

THE BROOKINGS INSTITUTION

SAUL/ZILKHA ROOM

WHAT IS AT STAKE FOR CIVIL RIGHTS
AND CRIMINAL JUSTICE REFORM?

A HAMILTON PROJECT LUNCHEON ROUNDTABLE DISCUSSION

Washington, D.C.

Tuesday, December 20, 2016

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

PARTICIPANTS:

DIANE WHITMORE SCHANZENBACH, Moderator
Director, The Hamilton Project
Senior Fellow, The Brookings Institution

ROY L. AUSTIN, JR.
Deputy Assistant to the President for Urban
Affairs, Justice and Opportunity
The White House

RONALD DAVIS
Director, Community Oriented Policing Services
U.S. Department of Justice

VANITA GUPTA
Head of the Civil Rights Division
U.S. Department of Justice

KAROL MASON
Assistant Attorney General, Office of Justice
Programs
U.S. Department of Justice

JENNY YANG
Chair
U.S. Equal Employment Opportunity Commission

* * * * *

P R O C E E D I N G S

MS. SCHANZENBACH: Good afternoon. I am Diane Whitmore Schanzenbach, the Director of The Hamilton Project, and on behalf of my colleagues here at The Hamilton Project, welcome to today's program discussing criminal justice and civil rights' policy reforms during the Obama Administration, and the landscape in the years ahead at the Federal, state, and local levels.

This is The Hamilton Project's fifth program on criminal justice reform, and reflects our view that criminal justice reform is not only a moral and social issue, but also a critical economic issue because of the costs that could be saved by sensible policing and sentencing reforms, and the productivity gains for our economy, and therefore, for all of us, that could be had if released inmates were equipped to become effective members of the nation's workforce.

Our economic perspective, that is in addition to the moral and social considerations, that

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

there are huge economic benefits to be had from criminal justice reform and from the EEOC's work to ensure fairness and equal opportunity in the workplace, has animated The Hamilton Project's ongoing engagement in these areas.

Today, we are focusing on the efforts of the Obama Administration in the areas of criminal justice reform and civil rights, and discussing the path forward in the coming years.

The discussion will have two segments. First, opening framing remarks by Roy Austin, Jr., the Deputy Assistant to the President for Urban Affairs, Justice and Opportunity, at the White House. He will speak on criminal justice reform under President Obama.

We will then turn to a roundtable discussion that will include our extremely distinguished panelists, Roy Austin; Ronald Davis, the Director of Community Oriented Policing Services at the U.S. Department of Justice; Vanita Gupta, the head of the Civil Rights Division of the U.S. Department of

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

Justice; Karol Mason, the Assistant Attorney General in the Office of Justice programs, U.S. Department of Justice, and Jenny Yang, Chair, U.S. Equal Employment Opportunity Commission.

They are truly a remarkable group, and we are exceedingly fortunate to have them with us today.

At a time when so much of policy dialogue in the public and political domain has become ideological and political, the seriousness of today's panel participants about policy is of especially great importance. We at The Hamilton Project are committed to carrying the flame for serious policy discussion during these times.

I would like to recognize the extraordinary efforts of our Managing Director, Kriston McIntosh, and the rest of our talented and hard-working team at The Hamilton Project for pulling together the content and logistics for today's discussion.

Now, I will turn the microphone over to Roy Austin for his framing remarks. Thank you.

MR. AUSTIN: Thank you very much, Kriston, I
ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

really appreciate it, and I appreciate all of you being here. I see a lot of good friends here in the audience, and this panel is really just -- I really gathered together my best friends, is what I did here, people who I have worked very closely with over the years.

Let me just kind of frame, and I think Diane did an amazing job talking about the importance of criminal justice reform. In the Obama Administration, we do criminal justice reform not just because it is economical, not just because it helps to save lives, but straight out, because it's right. This is the right thing to do for fellow Americans, for fellow human beings.

Under this Administration, and this is just some of the things we have accomplished over the last eight years, DOJ's Smart on Crime initiative led by Eric Holder, the Task Force on 21st Century Policing, an effort that was really led by Ron Davis and his shop at the COPS Office.

We have a stronger Civil Rights Division
ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

than we probably ever had under the leadership of first Tom Perez and now under Vanita Gupta.

The Fair Sentencing Act. This was the powder cocaine to crack switch, moving it from 100-1 to 18-1.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, another huge piece of legislation passed. Also in legislation, we have the Blue Alert Act, and we also have the Death in Custody Reporting Act, something that Karol Mason's shop has been incredibly important on and fundamental toward.

Funding for body worn cameras. We have really seen over the last eight years the proliferation of the use of cameras.

The Clemency initiative, which just yesterday, another 158 individuals were granted clemency, more than the last 11 presidents combined. We have limited the use of solitary confinement. Juveniles in the Federal system can no longer be held under solitary confinement.

Deputy Attorney General Sally Yates
ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

announced a move toward closing private prisons. The Police Data initiative, transparency in the way we use data. Data driven justice, a look at super utilizers.

This is just some of the major accomplishments under this Administration. We have also brought in over 1,000 law enforcement officers from over 900 agencies to the White House to hear briefings on the Task Force on 21st Century Policing.

How many people are locked up? More than anywhere else in the world. That is a problem, but that is where we are right now. We have more people locked up than anywhere else in the world. As you can see, it has grown by 350 percent since 1980.

