, not incarcerate people based on poverty

- Pass legislation to ban “source of income” discrimination and expand anti-discrimination protections for individuals involved in the criminal-legal system. Housing vouchers play a vital role in helping people afford safe, decent, accessible housing, but landlords can refuse to rent to voucher holders and may impose screening processes that create a *de facto* ban on people involved in the criminal-legal system. These allowances pose additional barriers to housing access and contribute to racial and economic segregation.
- Create a federal grant through the U.S. Department of Health and Human Services (HHS) 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, non-carceral programs and services (e.g., transitional housing and expanded access to behavioral health care) that address the major needs identified. Financial incentives should be provided to jurisdictions that dramatically reduce criminal-legal involvement.
- Elevate Centers for Disease Control and Prevention guidance against evictions, especially of unhoused people, during public health crises (e.g., the COVID-19 pandemic) unless individual housing units are available and accessible.
- Issue guidance from the Department of Labor, Department of Health and Human Services, and other federal agencies to require existing workforce development programs to prioritize services for youth and adults impacted by the criminal-legal system, and provide support for transitional jobs programs and other supportive services, including cash assistance, food and nutrition supports, housing, child care, transportation, and health and behavioral health care.
- Increase the federal investment to build the infrastructure of culturally competent and effective community-based health and MH/SUD services so that there is capacity in every community, particularly in underserved, low-income communities. Such infrastructure will help reduce and prevent entry into the criminal-legal system.

PLANK 5:

Ensure accountability and transparency in prosecution.

Prosecutors have an extraordinary amount of power in the criminal-legal system, but they are subjected to almost no oversight. This combination of great power and little oversight creates a system that tramples on the rights of people charged with crimes. Given their broad discretion over which cases are charged, whether cases proceed to trial, and the sentences that people receive, prosecutors exert enormous influence over who is subjected to the brutality of the criminal-legal system and for how long. Like the rest of the criminal-legal system, [this discretion is infected with racial bias](#), which influences every step of the process. Because of [high rates](#) of pretrial detention and mandatory minimum sentences, prosecutors have power to coerce plea agreements: People who are detained, who are facing financial hardship, and who are desperate to go home are more likely to plead guilty than take their case to trial, even if they're legally innocent. 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.

Even when prosecutors intentionally break the rules, such as by not fulfilling their constitutional mandate to produce exculpatory [“Brady” evidence](#) that favors those accused of a crime or impeaches a government witness, the court-created doctrine of [“absolute immunity”](#) protects prosecutors from facing liability.

We must advocate for a system where prosecutors are accountable to the people and communities who are subject to the devastating toll of criminal prosecution. U.S. laws and policies must be changed to ensure sufficient transparency and accountability regarding prosecutorial decisions and prosecutorial misconduct. Above all, resources in the United States must be rebalanced so that there is investment in upfront, non-carceral services that address social problems wholly outside of the criminal-legal process. Only then will the devastating effects of prosecutors with too much power and too little accountability be reduced.

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State Policy Priorities

Ensure that defense counsel has access to essential evidence

- Via both state statute and internal district attorney's office policy, mandate early and automatic ["open-file"](#) discovery, which requires that prosecutors turn over all files and thereby eliminates information asymmetry. Such policy changes — which are already in place in many jurisdictions — may include appropriate protections for witnesses and individuals facing security threats (*i.e.*, limitations on disclosing contact information).
- Via both state statute and internal district attorney's office policy, ensure that police misconduct (*i.e.*, sustained, unfounded, and unsustained misconduct complaints) 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, including but not limited to dismissal of the case with prejudice. In addition, prosecutors must be required to disclose to the defense arrests made by individual officers that do not result in charges, as well as complaints from individuals of officer misconduct. States should repeal provisions in public records laws that prevent disclosure of police officer complaint histories.
- Require discovery before a plea agreement takes place via both state statute and internal district attorney's office policy. 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 they decide whether to accept a plea. Forensic evidence must be disclosed as early as possible. Also, prohibit any conditioning of plea offers on waiver of discovery.
- Introduce new requirements to ensure the quality of, retention of, and access to evidence, as well as access to the courts via state statute and internal district attorney's office policies wherever available under state law. Such standards should include at minimum:
 - Prohibiting prosecutors from relying on evidence that has not been scientifically established (*e.g.*, acceptable error rate), such as bitemark evidence or hair microscopy;
 - Creating statutory mechanisms at the state level that provide access to court when science changes or evolves or when experts repudiate past testimony;
 - Mandating post-conviction review of excessively long sentences;
 - Ensuring the preservation of evidence following conviction, throughout incarceration, as well as for the period of time that a person experiences collateral consequences from a conviction;
 - Creating a statutory right to pursue an "actual innocence" claim in post-conviction appeals, which includes the ability to test DNA evidence; and
 - Establishing 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.

Hold prosecutors accountable

- End state civil immunities for prosecutors.
- Mandate data collection and reporting of all prosecutorial decision-making (*i.e.*, charging decision and other discretionary decisions).
- 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\(d\), \(g\), and \(h\)](#) of the Model Rules of Professional Conduct, which specify prosecutors' ethical responsibilities. All states must also fund state bar ethics investigations into prosecutorial misconduct and must ensure that these investigations are undertaken by criminal lawyers with expertise who are well resourced to properly investigate these complaints expeditiously.
- Reform the grand jury process to include greater transparency and due process requirements, including by:
 - Requiring prosecutors to disclose each witness subpoenaed to the grand jury and the minutes of their testimony; and
 - Requiring that grand jurors be screened for conflicts and bias, allowing a robust *voir dire* process as opposed to no screening process as is the current practice.
- Require prosecutors to adopt practices aimed at reducing disparities in prosecutorial decision-making, including tracking disparities on the basis of race, ethnicity, religion, gender, sexual orientation, gender identity, and disability, without increasing funding for prosecutor offices.

End coercive practices by prosecutors

- Reduce the leverage that prosecutors have to coerce plea agreements, namely by reforming the bail system (see ***Plank 2: Enact common sense pretrial justice***), abolishing mandatory minimum sentences, adequately funding the public defense system (see ***Plank 3: Ensure a right to effective counsel for all***), and requiring judicial “second look” provisions (see ***Plank 10: Support fair sentencing policy and the end of the criminalization of immigrants***).
- Abolish the “trial penalty” by passing legislation that codifies and strengthens judicial discretion and oversight in reviewing plea agreements, eliminating the stark difference between the sentence offered in a plea offer prior to trial versus the sentence a defendant receives after trial. This discrepancy currently coerces accused individuals nationwide to forgo their constitutional right to a trial.
- Prohibit prosecutors from using coercive tactics against a survivor in order to force their cooperation in criminal domestic violence, rape, or sexual assault-related investigations or trials. Such tactics include, but are not limited to:
- Holding survivors in contempt for not testifying against their harm-doer and/or cooperating with prosecutors;
 - Retaliating against survivors or other witnesses for not cooperating;
 - Using fraudulent subpoenas to threaten survivors and other witnesses;
 - Threatening to prosecute a witness, including survivors, for perjury if their testimony was not consistent with their original statement or for recantation;
 - Issuing material witness warrants and holding survivors in jail until they testify;
 - Dismissing a survivor’s desire to drop criminal charges against their harm-doer; and
 - Ignoring, disregarding, and misleading survivors.



Create an even playing field in court

- Appoint state judges with a wide variety of backgrounds, including people of color, people with disabilities, LGBTQ people, and people with experience as civil rights and defense attorneys.

Shift resources to emphasize social supports, not prosecutions

- Enact policies that shrink the size of prosecutors' offices while redirecting these resources into prevention-oriented, non-carceral supports and services that address basic, safety-related needs, such as treatment, transportation, nutrition, and health clinics.
- Encourage prosecutors to adopt policies that appropriately support and respect crime victims, including the use of trauma-responsive practices and prompt referrals to community resources.
- Via state law, 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 and local resources available to each office. Other options include charging localities for the state and local resources they consume and providing block grants to local communities so they can allocate resources effectively and not rely too heavily on jails and prisons.
- Via state law, require prosecutors to put the costs of recommended sentences on the record when making sentencing recommendations.

Create systems to address harm done

- In police use-of-force cases, regardless of whether guns were involved or fatalities resulted, require an independent unit of the local district attorney's office, staffed by senior prosecutors and experienced investigators, to thoroughly investigate and determine whether to bring charges. In those cases where criminal charges are not brought, require an automatic review process of the decision not to bring criminal charges by an independent prosecutor and/or the state attorney general.
- Require prosecutor offices to create independently accountable Conviction Integrity Units and sentencing review units, which seek to rectify particularly egregious past injustices like wrongful convictions and police/prosecutor misconduct.
- Have an expectation to expunge court records upon an acquittal or completion of an incarceration sentence.

Federal Policy Priorities

Create an even playing field in court

- Appoint highly qualified judges to the federal bench who are committed to equal justice and who have a wide variety of backgrounds, including people of color, people with disabilities, LGBTQ people, and people with backgrounds as civil rights and defense attorneys.

End coercive tactics by prosecutors

- Implement all sentencing-related recommendations outlined in ***Plank 10: Support fair sentencing policy and the end of the criminalization of immigrants.***
- Direct the attorney general to minimize arrests, decline to seek detention of individuals at their initial appearance in court, and consent to the release of those already detained absent clear and convincing evidence that the person poses a specific threat of violence to a specific person.
- Categorically ban the practice of jailing people solely because they are material witnesses in a case.

Ensure that defense counsel has access to essential evidence

- Mandate open file discovery.
- Create policies that mirror the State Policy Priorities around ensuring the quality of, retention of, and access to evidence, including Brady/police misconduct material.
- Amend the Federal Rules of Criminal Procedure (FRCrP) to require prosecutors to disclose to the grand jury all known favorable evidence relating to the subject or target of the indictment and prevent the presentation of evidence that would otherwise be constitutionally inadmissible at trial (Rule 6). Additionally, amend Rule 7 of the FRCrP to prohibit prosecutors from disclosing the name of unindicted co-conspirators in an indictment.
- Follow the recommendations of the National Academy of Sciences and create a National Institute for Forensic Science outside of the Justice Department that would set national standards for quality improvement in forensic disciplines.

Hold prosecutors accountable

- Pass legislation to abolish the legal doctrine of absolute immunity to ensure that federal prosecutors who engage in unethical or illegal behavior in pursuit of their duties are held accountable for those actions.

- Pass legislation that reforms or abolishes the judicial “harmless error” doctrine that many appellate courts inappropriately use to excuse egregious misconduct by prosecutors — particularly violations of constitutional due process rights. Enact legislation, like the Inspector General Access Act, which requires that the Office of Professional Responsibility, which oversees Justice Department lawyers, answer to the Office of the Inspector General rather than the U.S. attorney general. Require the inspector general of the Justice Department to investigate and act on any credible allegation of prosecutorial misconduct. Further, require annual reporting of all findings to the U.S. Congress.

Create systems to address harm done

- Pass legislation that funds a clemency advisory board that will exist outside of the Department of Justice, which has the expertise and authority to make clemency recommendations. The executive branch should transfer the Department of Justice’s authority and responsibility for clemency to these experts.
- Support direct compensation, immediate and long-term services (including medical, dental, housing, job assistance and training, educational aid, lawyers’ fees to the degree reasonable, child support arrears, and immediate subsistence) to people who have had their cases dismissed, are acquitted at trial, or were wrongfully convicted [as defined in this model legislation](#). Ensure that, in addition to compensation for any time in custody, this compensation includes full reimbursement for any fees, fines, or other financial costs incurred as a result of arrest, detention, or pretrial supervision.
- In the federal statute guiding restitution for the wrongfully convicted, increase the amount of direct monetary compensation (including an inflator to adjust over time), immediate subsistence, and short- and long-term services to people who have had their cases dismissed, are acquitted at trial, or were wrongfully convicted.

Rebalance federal spending and policy priorities to emphasize civil rights

- Immediately end regressive law enforcement initiatives that direct U.S. attorney’s offices to prosecute state crimes, even those that lack a substantial federal interest, in the federal system.
- Reallocate existing Justice Department budgetary resources between the department’s Criminal Division and Civil Rights Division, giving the Civil Rights Division resources to increase civil enforcement investigations into prosecutor and police misconduct.
- Give the Justice Department’s Civil Rights Division explicit authority to investigate local and state prosecutors’ offices for systemic violations of federal and constitutional law.

- Amend 34 U.S.C. 12601 from “juvenile justice” to “juvenile and criminal justice,” expanding the authority of the Justice Department’s Civil Rights Division to conduct investigations into any situations wherein a government actor administering criminal justice has engaged in a pattern or practice of violating the Constitution or laws of the United States.
- Eliminate prosecution as a funding area under the Bureau of Justice Assistance’s Justice Assistance Grants; make public defense into its own purpose area through the amendment of 42 U.S.C. §3751.

End practices that encourage local prosecutorial harm

- Pass legislation restricting and prohibiting United States Marshals Service and U.S. Immigration and Customs Enforcement officials from contracting with states and localities about jail expansion.
- Have the Department of Justice immediately suspend prosecutions under 8 U.S.C §§1325, 1326 pending an urgent review to evaluate the harms caused under the zero-tolerance policy and to establish future policy.





PLANK 6: Transform probation and parole.

Effective policy requires a massive curtailment of probation and parole. Proponents of probation argue it is designed as an alternative to incarceration, but much like parole, it is another form of carceral control that lands people back in jail and makes it almost impossible for them to build healthy, thriving lives. The reach of the criminal supervision system in this country is staggering: There are [an estimated 5.5 million people on probation or parole](#) at any given time in the United States. In other words, [one out of every 61 adults in this country is on probation or parole](#).

**One out of
every 53 adults
in this country
is on probation
or parole.**

Besides severely restricting liberty with onerous requirements and the ever-present threat of re-incarceration, probation and parole require debilitating fees levied on those most in need of a fresh start. People on parole are promised a “second chance,” yet they are often forced to miss work and risk losing their jobs so they can make probation or parole appointments. Worse yet, minor violations, like missing a probation appointment — or the financial inability to pay fines or fees — can land people in prison all over again.

The time has come to dramatically rein in this system of mass supervision and free people from the control of the carceral state. People returning from prison should have access to the non-punitive and community-based supports, affordable housing, mental health care, and employment they need to rebuild their lives and thrive.

State Policy Priorities

The primary purpose of any supervision should be to provide community-based supports and services. If probation and parole are to be retained, a number of steps should be taken to reduce the harm caused by these forms of supervision. These steps are outlined below.

End practices that punish people based on poverty or mental health

- Ensure release for people who have completed their sentence. Individuals cannot be imprisoned for additional time because they lack housing or other services. Prisons must facilitate the reentry process through inclusive programming and other supports.
- Ensure there are no additional requirements assigned based on the individual's mental health or substance use history.
- Eliminate fees for supervision, as described in ***Plank 4: Decriminalize poverty.***
- End pay-only probation and parole and decouple sentence completion and payment of fees, fines, or restitution.
- As discussed in ***Plank 2: Enact common sense pretrial justice***, eliminate the use of money bail for those awaiting a revocation proceeding based on a violation of probation or parole.

Reduce probation and parole sentences

- Restrict the length and modification process for probation, parole, and any other form of community supervision, including by strictly capping how long parole and probation sentences can be, ending lifetime supervision, and easing the process to reduce probation length as people progress through their sentences.
- Reward “good-time” credits to individuals on parole at the same rate they were being rewarded when paroled and allow those individuals to use those credits toward ending their parole.
- Categorically eliminate supervised probation for misdemeanor offenses.

Ensure accountability and humanity for parole recommendations

- Allow individuals full access to all documents the parole board uses to arrive at its decision.
- Allow prison supervisors to provide positive recommendations to individuals in the parole review process.

- 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, including access to housing, and instead require the state to identify the resources that person needs.
- Dramatically reform parole (and parole boards) to ensure greater due process, transparency, and resources for parolees.
- Commit to parole for elderly people, including at a minimum all those individuals who are older than 55. Ensure that people accused of parole violations receive the same rigorous processes accorded to those who are initially arrested for a crime.
- Pass legislation to allow and openly encourage the Bureau of Prisons to let people serve the last 12 months of their sentences at home in order to preserve and strengthen relationships with their children.

Protect the fundamental rights of people on probation and parole

- Remove all bars to association with others on parole or probation.
- Ensure supervisory conditions imposed are severely limited, related to ensuring individuals' success in their communities, and involve as few restrictions as possible to meet specifically identified purposes related to their offenses.
- Bar drug testing as a condition of supervision, except in cases where the underlying offense is related to drug misuse and the person on supervision chooses to voluntarily participate in drug screens in order to aid their recovery. Ensure that revocation and re-incarceration is never permissible as a sanction for a positive drug test.
- Ensure that all other reporting requirements are flexible; that they accommodate individuals' family, employment, health, and other needs; and that they are clearly tied to furthering rehabilitation.
- Require that supervising officers have backgrounds and continued training in community-based nonprofit work, social work, and/or holistic healing, as well as training in trauma-informed care and best practices for working with individuals who have disabilities. (See ***Plank 7: End inhumane conditions in jails and prisons in the United States.***) Further ensure that specific services and specialists can be provided for accessibility reasons when needed.

