Criminal Justice Reform Under President Obama
Notable Accomplishments

- DOJ’s "Smart on Crime" Initiative
- Task Force on 21st Century Policing
- Stronger Civil Rights Division
- Fair Sentencing Act
- Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2009
- Death in Custody Reporting Act
- Funding for Body-Worn Cameras
- President Obama’s Clemency Initiative
- Limited the Use of Solitary Confinement and Private Prisons
- Police Data Initiative
- Data-Driven Justice Initiative
- Hosted 1,000 law enforcement officers from 900+ agencies at the White House
Since 1980, the number of people incarcerated in the U.S. has grown by nearly 350 percent. Today, the United States incarcerates more people than any other country in the world.
At What Cost?

$80 billion

For the amount we spend each year to keep people incarcerated in America, we could:

- Provide universal preschool for every 3-year-old and 4-year-old in America
- Double the salary of every high school teacher in America
- Finance new roads, bridges, and airports; job training programs; research and development
- Eliminate tuition at every one of our public colleges and universities
“A growing body of research shows that people of color are more likely to be stopped, frisked, questioned, charged, detained. African Americans are more likely to be arrested. They are more likely to be sentenced to more time for the same crime. And one of the consequences of this is, around one million fathers are behind bars. Around one in nine African American kids has a parent in prison.

What is that doing to our communities? What’s that doing to those children? Our nation is being robbed of men and women who could be workers and taxpayers, could be more actively involved in their children’s lives, could be role models, could be community leaders, and right now they’re locked up for a non-violent offense.”

President Barack Obama
NAACP's 106th National Convention,
July 14, 2015
Community Trust

Figure 1. Confidence in police to protect them from violent crime, U.S. Whites vs. non-Whites

How much confidence do you have in the ability of the police to protect you from violent crime—a great deal, quite a lot, not very much, or none at all?

% A GREAT DEAL/QUITE A LOT OF CONFIDENCE

<table>
<thead>
<tr>
<th>Year</th>
<th>Whites</th>
<th>Nonwhites</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘86</td>
<td>54</td>
<td>46</td>
</tr>
<tr>
<td>‘88</td>
<td>49</td>
<td>46</td>
</tr>
<tr>
<td>‘90</td>
<td>47</td>
<td>40</td>
</tr>
<tr>
<td>‘92</td>
<td>52</td>
<td>40</td>
</tr>
<tr>
<td>‘94</td>
<td>47</td>
<td>40</td>
</tr>
<tr>
<td>‘96</td>
<td>52</td>
<td>40</td>
</tr>
<tr>
<td>‘98</td>
<td>72</td>
<td>51</td>
</tr>
<tr>
<td>‘00</td>
<td>64</td>
<td>52</td>
</tr>
<tr>
<td>‘02</td>
<td>70</td>
<td>51</td>
</tr>
<tr>
<td>‘04</td>
<td>62</td>
<td>45</td>
</tr>
<tr>
<td>‘06</td>
<td>63</td>
<td>44</td>
</tr>
<tr>
<td>‘08</td>
<td>66</td>
<td>52</td>
</tr>
<tr>
<td>‘10</td>
<td>57</td>
<td>52</td>
</tr>
<tr>
<td>‘12</td>
<td>63</td>
<td>52</td>
</tr>
<tr>
<td>‘14</td>
<td>60</td>
<td>49</td>
</tr>
</tbody>
</table>

Source: Justin McCarthy, “Nonwhites Less Likely” (see note 6).
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**Figure 2. Community members' confidence in their police officers**

How much confidence do you have in police officers in your community...