How much are we spending? We're spending \$80 billion a year just on incarceration. This is not talking about policing. It's talking about incarceration, \$80 billion. A number of things listed there, but we can eliminate the tuition in every one of our public colleges and universities for \$80 billion, much better use of our time and our resources than locking people up.

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

Just a quote from President Obama. "It's important to realize that we also have a system that is not fair, that ends up discriminating against people. 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 that around one million fathers are behind bars, around 1 in 9 African American kids have a parent in prison."

What does this lead to? This leads to enormous problems between the community and our law enforcement officers. Here we have a chart showing the difference in trust between whites and non-whites. For whites, trust in the police at 60 percent, for non-whites, 49 percent.

If we look here, how does the community feel about their law enforcement? For whites, 83 percent feel they have confidence in their law enforcement.

HAMILTON-2016/12/20

For blacks, it is 52 percent. For Latinos, it is 63 percent.

How many people in the community feel the police use excessive force? For whites, 74 percent feel they do not. For blacks, only 36 percent feel they do not use excessive force. For Latinos, only 45 percent feel they do not use excessive force.

The President discusses criminal justice reform, and when he talks about it, he talks about community, the cell block, and the courtroom. Another way to look at that is no entry, entry, and reentry. We really want to keep people out of the system in the first place. We want no entry.

How are the ways that this Administration has pushed and promoted no entry? First, if we look at the school to prison pipeline, and we look at school resource officers, we just look at school discipline, the Department of Ed and the Department of Justice have done amazing work on rethinking discipline.

Right now, 3.45 million kids are suspended

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

out of school each year. Kids as young as four are being expelled and suspended from school. None of this makes any sense in this country for us to be pushing kids out of school. Because of the efforts of the Department of Education and the Department of Justice, we are seeing more and more jurisdictions like Los Angeles and Miami-Dade banning the use of out of school suspensions.

If they are going to be suspended, they are going to be suspended in school because the truth of the matter is, and as we describe it is, the best punishment for a kid who is bad in school is more school. It's not sitting at home watching TV, it's not being out on the street, it is more school.

We are working on that. We are working to make sure that school resource officers are trained not to go in and handle little things like wrong colored socks or some small minor disturbance in a classroom, but if you use a school resource officer, they are there to protect the kids, period, not to handle the discipline that we should have our teachers

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

dealing with.

We are working on raising the age, and we have seen real liberal states like Louisiana and South Carolina finally realize that when you are less than 18 years of age, you should not be in the adult system, and where we still have seven states that are getting it wrong, in particular, New York and North Carolina, who are locking up 16-year old's with adults. That is an enormous problem.

Task Force on 21st Century Policing. Every single state in the country, there is a police department in every single state in the country that has instituted or implemented parts of the Task Force on 21st Century Policing. This is a big deal. This is moving the ball forward. I know that Ron Davis will talk more about that.

The areas that the Task Force has taken on, broad areas, everything from policy and oversight to officer wellness and safety.

One of the problems that we have in our system right now is too many people who are mentally

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

ill or suffering from some kind of mental health crisis are entering into the criminal justice system. Our law enforcement officers are being forced to deal with them, and what we're seeing here are the numbers in 2014, about 25 percent of the 990 fatal police shootings involved someone that was exhibiting some form of mental illness. That number is probably a low number based on other research that has been done.

We are criminalizing poverty. This is something that the Attorney General, Loretta Lynch, has talked about very passionately. Nothing showed this more than the report that came out of Vanita Gupta's Civil Rights Division.

How do we have a place where more people have arrest warrants than people who actually live in that town? By over 10,000. That is insane that we are doing that at this time, and I know people drive through the town, but not that many people drive through the town.

How are we in this day and age still locking people up for jay walking? That is complete silliness

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

that we are locking people up for jay walking, and on top of that, we are fining these people exorbitant amounts that they cannot pay, so that is how they end up being locked up.

The fact that it is discriminatory when 95 percent of the people who are arrested for jay walking are African American. That is a real problem.

Body cameras. I mentioned this earlier. This Administration has really promoted the use of body cameras, the expanded use of body cameras. It tells a different story than simply eyewitness testimony or eyewitness reports do.

We also have to realize that we are creating a state where the police have video of all of us almost all the time, every interaction, so what do we do with the domestic violence victim, what do we do with the sexual assault victim when that officer shows up with a body camera on them? What do we do with the protesters who have body cameras on them all the time? What do we do with all that video?

We have an absurd amount of video right now.

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

Who is going to look at that video? When is it going to be shown, when is the public going to get access to it, how is it going to be used in a way to promote better policing as opposed to causing the community to distrust their police more?

Our data in the criminal justice system is horrific, okay. We have to do better data. It has to be consistent across different categories. It has to be better audited. We need more data in the criminal justice system.

As I like to describe, my fantasy football data is better than our criminal justice data. That is a real problem, but it's true.

We need timely data. We just put out the 2015 hate crimes' numbers in November of 2016. We know more and more agencies are moving to the national incident based reporting system. This is a much better way to collect data, but right now, only 40 percent are using it. We need everybody to be using it. All of the major law enforcement organizations have agreed that we are going to move there by about

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

2020. It shouldn't even take that long because this is that important for public safety.

I talked about our hate crimes' numbers. I just want to put them up there for a moment. The problem with these numbers are that this reflects less than one-tenth of the agencies across the country reporting at least one hate crime, so there are 18,000 agencies. This reflects about 1,700 agencies reporting.