Minimize reincarceration

- Reform the probation and parole revocation processes by setting clearer and fairer guidelines for violations, developing graduated sanctions for violations, and severely reducing prison admissions for violations.
- Set clearer and fairer criteria for reincarceration due to a violation of probation or parole conditions. Categorically eliminate re-incarceration over technical violations of probation or parole conditions.
- Prohibit imprisonment for technical violations and dramatically expand medical/compassionate parole or release for ill incarcerated people — including by ensuring that doctors, not prison administrators, determine the prognosis for any individual considered for compassionate release.
- Ensure that people on probation or parole have the right to counsel at any revocation hearings, as described in **Plank 3: Ensure a right to effective counsel for all.**

End high-tech harm and commercialized injustice

- While working to implement **Plank 8: Stop the privatization of justice.** which would eliminate 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 and 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.

Improve transparency

- Require tracking of data that can be used to identify racial disparities on the basis of race, ethnicity, religion, sex, sexual orientation, gender identity, and disability in the supervision system, including parole grant decisions, supervision lengths, revocations, and any conditions of supervision.

Federal Policy Priorities

- Adopt all probation and parole reforms in the State Policy Priorities.
- Repeal provisions of federal law that limit a court's discretion to impose probation.
- Eliminate drug testing as a condition of federal probation.
- Require a judicial "second look" process to systematically review long sentences.
- Repeal federal laws requiring mandatory terms of supervised release.
- Bar incarceration as a sanction for technical violations of supervised release.



II.

Protect Human Dignity &

Ensure Equal Justice

PLANK 7:

End inhumane conditions in jails and prisons in the United States.

Jails, prisons, and detention centers [across the United States](#) are inhumane. As the COVID-19 pandemic laid undeniably bare, these facilities are inherently dehumanizing institutions that negatively impact nearly every aspect of an incarcerated person's life — from mental and physical health and basic physical security to future opportunities. [These institutions are conducive to high rates of sexual assault.](#) Medical needs are [often unmet](#). 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 people are deprived of exercise, fresh air, and sunlight. Between 2008 and 2019, [more than 7,500 people died](#) in local jails.

These institutions make communities *less* safe while magnifying disparities based on race, [sexual orientation](#), gender identity, disability, and religion. [Serious racial disparities](#) are baked into nearly every aspect of the criminal-legal system, including who is jailed and imprisoned: Black people are jailed at rates more than three times that of White people, and Black men are imprisoned at a rate of more than five times that of White men. Latino people make up 19 percent of the United States' incarcerated population; Latino men born in 2001 have a 1 in 6 chance of being incarcerated in their lifetime, compared to a [1 in 17 chance for White men](#). [One-third of incarcerated women](#) are lesbian or bisexual, though this group comprises only 3.5 percent of women nationwide. And, while there is little to no information on trans people within the criminal-legal system, research has shown [extreme bias by police](#)

[toward transgender individuals](#), particularly Black trans people, which disproportionately funnels them into the criminal-legal system. Meanwhile, Muslims are [20 percent of the prison population](#) in certain states, even though they represent less than 2 percent of the U.S. population. And American Indian/Alaska Natives are incarcerated in adult correctional facilities at [more than twice the rate](#) of White people.

The time has come to radically reduce prison and jail populations while creating a new system premised on healing, accountability, rehabilitation, and a respect for basic human rights. We must advocate for a world in which people are given the community-based supports they need to survive and thrive.



State Policy Priorities

Minimize the use of jails and prisons

- Dramatically expand alternatives to incarceration at every intercept of the criminal-legal system, including a requirement that, before imposing a custodial sentence, judges find by clear and convincing evidence that no noncustodial sentencing options would be sufficient.
- Require state sentencing commissions to reengineer sentencing guidelines in order to dramatically reduce prison and jail populations, as described in **Plank 10: Support fair sentencing policy and the end of the criminalization of immigrants.**
- Dramatically expand governor commutations for sentences longer than five years.

End human rights abuses in jails and prisons

- Require that all prison wardens and leadership staff have a background in community-based nonprofit work, social work, and/or holistic healing or have a co-warden who does.
- Create or designate a standing body to conduct reviews, either annually or more frequently, that use a rubric to give every prison a grade that reflects various metrics and imposes sanctions accordingly. Such metrics should reflect the facility's implementation of rehabilitative programs as well as feedback from stakeholders, including incarcerated people and their loved ones. Metrics should also include basic conditions related to cleanliness, access to sunlight and exercise, use of restraints and chemical agents, fire safety, suicide prevention, violent incidents, and meaningful access to health care. Prisons with bad grades should face closure or restructuring; no changes described in this bullet should increase the budget of carceral facilities.
- Require that all facilities follow structural guidelines using 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. In this process, ensure a focus on educational, transitional employment and training opportunities that support individuals whose jobs are impacted by these policy changes.
- Require that every individual employed in a jail, prison, or probation office be trained in trauma-informed care as well as anti-racism and anti-bias. Such training may occur through states' health and human services departments and be available to all individuals who directly interact with constituents; no training requirements should expand the resources allocated to jails, prisons, or probation offices.
- End solitary confinement in all forms and by all names; ensure that all people have full days in out-of-cell congregate programming and activities. Provide alternative therapeutic and rehabilitative mechanisms to effectively ensure the safety of individuals in prisons and of prison staff.

Close jails and prisons

- Prohibit youth confinement in adult correctional facilities and close youth facilities entirely.
- Pass legislation that will support and fund the repurposing of closed correctional facilities for community use. In this process, ensure a focus on educational, transitional employment, and training opportunities that support individuals whose jobs are impacted by these policy changes.
- Support the allocation of resources toward educational, employment, and housing opportunities for incarcerated people and returning citizens, including a reentry housing voucher program to provide housing vouchers to individuals being released from local, state, or federal criminal-legal facilities to ensure that people exit incarceration into safe, stable, accessible, and affordable housing.
- Use the general fund to provide matching funds that incentivize jurisdictions to close jails. Under these programs, jurisdictions should receive double the amount that they save. Require these funds to go exclusively into non-carceral social supports and infrastructure investments identified by the community.

Protect children and youth

- Prohibit foster youth from being detained while awaiting placement; youth who are not charged with a crime that threatens public safety should not be incarcerated under any circumstances.
- Decriminalize running away, curfew violations, and truancy, while eliminating negative descriptions of youth experiencing homelessness now found in some statutes, such as “unruly,” “incorrigible,” and “vagrant.” Alongside these changes, limit the circumstances under which youth who have run away can be taken into custody or punished for running away; set very brief time limits for such custody when it is permitted; and prohibit holding of such youth with youth who have been adjudicated delinquent or adults in detention facilities.
- Ensure that high-quality, age-appropriate educational opportunities and special education services are provided to all people who are detained, especially youth.
- Improve and increase rehabilitative programming in prisons *without* the use of risk assessment instruments; ensure, however, that programming increases do not expand the resources allocated to jails, prisons, or probation offices, but are instead obtained from shifting existing resources within the criminal-legal system.

End the financial exploitation of incarcerated individuals

- Ensure that all basic necessities, including hygiene products, are provided free of charge. (See ***Plank 4: Stop the privatization of justice*** for more details about fee abolition.)
- Ensure that the employment rights, including wages, of incarcerated or detained workers in federal, state, and local prisons, jails, and detention centers are regulated by the respective labor authority in the jurisdiction. All workers should be paid the prevailing wage in their jurisdictions.

Ensure democratic access for all incarcerated people

- End all barriers to voting while incarcerated, including both statutory restrictions and any access-related barriers such as ID requirements, address requirements, or other mechanisms that make voting practically impossible for incarcerated individuals.
- Create a streamlined, consistent process for ensuring that all incarcerated individuals receive high-quality information about the voting process, including information related to timelines and deadlines, ballot requests and voting logistics, candidate biographies and positions, and easy access to people, organizations, sample ballots, and other resources that can provide this information.
- Support legislation that counts incarcerated individuals as residents of their home districts rather than as residents of the district in which the prison is located (*i.e.*, prohibits prison gerrymandering).
- Ensure that all jails (and prisons in states that allow people serving criminal sentences to vote) can serve as polling locations. People detained before trial — 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, be able to receive election mail and absentee ballots, and not be charged for postage required to send and receive ballots.

Protect the health, including the mental health, of incarcerated individuals

- Advocate for immediate COVID-19 funding to both incentivize decarceration in all carceral settings (pretrial and post-conviction) and support safe reentry through the provision of housing, medical care (including behavioral health and harm reduction), food support, cash assistance, SBA loan relief, and workforce development services.
- Direct the Centers for Disease Control and Prevention to update its COVID-19 guidance to explicitly recognize and include decarceration and expanded access to health care for incarcerated and recently released individuals as necessary guidance for federal, state, and local elected officials to reduce the spread of COVID-19 and protect the most vulnerable within the nation's jails, prisons, youth detention facilities, and immigrant detention centers.
- Ensure that all incarcerated individuals have access — free of charge — to adequate health care services and supports to address their physical and mental health needs.
- Adopt ongoing wellness programs for staff and incarcerated individuals, including an emphasis on mental health, trauma, stress relief, and healing, and ensure that these requirements are mandatory for all staff as part of annual training.

Increase transparency

- Open up facilities to the media and mandate Freedom of Information Act access to facility video surveillance footage, including unannounced site visits.

Federal Policy Priorities

End human rights abuses in prisons

- Introduce requirements for the federal system that mirror the State Policy Priorities, including an end to solitary confinement in all forms and by all names, including quarantine for those exposed to infectious disease, in all carceral settings, including prisons, immigration detention, and youth facilities. Enact through legislation and administrative action the federal Blueprint for Ending Solitary Confinement.
- Appoint a director of the Bureau of Prisons with experience in systems reform and culture change and the courage and commitment to lower recidivism rates; improve conditions in bureau facilities; focus on rehabilitation and reentry; improve public safety through reforms in correctional practice and strategy; and be transparent, responsive, and accountable to incarcerated individuals and the public.
- Establish standards of care for people who are incarcerated, including the provision of trauma-informed care, access to gender-related services including the full range of transition-related care, and the free provision of health products.
- 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.
- Provide financial incentives to states and localities to end solitary confinement in all forms and by all names in all carceral settings.
- Pass legislation to end solitary confinement; increase good conduct credit; create presumption of eligibility for compassionate and elderly release programs for those who are ill, over 60, or have served more than 15 years; and improve/increase rehabilitative programming in prisons without the use of risk assessment instruments.

Enhance accountability

- Pass legislation to repeal the Prison Litigation Reform Act in its entirety, including repeal of the physical injury requirement or repeal of the exhaustion requirement, in addition to repeal of the provisions extending the law to children.
- Conduct oversight of federal Bureau of Prisons, Immigration and Customs Enforcement, and United States Marshals Services detention facilities and ICE collaboration with local law enforcement.

- Ensure accountability for United States Marshals Services detention facilities, including by:
 - Creating an independent ombudsman to perform oversight of conditions of confinement in USMS contracted detention facilities to ensure safe, secure, and humane conditions of confinement;
 - Adopting transparency in USMS contracting by publishing all intergovernmental agreements between the USMS and local facilities; and
 - Publishing the results of audits of detention centers where individuals in the custody of the USMS are detained.

Ensure democratic access for incarcerated individuals

- End felony-related voting restrictions, including bans on voting while incarcerated. As this measure is passed, ensure appropriate protections and administrative procedures to ensure that voting is practically accessible for all people in federal prison.
- Create a streamlined, consistent process for ensuring that all incarcerated people receive high-quality information about the voting process, including information related to timelines and deadlines, ballot requests and voting logistics, candidate biographies and positions, and easy access to people, organizations, sample ballots, and other resources that can provide this information.

Protect the health, including the mental health, of incarcerated individuals

- Issue guidelines for comprehensive HIV prevention in Bureau of Prisons facilities, which should include education about HIV transmission and information about and access to PrEP and other proven HIV and STI prevention tools.
- Establish an Office of Civil Rights and Civil Liberties at the Bureau of Prisons to:
 - Receive and investigate civil rights complaints from incarcerated individuals;
 - Ensure freedom of expression, including timely and direct mail service and access to media;
 - Enforce transparency, reporting, and accountability requirements to monitor prison conditions, safety, spending, and other data points;
 - Recommend policies enhancing the dignity, health, well-being, and safety of incarcerated individuals; and
 - Report directly to and advise the bureau director on the civil rights and civil liberties of incarcerated individuals, including their right to disability-based accommodations.

- Enact legislation to ensure that all people incarcerated in federal facilities have a private cause of action to sue over violations of their constitutional rights.
- Enact legislation to give the Justice Department's Civil Rights Division oversight authority over U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, 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.
- Continue to monitor and update as necessary the Transgender Offender Manual (2022) with input from community members and those directly impacted to ensure appropriate medical and mental health care and to ensure that housing determinations for transgender and non-binary people are based on their gender identity and their views about where they would be safest.
- Support legislation, like the Dignity for Incarcerated Women Act, that establishes requirements for the treatment of people in prison, including by directing the Bureau of Prisons to place people in prison as close to their children as possible, providing trauma-informed care to people in prison who are diagnosed with trauma, and making specified health products available free of charge. Legislation should also include provisions about communication and visitation with children and family members, parenting classes, and access to substance abuse treatment programs.
- Adopt ongoing wellness programs for staff and incarcerated individuals, including an emphasis on mental health, trauma, stress relief, and healing, and ensure that these requirements are mandatory for all staff as part of annual training.



End the exploitation of incarcerated individuals

- Require incarcerated individuals who hold jobs to be paid the same hourly/salary rates as individuals on the “outside.”

End high-tech harm

- Immediately rescind guidance to the Bureau of Prisons to rely upon PATTERN risk assessment scores to determine which individuals who are currently incarcerated receive “priority.”
- Immediately instruct the Bureau of Prisons to refrain from lockdowns and solitary confinement as a response to COVID-19 and any future health crises, and instead provide humane medical isolation strategies that more effectively protect the health of incarcerated individuals and corrections staff.
- Use the Justice Department’s Office of Juvenile Justice and Delinquency Prevention to ensure states’ compliance with the Juvenile Justice and Delinquency Prevention Act, which bars states from holding youth in adult jails, even when they’re charged as adults.

Enhance transparency

- Enact legislation to clarify the Bureau of Prison’s obligation to disclose documents and other information, pursuant to Freedom of Information Act requests, from companies that contract with the bureau and other parts of the U.S. government. The Bureau of Prisons 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. Create a time-bound plan to end those contracts altogether.

Reinvest in communities

- 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 launch a Community Reinvestment Program competition. Through this competition, provide grants to states that make specified reforms to their criminal-legal systems and build a framework for reinvesting 100 percent of realized savings into non-carceral social services, supports, and infrastructure investments.
- 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 individuals can save 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 necessary for successful rehabilitation;
 - Timely access to counsel, including a system that will ensure confidential electronic communications between individuals and their counsel;
 - Access to unlimited free visits, phone calls, and/or video calls;
 - Access to parent-child visits;
 - Due process protections before visiting privileges can be removed; and
 - The right to be served by prison and/or jail staff who are trained in trauma-informed care.
- Remove federal funding from any carceral facilities that ban in-person visits to replace these visits with video calls.

Help close jails and prisons

- Introduce legislation that financially incentivizes states and localities to close jails and prisons. Such legislation should include a requirement that closed facilities become hubs for employment, art, social service, health, recreation, and/or education programs for local communities, and that savings from closed facilities — or an equivalent amount — be used to fund non-carceral 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, and after-school programs.
- Provide fiscal incentives for states to accelerate decarceration efforts, close youth prisons, and earmark funds for upfront social support.
- Ensure that all basic necessities, including medical services and hygiene products, are provided free of charge. (See **Plank 4: Stop the privatization of justice** for more details about fee abolition.)
- Pass legislation that would allow incarcerated individuals to access Medicaid while they are confined; repeal the [current exclusion in the Social Security Act](#); and otherwise ensure seamless integration with post-release health care so that no individual is ever without health coverage.
- Support legislation to remove any prohibitions on public benefits to individuals in prison or returning from prisons (*i.e.*, access to Medicaid, SNAP, TANF, SSI, or UI).
- Include in the next Farm Bill reauthorization a prohibition on the use of USDA Community Facilities funds for jail construction, expansion, operation, or equipment.



PLANK 8: Stop the privatization of justice.