<table>
<thead>
<tr>
<th></th>
<th>JUST SOME / VERY LITTLE</th>
<th>A GREAT DEAL / FAIR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>... to do a good job of enforcing the law?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>37%</td>
<td>63%</td>
</tr>
<tr>
<td>Black</td>
<td>47%</td>
<td>52%</td>
</tr>
<tr>
<td>White</td>
<td>16%</td>
<td>83%</td>
</tr>
<tr>
<td>... to not use excessive force on suspects?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>54%</td>
<td>45%</td>
</tr>
<tr>
<td>Black</td>
<td>59%</td>
<td>36%</td>
</tr>
<tr>
<td>White</td>
<td>24%</td>
<td>74%</td>
</tr>
<tr>
<td>... to treat Hispanics and Whites equally?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>51%</td>
<td>46%</td>
</tr>
<tr>
<td>Black</td>
<td>55%</td>
<td>41%</td>
</tr>
<tr>
<td>White</td>
<td>25%</td>
<td>72%</td>
</tr>
<tr>
<td>... to treat Blacks and Whites equally?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>48%</td>
<td>47%</td>
</tr>
<tr>
<td>Black</td>
<td>62%</td>
<td>36%</td>
</tr>
<tr>
<td>White</td>
<td>27%</td>
<td>72%</td>
</tr>
</tbody>
</table>

Note: Survey conducted August 20–24, 2014. Voluntary responses of "None" and "Don't know/Refused" not shown. Blacks and Whites include only non-Hispanics.
School to Prison Pipeline

Created guidelines to ensure that School Resource Officers are a part of the solution in reducing the school-to-prison pipeline.
*In 2016, Louisiana and South Carolina “raised the age” to 17 years old.
Task Force on 21st Century Policing Recommendations

IMPLEMENTATION MAP
Task Force on 21st Century Policing Recommendations

- Policy & Oversight
- Building Trust & Legitimacy
- Community Policing & Crime Reduction
- Technology & Social Media
- Officer Wellness & Safety
- Training & Education
In 2014, at least 25% of 990 police involved fatal shootings were persons exhibiting some form of mental illness.
Fines, Fees & Bail

Ferguson Report

- Number of arrest warrants in 2013 — 33,000 — exceeded Ferguson’s population of 21,000. Most of the warrants were for driving violations.

- Between 2011 and 2013 African Americans accounted for 95% of charges of jaywalking and 94% of all charges of failing to obey a police officer.
Body Cameras
Better Data is Essential

More Data
Audited Data
Consistent Data
Timely Data
National Incident-Based Reporting System

v.

Summary Reporting System

Why is NIBRS Better?

More Offenses
Where Crime Takes Place
When Crime Takes Place
Perpetrator and Victim Characteristics
### FBI Hate Crime U.S. Annual Change by Group

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total U.S.</td>
<td>5850</td>
<td>5479</td>
<td>+6.8% ▲</td>
</tr>
<tr>
<td>Anti-Islam</td>
<td>257</td>
<td>154</td>
<td>+67% ▲</td>
</tr>
<tr>
<td>Anti-Arab[1]</td>
<td>37</td>
<td>--</td>
<td>New Category</td>
</tr>
<tr>
<td>Anti-Jewish</td>
<td>664</td>
<td>609</td>
<td>+9% ▲</td>
</tr>
<tr>
<td>Anti-Latino</td>
<td>299</td>
<td>299</td>
<td>UNCH</td>
</tr>
<tr>
<td>Anti-Black</td>
<td>1745</td>
<td>1621</td>
<td>+7.7% ▲</td>
</tr>
<tr>
<td>Anti-White</td>
<td>613</td>
<td>396</td>
<td>+5.1% ▲</td>
</tr>
<tr>
<td>Anti-Sexual Orientation</td>
<td>1053</td>
<td>1017</td>
<td>▲</td>
</tr>
<tr>
<td>Anti-Gender/Transgender</td>
<td>114</td>
<td>98</td>
<td>+16.3% ▲</td>
</tr>
</tbody>
</table>
## Hate Crimes

<table>
<thead>
<tr>
<th>State</th>
<th>Reported hate crimes, 2015</th>
<th>Reported hate crimes, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>1,017</td>
<td>943</td>
</tr>
<tr>
<td>New York</td>
<td>515</td>
<td>558</td>
</tr>
<tr>
<td>Alabama</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td>Mississippi</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>
Police Data Initiative

- Transparency
- Better Data
- Saves Money
- Increased Trust
"Police departments understand that if they are going to earn the confidence of communities they serve, then they need to be accountable and they need to be transparent. The more information that police puts out there, the more opportunities there are for the public to have that confidence in the police department."