Why do I say these numbers are problematic? Because look at this, California, about 117 hate crimes reported. New York, about 500 hate crimes reported. Alabama, 12. Mississippi, 0. What is amazing is Mississippi has actually cured the problem with hate crimes because they went from 1 in 2014 to 0 today.

That is an incredible problem that these are the numbers that we are relying on as our national statistics on hate crimes. We have to do better.

We have something we call the Police Data initiative, more than 130 jurisdictions around the

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

country covering 40 million people are believing in the idea of putting your data out there for the public to see.

Louisville, for example, puts up every single citation they issue in real time, disaggregated by race and gender. In some ways, I call this the anti-Ferguson, because what it is doing is telling the public this is what is happening in your communities, this is who we are stopping, this is who we are citing, and real people, community members, can look at that data and say this is what is actually happening. We need more agencies doing this, saying we are willing to show our data.

This is from Montgomery County Chief Tom Manger, and I put him up here because he is my Police Chief, and I, of course, want him to feel good about me being in his community and to help out my 14-year-old boy when he messes up. With that said, 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

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

transparent.

The more information that police put out there, the more opportunities there are for the public to have that confidence in the police department. Transparency builds confidence. It is clear. We get that. We need more and more police departments to understand that.

We also have something called the Data Driven Justice initiative. Currently, again, over 130 jurisdictions covering over 100 million people. Understand we have the same people rotating in and out of our jails and prisons. They are not getting the help they need. They are costing us an enormous amount of money. How do we do better by them?

Miami has learned that about 100 people were costing them well over, like close to \$10 million, just hiring social workers to work with these small number of people saved the city an enormous amount of money. We are seeing more and more jurisdictions who get this.

Fair Sentencing Act. That is one of the

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

pieces of legislation we passed, pieces of legislation that the President signed. I mentioned the others, Blue Alert Act, Matthew Shepard Act, Death in Custody Act.

Prosecutors. We have to start talking about prosecutors. We have had some recent meetings about prosecutors. Prosecutors are in my mind, being an ex-prosecutor, probably the most powerful people in the criminal justice system. They decide who comes through the system, who gets sentenced, how long we even ask judges for them to be sentenced for, and we have to make prosecutors a part of this conversation.

Forensic sciences. A report was just put out by PCAST talking about the fact that we have some sciences out there that are not really verified, may be questionable as far as their scientific quality. We cannot have innocent people going through the system. That is at the basic level of our criminal justice system. We have to look at the forensic sciences and make sure they are as strong as possible.

Diversion. We need to find ways to have

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

people not come into the system. There is something called law enforcement diversion, something that has been proven to work. Pre-booking, keeping people out of the system. We need to do more with that.

Specialty courts. We need judges who are experts in their areas who understand the problems people are facing so that we are actually getting people the help they need so they are not returning to the system again. Just a quote about drug courts.

So, we have the no entry side. That is where we have spent, I think, most of our time. That is where we should be spending most of our time. There are people who are going to be locked up, and this is a photo of President Obama visiting El Reno Prison in Oklahoma.

We have to do a better job with reentry from the time people are incarcerated, the minute they step into a prison or jail, we should be thinking about reentry. This is the mantra of the Bureau of Prisons. We have to be looking to make sure people are receiving the education they need, the training they

HAMILTON-2016/12/20

need, and the treatment they need. We know this works, and that is why it is worth spending the money we spend on it. You give them an education, they are less likely to recidivate. We spend less money. That is why this is the right thing to do.

We know we instituted through the Department of Ed the Second Chance Pell Pilot. Unbelievable numbers of people, numbers of institutions, wanted to participate in this pilot. We are revamping the entire school system in the Federal Prisons under the leadership of Sally Yates and Loretta Lynch, how they are doing school in Federal Prisons. Every prison system should be looking to do the same thing, because that is how you prevent recidivism.

Training. Are we providing training for people who are in prison so they can get jobs when they get out? Federal Prison Industries is something that works, works well, should be expanded. Everybody should be looking at ways to implement this in their own systems.

Treatment. We cannot have people coming

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

into prison addicted to drugs and alcohol and put them out addicted to drugs and alcohol. That is just not a bright way to run a system. How do we do better? How do we make sure they are getting what they need while they are incarcerated?

Solitary confinement. The President wrote an off ed about the Kalief Browder case, many of you know this. He was held at Rikers for supposedly stealing a backpack, which in fact he was never convicted of doing, ended up being assaulted while he was in jail, he was a kid, ended up getting out with no charges on him, ended up committing suicide after spending an enormous amount of time in solitary confinement.

Ending solitary for kids should be the base level of what we do. Who does solitary actually help? How many times are we taking people straight from solitary and putting them out on the streets? Far too often. Then we wonder why people recidivate. Solitary is brutal. It is heinous. It should not be happening in this country. We in the Department of

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

Justice are working very hard to end the practice as much as possible, and we are encouraging states to do the same through Karol Mason's work at OJP.

Reentry. We have done no entry. We have done entry. We have done reentry. Under the leadership of Karol and Amy Solomon, the Federal Interagency Reentry Council, we have over 20 agencies all looking for ways they can do a better job to ensure that people are successful. Every single agency on this board has found ways that they can help people who were formerly incarcerated do better. That is a pretty amazing thing.