The United States increasingly [outsources the criminal-legal system](#) to the private sector. Today, private companies profit enormously off people involved in the justice system. [This profiteering occurs at every stage of the criminal-legal process](#), including in bail, court fees, incarceration, video calls, food services, health care, parole, and probation supervision. The United States funds its “carceral state” through fines and fees that mainly fall on low-income people, disproportionately people of color, 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 make decisions that maximize their profits, even if doing so [directly conflicts with public policy goals](#). Worse, the costs resulting from these exploitative practices are borne by society’s most marginalized: [About one in four women](#) in the United States — and nearly [one in two Black women](#) — have a family member in prison.

We must advocate to stop private companies from profiting off the backs of those involved in the criminal-legal system. We need a world in which money is going to community-based organizations that support people instead of large corporations with a financial interest in maximizing the number of people subject to the horrors of the criminal-legal system.

**About one in four
women in the
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and nearly one in
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— have a family
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Federal and State Policy Priorities

End abusive privatization

- Support legislation and the implementation of legislation that ends the privatization of prisons and prison industries. For example, support the implementation of the Martha Wright Prison Phone Act, legislation that limits the power of prison phone corporations and prison commissary corporations. Until private facilities are eliminated, require more transparency and accountability for federal contracted private prisons.
- End all contracts with private prisons, jails, detention centers (including those housing immigrants and children), and probation corporations in both the federal and state criminal-legal systems. Review all contracts with private food, commissary, telecom, medical, and other service providers — rebidding all contracts originating more than three years ago only after exhausting all public and nonprofit options.
- Enforce the Justice Department’s initiative to end all contracts with private prisons and, because the initiative does not cover detention centers controlled by the Department of Homeland Security or the Department of Health and Human Services, expand the closure to include both.

Overhaul contracting practices in the criminal-legal system

- All contracts granted to private vendors should prioritize quality, and the number of previous litigation challenges brought against vendors should be weighed heavily. Require all agencies to negotiate contracts based on what provides the most benefit to consumers, including currently incarcerated people, and provides services in a manner that furthers the public interest.
- Prohibit all so-called “user-funded” contracts and fund all ancillary prison and jail services using government funding. The federal, state, and local governments should fund the full cost of their criminal-legal systems, including services often outsourced to private corporations, such as electronic monitors, basic hygiene products, phone and video calls, tablets, email, and food in prison visiting rooms. Neither incarcerated people nor their families or support systems should bear the burden of these fees.

Prevent financial exploitation in the criminal-legal system

- Neither incarcerated people nor their families or support systems should bear the burden of paying to participate in diversion, probation, pretrial services, or other programs associated with community corrections. Until these fees are eliminated, contracts with private entities in community corrections should:

- Specifically prohibit unauthorized charges to the people being served or supervised — e.g., late fees or charges for electronic monitoring or 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.
- Ensure costs are just and reasonable, i.e., comparable to free market prices. Prohibit commission payments (or kickbacks) in all forms paid from vendors to all federal agencies, state agencies, and local jurisdictions that contract with private entities. End commissary mark-ups and provide commissary “at cost.”
- 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.

Enhance transparency and accountability

- Require full transparency, including publication on the government’s official website of annual data, that includes all contracts with private corporations, itemized costs for goods or services that are provided by private corporations, and prices charged to incarcerated people or their families. Corporations that perform functions of the criminal-legal system should be subject to the same or substantially similar records requirements as government agencies.
- Clarify that consumer protection laws cover all privately provided services within the criminal-legal system.



PLANK 9:

End high-tech harm and the surveillance state.

Technology can be a force for good and has the power to improve people’s lives, yet it continues to play an increasingly pervasive and insidious role in the criminal-legal system. [Facial recognition](#), [predictive policing](#) technologies, and [algorithm-based decision-making tools](#) can pose threats to Black, Brown, Indigenous, low-income, disabled, and other marginalized communities. The use of these data-driven technologies, many of which rely on racially biased arrest data, can reproduce, exacerbate, and entrench the existing disparities within the criminal-legal system. These technologies are promoted as being “evidence-based” and “objective” when, in reality, they reflect a wide range of underlying flaws and biases. Moreover, these tools are designed, developed, and tested under a shroud of secrecy — often passed off as “trade secrets” — that expand the reach of the criminal-legal system and hamstring impacted individuals when they seek to challenge the basis for restricting their freedom.

Statements by civil and human rights advocacy organizations have consistently explained how facial recognition, algorithmic [risk assessment tools](#), and [predictive policing technologies](#) disproportionately harm communities of color. These statements highlight the lack of transparency, accuracy, fairness, and accountability endemic to these technologies, while underscoring the deep inequities and biases that can occur when technologies are designed and used without the input of the communities that are the most impacted by them.

We must advocate against technology that is used to further a criminalization- and surveillance-focused approach in communities in the United States. Technology must help lift people up, connect them to community-based programs, and give them access to the basic necessities they need to survive and thrive.

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State and Local Policy Priorities

Ban systems, software, and platforms that entrench civil rights abuses

- State and local law enforcement jurisdictions must place a moratorium on or outright ban a number of systems, software, and platforms that further entrench civil rights and civil liberties inequities in the criminal-legal system, especially for marginalized communities. Technologies that are based on data from the criminal-legal system are inherently biased and discriminatory; while this list is not exhaustive, here are examples of technologies within the criminal-legal system that should be banned or at the very least have a longstanding moratorium placed on them:
 - Algorithmic or artificial intelligence software or decision-making policing systems — including person-based and place-based systems — that predict, forecast, or anticipate areas designated as “high crime” or for further policing;
 - Facial recognition technologies and all “at distance” recognition surveillance, including emergent technologies such as gait recognition and heartbeat detection;
 - International Mobile Subscriber Identity (IMSI) catchers;
 - Microchip implants;
 - Aerial or drone surveillance of neighborhoods or areas deemed to be “high crime” or for other carceral purposes; and
 - Any other surveillance tools or strategies, including (but not limited to) tools or strategies weaponized against people exercising First Amendment rights through protest.
- Jurisdictions should act expeditiously to phase out the use of the aforementioned tools and ensure that any use is disclosed to the accused’s counsel in a criminal trial.
- Ban the use of the following surveillance tools as a condition of pre- or post-adjudication community supervision:
 - Geo-location monitors, including smartphone applications;
 - Devices that have a microphone, speaker, or other tools that have speech or voice recognition technology;
 - Devices that gather biometric data; and
 - Any other electronic monitoring (including apps on smartphones) software or platforms used to track location.

Enhance transparency and accountability

- Any tool that implicates suspects should not be protected by trade secrets when challenged in an adversarial judicial proceeding. In such a proceeding, the software or platform creator should at minimum allow the accused access to: the data that the algorithm, software, or AI is trained on, or the weight of specific data points in the algorithmic system; and whether the system has been tested for disparate impact on marginalized communities.

Federal Policy Priorities

Ban systems, software, and platforms that entrench civil rights abuses

- The federal government must place a moratorium on or outright ban a number of systems, software, and platforms that further entrench civil rights and civil liberties inequities in the criminal-legal system, especially for marginalized communities. Technologies that are based on data from the criminal-legal system are inherently biased and discriminatory; while this list is not exhaustive, here are examples of technologies within the criminal-legal system that should be banned or *at the very least* have a longstanding moratorium placed on them:
 - Algorithmic or artificial intelligence software or decision-making policing systems — including person-based and place-based systems — that predict, forecast, or anticipate areas designated as “high crime” or for further policing;
 - Facial recognition technologies and all “at distance” recognition surveillance, including emergent technologies such as gait recognition and heartbeat detection;
 - International Mobile Subscriber Identity (IMSI) catchers;
 - Any tool or system that collects biometric data that has not been tested by a third party for accuracy, and if tested, the likelihood of false positives, the likelihood of accuracy of that sample, and the accuracy of the biometric data when retested;
 - Microchip implants;



- Aerial or drone surveillance of neighborhoods or areas deemed to be “high crime” or for other carceral purposes; and
- Any other surveillance tools or strategies, including (but not limited to) tools or strategies weaponized against people exercising First Amendment rights through protest.
- Jurisdictions should act expeditiously to phase out the use of these tools and ensure that any use is disclosed to the accused’s counsel in a criminal trial.
- The federal government should also be prohibited from expending any funds that go to procuring, deploying, developing, or otherwise using and/or facilitating the state or local use of surveillance technologies and systems. There must also be a review of federal dollars used to aid state and local procurement of surveillance tools, and in particular the role of the FBI in assisting local police departments with digital evidence capacity. Examples of these surveillance technologies include:
 - Predictive policing and predictive policing software;
 - Facial recognition technologies and all “at distance” recognition surveillance, including emergent technologies such as gait recognition and heartbeat detection;
 - International Mobile Subscriber Identity (IMSI) catchers;
 - Any tool that requires access to a source code;
 - Any tool used to collect biometric data;
 - Drones and other aerial surveillance technologies; or
- Severely limit the power of the federal government to use, as part of probation, parole, orders of immigration supervision, or any other community corrections, any tools used to track location. Ensure that the costs of these services are never imposed on the individuals under supervision.

Enhance transparency and accountability

- Any tool that implicates suspects should not be protected by trade secrets when challenged in an adversarial judicial proceeding. In such a proceeding, the software or platform creator should at minimum allow the accused access to: the data that the algorithm, software, or AI is trained on, or the weight of specific data points in the algorithmic system; and whether the system has been tested for disparate impact on marginalized communities.
- Conduct oversight of government surveillance programs. Address government surveillance programs and investigative systems that unjustly securitize or criminalize racial, ethnic, and religious minority communities, including watch listing, predictive policing, gang databases, and the implementation of the National Vetting Enterprise.



PLANK 10:
Support fair sentencing policy and end the criminalization of immigrants.

The United States [imprisons people at a higher rate](#) than any other nation, in part because of its [egregiously long sentences](#). As of 2018, [830 of every 100,000 adults](#) in the United States were behind bars. The criminal-legal system is also rife with racial disparities: Black people are [five times more likely to be incarcerated](#) than White people, and [Latinos are incarcerated at a rate about 2 times higher than that of non-Latino White people](#). These sentences can rip parents from their children and devastate entire communities.

At the same time, those trying to immigrate to the United States in search of opportunity and a safer, more prosperous life for their families are often criminalized. Once here, these valuable members of communities across the country are subjected to the constant threat of incarceration and deportation. The practice of jailing, criminalizing, and inhumanely deporting those who come here from other countries must end.

We must advocate for severely limiting punishment and supporting all people, including those who immigrate here from other countries, instead of criminalizing and imprisoning them.

**We must end
the practice of
jailing, criminalizing,
and inhumanely
deporting those
who come here from
other countries.**

State Policy Priorities

Stop the use of algorithmic risk assessment tools in sentencing determinations

- Stop the use of algorithm-based, actuarial, or data-derived “risk-assessment” tools at all stages of the criminal-legal process, including during sentencing determinations. Jurisdictions still utilizing risk assessment tools should incorporate all of the following principles to reduce the harm these tools can impose:
 - If in use, a pretrial risk assessment instrument must be designed and implemented in ways that reduce and ultimately eliminate unwarranted racial disparities across the criminal justice system.
 - If in use, a pretrial risk assessment instrument must never recommend detention; instead, when a tool does not recommend immediate release, it must recommend a pretrial release hearing that observes rigorous procedural safeguards. Such tools must only be used to significantly increase rates of pretrial release and, where possible, to ascertain and meet the needs of accused persons before trial, in combination with individualized assessments of those persons. Pretrial risk assessment instruments, when used to assign community supervision, should only be used to assign the least restrictive and onerous forms of pretrial supervision. Risk assessment instruments must automatically cause or affirmatively recommend release on recognizance in most cases, because the U.S. Constitution guarantees a presumption of innocence for persons accused of crimes and a strong presumption of release pretrial.
 - Neither pretrial detention nor conditions of supervision should ever be imposed, except through an individualized, adversarial hearing. The hearing must be held promptly to determine whether the accused person presents a substantial and identifiable risk of flight or (in places where such an inquiry is required by law) specific, credible danger to specifically identified individuals in the community.
 - If in use, a pretrial risk assessment instrument must be transparent, independently validated, and open to challenge by an accused person’s counsel. The design and structure of such tools must be transparent and accessible to the public.
 - If in use, a pretrial risk assessment instrument must communicate the likelihood of success upon release in clear, concrete terms.
 - If in use, a pretrial risk assessment instrument must be developed with community input, revalidated regularly by independent data scientists with that input in mind, and subjected to regular, meaningful oversight by the community.

Reform the state criminal code

- 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, sex work, and crimes that stem from substance use, mental illness, and homelessness;
 - Review all felonies and misdemeanors to determine if they can be decriminalized or reclassified downward, including a reexamination of how “violence” is defined in state statute and a removal of that definition from crimes as appropriate; and
 - Reduce sentence length, aligning U.S. sentences with peer nations worldwide, and ensure that sentence reductions are accompanied by investments that use non-carceral, prevention- and treatment-focused initiatives that promote public safety by addressing poverty, addiction, mental health, and other systemic factors driving the risk of criminal-legal involvement.
- Abolish mandatory minimum sentences.
- Eliminate the felony murder rule and responsibility for the actions of others in a conspiracy.
 - Reform drug laws, as described in ***Plank 18: End the War on Drugs***; and
 - 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 extremely rare exceptions and a rigorous process for the application of those exceptions prior to release or continued detention.
- End “three strikes” and “truth in sentencing” laws.

Protect children and families

- Require that, when sentencing parents, judges consider noncustodial and community-based sentences first, and then justify any decision not to use such sentences.
- Dismantle the use of out-of-home placements and youth prisons and replace them with a continuum of culturally relevant, gender-responsive, developmentally appropriate, and strengths-based services, supports, and opportunities for youth and families in communities.
- Require family impact statements for sentencing-related and prison-related bills.

Expand alternatives to incarceration

- Dramatically expand alternatives to incarceration, 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. All ATI programs should be accessible to all people regardless of immigration status or ability to pay and structured to avoid triggering immigration consequences.

Address racial disparities and past harms

- Mandate racial equity in sentencing practices through periodic audits to identify sentencing disparities based on race, ethnicity, religion, gender, sexual orientation, gender identity, and disability. Provide meaningful opportunities for defendants to reduce sentences due to those disparities.
- Create a judicial review mechanism requiring judges to periodically evaluate sentences that individuals receive after no more than 10 years into their incarceration. Subsequent reviews should happen every three years.

End the criminalization of immigration

- Minimize the immigration-related consequences of conviction, such as by reducing maximum incarceration periods for misdemeanors from 365 to 364 days — to explicitly avoid triggering certain federal immigration consequences — and by making available post-conviction relief vehicles that are effective for immigration purposes.
- Prohibit law enforcement agencies from entering into any new or renewed [287\(g\) agreements](#), and terminate existing 287(g) agreements.
- Bar police officers, sheriffs, corrections employees, district attorneys, and child welfare system personnel from investigating, interrogating, arresting, or detaining people for immigration enforcement purposes, including by:

- Inquiring into an individual's immigration status;
 - Using immigration authorities as interpreters;
 - Responding to detainers/holds, interview, transfer, or notification requests from Immigration and Customs Enforcement, unless authorized by a judicial warrant;
 - Contracting with any federal government agency for use of detention facilities to house individuals as federal detainees; and
 - Participating in a joint task force with federal authorities, where a primary purpose of the task force is immigration enforcement, or which includes immigration enforcement as a potential secondary goal or acceptable outcome.
- Ensure that court-appointed defense counsel have access to individualized consultations with immigration experts so they can comply with their constitutional duty to advise their clients of immigration consequences, as recognized by the Supreme Court in 2010.
 - Curtail surveillance of immigrants, including by:
 - Prohibiting, to the maximum extent possible, information sharing, database sharing and access, and task force participation with immigration enforcement authorities;
 - Ending all existing agreements or contracts providing Immigration and Customs Enforcement access to state or local government databases (e.g., driver's license databases and non-public jail records); and
 - Ending cooperation between state and local agencies and USCIS, ICE, EOIR, HSI, and Border Patrol.



Federal Policy Priorities

Stop the use of algorithmic risk assessment tools in sentencing determinations

- Stop the use of algorithm-based, actuarial, or data-derived “risk-assessment” tools at all stages of the criminal-legal process, including during sentencing determinations. Jurisdictions still utilizing risk assessment tools should incorporate all of the following principles to reduce the harm these tools can impose:
 - If in use, a pretrial risk assessment instrument must be designed and implemented in ways that reduce and ultimately eliminate unwarranted racial disparities across the criminal justice system.
 - If in use, a pretrial risk assessment instrument must never recommend detention; instead, when a tool does not recommend immediate release, it must recommend a pretrial release hearing that observes rigorous procedural safeguards. Such tools must only be used to significantly increase rates of pretrial release and, where possible, to ascertain and meet the needs of accused persons before trial, in combination with individualized assessments of those persons. Pretrial risk assessment instruments, when used to assign community supervision, should only be used to assign the least restrictive and onerous forms of pretrial supervision. Risk assessment instruments must automatically cause or affirmatively recommend release on recognizance in most cases, because the U.S. Constitution guarantees a presumption of innocence for persons accused of crimes and a strong presumption of release pretrial.
 - Neither pretrial detention nor conditions of supervision should ever be imposed, except through an individualized, adversarial hearing. The hearing must be held promptly to determine whether the accused person presents a substantial and identifiable risk of flight or (in places where such an inquiry is required by law) specific, credible danger to specifically identified individuals in the community.
 - If in use, a pretrial risk assessment instrument must be transparent, independently validated, and open to challenge by an accused person’s counsel. The design and structure of such tools must be transparent and accessible to the public.
 - If in use, a pretrial risk assessment instrument must communicate the likelihood of success upon release in clear, concrete terms.
 - If in use, a pretrial risk assessment instrument must be developed with community input, revalidated regularly by independent data scientists with that input in mind, and subjected to regular, meaningful oversight by the community.