— Montgomery County, MD Police Chief Thomas Manger
Data Driven Justice

- Use of data to identify and proactively break the cycle of incarceration by super-utilizers
- Equip law enforcement and first responders with the tools they need to respond and divert
- Use of data-driven, validated, pre-trial risk assessment tools to inform pre-trial release decisions
The Fair Sentencing Act
August 3, 2010
Prosecutors

“We need to ask prosecutors to use their discretion to *seek the best punishment*, the one that's going to be most effective, *instead of just the longest punishment.*”

President Obama
NAACP's 106th National Convention
July 14, 2015
The President’s Council of Advisors on Science and Technology (PCAST) released a report on DNA comparison, latent fingerprints, and bite marks on September 20, 2016.
Law Enforcement Assisted Diversion (LEAD): Participants were 58 percent less likely to be arrested than individuals not participating in diversion programs.
Specialty Courts

- Drug Courts
- Veterans Treatment Courts
- Tribal Healing to Wellness Courts
- Family Dependency Treatment Courts
- Mental Health Courts
- Prostitution Courts
“The criminal justice system plays a vital role not only in protecting communities from drug-related crime, but also in helping **guide those suffering from substance use disorders into treatment.**”

President Obama
National Drug Court Month 2012
Entry
Reentry

- Education
- Training
- Treatment
Incarcerated individuals who participate in correctional education are **43 percent less likely** to return to prison within three years.

For every dollar invested in correctional education programs, **four to five dollars are saved** on re-incarceration costs.
School districts within the federal prison system: programs for literacy, high school diplomas and post-secondary education, along with expanded opportunities for individuals with learning disabilities.

Second Chance Pell Pilot: Institutions provide Federal Pell Grants to 12,000 qualified prisoners at more than 100 correctional institutions across the country who are eligible for release.
Inmates who worked in prison industries or completed vocational apprenticeship programs like Federal Prison Industries were 24 percent less likely to recidivate than non-program participants and 14 percent more likely to be gainfully employed.
15 percent of prisoners and 26 percent of jail inmates suffer not just from mental health problems but from serious psychological distress.
Solitary

KALIEF BROWDER
1993-2015

"Ma, I can't take it anymore."
Reentry
Legal Aid Interagency Roundtable
President Obama visits Integrity House, a halfway house in Newark, NJ, November 2, 2015.

- TechHire
- Linking to Employment Activities Pre-Release (LEAP)
- Training to Work
- Reduce Licensing Barriers for People with Criminal Records
Federal Ban the Box & Fair Chance Pledges

- Final OPM rule (November 30, 2016)

- Over 300 employers have signed Fair Chance Business Pledge, including American Airlines, the Coca-Cola Company, CVS Health, Facebook, Gap, Google, Hershey, PepsiCo, Prudential, Starbucks, Target, Under Armour, Unilever, Walmart and Xerox.

- Over 150 college campuses have signed the Fair Chance Higher Education Pledge, including Arizona State University, New York University, Rutgers University, State University of New York and the University of California System.
Dear Terry:

I wanted to personally inform you that I have granted your application for commutation.

The power to grant pardons and commutations is one of the most profound authorities granted to the President of the United States. It embodies the basic belief in our democracy that people deserve a second chance after having made a mistake in their lives that led to a conviction under our laws. Thousands of individuals have applied for commutation, and only a fraction of these applications are approved.

I am granting your application because you have demonstrated the potential to turn your life around. Now it is up to you to make the most of this opportunity. It will not be easy, and you will confront many who doubt people with criminal records can change. Perhaps even you are unsure of how you will adjust to your new circumstances.

But remember that you have the capacity to make good choices. By doing so, you will affect not only your own life, but those close to you. You will also influence, through your example, the possibility that others in your circumstances get their own second chance in the future.

I believe in your ability to prove the doubters wrong. So good luck, and Godspeed.

Sincerely,

[Signature]
TO DATE, PRESIDENT OBAMA HAS COMMUTED THE SENTENCES OF MORE THAN 1,000 PEOPLE

NUMBER OF COMMUTATIONS

Obama
Bush
Clinton
Bush
Reagan
Carter
Ford
Nixon
Johnson
Kennedy
Eisenhower
Truman

SOURCE: DEPARTMENT OF JUSTICE