Again, something that should continue regardless of who is in office because it is too important. It is too important for our public safety. It is too important for these individuals and for their families.

We also have the Legal Aid Interagency Roundtable run by Lisa Foster from the Office of Access to Justice, doing amazing work, making sure people who do not have the means get the legal help

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

they need to get out of whatever trouble they are in.

This is such an important part of the work of the Department of Justice created under Eric Holder and continued by Loretta Lynch.

Training and licensing. Again, we have too many barriers for people who have a record. How do we make sure that they are not stuck under some licensing scheme for some offense that really shouldn't matter at the end of the day?

Ban the Box, something that makes sure that people who have a record have a chance. The OPM rule was recently published. We have over 300 employers who signed the Fair Chance Business Pledge. We have 150 educational institutions who signed the Fair Chance Higher Education Pledge. All this does is give people who were formerly incarcerated another chance.

I started off mentioning this. There is the President sitting down at Busboys and Poets with seven people who were granted clemency by a variety of different presidents, and as I noted, this president has done it more than the last 11 presidents combined.

As of yesterday, 1,176 people who should not have been incarcerated as long as they were going to be incarcerated for. Close to 400 or 500 who were going to be serving life sentences were granted clemency.

What we need for real is legislation, to change the way we are doing it, we have this system where we are locking people up under mandatory minimums that don't make any sense. We have Congress that if they actually put it on the Floor would pass it tomorrow, and they haven't done it yet.

That is the real change that needs to be made. We need to continue on all this progress, and I look forward to talking to you further, and for you to hear from this amazing panel, because all this work that I just mentioned is the work that each of these people have been doing since the time they have been in the justice system, and for many of them, well before that. Thank you so much. (Applause)

MS. SCHANZENBACH: Thank you, Roy. We have a lot to talk about. We will get right to it. One

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

piece of housekeeping. You should have found on your chair or near your chair a note card. We find that we can get through more questions at the end if people write down their questions. I am just going to make a quick plea to write legibly, the best you are able to, and in about half an hour we will collect those, and I will start reading the questions from the audience.

To start, I'm going to turn to a question for Karol Mason. You have done so many very interesting things at OJP. Can you talk a little bit about the tension between funding grants for incarceration alternatives and preventing people, especially young people, from coming into contact with criminal justice to begin with?

How do you think about balancing across these important but different objectives when you make these funding choices?

MS. MASON: First, I want to say thank you for giving us this final opportunity to talk about these issues that we are very passionate about, and I want to say thank you to all of you.

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

Roy has outlined what the Administration has done in the criminal justice space, and I want to make sure that you all know that we could not have done that without the partnership of many of you in the room.

You know that for the first time we have crime rates going down and incarceration going down, and that is thanks to a lot of the reform work that we have all been doing.

This tension that you talk about between prevention and alternatives to incarceration, I don't really see it as a tension because I think we are all capable of multitasking and doing things multiple times, and as the President said, there are three areas where we really need to do work, we need to do it in the community, we need to do it in the courtroom, and we need to do it in the cell block.

In terms of on the prevention side, we have made great strides in doing things under the umbrella of the President's My Brother's Keeper initiative, which is designed to make sure that we give young men

HAMILTON-2016/12/20

and boys of color an opportunity to succeed.

When I meet with young people, they talk about don't call me "at risk," call me "at hope." That is what embodies the My Brother's Keeper initiative. It sees all of the potential in every single one of our young people.

For those of you who feel it is just targeted to one population, we all know the statistics for young men and boys of color. We believe if we provide a system that allows them to succeed, we all succeed. I encourage you all to look at your communities and look at the work we are doing in the My Brother's Keeper communities, but also to look at the work that we are doing that Roy has already talked about, about the support of school discipline work.

We have changed the mantra and flipped the script. We no longer talk about the school to prison pipeline. We talk about support of school discipline.

I like to ask the question about who in this room never got in trouble when they were in school. I have had only one hand go up when I asked that

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

question, and she was the child of a preacher.

(Laughter) I said I know you're lying. (Laughter)

We all know that stereotype as well.

My chief of staff back there, Stan Pride, and he hates for me to call him out, but as he says frequently, we are at a place where we have the data, we have the research, we know what works. We know, as Roy mentioned, when people are in our system, that we have to make sure that they have an education, a connection to community, and jobs.

The challenge is how do we implement and invest in what works? On the prevention side, that means investing in our young people. That means investing and making sure they stay in school, that they have the proper health care, they have opportunities to succeed.

We have something called the Forum on Youth Violence Prevention, which is part of the My Brother's Keeper initiative, but it is available and accessible to anybody. If you just Google "Forum on Youth Violence Prevention" or just Google "Youth Violence

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

Prevention," you will see that we have given a roadmap to communities about how to come together and how to come out of their silos to figure out how to create an environment where people can succeed. I encourage you to look at that.

I encourage you to go on our website and find the support of school discipline work, and then on the reentry side, one of the things that we know is that there are people who will be caught up in our criminal justice system, and the question is how do we equip them to succeed. Ninety-five percent of folks are going to come home. We want them to come home.

I think on the reentry side, we need to focus again on the education through the Pell program Roy talked about, but also making sure that services, jobs, and people stay connected to their communities while they are incarcerated, and also connected to their children.