Create a process to correct unjust sentences

- Prioritize clemency as a tool to correct unfair sentences and create a standard pardon and commutation process outside of the Department of Justice that would result in more routine grants of clemency.

- Continue to use compassionate release expansively to give courts the discretion to reduce sentences for individuals when “extraordinary and compelling reasons” exist, including illness, age, caretaking responsibilities, sentences over 15 years, and previous victimization that led to incarceration. Support policies that broaden eligibility for release. Create a “second look” process to systematically review long sentences after 10 years.

End unjust sentencing practices and the death penalty

- Abolish all mandatory minimum sentencing laws.
- Dismantle and reverse all harmful policies contained in the 1994 Crime Bill and pass a modern 21st century public safety bill that acknowledges the harms and ineffectiveness of mass criminalization and mass incarceration while beginning to repair the damage wrought by the 1994 Crime Bill and broader punitive, expensive, violent, and racist systems of criminalization.
- 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 co-conspirators do not commit.
- Abolish the death penalty and commute all death sentences.
- End life without parole sentences.
- Create a maximum sentence of no more than 20 years in prison, with extremely rare exceptions and a rigorous process for the application of those exceptions prior to release or continued detention.
- Comprehensively revise and expand charging and sentencing policies issued under former Attorney General Eric Holder to instruct that prosecutors should not charge mandatory minimums in cases with an alternate charge that would not carry a mandatory minimum.
- End “three strikes” and “truth in sentencing” laws.
- Pass legislation that would eliminate consideration of acquitted conduct by federal courts to enhance sentences, such as the bipartisan Prohibiting Punishment of Acquitted Conduct Act.
- Amend statutory sentencing ranges so that sentence length is commensurate with Western European nations, including England, Finland, and Norway. Require that the U.S. Sentencing Commission release to the public, without individual identifiers, its data files for sentenced individuals, organizations, appeals, and resentencings and modifications, in addition to data underlying all commission publications at the time the publication is released.
- Decriminalize marijuana by urging the administration to remove marijuana from the Controlled Substances Act (CSA) and by urging Congress to pass legislation that is inclusive of reparative justice and reinvestment provisions that support those communities who have been the most impacted by marijuana criminalization. Follow the specific guidelines in ***Plank 18: End the War on Drugs***.

- Make all sentencing changes retroactive so they apply to currently incarcerated people. To facilitate this process, partner with and provide adequate resources to federal public and community defenders and the criminal defense bar to ensure that all beneficial changes and case law are applied to currently incarcerated people.

Protect children

- Pass legislation that abolishes life without parole for children in the federal system and establishes parole eligibility after 10 years for people who were children when they were sentenced in the adult federal system, in accord with the decisions of the U.S. Supreme Court in *Miller v. Alabama*, 567 U.S. 460 (2012) and *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016).
- Eliminate the [“valid court order” exception](#) in the Juvenile Justice and Delinquency Prevention Act, which allows judges and other court personnel to detain youth adjudicated as status offenders.

Expand alternatives to incarceration

- Expand the use of alternatives to incarceration, including [deflection programs](#), community supervision, halfway houses in local communities, and suspended sentences, without the use of electronic monitoring.
- Pass legislation to extend the federal Elderly Home Confinement Program to individuals who are 50 and older who have completed at least 50 percent of their sentences.

Amend the process for changing sentencing laws

- Improve the quality of, and public confidence in, the U.S. Sentencing Commission’s work by amending 28 U.S.C. § 9921 to codify the addition of a federal defender as an ex officio representative to the commission, balancing out the ex officio representation from the Justice Department.
- Require racial impact statements for sentencing, other prison-related bills, and proposed amendments to the U.S. Sentencing Guidelines.
- Fund state-based pilot programs to develop and implement rehabilitative, non-institutional alternatives to incarceration, including models based on free, need-based treatment and social services.
- Nominate members to the U.S. Sentencing Commission with diverse backgrounds (*i.e.*, public defense, academia, and civil and human rights advocacy) and a demonstrated commitment to reversing the course of mass incarceration in America.

Address racial biases in sentencing and detention practices

- End the indefinite detention of Muslim Americans and put an end to Communications Management Units.
- Mandate racial equity in sentencing practices through periodic audits to identify sentencing disparities based on race, ethnicity, religion, gender, sexual orientation, gender identity, and disability. Ensure there is a process to resentence defendants whose sentences were found to be disparate.

Limit the immigration effects of criminal conviction

- Support legislation to limit immigration effects of criminal conviction, such as reducing the maximum incarceration for a misdemeanor from 365 days to 364 days to explicitly avoid triggering federal immigration consequences.
- Support legislation that identifies felony and misdemeanor offenses for decriminalization, a reduction in offense classification, or other downward modification.
- Eliminate all mandatory immigration penalties and consequences — including deportation, bars to asylum, naturalization, citizenship, voting, etc. — for any allegations of criminal conduct, suspected criminal activity, or for arrests, convictions, or other contact with the criminal-legal, juvenile, or family court systems. Make all repeals and changes retroactive.

Address the immediate harms of deportation and immigration detention

- Enact an immediate moratorium on new immigration detention and create a clear, time-bound plan to end the use of inhumane immigration detention altogether. Implement community-based case management support in place of immigration detention.
- Enact a moratorium on deportations.

Decriminalize human movement

- Repeal all federal laws criminalizing border entry, including 8 USC 1325 and 8 USC 1326, which criminalize human movement by creating federal crimes of “unlawful entry” and “unlawful re-entry.” Repeal the provisions in the Antiterrorism and Effective Death Penalty Act of 1996 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 that make detention and deportation virtually a mandatory minimum for contact with the criminal system. Pass legislation like the New Way Forward Act, which eliminates many criminalization provisions in immigration law.

Repeal denaturalization

- Repeal civil and criminal denaturalization provisions.

Ensure due process for immigrants

- Ensure due process for immigrants seeking lawful status and citizenship by:
 - Eliminating bars to judicial review for orders of removal and other administrative agency decisions;

- Repealing 8 USC 1253, which makes it a federal crime for failure to depart following a deportation order;
- Ensuring algorithmic tools are not used to determine eligibility under immigration statuses and/or risk;
- Ending summary removal procedures, such as expedited removal and reinstatement of removal orders; and
- Guaranteeing the right to free counsel during immigration proceedings for all people who cannot afford counsel.
- Create an Immigration Court System Task Force to create a new mechanism for adjudicating immigration cases with a case management and community support approach replacing the current adversarial system. This new mechanism should have sufficient resources to conduct its work efficiently, ensuring no backlog of immigration cases; appropriate safeguards to ensure that decision-making is impartial and bias-free; and appropriate opportunities for further judicial review.

End the criminalization of immigration

- Terminate all [287\(g\) agreements](#) with local law enforcement agencies.
- Never detain people in juvenile or adult criminal custody while they are awaiting transfer to Immigration and Customs Enforcement or awaiting immigration proceedings or transfer individuals who have completed a criminal sentence into immigration custody.
- End cooperation between immigration authorities and local law enforcement, including by:
 - Prohibiting, to the maximum extent possible, information sharing, database sharing and access, and task force participation with immigration enforcement authorities;
 - Ending all existing agreements or contracts providing Immigration and Customs Enforcement access to state or local government databases (e.g., driver's license databases);
 - Banning cooperation between local authorities and USCIS, ICE, EOIR, HSI, and Border Patrol;
 - Ending the use of Form I-247 (immigration detainers) or any other form of detainer, transfer, interview, or notification request from ICE to state and local facilities and revoke all such existing forms and guidance;
 - Prohibiting performance of immigration-enforcement functions by state and local officers and employees;
 - Ending ICE's Criminal Alien Program;
 - Terminating ICE's Secure Communities program; and
 - Repealing 8 USC § 1373, which prohibits certain limitations on communication between local government agencies and the federal government regarding immigration status.

End requirements for police cooperation

- Eradicate the requirement that survivors of violence must obtain certification from or collaborate with law enforcement agencies and/or child protective services to apply for U, S, and T visas and allow any state or community services agency to provide the necessary certification.

End the commercialization of immigration detention

- End the use of private prisons as immigrant detention centers.





PLANK 11:
Abolish labor abuses, unpaid labor in prisons, and racial injustices.

The 13th 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 italicized phrase, known as the “exception clause,” has contributed to a prison-industrial complex that incarcerates Black people at [five times the rate of White people](#), while profiting from their unpaid and/or underpaid labor. After passage of the 13th 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. States also benefited from this free labor by forcing people to work on “chain gangs” building roads and growing crops on prison farms. This practice [continues in various forms today](#).

What’s more, decisions in other areas have made equity-based challenges to exploitative, racialized practices difficult. Impossibly high bars to legal challenges, like the failure to consider “disparate impact” an acceptable basis for 14th Amendment Equal Protection Clause claims, has foreclosed legal challenges that could help combat racial injustice.

A just society cannot exist when its most marginalized members are forced to perform unpaid or extremely underpaid labor for large corporations and governments. We must advocate for the end of the practice of slavery in jails and prisons while making it easier to challenge racially disparate policies in court.

Federal Policy Priorities

End the exception clause

- Support a constitutional amendment that would eliminate the “exception clause” of the 13th Amendment, which continues to allow involuntary servitude in U.S. prisons and jails, such as through the [“Abolition Amendment.”](#)

Acknowledge and begin to address past harms

- Pass legislation to establish a [Commission on Truth, Racial Healing, and Transformation](#) to properly acknowledge, memorialize, and be a catalyst for progress toward jettisoning the belief in a hierarchy of human value, embracing common humanity, and eliminating persistent racial inequities.
- Support the establishment of a federal commission to study and develop reparation proposals for African Americans, such as by passing legislation similar to H.R. 40 (Commission to Study and Develop Reparation Proposals for African Americans Act). 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.
- Support appropriations to provide victims compensation funding for survivors of police violence or families of victims of unlawful use of deadly force by police.

Reform the U.S. Commission on Civil Rights

- Pass legislation to transform the U.S. Commission on Civil Rights into a U.S. Commission on Civil and Human Rights to expand its mandate to include not only civil and human rights issues, but also monitoring human rights implementation and enforcement efforts, and to make structural reforms to improve the commission’s ability to function as an independent national human rights institution.

Protect the employment rights of detained individuals

- Ensure that the employment rights, including wages, of incarcerated or detained workers in federal, state, and local prisons, jails, and detention centers are regulated by the respective labor authority in the jurisdiction. All workers should be paid the prevailing wage in their jurisdictions.

Address racial disparities in legislation and sentencing policies

- Require racial impact statements for sentencing and other prison-related bills.
- Mandate racial equity in sentencing practices through periodic audits to identify sentencing disparities based on race. Provide meaningful opportunities for people to reduce their sentences due to those disparities.
- Support legislation that eliminates or greatly alters school threat assessment policies to avoid racism, ableism, transphobia, homophobia, or other targeting of students deemed threatening on the basis of their eccentricity or prejudice rather than a credible belief, supported by evidence, that the student will commit a violent act.

Expand opportunities for legal redress

- Support statutory changes to Title VI of the Civil Rights Act of 1964 — and potentially other statutes — to allow “disparate impact” claims.
- Repeal the Prison Litigation Reform Act of 1996.
- Repeal the Antiterrorism and Effective Death Penalty Act of 1996.
- Ensure that law enforcement officers can be held accountable for their conduct, including by ending qualified immunity.
- As stated in **Plank 1: Protect communities with a new paradigm for public safety beyond policing**, guarantee a private right of action (PRA) for recovering damages for all constitutional violations by all *federal* officials by amending Section 1979 of the Revised Statutes (42 U.S.C. 4 1983) to insert “of the United States or” before “of any State.”





PLANK 12: Support the children of incarcerated parents.

1 in 28

children has an incarcerated parent.

20%

or more of these kids are under the age of 4.

1 in 9

Black children has an incarcerated parent.

5 mil.

or more have had an incarcerated parent in the past.

[Today, one in 28 children](#) has an incarcerated parent; [nearly one-fifth of these kids](#) are under age 4. [One in nine Black children and one in 28 Latino children have an incarcerated parent.](#) More than [5 million](#) children have had a parent behind bars in the past. This separation takes a profound toll: Kids with incarcerated parents tend to underperform [academically and are more likely to drop out of school.](#) They are [at higher risk of experiencing](#) anxiety, depression, post-traumatic stress disorder, and behavioral issues. Put simply, having an incarcerated parent is a traumatic experience. And, as research shows, [traumatic experiences during childhood](#) have lifelong effects.

The United States must reduce the number of children with incarcerated parents by drastically reducing the number of parents incarcerated in the first place. Those children who experience parental incarceration can still thrive and succeed, but they need the support to do so. Children with incarcerated parents must be provided with adequate community-based supports — affordable mental and physical health care, high-quality education, extracurricular activities, etc. — and the opportunity for ample in-person visits with their incarcerated parent.

We must advocate against the division of families in the United States.

WE MUST CREATE

A WORLD IN WHICH

FAMILIES CAN

REMAIN TOGETHER.

State Policy Priorities

Enshrine the rights of children with incarcerated parents

- 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.

Keep parents at — or close to — home

- Require that, when sentencing a parent, the defense counsel has the opportunity to request a family impact statement to be included in reports submitted to the court. This report will allow for judges to consider noncustodial and community-based sentences first, and then justify any decision not to use such sentences.
- Change sentencing policies that ensure that parents are placed in the facility closest to their minor and young adult children that meets their needs.
- Allow parents to serve the last year of their sentences either in their communities (e.g., in a halfway house) or at home.

Support parents during incarceration

- Require all jails and prisons to give parents access to voluntary services, including parenting classes, anger management services, and family and individual counseling, and require that no parent be penalized for missing any class or session due to temporarily leaving the facility to appear in person for a court appearance or to be present for a family visit. In making these changes, ensure no increase to correction facility budgets.
- Allow parents to spend the last 18 months of their sentence in programs and classes that prepare them for reentry and reunification with their children.

Help children visit and stay in touch with their parents

- Ensure that state jail/prison facilities have an up-to-date notification system to keep families and loved ones abreast of prison lockdowns, closings, and hours.
- Require all jails and prisons to have child-friendly visiting spaces and security screening, and require all jails and prisons to have “family days” at least once a month that include structured activities for kids. Transportation assistance should be provided to families wherever possible.
- 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 regardless of sexual orientation. This may include siblings who are minors.

- Codify the right to in-person, contact visits and substantially improve the visiting experience through innovative, people-centered changes to visiting facilities, procedures, and programming; where space is not readily available for such visits, existing spaces should be repurposed. Changes should not allow an increase in correctional facility budgets.
- Offer free video conferencing, email, and phone calls to allow for children to stay connected with a parent in between in-person visits.
- 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 and having a family-friendly visiting center adjacent to the jail.
- Ensure that minor children and immediate family members who travel more than two hours to see a family member be allowed extended visits.
- Require that children ages 16 and older be allowed to visit their parents alone — *without* the presence of an adult guardian.

Support children and families when parents are released

- Give kids access to voluntary transition services and provide them with reunification planning, which helps stabilize families immediately following parental incarceration. Such services should include assignment of a caseworker — with a caseload that allows for meaningful engagement and attention — who can help kids access resources.
- 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 partnership with directly affected families and in a way that maximally maintains and strengthens family bonds.
- Issue guidance and provide technical assistance to direct existing workforce development programs to target youth and adults impacted by the criminal-legal system with transitional jobs programs, and provide supportive services, including cash assistance, food and nutrition supports, housing, child care, transportation, and physical and mental health care.

Federal Policy Priorities

Keep parents at — or close to — home

- Repeal the Adoption and Safe Families Act. Pass a new law that prioritizes family reunification and ensures that adoption policies maximize preservation of the parent-child bond and that takes into account the special circumstances and barriers facing parents who are or were recently incarcerated.
- 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 Bureau of Prisons to let people serve the last 12 months of their sentences at home to preserve and strengthen relationships with their children.
- Require family impact statements for sentencing- and prison-related bills.