Roy mentioned the number of children in our country who have a parent who is in our criminal justice system. We have done fantastic work in this

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

Administration to focus on children of incarcerated parents.

I will always remember an early program at the White House where we talked with children whose parents were incarcerated. Many of us think that we know what is best for those children, but they told us we don't care what our mother or father did, they are still my mom, they are still my dad, and we need to respect that and respect their need to keep that connection with their parents.

At the Office of Justice Programs, we have grant programs that are keeping kids connected to their parents and keeping the parents connected to their children, because it is a win-win. You help prepare the children to be successful and you help their parents prepare to be successful when they come out.

I can keep talking about the wonderful things that have been happening, but I want to end my comments by challenging you all, that you have seen remarkable movement in this space that Roy just

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

outlined, and it will continue if you continue to work with us and continue to push the Federal Government under this new paradigm, this new way of working.

Roy talked about these were all his friends, because we do work closely together day in and day out, and not just here at the Department of Justice. We have close relationships with the Department of Education, Health and Human Services, the Department of Labor.

We have done wonderful programs collaborating across systems, and I hope that you all will continue to demand that kind of collaboration and that kind of partnership because we all know from the data the criminal justice system just reflects other underlying issues that are happening in this country. Our jails have become mental health hospitals. We have people in the system who have drug and alcohol issues. They don't belong in jail.

We have young people who because when they were young, they did what young people do, they pushed boundaries, they tested limits, and the response is to

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

be developmentally appropriate and figure out what's going on their lives, what is going on at home that is causing them to act out in these ways, and to give them the support they need.

I hope that you will continue to demand that your Federal Government give you the support and resources that we all need in our communities to continue to reduce the footprint of our criminal and juvenile justice systems.

Thank you. (Applause)

MS. SCHANZENBACH: We will come back and talk more about some of the issues that you raised. Vanita, I wanted to turn to you. The Civil Rights Division has opened criminal investigations of alleged misconduct and systematic reform of police agencies in Ferguson, Baltimore, Cleveland, and elsewhere.

What is going to become of these efforts with the change of Administration? What do you think? What can we expect for the work going forward?

MS. GUPTA: Sure. Thank you. It's great to be here, and as I look out, I'm looking at all these

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

colleagues and folks that have been working on these issues for many, many, many years. It really is upon all of your work and advocacy that we have been doing our work in the Federal Government for these many years. I know all of you are going to be continuing the fight for justice.

You know, there's been a lot of anxiety and prognostication about what's going to happen in the Civil Rights Division on the policing work and the like. Just a couple of things that I want to say since you asked specifically about our policing work at the Civil Rights Division.

Just to start with, it is one tool among several that exists at the Justice Department. Karol Mason's shop has the Diagnostic Center which works with police agencies and does a lot of the funding for state and locals. Obviously, you have Ron Davis through the COPS Office, which has a collaborative reform program, technical assistance, does a ton of work with police agencies around the country.

Actually, the Civil Rights Division's

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314

Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

footprint is smaller than probably you might think. We have had in the Obama Administration 25 investigations of police agencies. We are currently enforcing 14 consent decrees, and the reality is the consent decrees that are already filed with Federal judges are there with Federal judges and with independent monitors.

I was at a conference several weeks ago before the election with about half dozen or so of those Federal judges and independent monitors, and let me tell you, they are not going to slouch around the enforcement of those consent decrees. They are very vigorous and robust around the enforcement of the existing consent decrees. I think that is really important.

I think a more important point that is really worth noting, and this kind of gets to what Roy was talking about, but I think really what we all reflect here, which is the world of policing and the conversations that are happening in law enforcement today are just kind of well on their way.

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

There is a conversation happening among law enforcement leaders now that perhaps some of us may think was not happening three or four years ago.

I think there is a lot of credit that goes to activists and activism around the country for really pushing forward and ensuring that people in this country were once again focused on the really difficult issues of racial justice and policing and public safety, how do communities get to define what public safety is, and how is there transparency in data and the like.

I think given the rooms that I have been in with law enforcement and community leaders in recent years that abandoning the approach towards reform right now would in some ways be a radical departure and out of step with where the field is.

Our consent decrees at the Civil Rights Division reflect the pillars that are in the Task Force on 21st Century Policing. They are a resource that I think communities around the country have been using.

We are just a couple of weeks away from putting out a report about our policing program in the Civil Rights Division, but DOJ has been a supporter of change, there is no question.

We have in some communities been a driver of change, but the reality is that reform has always been very importantly on policing at the local level, and policing is inherently local. It has to be responsive to the local communities the department is existing in.

Yes, there is a national standard. There is the Constitution. The work that we do at the Civil Rights Division is to enforce that where there has been such a severe erosion and breakdown of trust that that is required, but in a lot of ways, I think there is such a momentum on these issues, and some of the stuff Roy had kind of described about all the data stuff, that is infrastructure that has been built out.

Our consent decrees in communities around the country has built out an infrastructure to allow for sustained community engagement to direct the

priorities of a police department, to make it more transparent and the like. All of this is really transferable, and it is what is captured in the Task Force on 21st Century Policing.

So, I don't think we are going back to any day of yore. I think the video technology has changed. I think unfortunately there will continue to be videos that may create unrest around the country, and that is going to force a sustained conversation on change.

I have been really inspired by the kind of leadership that I have been around in law enforcement, as well as community members, that there are mainstream remedies out there, where there is just a growing consensus around them, and that work regardless of who is in the White House, it is not going to slow down the momentum because of where the field is today.

It is absolutely -- I'm not being Pollyanna -- it is going to require a significant amount of pushing to continue to advance those pressure points,

HAMILTON-2016/12/20

but I think all of us in this room have to take ownership of that and need to continue to do that work.

MS. SCHANZENBACH: Thanks. Jenny, turning to you, from your vantage point at the EEOC, what are some of the areas where this Administration has moved the dialogue, changed the national conversation, and whether it is likely to have a lasting impact going forward?

MS. YANG: Diane, thank you first for hosting this very important conversation. Thanks to Brookings as well.

At the Equal Employment Opportunity Commission, we are focused on advancing opportunity for all Americans, so I'm so glad to be part of this conversation around criminal justice, because part of what is so important in the criminal justice space is ensuring there is economic opportunity.

That is the part that we are focused on. Two areas in particular where I have seen significant progress are around advancing diversity and policing,

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

as well as on reentry, and removing obstacles for individuals who have arrest and conviction records to ensure they have opportunities to work.

On that first area of diversity and policing, we had a terrific partnership with the Department of Justice, Civil Rights Division, where we worked to identify practical strategies that are being used by innovative police departments across the country to enhance diversity in policing and build inclusive workplaces.

We know that diversity in policing is not the sole answer to the many challenges that are facing the policing communities, but we know it is a critical part of the conversation that can help drive trust between the communities and the police departments that serve them.

So, we worked together to interview police departments that were building more transparent hiring processes, that were making sure that the public at large and from different communities who had not been part of the police force knew about how to apply,

because they realized that where certain communities may pass down information on the application process and what the various stages are, it could be a disadvantage to those communities where you might be the first in your family to think about a career in policing.

They also highlighted strategies to build trust in communities where police departments were going into high schools and talking about opportunities to serve, and talking about why that was a valuable contribution to their communities. So, shifting how young people saw policing is another area.

The third is really being willing to reconsider how you are both hiring, how you are building your culture in your workplace, as well as advancement opportunities.

The second area on reentry that we have been focused on and working with others, with the Reentry Council across the Federal Government, has been working with employers to set up practices that allow

people with prior convictions to be considered because they offer many talents that are often overlooked in the workplace.

Many of you may know that the EEOC in 2012 issued updated guidance on employers' use of arrest and conviction screens in the employment process. Our guidance was based on case law coming from the 1970s, where courts had recognized that it is not illegal to use conviction screens as part of your process, but if you are using that information in a discriminatory way, that can raise Title VII issues, both if you are treating people differently who have similar convictions, or if you build a process that has a disproportionate impact on one group versus another, and really is not sufficiently job related.

So, what we have seen is that more and more employers are changing their practices, and they are seeing that is good for business.

We have been happy to see, for example, we have worked in the past three years with over 30 employers to change their practices, to ensure they

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

are giving opportunities for people with prior convictions.

One example is a case we filed against BMW. They have a facility in South Carolina. They hired a new logistics contractor, and they required all their current employees to reapply and pass a new arrest and conviction screen.

They had a blanket exclusion for people with certain types of convictions, and they fired 100 current employees who had been performing their job well, 80 of whom were African American. One of those women had been employed for 14 years, and had been a good employee, but 18 years ago, she had an assault and battery conviction over an altercation that she had with her daughter's school bus driver, who wouldn't allow her on the bus. It carried a \$137 fine. For that offense, that was very old, she was fired.

We have seen that in employers around the country. Employers may not fully recognize the talent they are losing by those kinds of screens. We are

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

continuing to work, we are very happy to see the work that OPM has done for the Federal Government so we can ensure we are being a model employer across the Federal Government, and ensuring we have opportunities for people with prior convictions.

MS. SCHANZENBACH: Thank you. Ron, turning to you, thank you for your patience. The Community Oriented Policing Services Office has encouraged increased data collection and data transparency by law enforcement agencies.

I cannot overemphasize how much we at The Hamilton Project love data and transparency for that matter.

How can this impact the public discourse and eventually development of public policies surrounding policing in the years ahead?

MR. DAVIS: Good afternoon, everyone. Thank you for being here. It is definitely a pleasure to be here. I was kind of thinking to myself, this may be our total hooray as far as speaking together in such a convening, so if I start crying, forgive me. No, I'm

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

kidding. (Laughter)

It is a good moment because it does put a cap, if you will, on a lot of work I think Vanita and Karol mentioned, a lot of the work the Administration has done, so it has been my probably greatest honor in my professional career to be able to serve this Administration and watch this work firsthand. It is just amazing.

I say that because before I became the Director of COPS, I spent close to 30 years in the field as a police officer. I spent 20 years in the beautiful City of Oakland, and left as a captain, to become Police Chief in the equally beautiful City of East Palo Alto, I was there about nine years. These are very diverse communities with significant challenges.

I share that with you because what I brought to D.C. and what I am learning while I am here is to try to take the lessons of what it is like to manage a police department, what it is like to oversee or supervise police officers, and have a really core

responsibility of providing public safety services to a community.

Before I get to the data part, it is amazing to me, as a police chief, what do I need from D.C. to help me do a better job, and when you think about it, it is always what role D.C. should or should not play, so if I were asked to give a recommendation to the new Administration, and I presume if I'm asked from you guys, and I'm going to answer it anyway, I think the role that D.C. has to play is a couple.