Help children visit and stay in touch with their parents

- Adopt a more modern and comprehensive definition of parent eligibility, as discussed in the State Policy Priorities.
- Require that, when sentencing a parent, the defense counsel has the opportunity to request a family impact statement to be included in reports submitted to the court allowing for judges to consider noncustodial and community-based sentences first, and then justify any decision not to use such sentences.
- Codify the right to in-person, contact visits and substantially improve the visiting experience through innovative, people-centered changes to visiting facilities, procedures, and programming.
- Pass legislation that allows federal judges to divert parents and other caregivers who would otherwise have been incarcerated into a comprehensive program that would better serve them, their families, and society by offering resources, services, and training to meet their needs. Such legislation, which may be modeled on the FAMILIES Act, should provide education, employment services, parenting skills training, and mental health and substance abuse services while funding research on how parental incarceration affects children.
- Enact legislation that would require judges to consider placing or transferring incarcerated parents to prisons located no more than 100 miles from, or the closest facility possible to, where their children and families live to support maintenance of the parent-child bond.

Respect parents and children — during and after incarceration

- Support legislation that establishes requirements for the humane and dignified treatment of incarcerated people, including by:
 - Directing the Bureau of Prisons to place incarcerated people as close to their children as possible;
 - Providing trauma-informed care to incarcerated people who have been diagnosed with trauma;
 - Making specified health products available free of charge, as outlined in the Dignity for Incarcerated Women Act; and
 - Making all communications — including communications via phone, email, postage mail, and video conferencing — free of charge. Free communications, among other essential purposes, serve to mitigate the emotional trauma that children experience as a result of the uncertainty of the health and well-being of incarcerated parents.
- Incentivize and financially support local efforts to develop comprehensive policies concerning police-youth interactions. This comprehensive youth policy would ensure that police-youth interactions are informed by principles of child and adolescent development, an understanding of juvenile-specific law, and a commitment to positive role-modeling and relationship building between police and youth consistent with procedural justice and community, problem-oriented, and bias-free policing.

Incentivize state change

- Make state grants contingent on passing reforms outlined in the State Policy Priorities.
- Support legislation to reauthorize the Juvenile Accountability Block Grant.





III.

**Keep Communities
Safe with a New Paradigm
of Public Safety**

**PLANK 13:
Invest in people and communities first.**

[The United States spends an estimated \\$182 billion annually on mass incarceration](#) while dramatically underinvesting in the education, health, housing, environmental justice, and other needs that people have. These misplaced spending priorities do not advance public safety. Indeed, they prevent far too many communities — especially Black, Brown, Indigenous, low-income, and other communities that have experienced systemic disinvestment — from accessing the basic resources that actually keep families safe.

We must advocate for the United States to invest resources in jobs, physical and mental health treatment, social supports, affordable housing, and all the other community-based programs that both help communities to stay safe and to thrive. A world that invests in art, music, housing, health, and basic needs is a world that prioritizes true public safety.

State Policy Priorities

Improve the knowledge base about preventative investments

- Compile and, as necessary, commission research on how upstream investments — including investments in health care access, neighborhood stabilization, school quality, environmental quality, and access to affordable housing — serve to reduce crime and otherwise increase community safety. Then, use this research to create guidelines that better align budgetary priorities with safety goals while minimizing criminal-legal harm.

Supports and fully involve people impacted by the criminal-legal system

- Expand funding categories within existing grant programs or create new funding for programs to increase civic engagement for justice-impacted people.
- Authorize and fund mechanisms that link people involved in the criminal-legal system who are uninsured (including individuals who are not eligible for Medicaid) to community health centers and programs that provide mental health and substance use disorder services, harm reduction services, and linkage to social services.
- Support the allocation of resources toward educational, employment, and housing opportunities for incarcerated individuals and returning citizens, including a Reentry Housing Voucher program to provide housing vouchers to individuals being released from local, state, or federal criminal-legal facilities to ensure that people exit incarceration into safe, stable, accessible, and affordable housing.
- Prioritize — as part of a broadened, deepened, community-led reimagining of what “safety” is — investments that provide basic safety and security to all people. These investments include, though are certainly not limited to, investments in:
 - Neighborhood safety, including streetlights, public transportation, green spaces, accessibility and accommodations, and other investments to remediate years of under-investment;
 - Health safety, including access to health care, child care, high-quality nutrition, vacation and sick days, and a child benefit that ensures children’s needs are met;
 - Educational safety, including access to high-quality teachers and classrooms, counselors, social-emotional learning programs, trauma-informed care, and material supports (*i.e.*, connections to food, housing, clothing, and other supports as necessary);
 - Environmental safety, including access to clean air, clean water, pollution-free communities, freedom from climate-related disasters, public spaces for recreation, well-lit streets and recreational spaces, safety-informed urban design, and public transit;

- Economic safety, including access to basic income, high-quality jobs that pay a living wage, and workplace protections;
- Housing safety, including access to social and affordable housing, freedom from housing discrimination, and access to homeownership — especially for those communities who have faced historic discrimination, including redlining; and
- Inclusive communities, including investments in non-carceral programs and services that advance:
 - Racial justice, including reparations and other accounting for previous harms;
 - Gender justice, including anti-discrimination measures and survivor-centered supports for women and LGBTQ people;
 - Religious justice, including resources to combat antisemitism and anti-Muslim bias;
 - Disability justice, including resources to address discrimination pervading transportation, housing, education, health, and other spaces; and
 - Immigrant justice, including measures that prevent discrimination and protect survivors, children, and the most vulnerable immigrant groups.

Reinvest and reallocate money to spur criminal-legal change

- Create a framework for calculating the “savings” (*i.e.*, spending reductions reasonably connected to) associated with shrinking the state criminal-legal system and, with this money, invest directly in those communities who have most been impacted by imprisonment, probation, parole, and other forms of criminal-legal harm. Such investments should go toward non-carceral, non-punitive investments that are selected, in each community, by a participatory process.
- Pass legislation that will support and fund the repurposing of closed correctional facilities for community use.

Support the people and communities most harmed by the current system

- Support statutory, funding, and administrative reforms that invest in communities harmed by mass incarceration and incentivize shifts at the state and local levels to reallocate resources to programs devoted to decarceration, health care, and well-being rather than those that encourage mass criminalization and incarceration.
- Dramatically expand services for survivors, healing supports, and victims’ compensation, as discussed in **Plank 15: Rebuild communities and support survivors.**

Federal Policy Priorities

End funding flows that are fueling criminal-legal harm

- Acknowledge the role that federal funding plays in fueling harmful police policies and practices like excessive force, profiling, lack of data collection, reporting on police community interactions, and militarization. Eliminate federal funding flows that are perpetuating these harms and leverage existing federal funding to ensure that state and local governments enact policy changes to end these abusive and discriminatory policing practices.

Rebalance federal spending to prioritize non-carceral safety

- Repeal and replace the harmful provisions in the 1994 Crime Bill with non-carceral investments in communities, as determined through [“Peoples’ Assemblies”](#) that draw input from directly affected communities nationwide.
- Redirect all Community Oriented Policing Services (COPS) funding towards investments outside of the criminal-legal system that increase safety and well-being (e.g., non-carceral social services, supports, and community-led programs).
- Create and fund a large-scale national subsidized employment program that targets youth and adults impacted by the criminal-legal system. To support the near-term economic recovery and provide much-needed long-term investment into historically oppressed communities, the federal government must develop and implement a permanent national subsidized employment program that targets youth and adults impacted by the criminal-legal system and other people who have been marginalized, displaced, left out, or left behind in the economy.
- Prioritize federal funding streams for state and local efforts that will reimagine safety by shifting resources away from criminalization and policing and toward upfront investments in social services and programs.
- Robustly fund investments in social and affordable housing, including Section 8 vouchers, new emergency housing vouchers, Community Land Trusts, and other programs that can ensure safe, affordable housing for all.
- Ensure the presidential budget redirects resources away from programs that focus on criminalization and toward upfront investments in non-carceral supports, services, and community-led programs, and acknowledge the role that federal funding plays in instigating harmful police practices like excessive force and militarization.

- Prioritize — as part of a broadened, deepened, community-led reimagining of what “safety” is — investments that provide basic safety and security to all people. These investments include, though are certainly not limited to, investments in:
 - Health safety, including access to health care, child care, high-quality nutrition, vacation and sick days, and a child benefit that ensures children’s needs are met;
 - Educational safety, including access to high-quality teachers and classrooms, counselors, social-emotional learning programs, trauma-informed care, and material supports (*i.e.*, connections to food, housing, clothing, and other supports as necessary);
 - Environmental safety, including access to clean air, clean water, pollution-free communities, freedom from climate-related disasters, public spaces for recreation, well-lit streets and recreational spaces, safety-informed urban design, and public transit;
 - Economic safety, including access to basic income, high-quality jobs that pay a living wage, and workplace protections;
 - Housing safety, including access to social and affordable housing, freedom from housing discrimination, and access to homeownership — especially for those communities who have faced historic discrimination, including redlining; and
 - Inclusive communities, including investments in non-carceral programs and services that advance:
 - Racial justice, including reparations and other accounting for previous harms;
 - Gender justice, including anti-discrimination measures and survivor-centered supports for women and LGBTQ people;
 - Religious justice, including resources to combat antisemitism and anti-Muslim bias;
 - Disability justice, including resources to address discrimination pervading the transportation, housing, educational, health, and other spaces; and
 - Immigrant justice, including measures that prevent discrimination and protect survivors, children, and the most vulnerable immigrant groups.

Improve the knowledge base about preventative investments and non-carceral safety

- Compile and, as necessary, commission research on how upstream investments — including investments in health care access, school quality, environmental quality, and access to affordable housing — serve to reduce crime and otherwise increase holistic safety. Then, use this research to determine how budgetary priorities could best serve to advance safety goals while minimizing criminal-legal harm.
- Launch a listening tour to develop a new, holistic conception of what safety is, asking people in all 50 states the basic question: “What is safety to you?” Use this listening tour to develop a new definition of safety that should be used to guide federal government-wide budgeting and programmatic decisions.

Reinvest and reallocate money to spur criminal-legal change

- Create a framework for calculating the “savings” (*i.e.*, spending reductions reasonably connected to) associated with shrinking the federal criminal-legal system and, with this money, invest directly in those communities who have most been impacted by federal imprisonment, probation, parole, and other forms of federal criminal-legal harm. Such investments should go toward non-carceral, non-punitive investments that are selected, in each community, by a participatory process.

Robustly support people impacted by the criminal-legal system

- Increase the amount for which the Department of Labor’s federal bonding program indemnifies employers who hire individuals with criminal records, or who otherwise qualify for bonding from its current level (ranging from \$5,000 to \$25,000 per bond), to \$25,000 for all bonds.
- Pass and fund legislation that would create community resource centers to assist returning residents as they leave custody, as well as individuals who have already returned to the community, such as the bipartisan One Stop Shop Community Reentry Program Act (H.R. 981). Community resource centers would provide comprehensive, holistic services related to housing, employment, education, health, and assistance with navigating government processes and bureaucratic hurdles.



PLANK 14:
Invest in violence prevention and non-carceral crisis responses.

Communities will be safest when harms are prevented *before* they arise. The United States balances spending so that dollars disproportionately go to incarceration, surveillance, and other carceral approaches that often undermine safety goals. This prioritization must change; there must be investment in violence interruption, non-911 crisis response, safe passage to school programs, mentorship, streetlights, and the many other non-carceral, non-punitive programs that actually keep families and communities safe. And safety must be redefined so that it includes all aspects of holistic health and wellbeing — school safety, environmental safety, physical and mental health, and workplace safety and labor conditions.

Instead of a system where police are the default response to all emergencies, the norm should be non-carceral, health-centered first responders who can offer assistance without further endangering community members or the person who is experiencing crisis. We must advocate for the investment in the non-carceral, community-based services and supports that prevent harm in the first place: well-paying employment, mental and physical health care, and affordable housing, to name a few.

Only then can the overall incidence of harm be reduced, and genuine safety of all people be embraced.

**We must ensure
a system in which
non-carceral,
health-centered first
responders offer
assistance without
further endangering
community members
or the person who is
experiencing crisis.**

State Policy Priorities

Build a new state infrastructure for non-carceral safety

- Create a new entity within the state Department of Health and Human Services^[th41] or its equivalent to oversee and coordinate: (1) research and recommendations on non-carceral, non-punitive interventions, policies, and other practices to bolster community safety; (2) technical assistance on non-carceral, non-punitive approaches to community safety; and (3) grants to fund state governments, local governments, and community-based organizations (CBOs) to implement prevention-oriented, non-carceral, non-punitive approaches to community safety.
- Set up a new youth safety office within the state Department of Health and Human Services or its equivalent, which focuses on holistically supporting youth and on ensuring that every community statewide has a community-led, non-carceral office to holistically support youth, including youth who are involved with the criminal-legal system. Funded programming may include, but is not limited to:
 - Needs assessments of the local population, including attention to the frequency, causes, and underlying drivers of youth criminal-legal involvement;
 - Interagency coordination to support youth safety and facilitate service access;
 - Provision of voluntary trauma-informed health services, counseling, and healing supports;
 - Programs that specifically address bullying, sexual assault, and school-based violence, including violence based on race, gender, religion, sexual orientation, gender identity, disability status, or any other protected characteristic;
 - Establishment of holistic co-housing, therapeutic foster care, and community centers that include supports for youth experiencing homelessness, youth historically underserved, youth in foster care or otherwise removed from their homes, and system-involved youth;
 - Afterschool, tutoring, enrichment, art, drama, music, poetry, athletics, and other programs that holistically support youth development and success;
 - Employment, apprenticeship, career, scholarship, entrepreneurship, and other programs that provide emergency safety-net assistance, including housing, food, and cash stipends;
 - Programming related to abuse interruption and violence intervention;
 - Intensive care coordination and in-home supports; and

- School-based supports that include counselors, psychologists, social-emotional learning programs, Positive Behavior Interventions and Supports, wraparound services, alteration of the school’s appearance to support rather than antagonize students (*i.e.*, crime prevention through environmental design), and education surrounding healthy relationships and techniques for recognizing and/or appropriately responding to abuse.

Fund local infrastructure for non-carceral safety

- Create a new grant that funds local governments to create community-led entities that (1) conduct safety-related needs assessments of the local community, including mechanisms that explicitly incorporate and center the voices of people who have been directly impacted by criminal-legal harm, violence, and other threats to individual and community safety; (2) make re-grants to address these needs; (3) coordinate with other stakeholders, including government agencies, to ensure that these agencies are coordinating their action and addressing infrastructure gaps to address safety needs; (4) monitor the effectiveness of this safety planning and plan implementation; and (5) create a process for continuous improvement to ensure capacity, sustainability, and expansion of efforts.
- Support statutory, funding, and administrative reforms that invest in communities harmed by mass incarceration and incentivize shifts at the local level to reallocate resources to programs devoted to decarceration, health care, and well-being rather than those that encourage mass criminalization and incarceration.
- Increase spending on programs that prevent violence and harm holistically, including harms related to workplace safety, labor conditions, school, and environmental safety — all of which can and should be encompassed as part of how “community safety” is defined.
- Create a new grant that explicitly funds alternative, non-carceral approaches to crisis response, including the creation of dedicated Offices of Violence Prevention and Crisis Response — whether freestanding or part of a Community Safety Agency — that coordinate community-led programming to prevent violence, provide non-carceral responses when crises are occurring, and provide ongoing supports after crises have ended. Such programming may include, but is not limited to:
 - Non-punitive, unarmed first-responder agencies that address crises and connect individuals with voluntary community-based services where needed;
 - Non-police personnel and partnerships, including voluntary community-based programs that involve conflict resolution, de-escalation, and first aid; and
 - A non-911 emergency response number that can be used to dispatch non-punitive crisis and trauma intervention teams.

- Ensure sustainable funding for community-based organizations that provide voluntary, non-carceral, prevention-oriented services and interventions related to the following:
 - Accountability, including via reparations;
 - Violence reduction and/or prevention, including approaches focused on suicide, youth violence, child abuse, elder abuse, intimate partner violence, sexual violence, and firearm violence. Sample programs may include, but are not limited to:
 - Violence and abuse interruption;
 - Neighborhoods mediation;
 - Youth and mentorship programs;
 - Employment, entrepreneurship, cash assistance, and other programs to help build and maintain financial security;
 - Afterschool and enrichment programs; and
 - Infrastructure investments, including park redevelopment, streetlights, and other investments in built design.
 - Public health, access to health care, and services for people with disabilities, including harm reduction-based treatment for mental health and substance use;
 - Housing security, including integrated, “housing first” housing for people experiencing temporary or chronic homelessness;
 - Non-carceral approaches to crisis intervention;
 - Supports for youth and families, including school-based counselors, trauma-informed practices, social-emotional learning, wraparound services, and two-generational programming;
 - Supports for victims, including survivors of sexual violence and rape;
 - Reentry supports; and
 - Capacity-building support to local advocates and community-based organizations.