One, I think leadership in D.C. is key. What I mean by that is if you think about all the issues that we are facing, presidential leadership, D.C. leadership matters greatly, so response to a lot of the challenges that you heard about, President Obama put together the President's Task Force, among other things, on 21st Century Policing that brought the field together so that the field could help itself, question its issues, challenges, identify solutions, and really push the kind of reform that is necessary. I agree with Vanita, most of the changes are going to

occur locally.

Also, we need support. In many cases, there is funding support, support for research, support for developing best practices, for your 18,000 different police departments, local, state, and tribal law enforcement, one of the greatest aspects of local policing is there are 18,000 independent local, state, and tribal law enforcement agencies.

The greatest challenge to the American policing systems is there are 18,000 local, state, and tribal law enforcement agencies, and to try to nationalize that is counter to who we are in this democracy, but we need to find the difference between having national best practices and Federal mandates, and we need to find something to treat policing as more of a profession versus the location.

A profession is really guided by a body of knowledge and set standards. You would expect if you went to a hospital, whether it is a small town in Mississippi or in the City of New York, that your doctor would follow certain procedures, that he or she

is expected to know whether or not you have appendicitis versus heartburn, and you expect them to diagnose that using evidence and science and not just anecdotes or personal feelings, or to give an excuse to you that we're too small to come up with the research necessary for me to find out how to cure you.

I would imagine if you're looking for an attorney, you don't want to hear I'm not as good as someone else because I'm from a smaller firm. You expect them to be up on the case law, you expect them to be committed to that profession, that body of knowledge, and to the rules and regulations that reflect evidence and science.

So, when I look at policing today in this 21st century, data is one of the key components of how you get to that level of professionalism. Responding to crime and violence based on anecdotes is dangerous. That is when you start redeploying resources, that is when you start getting in trouble, that is when you come up with the inevitable disparities that we all know exist when you just start responding to crime

without the data.

I like to say data to me as a police chief is like a pilot with the radar. I may have flown this route 1,000 times, I may think I know what I'm doing, but as soon as it gets a little cloudy, I'm really going to want that radar. Otherwise, I may have a close encounter with another plane or mountain. I need to be guided to where I'm heading, I need to be guided to make sure that I know exactly what I'm doing so there is no damage. In this case, no collateral damage.

I will give an example. This is a public report, so I know they won't mind. We did a project recently in the City of Tampa at the request of the police chief. Two things stand out.

One, I give the police chief at the time, Jane Castor, just significant kudos for asking for this assessment, and her community was sharing with her there was a concern that they were stopping young men of color riding bikes in the community, to the point this is where you guys come into play, community

leaders, civil rights activists, the local NAACP, sharing those concerns, that there is this disparate stopping of young men of color on bicycles.

In talking to the police department, they knew the disparity existed, but they thought the disparity was minimized or mitigated by the fact there were a series of robberies by young men of color on bicycles. Therefore, it would make sense that you would have disparities in stops.

We brought the top academic researchers to come in to do multi-variant regression analysis, and that is about as far as I got on statistics, so don't ask me any questions about that. (Laughter) To really take a look at it. What we found out is yes, there were a series of robberies, but like anything else, it's usually a small group that are prolific at what they do, and therefore, they are having a pretty significant impact.

They have recovered more bikes, had no impact on the robberies or the robbers themselves.

The only impact it had was to disconnect or

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

disenfranchise the minority community in which the stops were being done, even to the point that the deployment patterns were inconsistent with the crime patterns, so even that argument, if you pause a moment to accept it, was false.

So, now what you have is months of activities where the police department believes in earnest, believes in their hearts and souls that I'm responding to this crime and to this violence and I'm trying to make the community safe, and the community is saying, hey, I don't know what you're doing but my son can't walk outside without getting stopped, can't get on a bike without someone asking about things like bike licenses, things that we don't take people to jail for. I think you were alluding to this earlier on.

These two paths finally collided thanks to data. Data now showed it was not effective, and now it allows Tampa to redeploy, adjust its policy, work with the community closely to still deal with the fact that someone is out there doing robberies, can't

ignore that, but also to make sure there is no collateral damage to the community.

I think this idea of data that Roy mentioned and posting public data is significant. There is a lot of apprehension in law enforcement about the data because people are going to be afraid that the data will be used to show there are disparities and racism, but I do share the same optimism that Vanita does.

We're looking at a generation, and 30 years, I would say this, I have never seen law enforcement in this position in the 30 years I've been there, where they are actually wanting to make the changes, acknowledging it needs to be done, even had the chief or head of the International Association of Chiefs of Police apologize in a conference in front of 7,000 cops for the historical injustices with regard to communities of color.

Now, that is a first step. We're not at the finish line, but we are starting to see the kind of movement that we know they want to make, so to be able to empower them through data, to be able to support

HAMILTON-2016/12/20

them, and to be able to show them that when data does show a disparity, it's not an "I told you so" moment, it is "let's fix it."

If there are disparities, don't worry about I told you so, stop it, if there is discrimination, and even when there is no intent, the impact is still the same nevertheless.

I have a 19-year-old son, and if I find out he gets stopped, your intent is irrelevant to me if I know there was no reason for it, it was disparate, and I don't want it like you don't want it, so we need to work together to make sure we stop it.