Promote interagency coordination around non-carceral safety

- Create an interagency task force, led by the state Department of Health and Human Services or its equivalent, to coordinate place-based statewide efforts to leverage holistic, multidisciplinary, non-carceral investments to increase community safety. The task force should ensure that these investments are reaching communities most impacted by mass incarceration.

Reallocate harmful funding flows

- Shift funding from the [drug court model](#) — which often places onerous demands on individuals who require support, not rigid requirements and threats of punishment, to be successful — to community-based programs based on harm reduction principles.



Federal Policy Priorities

Build a new state infrastructure for non-carceral safety

- Ensure the presidential budget redirects resources away from programs that focus on criminalization and toward prevention-focused investments in non-carceral supports, services, and community-led programs, and acknowledge the role that federal funding plays in instigating harmful police practices like excessive force and militarization.
- Set up a new youth safety office within the Department of Health and Human Services, which focuses on holistically supporting youth. Funded programming may include, but is not limited to:
 - Needs assessments of the local population, including attention to the frequency, causes, and underlying drivers of youth criminal-legal involvement;
 - Interagency coordination to support youth safety and facilitate service access;
 - Provision of trauma-informed health services, counseling, and healing supports;
 - Establishment of holistic co-housing and community centers that include supports for youth experiencing homelessness, youth historically underserved, and system-involved youth;
 - Afterschool, tutoring, enrichment, art, drama, music, poetry, athletics, and other programs that holistically support youth development and success;
 - Employment, apprenticeship, career, scholarship, entrepreneurship, and other programs that provide emergency safety-net assistance, including housing, food, and cash stipends;
 - Programming related to non-carceral abuse interruption and violence intervention; and
 - School-based supports that include counselors, psychologists, social-emotional learning programs, Positive Behavior Interventions and Supports, integrated access to health care (for all students, including students with disabilities), wraparound services, changes to the physical design of school space (*i.e.*, crime prevention through environmental design), and education surrounding healthy relationships and techniques for recognizing and/or appropriately responding to abuse.
- Create a new entity within the federal Department of Health and Human Services to oversee and coordinate: (1) research and recommendations on non-carceral, non-punitive interventions, policies, and other practices to bolster community safety and prevent needless incarceration; and (2) grants to fund state governments, local governments, and community-based organizations to conduct safety-related needs assessments and implement non-carceral, non-punitive, prevention-oriented approaches to community safety. For a model, see Part 5 of the [BREATHE Act](#), which creates a non-carceral, non-punitive Community Public Safety Agency within the Department of Health and Human Services.

Promote interagency coordination around non-carceral safety

- Create an interagency task force, led by the Department of Health and Human Services, to coordinate place-based federal efforts to leverage holistic, multidisciplinary, non-carceral investments to increase community safety.

Fund state and local infrastructure for non-carceral safety

- Increase the federal investment to build the infrastructure of culturally competent and effective community-based health and voluntary MH/SUD services, so that there is capacity in every community, particularly in underserved, low-income communities. Such infrastructure will help reduce and prevent entry into the criminal-legal system.
- Create a new grant that funds local governments to create community-led entities that (1) conduct safety-related needs assessments of the local community, including mechanisms that explicitly incorporate and center the voices of people who have been directly impacted by criminal-legal harm, violence, and other threats to individual and community safety; (2) make re-grants to address these needs; (3) coordinate with other stakeholders, including government agencies, to ensure that these agencies are coordinating their action and addressing infrastructure gaps to address safety needs; and (4) monitor the effectiveness of this safety planning and plan implementation.
- Increase spending on programs that prevent violence and harm holistically, including harms related to workplace safety, labor conditions, school, and environmental safety — all of which can and should be encompassed as part of how “community safety” is defined.
- Create a new grant that explicitly funds alternative, non-carceral approaches to crisis response, including the creation of dedicated Offices of Violence Prevention and Crisis Response — whether freestanding or part of a Community Safety Agency — that coordinate community-led programming to prevent violence, provide non-carceral responses when crises are occurring, and provide ongoing supports after crises have ended. Such programming may include, but is not limited to:
 - Non-punitive, unarmed first-responder agencies;
 - Non-police personnel and partnerships, including community-based programs that involve conflict resolution, de-escalation, and first aid; and
 - A non-911 emergency response number that can be used to dispatch non-punitive crisis and trauma intervention teams.
- Create a new grant that provides sustainable funding for community-based organizations — especially CBOs run by individuals who are directly impacted and who represent the racial diversity of the community served — that provide non-carceral, prevention-oriented services and interventions related to the following:
 - Accountability, including via reparations;
 - Violence reduction and/or prevention, including approaches focused on suicide, youth violence, child abuse, elder abuse, intimate partner violence, sexual violence, and firearm violence. Sample programs may include, but are not limited to:

- Violence and abuse interruption;
 - Neighborhoods mediation;
 - Youth and mentorship programs;
 - Employment, entrepreneurship, cash assistance, and other programs to help build and maintain financial security;
 - Afterschool and enrichment programs; and
 - Infrastructure investments, including park redevelopment, streetlights, and other investments in built design.
- Public health and environmental justice, including access to health care for people with disabilities and harm reduction-based treatment for mental health and substance use;
 - Housing security, including integrated housing for people experiencing temporary or chronic homelessness;
 - Non-carceral approaches to crisis intervention;
 - Supports for youth and families, including school-based counselors, trauma-informed practices, social-emotional learning, wraparound services, and two-generational programming;
 - Supports for victims, including survivors of sexual violence and rape;
 - Reentry supports; and
 - Capacity-building support to local advocates and community-based organizations.

Reallocate Harmful Funding Flows

- Eliminate all Community Oriented Policing Services (COPS) program funding, especially funding that supports police in schools and the COPS Hiring Program.
- Divert federal funding for police to health care and other appropriate community services and supports for people with disabilities.
- End and do not allocate any funding to programs aimed at hiring additional police officers for states or localities (e.g., Operation Relentless Pursuit, Operation Legend, or Project Safe Neighborhoods).
- Federally fund state programs that divert mental health-related 911 calls to mental health professionals, peer support workers, and other people trained to de-escalate individuals experiencing a mental health crisis and — where needed — connect individuals to voluntary, community-based services.
- Prioritize federal funding streams for state and local efforts that will reimagine safety by shifting resources away from criminalization and policing toward prevention-oriented investments in social supports and programs.



PLANK 15: **Rebuild communities and support survivors.**

For many survivors of sexual violence, the current system of police, prosecution, incarceration, and surveillance does not provide the types of accountability and healing they seek and need. Instead, the criminal-legal system often causes [more pain](#) both to survivors and to those who caused them harm.

Public safety must promote true safety and healing. Increasingly, survivors are seeking non-carceral models of accountability, such as healing justice, peacemaking circles, and conflict resolution programs. These options can help individuals and communities process, account for, and heal from sexual violence and other harm without relying on police and jails. We must support and advocate to expand the availability of these non-carceral programs while ensuring that they remain defined and led by community members. We must also advocate for the funding of holistic and supportive services that can facilitate survivors securing their safety — such as reparations for harm, vouchers for safe housing, mental health services, and other community-based supports.

**The carceral
system destabilizes
communities by
tearing families
apart with no
room for healing,
accountability,
and growth.**

State Policy Priorities

Invest in healing justice and non-punitive accountability

- Establish a grant program that provides multi-year funding for community-based organizations and nonprofits to create spaces for non-carceral, non-punitive forms of accountability. These accountability programs should help individuals and communities process, account for, and heal from incidents and systemic injustices that have caused harm. Funding should support programs, including — but not limited to — healing justice, economic justice, peacemaking circles, and conflict resolution. The grant should (1) target resources at grassroots, survivor, LGBTQ, people with disability, and/or Black, Brown, and Indigenous-led organizations; and (2) utilize “restorative contract management” to ensure that any contracts issued appropriately account for power imbalances, amplify community-based organizations’ expertise, and fully integrate shared values.
- In cases that involve instances of interpersonal violence, ensure that survivors are made aware of non-carceral programs and alternative accountability options and that these programs appropriately center the agency and autonomy of the survivors involved. Ensure that further criminal-legal involvement, such as a deferred prosecution, is never a requirement or a sanction associated with participating in the accountability programming. Further ensure that there are no additional requirements assigned based on the survivor’s or the harm-doer’s mental health or substance use history.

Lay the foundation for reparations

- Establish a commission, led by individuals who have been directly impacted by criminal-legal harm, to study, publicize information on, and administer reparations that address the harms of slavery, the War on Drugs, and mass incarceration. This commission should conduct robust hearings and research, as well as produce a report with recommendations regarding (1) the forms and amounts of redress to be made; (2) eligibility requirements, selection mechanisms, and timeline for reparations; and (3) oversight of the reparations process. Forms of reparations may include, but are not limited to:
 - Financial redress for those who were incarcerated, on community supervision, or otherwise harmed by mass incarceration or the War on Drugs;
 - Funding for culturally specific health, mental health, employment and workforce development services, financial security and asset-building programs, housing assistance and home principal forgiveness programs, education, civil legal services, and other services for directly impacted individuals and their families; and
 - Grant funding and technical support for community-based organizations, including organizations led by LGBTQ people and Black, Brown, and Indigenous individuals, to provide or facilitate public education, engagement, art works, and memorials commemorating these harms and struggles for justice.

- Establish a commission, led by individuals who have been directly impacted by police brutality and state violence, to study and administer reparations that address the harms of police violence. This commission should conduct robust hearings and research, as well as produce a report with recommendations regarding (1) the forms and amounts of redress to be made; (2) eligibility requirements, selection mechanisms, and timeline for reparations; and (3) oversight of the reparations process. Forms of reparations may include, but are not limited to:
 - Financial redress for those harmed by police brutality and state violence;
 - Funding for culturally specific health, mental health, employment and workforce development services, financial security and asset-building programs, housing assistance and home principal forgiveness programs, education, civil legal services, and other services for directly impacted individuals and their families; and
 - Grant funding and technical support for community-based organizations, including organizations led by LGBTQ people and Black, Brown, and Indigenous individuals, to provide or facilitate public education, engagement, art works, and memorials commemorating these harms and struggles for justice.

Build a state infrastructure to support survivors – outside of the criminal-legal system

- Establish a new, non-carceral, equity-focused Survivor Safety Office within state Departments of Health and Human Services. This office should (1) fund programs to holistically support survivors and prevent harm through non-carceral practices, with a certain percentage of funding (*i.e.*, no less than 25 percent) earmarked to support culturally specific organizations that primarily serve LGBTQ and Black, Brown, and Indigenous survivors; (2) conduct research and provide recommendations on policies, interventions, and other programs that use non-carceral approaches to support survivor safety; and (3) facilitate, such as through a formula grant, every community statewide having a community-led, non-carceral office to holistically support survivors, including survivors who are involved with the criminal-legal system. Funded programming through this office may include:
 - Creating a new infrastructure for survivor safety, such as through:
 - Creating an advisory council of harm survivors who can inform the development, implementation, and oversight of policies that support survivor safety;
 - Conducting local needs assessments to determine the key issues that violence survivors face, as well as identify gaps in necessary services in a given community;
 - Funding for local community-based organizations providing survivor services to fill any resource gaps identified; and
 - Coordinating between survivors, community-based organizations, and government agencies to create and facilitate access to non-carceral resources.

- Public education and mobilization efforts among community-based groups fighting abuse, violence, and exploitation. Preventing violence and harm, such as through:
 - Community-led abuse and violence interruption and prevention programs, particularly programs that center survivors' experiences, voices, and needs and prioritize survivor agency and autonomy;
 - Evidence-based mentoring and education programs led by trained community leaders to support healthy relationships;
 - Trainings on bystander intervention and other forms of community-based and community-led violence intervention;
 - Technical assistance and training on violence prevention best practices; and
 - Programming related to non-carceral, non-punitive accountability mechanisms.
- Meeting survivors' needs, such as through:
 - Trauma-trained, peer and near-peer crisis responders and front-line responders;
 - Trauma-informed and trauma-responsive health services (including nurse care management and medical navigators), case management, counseling services, support groups, and other healing supports for survivors;
 - Safe spaces for survivors;
 - Assistance with finding safe, affordable and healthful housing;
 - Unrestricted cash assistance, made available directly to survivors, including assistance designed to meet survivors' monetary restitution needs;
 - Programs that support survivors in building financial security, including creating safe, quality jobs that proactively meet survivors' needs; creating public programs that replace survivors' wages when they are temporarily unable to work due to serious health issues and caregiving responsibilities; protecting survivors from discrimination by employers, lenders, and other institutions; providing trauma-responsive workforce development services; supporting survivors in identifying alternative pathways to income (e.g., entrepreneurship); offering credit, micro loans, and debt relief; and providing asset-building opportunities (e.g., child savings accounts, survivors savings accounts, lending circles, and savings matching programs); and
 - Civil and criminal-legal services for survivors, including assistance with legal proceedings arising from collateral consequences of violence and abuse.

- Create a new grant that explicitly funds emergency financial assistance, stipends, and other safety net assistance made available directly to survivors, particularly when an individual lacks the resources to leave an unsafe living environment or is struggling financially after leaving an unsafe environment.
- Support reparations to provide victims compensation funding for survivors of police violence or families of victims of unlawful use of deadly force by police.
- Expand funding categories within existing grant programs or create new funding for programs to increase civic engagement for justice-impacted people.
- In coordination with the state Department of Housing and local housing authorities, establish a Survivor Housing Voucher Assistance Program, which provides housing vouchers for individuals who must leave unsafe living environments due to domestic violence, dating violence, sexual violence, abuse, and/or stalking. Ensure that these voucher programs support survivors in finding housing that is sustainable long-term.

Prevent coercion of survivors

- Bar prosecutors from using coercive and abusive tactics against survivors, including the use of material witness warrants, as described in **Plank 5: Ensure accountability and transparency in prosecution.**
- Ensure that no survivor is required to cooperate with an investigation or prosecution in order to be eligible for any programs, supports, or resources.



Federal Policy Priorities

Invest in healing justice and non-punitive accountability

- Establish a grant program that provides multi-year funding for community-based organizations and nonprofits to create spaces for non-carceral, non-punitive forms of accountability. These accountability programs should help individuals and communities process, account for, and heal from incidents and systemic injustices that have caused harm. Funding should support programs, including — but not limited to — healing justice, economic justice, peacemaking circles, and conflict resolution. The grant should (1) target resources at grassroots, survivor, LGBTQ, people with disability, and/or Black, Brown, and Indigenous-led organizations; and (2) utilize “restorative contract management” to ensure that any contracts issued appropriately account for power imbalances, amplify community-based organizations’ expertise, and fully integrate shared values.
- In cases that involve instances of interpersonal violence, ensure that survivors are made aware of non-carceral programs and alternative accountability options and that these programs appropriately center the agency and autonomy of the survivors involved. Ensure that further criminal-legal involvement, such as a deferred prosecution, is never a requirement or a sanction associated with participating in the accountability programming. Further ensure that there are no additional requirements assigned based on the survivor’s or the harm-doer’s mental health or substance use history.

Lay the foundation for reparations

- Pass legislation that establishes reparations for slavery, like [H.R. 40, The Commission to Study and Develop Reparation Proposals for African-Americans Act](#).
- Establish a commission, led by individuals who have been directly impacted by systems of harm, to study, publicize information on, and administer reparations that address the War on Drugs and mass incarceration. This commission should conduct robust hearings and research, as well as produce a report with recommendations regarding (1) the forms and amounts of redress to be made; (2) eligibility requirements, selection mechanisms, and timeline for reparations; and (3) oversight of the reparations process. Forms of reparations may include, but are not limited to:
 - Financial redress for those who were incarcerated, on community supervision, or otherwise harmed by mass incarceration or the War on Drugs;
 - Funding for culturally specific health, mental health, employment and workforce development services, financial security and asset-building programs, housing assistance and home principal forgiveness programs, education, civil legal services, and other services for directly impacted individuals and their families; and
 - Grant funding and technical support for community-based organizations, including organizations led by LGBTQ people and Black, Brown, and Indigenous individuals, to provide or facilitate public education, engagement, art works, and memorials commemorating these harms and struggles for justice.

- Pass legislation to establish a [Commission on Truth, Racial Healing, and Transformation](#) to properly acknowledge, memorialize, and be a catalyst for progress toward jettisoning the belief in a hierarchy of human value, embracing common humanity, and eliminating persistent racial inequities.

Increase accountability for harm done

- Pass legislation to transform the U.S. Commission on Civil Rights into a U.S. Commission on Civil and Human Rights to expand its mandate to include not only civil rights issues, but also monitoring human rights implementation and enforcement efforts and to make structural reforms to improve the commission's ability to function as an independent national human rights institution.

Support survivors of criminal-legal harm

- Pass legislation that incentivizes networks of local actors to coordinate wraparound services for reentering individuals.
- Direct the Centers for Disease Control and Prevention to update its pandemic guidance to explicitly recognize and include decarceration and expanded access to health care for incarcerated and recently released individuals as necessary guidance for federal, state, and local elected officials to reduce the spread of disease and protect the most vulnerable within the nation's jails, prisons, youth detention facilities, and immigrant detention centers.



Build a state infrastructure to support survivors – outside of the criminal-legal system

- Pass a new Violence Against Women Act that centers non-carceral approaches to supporting survivors and keeping them safe.
- Transfer the non-carceral, non-punitive components of the Office on Juvenile Justice and Delinquency Programs and Prevention to a new Office of Youth Safety located in a new division at the Department of Health and Human Services that would focus on non-carceral approaches to community safety.
- Create a new Office of Survivor Autonomy located in a new division at the Department of Health and Human Services that would focus on non-carceral approaches to community safety. This office should (1) fund programs to holistically support survivors and prevent harm through non-carceral practices, with a certain percentage of funding (*i.e.*, no less than 25 percent) earmarked to support culturally specific organizations that primarily serve LGBTQ and Black, Brown, and Indigenous survivors; (2) conduct research and provide recommendations on policies, interventions, and other programs that use non-carceral approaches to support survivor safety; and (3) facilitate, such as through a formula grant, every community having a community-led, non-carceral office to holistically support survivors, including survivors who are involved with the criminal-legal system. Funded programming through this office may include:
 - Creating a new infrastructure for survivor safety, such as through:
 - Creating an advisory council of harm survivors who can inform the development, implementation, and oversight of policies that support survivor safety;
 - Conducting local needs assessments to determine the key issues that survivors of violence face, as well as identify gaps in necessary services in a given community;
 - Funding for local community-based organizations providing survivor services to fill any resource gaps identified;
 - Coordination between survivors, community-based organizations, and government agencies to create “one-stop-shops” for services to facilitate access to resources; and
 - Public education and mobilization efforts among community-based groups fighting abuse, violence, and exploitation.

- Preventing violence and harm, such as through:
 - Community-led abuse and violence interruption and prevention programs, particularly programs that center survivors' experiences, voices, and needs and prioritize survivor agency and autonomy;
 - Evidence-based mentoring and education programs led by trained community leaders to support healthy relationships;
 - Trainings on bystander intervention and other forms of community-based and led violence intervention;
 - Technical assistance and training on violence prevention best practices; and
 - Programming related to non-carceral, non-punitive accountability mechanisms.
- Meeting survivors' needs, such as through:
 - Trauma-trained, peer and near-peer crisis responders and front-line responders;
 - Trauma-informed and trauma-responsive health services (including nurse care management and medical navigators), case management, counseling services, support groups, and other healing supports for survivors;
 - Safe spaces for survivors;
 - Assistance with finding safe, affordable, and healthful housing;
 - Unrestricted cash assistance, made available directly to survivors, including assistance designed to meet survivors' monetary restitution needs;
 - Programs that support survivors in building financial security, including creating safe, quality jobs that proactively meet survivors' needs; creating public programs that replace the wages of survivors who are temporarily unable to work due to serious health issues and caregiving responsibilities; protecting survivors from discrimination by employers, lenders, and other institutions; providing trauma-responsive workforce development services; supporting survivors in identifying alternative pathways to income (e.g., entrepreneurship); offering credit, micro loans, and debt relief; and providing asset-building opportunities (e.g., child savings accounts, survivors savings accounts, lending circles, and savings matching programs); and
 - Civil and criminal-legal services for survivors, including assistance with legal proceedings arising from collateral consequences of violence and abuse.

- Channel new resources into emergency financial assistance, stipends, and other safety-net assistance that is made available directly to survivors, particularly when an individual lacks the resources to leave an unsafe living environment and/or situation or is struggling financially after leaving an unsafe environment and/or situation.
- In coordination with the state Department of Housing and Urban Development and local housing authorities, establish a Survivor Housing Voucher Assistance Program, which provides housing vouchers for individuals who must leave unsafe living environments due to domestic violence, dating violence, sexual violence, abuse, and/or stalking. Ensure that these voucher programs support survivors in finding housing that is sustainable long-term.

End the coercion of survivors

- Amend the Fair and Accurate Credit Transactions Act to remove all police report requirements to help survivors recover from coerced and fraudulent debt.
- Ban police report requirements or requirements related to cooperating with prosecution efforts with respect to an individual's eligibility for federal safety net program waivers or exemptions, or access to victims' compensation.
- Ban the Victims of Crime Act compensation eligibility requirements that mandate reporting to police and require survivors to cooperate with police or prosecution. All obligations of police officers to survivors shall remain intact.
- Eliminate rules in trafficking programs that require mandatory collaboration with law enforcement agencies in order to obtain immigration relief or services. Such collaboration often presents a significant barrier to access to services for all survivors of trafficking, and particularly LGBTQ youth and adults who are routinely denied help by police, profiled as perpetrators of violence, or subjected to dual arrest even as they are targets of violence.
- Bar prosecutors from using coercive and abusive tactics against survivors, including the jailing of material witnesses, as described in **Plank 5: Ensure accountability and transparency in prosecution.**

Ensure justice for immigrants who are harm survivors

- Modify the requirements for obtaining U, S, or T visas by:
 - Eradicating the requirement that survivors of violence must obtain certification from, or collaborate with, police, prosecution, and/or child protective services to apply for U, S, and T visas; and
 - Allowing any state or community services agency to provide certification.
- Enshrine the right to seek asylum and withholding of removal based on domestic violence or sexual, homophobic, transphobic, reproductive, ableist, and gang violence.
- Bar deportations at courthouses, hospitals, health care clinics, schools, and places of worship, and deem all local, state, and federal courthouses and community agencies as sensitive locations.





PLANK 16: Reimagine reentry to promote dignity and safety for all.

Every year, [more than 600,000](#) people return home from prison, and [approximately 9 million](#) leave local jails. Disproportionately Black, Brown, and low-income, these individuals face extraordinary barriers to success. Not only have they been removed from their families and communities for months or years, but they are often barred from housing, employment and licensure, food, living, education supports, and the democratic process. For example, there are voting rights implications of naturalization bars for lawful permanent residents with criminal records, as well as other voting concerns for youth prosecuted in the adult criminal-legal system.

[When resources are available, they require individuals to navigate the administrative, logistical, and digital complexities of various programs instead of having one holistic source of support.](#) These barriers make it exceedingly difficult for returning individuals to thrive following a period of incarceration.

The United States must provide returning citizens the holistic, community-based services and tools they need to thrive. We must advocate for the elimination of [specific barriers](#) that people reentering society face, including employment discrimination, family separation, lack of education and training, barriers to obtaining occupational licenses, bans on participating in social programs and public housing, inadequate access to medical care, and restrictions on voting. This will enable communities to grow stronger and heal from the devastation of mass incarceration.

Every year, more than **600,000 people return home from prison and approximately **9 million** leave local jails.**

WE MUST PROVIDE

RETURNING CITIZENS

THE HOLISTIC,

COMMUNITY-BASED

SERVICES AND TOOLS

THEY NEED TO THRIVE.

State Policy Priorities

Ensure opportunities to work

- Award state and local contracts to businesses that have fair chance hiring policies and that affirmatively hire individuals with arrest or conviction records, including support for worker cooperatives operated by formerly incarcerated people.
- Remove arrest- and conviction-related occupational licensing barriers and adopt “fair chance” licensing reforms.
- Invest in employment opportunities that benefit formerly incarcerated people, including grants for entrepreneurship; training and workforce development programs; career pathway employment programs, especially in paid pre-apprenticeships and apprenticeships; technical assistance and financial incentives for businesses that hire formerly incarcerated people; state-led affirmative hiring programs; subsidized and transitional employment opportunities for formerly incarcerated people, including “earn and learn” opportunities; and worker cooperatives and other “solidarity economy” business models operated by formerly incarcerated people.
- Issue guidance and provide technical assistance to direct existing workforce development programs to target youth and adults impacted by the criminal-legal system with transitional jobs programs, and provide supportive services, including cash assistance, food and nutrition supports, housing, child care, transportation, and health and mental health care.

Ensure access to housing and public benefits

- Remove state law prohibitions that prevent individuals in or returning from prison from receiving public benefits, applying for financial aid, 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.
- In coordination with reentry and housing providers, provide housing vouchers for individuals released from criminal-legal facilities who lack access to stable, affordable housing.
- 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.

Ensure access to IDs

- Before discharging from adult or juvenile justice facilities, provide individuals with assistance in obtaining a driver's license or state ID card, a Social Security card, a birth certificate, and other records necessary to establish identity and enrollment in health insurance; ensure that a plan for housing exists — but ensure that lack of any plan, service, or other provision noted here never serves to delay release.

Ensure access to the democratic process

- End felony-related voting restrictions, including bans on voting while incarcerated.
- Start counting incarcerated individuals in their home districts rather than in the districts of the prisons where they reside, bringing an end to [prison gerrymandering](#).
- Eliminate all mandatory immigration penalties and consequences, including deportation, bars to asylum, naturalization, citizenship, and voting, etc., for any allegations of criminal conduct, suspected criminal activity, or for arrests, convictions, or other contact with the criminal-legal, juvenile, or family court systems. Make all repeals and changes retroactive.

Ensure access to education

- Create educational programs that have both financial and human capacity to work with formerly incarcerated people for the purposes of secondary and/or post-secondary credentials.
- Provide funding and support to schools to help ensure a smooth return to school for students leaving confinement and reentering communities. These supports should include transition coordinators, timely records transfer, and planning to ensure students are on track for high school graduation and postsecondary education.
- Bar publicly funded colleges and universities, including private universities that receive state funding, from inquiring about criminal-legal histories in the admissions application process.

Ensure access to legal services

- Create a grant program that provides robust investments in legal services for reentering individuals, including for assistance with correcting, sealing, or expunging criminal records.

Federal Policy Priorities

Ensure access to the democratic process

- Restore federal voting rights to currently and formerly incarcerated people.
- Provide individuals in federal prison with information about voting eligibility and registration prior to release.
- Pass legislation that addresses the restoration of voting rights to formerly incarcerated people at the federal level, such as the Democracy Restoration Act.

Ensure access to education

- Promote a “continuum of education” for all reentering individuals.
- Increase funding for the [Second Chance Act](#).
- Encourage states to reform licensing barriers by restricting state access to FBI background checks unless licensing laws meet certain standards.
- Pass legislation like the Beyond the Box for Higher Education Act to advise institutions of higher education on removing questions regarding criminal-legal histories in the application process.
- Support legislation to remove barriers to post-secondary education for individuals with arrest or conviction histories.

Ensure access to housing and public benefits

- Reinstate the Interagency Working Group on Reentry to expand its work to remove federal administrative barriers to accessing employment, education, housing, health care, voting, and other public programs and benefits.
- Increase federal funding for the emergency rental assistance that is distributed through the Department of Housing and Urban Development’s Homeless Assistance Grants program, such as is outlined in the Emergency Rental Assistance and Rental Market Stabilization Act. This funding could be used to help formerly incarcerated people cover security and utility deposits and provide short- and medium-term rental assistance for recently released individuals.
- Pass legislation to ban source of income discrimination and expand anti-discrimination protections for individuals involved in the criminal-legal system.
- Establish federal interagency coordination on reentry grant programs for housing, workforce development, education, and health care. Interagency coordination should develop grant opportunities as well as provide training and technical assistance to help reentry programs holistically address the wide range of reentry needs and barriers.

- Remove barriers to federally funded housing for individuals with arrest or conviction histories.
- Support the allocation of resources towards educational, employment, and housing opportunities for incarcerated people and returning citizens.
- In coordination with reentry and housing providers, provide housing vouchers for individuals released from criminal-legal facilities who lack access to stable, affordable housing.
- Support legislation that ensures access to health care for people who are currently and formerly incarcerated, such as the Medicaid Reentry Act.
- Pass legislation that continues funding for the Health Profession Opportunity Grant (HPOG) program, like the Pathways to Careers Act. HPOG bundles education and training with key support services like child care, transportation, and career coaching to provide supportive pathways to a career for a well-paid and in-demand health profession for low-income individuals, including those impacted by the criminal-legal system.
- Increase federal funding for the McKinney-Vento Emergency Solutions Grants (ESGs), such as that proposed in the Public Health Emergency Shelter Act. This funding can be used to ensure that formerly incarcerated people can access non-congregate shelter and housing during the pandemic through short-term rental assistance, rapid rehousing, and housing counseling services.
- Ban prohibitions that prevent individuals in or returning from prison, or individuals with criminal histories, from receiving federal benefits or participating in federal programs. These benefits and programs include, but are not limited to, federal financial aid, Medicaid, SNAP, TANF, SSI, UI, small business loans, and retraining programs.



Invest in workforce training and jobs programs

- Codify and increase funding for the Reentry Employment Opportunities program at the Department of Labor, which provides reentry and workforce development services for career pathway employment.
- Establish and fund a new title within the Workforce Innovation and Opportunity Act (WIOA) specifically for youth and adults impacted by the criminal-legal system that would increase access to subsidized employment and transitional jobs models, integrated education and training, supportive services, and health and mental health care, with community-informed reporting and accountability requirements.
- Develop and fund a permanent, national, large-scale transitional jobs program that prioritizes youth and adults impacted by the criminal-legal system and other historically oppressed communities. This investment must give immediate access to wages and quality career pathways during the immediate recovery as well as in times when the economy is strong.
- Increase federal funding for the Reentry Employment Opportunities Act, which codifies the Reentry Employment Opportunities program that provides grants to nonprofits to carry out workforce development and reentry services for people who are formerly incarcerated or have criminal records. Ensure that workforce funding provides resources for supportive services, including cash assistance, food and nutrition supports, housing, child care, transportation, and health and mental health care.
- Provide entrepreneurship training grants to formerly incarcerated people and help businesses share best practices in affirmatively hiring formerly incarcerated people through roundtables and other tactics.
- Increase investment to support workforce training for individuals impacted by the criminal-legal system. Fund access to subsidized employment and transitional jobs models, integrated education and training, access to supportive services and community-informed reporting, and accountability requirements for youth and adults impacted by the criminal-legal system.

Remove licensing barriers

- Pass legislation to remove barriers to occupational licenses for individuals with arrest and conviction histories.
- Adopt “fair chance” licensing reforms and remove conviction-related occupational licensing barriers.

Prevent hiring discrimination

- Require all employers to 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.
- Implement the Fair Chance to Compete for Jobs Act of 2019 (P.L. 116-92, Section 1121) by ensuring that the Office of Personnel Management and other federal agencies adopt robust complaint procedures; narrowly apply their discretion to exempt categories of workers; and execute outreach, education, monitoring, and an auditing process, particularly with the nation’s private contractors, to ensure that the protections and the intent of the fair chance law are realized fully.
- Issue regulations to implement the Fair Chance Act.
- Establish a preference for awarding federal contracts to businesses that affirmatively hire individuals with arrest or conviction records, including worker cooperatives operated by formerly incarcerated people.
- Amend the Small Business Act to prohibit the SBA from excluding people from applying for 7(a) loan assistance based on criminal history.
- Increase the amount for which the Department of Labor’s federal bonding program indemnifies employers who hire individuals with criminal records, or who otherwise qualify for bonding from its current level (ranging from \$5,000 to \$25,000 per bond), to \$25,000 for all bonds.

Support reentry programs and holistic safety in communities

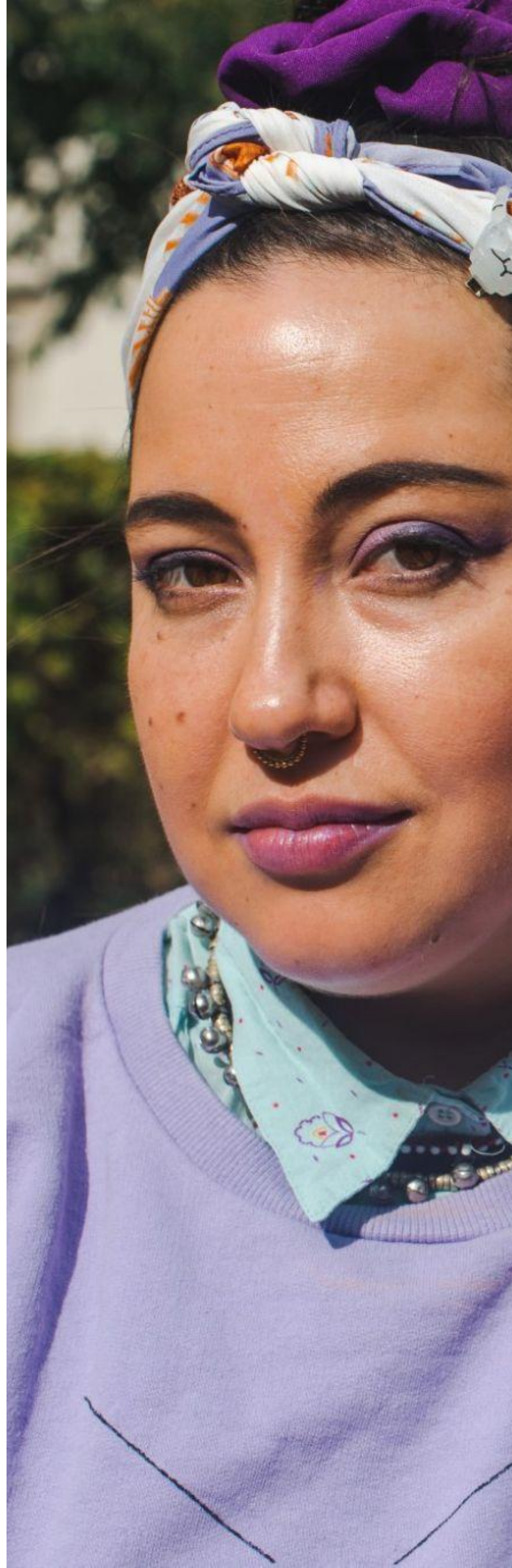
- Develop federal grant opportunities within the Second Chance Act program and other reentry programs to provide funding directly to nonprofits, especially those led by or that significantly involve people directly impacted by the criminal-legal system.
- Support full funding and state implementation of the reentry portions of the Juvenile Justice and Delinquency Programs Act.
- Form a partnership initiative (“Reimagining Public Safety”) between the Departments of Health and Human Services, Housing and Urban Development, Labor, and other relevant agencies to make grants that help communities address the social factors increasing 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.
- Pass and fund legislation that would create community resource centers to assist returning residents as they leave custody as well as individuals who already have returned to the community, such as the One Stop Shop Community Reentry Program Act.

Support policies to seal, expunge, and correct records

- Pass legislation to enable expungement of federal offenses.
- Establish procedures to ensure accuracy of the [FBI's background check systems](#) to ensure that records are accurate.
- Ensure that the Consumer Financial Protection Bureau aggressively enforces the Fair Credit Reporting Act's requirements for employers and background screening companies that work with criminal records.
- Support funding for federal programs that help to identify, remediate, and prevent wrongful convictions and that improve forensic science.
- Ensure that if any criminal history restrictions remain in regulations, the standards in policy documents and application forms for the Paycheck Protection Program and other loans within the general 7(a) program do not exceed what regulations require.

Begin reentry programming in jails and prisons

- Introduce an Incarcerated Person's Bill of Rights, as described in **Plank 7: End inhumane conditions in jails and prisons in the United States**, which would ensure that people in prison get the education, training, and treatment they need for successful reentry and are able to maintain family relationships.





PLANK 17: **Build a school-to-opportunity pipeline.**

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. School-based officers [arrest students on site](#), put them in [chokeholds](#), and [handcuff children](#) as young as 6 years old. Typical adolescent behavior has become criminalized in school, especially for students of color. For instance, [Black students are expelled at three times the rate of White students](#). Students with disabilities also are disproportionately impacted. Students who are suspended or expelled for discretionary violations are [nearly three times as likely to be involved in the criminal-legal system the following year](#).

This approach funnels youth into jails and prisons and denies them the very opportunities for learning and growth that schools are meant to provide.

The school-to-prison pipeline must end. We must advocate against school-based police officers and out-of-school suspensions. But that is not enough. The real solution must go beyond these reactive measures; it must also offer schools a holistic, relationship-focused way to address conflicts that occur and build additional opportunities for students to grow and thrive. Providing these supports will not only end the school-to-prison pipeline, but it will also create a school-to-opportunity pipeline that improves all children's chances for success.

**Black students
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three times
the rate of
White students.**

State Policy Priorities

Support the social-emotional needs of students

- Create culturally competent and age appropriate social-emotional learning standards at the state level, as well as professional development opportunities that equip educators and school professionals with the resources and information that they need to implement these standards.
- 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 support staff (including counselors, psychologists, and nurses), trauma-informed and healing-centered care, and wraparound services to families to support the extra services provided.
- Require all schools in high-need areas to become trauma-informed schools.
- Provide positive school supports that contribute to a safe, just, and welcoming climate for all students and is LGBTQ and gender inclusive. This includes providing resources for counselors, training for staff, culturally responsive multi-tiered systems of supports (including Positive Behavioral Interventions and Support), anti-bias training, and voluntary mental health supports for all students. In addition, ban police from being stationed in schools and eliminate state funding for infrastructure and personnel that criminalize students and school environments.
- Ensure access to high-quality instruction and adequate educational resources, and provide support needed to narrow disparities in high school graduation and college matriculation rates by providing all students with meaningful educational opportunities. Such reforms should include policies to ensure funding equity among school districts. See this [Youth Mandate for Education and Liberation](#) for more details and policy proposals.

Ensure youth access to high-quality counsel

- Meet constitutional requirements to provide access to quality legal counsel for children in the justice system.

Decriminalize offenses associated with youth

- Decriminalize running away, curfew violations, and truancy. Eliminate negative descriptions of youth experiencing homelessness now found in some statutes, such as “unruly,” “incorrigible,” and “vagrant.” Limit the circumstances under which youth who have run away can be taken into custody or punished for running away, set very brief time limits for such custody when it is permitted, and prohibit sheltering of such youth with delinquent youth or adults in detention facilities.

Support the educational needs of criminal-legally involved youth

- Ensure quality educational services for children in the criminal-legal system, including additional services for children with disabilities.

Protect youth from being treated like adults

- 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](#).
- 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.

Remove police and criminalizing infrastructure from schools

- Create police-free schools, including by banning police from being stationed in and around school campuses.
- Prohibit arrests, summonses and/or tickets, and any criminal charges for school-based disciplinary behavior and remove all criminalizing infrastructure.
- 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.
- End the use of all criminalizing surveillance equipment, including metal detectors, facial recognition software, social media monitoring software, and surveillance cameras. See also ***Plank 9: End high-tech harm and the surveillance state.***
- Eliminate funding that supports police in schools, such as all of the Community Oriented Policing Services program funding and the COPS Hiring Program.

Close youth prisons and support reentering youth

- Create a clear, time-bound plan for closing youth prisons and replacing them with community-based, rehabilitation-focused continua of care.
- Deeply invest in prevention-oriented, non-carceral, 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 reentering communities. These supports should include transition coordinators, timely records transfer, and planning to ensure students are on track for high school graduation and postsecondary education.



Federal Policy Priorities

End child poverty and meet the social-emotional needs of students

- Provide a child benefit, or a targeted expansion of the Earned Income Tax Credit, that is funded sufficiently to eliminate child poverty.
- Enact legislation, such as 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 zero tolerance policies, ending long suspensions, implementing better due process policies, and rethinking the use of “school jails” for young people subject to long suspensions and expulsions;
 - Providing ongoing, comprehensive, and 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 and guardians about students’ well-being and behavior and seeking input from parents and guardians before making decisions about school discipline;
 - Extensively engaging parents, guardians, 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.
- Provide states with funding for positive school supports that contribute to safe, just, and welcoming climates for all students, including resources for counselors, training for staff, culturally responsive multi-tiered systems of supports, and mental health supports for students in crisis. Eliminate federal funding for police in schools and infrastructure and personnel that criminalize students and school environments.

End inappropriate discipline

- Facilitate the banning of corporal punishment and inappropriate discipline in schools, such as by passing the Protecting All Students in Schools Act, the Ending PUSHOUT Act, and the Keeping All Students Safe Act, which would ban restraint and seclusion practices that contribute to a hostile school climate and are disproportionately used on Black, Brown, and Indigenous students and students with disabilities.
- 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, as well as full compliance with FERPA. Reintroduce and pass the [Record Expungement Designed to Enhance Employment \(REDEEM\) Act](#) provisions on the age of adult court jurisdiction and incentivize states to raise the minimum age of juvenile court jurisdiction to 21.
- Adhere to the joint guidance from the Departments of Justice and Education on reducing racial discrimination in school discipline.

Remove police and criminalizing infrastructure from schools

- Pass legislation like the Counseling Not Criminalization in Schools Act, which ends federal funding for police in schools and establishes a \$5 billion grant program for culturally responsive supports and resources for students, such as counselors and psychologists.
- Develop guidelines prohibiting the use of public school threat assessment programs, which disproportionately target Black, Brown, and Indigenous students and students with disabilities.
- Require, as a condition of receiving federal education or criminal-legal funding, an end to school-based police officers.
- Support legislation that effectively disrupts the school-to-prison pipeline and the disciplinary policies and practices that can push students out of school and into the justice system. Reject proposals that would increase police presence in schools and/or unnecessarily and inappropriately increase the number of youth who come in contact with the justice system.
- End the [U.S. Department of Defense 1033 program](#), including its transfer of military equipment to schools.
- Support local efforts in states to develop a comprehensive policy concerning police-youth interactions. This comprehensive youth policy would ensure police-youth interactions are informed by principles of child and adolescent development, an understanding of juvenile specific law, and a commitment to positive role-modeling and relationship building between police and youth consistent with procedural justice and community, problem-oriented, and bias-free policing.
- Conduct oversight of the Department of Education's school safety initiatives. Stop the move by the department to allow Every Student Succeeds Act dollars to be spent on arming teachers.

Create targeted supports for vulnerable students and reentering youth

- Create an enforcement protection and advocacy program to fund the work that state Protection and Advocacy Systems 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.
- Support culturally responsive year-round programming for system-involved and reentering youth, which includes increasing federal coordination on youth reentry and providing funding for youth reentry 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](#).
- Create and fund a large-scale national subsidized employment program that targets youth and adults impacted by the criminal-legal system. To support the near-term economic recovery and provide much-needed long-term investment into historically oppressed communities, the federal government must develop and implement a permanent national subsidized employment program that targets youth and adults impacted by the criminal-legal system and other people who have been marginalized, displaced, left out, or left behind in the economy.

Protect youth from being treated like adults

- Pass legislation to increase access to federal courts for youth facing abuse in juvenile justice facilities, like the Justice for Juveniles Act (H.R. 5053), to remove juvenile justice from the PLRA.
- Amend 34 U.S.C. 12601 from “juvenile justice” to “juvenile and criminal justice,” expanding the authority of the Justice Department’s Civil Rights Division to conduct investigations into any situations wherein a government actor administering criminal justice has engaged in a pattern or practice of violating the Constitution or laws of the United States.



PLANK 18: End the War on Drugs.

June 2021 marked the 50th anniversary of the so-called [War on Drugs](#). This effort, which included massive increases in police budgets and the enactment of mandatory minimum sentences, has cost the country [trillions of dollars](#) and devastated countless communities — especially Black, Brown, Indigenous, and low-income communities that were already subject to disproportionate policing practices and underinvestment. Despite similar usage rates, [Black people are approximately four times as likely to be arrested for marijuana possession than White people](#). [Nearly 75 percent of people in federal prison and almost 55 percent of people in state prison for drug offenses are Black or Latino](#).

Instead of providing treatment and support to address substance use, in the United States, there are ever-increasing punishments. The War on Drugs must end. The nation must repair the enormous damage that these policies have caused, reinvesting all savings into the communities most devastated. Addiction should not be treated as a crime, but as the public health challenge that it is.

**The War on Drugs
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**WE MUST BUILD A
WORLD IN WHICH
ADDICTION IS NOT
TREATED AS A CRIME,
BUT AS THE PUBLIC
HEALTH CHALLENGE
THAT IT IS.**

State Policy Priorities

Legalize marijuana

- Legalize marijuana through a racial justice framework that focuses on expungements and resentencing, equitable access to the marijuana industry, equity, and repairing the damage of prohibition. For example, state marijuana programs may consider reserving a share of business grants and licenses for marijuana businesses owned and operated by people and communities who have been most harmed by prohibition.

Remove criminal penalties for drug offenses

- Remove criminal penalties for drug possession and certain trafficking offenses that, over the last 50 years, have caused an explosion in the 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 toward dismantling the current paradigm of drug criminalization and replacing the current system with a regulatory approach that treats substance use as a public health issue, including through investments in medical care; mental health care; community empowerment; and evidence-based harm-reduction practices that reduce overdose deaths, such as syringe and naloxone programs, drug checking, overdose prevention centers, and medications for addiction treatment.

Provide help to, rather than criminalize, people using drugs

- Facilitate in every community the adoption of free, evidence-based, and public health-run programs, including diversion programs — in which law enforcement divert people away from arrest and incarceration — that are both voluntary and tailored to the needs of the participating individual.
- Ban the practice of drug testing people giving birth and their babies without informed consent.
- Eliminate drug testing in state government employment, including as part of the security clearance process.

Ensure a just transition from drug prohibition to legalization

- Target money “saved” from criminal-legal reforms to repair communities that have been most harmed by the War on Drugs, providing things like legal services, accessible housing, and substance use disorder treatment. Also see **Plank 17: Build a school-to-opportunity pipeline** for more information and details.

Federal Policy Priorities

Remove criminal penalties for drug offenses

- Decriminalize marijuana by urging the administration to remove marijuana from the Controlled Substances Act (CSA) and by urging Congress to pass legislation that is inclusive of reparative justice and reinvestment provisions that support those communities who have been the most impacted by marijuana criminalization.
- Remove criminal penalties for drug possession and certain trafficking offenses that, over the last 50 years, have caused an explosion in the incarcerated population. Ensure that this approach includes resentencing, expunging records, affording relief for immigrant communities, and investing in health services and in the communities that have been most impacted by the War on Drugs.
- Work toward dismantling the current paradigm of drug criminalization and replacing the current system with a regulatory approach that treats substance use as a public health issue, including through investments in medical care; mental health care; community empowerment; and evidence-based harm-reduction practices that reduce overdose deaths, such as syringe and naloxone programs, drug checking, overdose prevention centers, and medications for addiction treatment.
- Pass legislation that addresses front-end drivers of mass incarceration, racial disparities in incarceration, overcrowding in the federal Bureau of Prisons, and over-criminalization by eliminating mandatory minimums and recidivist sentencing enhancements, expanding the federal safety valve, providing judicial second look, promoting alternatives to incarceration, ending life without parole, and ending unfair drug conspiracy sentences and preventing draconian sentences for offenses related to classes of drugs including fentanyl analogues and other emerging illicit drugs.
- End mandatory minimums, retroactively reduce drug sentences for those currently in prison, and expunge prior conviction records for those who have already been released.
- Eliminate, once and for all, the sentencing disparity between crack and cocaine offenses and make this change retroactive.
- End mandatory detention and immigration consequences, including deportations, for drug possession.

Provide help to, rather than criminalize, people using drugs

- Support funding for harm reduction services and repeal the ban on the use of federal funding for syringes. The Centers for Disease Control and Prevention and other agencies should actively promote syringe exchange as a useful tool for reducing HIV infection and drug use.
- Direct the Substance Abuse and Mental Health Services Administration and the Drug Enforcement Administration to permanently authorize access to methadone and buprenorphine via telemedicine. Methadone and buprenorphine should also be made available in federal prisons and Justice Department programs.
- End the denial of public housing based on drug activity.
- End the practice of removing children from their homes based on the real or perceived drug use of their guardians.
- Repeal the drug felony ban on TANF and SNAP assistance and all other federal assistance programs.

Focus on harm reduction that works

- Eliminate funding for drug reduction programs that are not demonstrated to be effective, including abstinence-only anti-drug campaigns.
- Appropriate sufficient funding for syringe services programs and other harm reduction service providers administered through Department of Health and Human Services (HHS) agencies, including Substance Abuse and Mental Health Services Administration and the Centers for Disease Control and Prevention.

Address unscientific and punitive fentanyl policies

- Replace punitive fentanyl policies with legislation that advances a public health approach, funds harm-reduction services and treatment as core response to illicit fentanyl and the worsening overdose crisis, and ends unfair drug conspiracy sentences and prevents draconian sentences for offenses related to fentanyl and fentanyl analog-related offenses.
- Preserve the role of science and evidence in drug control decisions by rejecting the flawed class-wide scheduling of fentanyl-related substances.
- Oppose the movement to codify harsher penalties that would place fentanyl analogs permanently into Schedule I.

End drug testing

- Remove cops from schools to end the surveillance of students and eliminate drug testing in schools.
- Eliminate drug testing as a condition of federal probation.
- Eliminate drug testing in federal employment, including as part of the security clearance process.

End the War on Drugs

- Dismantle [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.*, through harm reduction models, treatment, and research) and is staffed with people who have appropriate educational and professional backgrounds. Divest “drug enforcement aid” from all countries and invest instead in public health, sustainable development, and achieving human rights goals.
- End militarized policing practices in pursuit of the drug war. Abolish federal funding streams that support militarized policing and the drug war, such as the Department of Defense’s 1033 and 1122 programs. Prohibit no-knock warrants and quick-knock raids, as discussed in ***Plank 1: Protect communities with a new paradigm for public safety beyond policing.***





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