I think to your question, data is the key, not the key, but one of the most significant things, and I think it tells a community when you post that data that you are not afraid of the truth. That is the thing. Data equals truth in many ways, and what you are saying is as a chief, I'm not afraid of the truth.

I have a favorite phrase, my chief of staff is here, and she's going to laugh, and that is the

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

truth may hurt, but selective ignorance is fatal, which means if you decide to purposely be ignorant to what's going on in your organization, then shame on you. As a police chief, that is a failure to serve your community.

You may take a hit. You may find out something you don't want to know. You may be told the hard, cold truth, but that's the obligation you have to your communities, that is the obligation policing should have to all its community, and then when the data does tell you the truth, respond to it in partnership with the community to solve it.

What we will find out is there are a lot of disparities that we can control. We will also find out that a lot of disparities are tied to the very systems that you heard talked about. There could be no surprise if there is high crime rates and disparate arrest rates if you have a low high school graduation rate, where there are no services to the community.

When you do have, for example, a broken window theory, which by the way, I believe in concept,

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

then the response can't be put a bunch of cops out there and take people to jail. You fix the window. You provide jobs to the people that were breaking the window, you provide services. You make sure that every kid around there has an opportunity. That is how you stop the broken windows.

If we invest in that, we have the data to show that is a stronger investment, the chiefs will be able to say something that you have never heard before, that they are starting to say, my budget doesn't necessarily need to be increased as much as you need to reinvest the savings that we will have from the \$80 billion if we start reducing incarcerations, reentry, pre-school, jobs, the neighborhoods, we will find a balance, about 65 percent of a community's cost, but at the same time, a necessary component of the city, because I work in partnership with you to make it safe.

It is a long way of saying data is important. Thank you. (Laughter) (Applause)

MS. SCHANZENBACH: I am a Ph.D. economist by
ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

training. Your story about nerds bringing justice through multi-variant regression analysis just made my heart happy in very profound ways. (Laughter)

Jenny, I wanted to ask you the same question. You had mentioned there are some really innovative things being done with data with the EEOC. Data has also been very important in convincing employers to hire people with prior conviction records.

There have been some interesting studies, for example, Johns Hopkins looked at their workforce. They had a real commitment to hiring people from the community, including those that had prior conviction records. What they found is those employees who actually had prior convictions stayed on longer, so they had a higher retention rate. They looked at people after 40 months, looked at 500 people, and found those with prior convictions compared to comparable people without actually stayed longer in the workplace.

Some researchers, including those at

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

Harvard, looked at the Army, over a million soldiers, and found something very similar. There, they had used a whole person screening analysis to grant waivers to people with prior convictions. It looked at qualities that those individuals had in terms of the age of the conviction, the type of conviction, the kinds of personal references and other things they had.

They found that people with prior convictions both advanced faster within the military, and stayed longer in the military. They also found positive correlations. I think that kind of data helps employers think differently.

MS. YANG: Well, maybe I am missing out on a good portion of the workforce, if 1 in 3 adults, Americans, have some arrest and conviction record, you are missing out on a full third of the population.

What we have also seen increasingly are data analytics, so the use of big data to develop screens that can help employers identify people who are at low risk for recidivism.

So, some of these data models, they pulled together many, many different factors, and they are looking often for qualities such as conscientiousness and impulse control, which they have seen correlated with successful job performance.

What they will do is measure your current workforce and say okay, this is sort of the average risk of someone in your current workforce committing a crime, because every employer has some risk in your current workforce, and here is a risk assessment of each of the applicants, so you can decide, do you feel comfortable with this particular risk compared to your current workforce.

While I can't endorse these models, because I don't know all the details, it is important for employers to look at the actual factors that are going into some of these algorithms, because the risk on the one hand is you could build in discrimination into your algorithm, if it is not done carefully, but on the other hand, it can help employers make more sophisticated decisions.

What we have seen is often without information like that sort of risk assessment, your H.R. folks in an average employer, they don't want to be blamed if they hired someone with a prior conviction and that person has a problem at work, because that could cost them their job.

It shifts that sort of natural impulse to be sort of overly cautious in your hiring where an employer can actually develop a reasonable screen that can evaluate the types of people who can be very successful at performing that particular job.

So, I think there is a lot of interesting developments in this area that can help employers utilize more of the talent we have across this country. Thank you.

MS. SCHANZENBACH: I want to dig a little bit more into reentry. I have a lot of questions. We are going to open it up to questions from the audience soon.

Karol, I was going to start with you, but anyone is welcome to weigh in on this as well. The

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

Hamilton Project is very interested in the issue of reentry, and I think we are going to continue to face this in the decades to come.

It has been suggested that reentry is a key to a fairer and more effective criminal justice system. Your office in particular has invested substantial resources in reentry programming. You mentioned a little bit about this, you talked about connections between parents and their kids.

I wonder if you wanted to talk about any specific programs that you have funded that show promising results, and then also the capacity to scale those up.

MS. MASON: Thank you for the question. I will say when Roy was talking about the Ban the Box pledge and the OPM rule, and I like it when I can tell an audience like this that we at the Office of Justice Programs have taken the advice.

I have hired someone in the Bureau of Justice Assistance who has a prior criminal record, and she is running our Second Chance program, our

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

corrections portfolio. She is fabulous.

I say there are many, many people who are caught up in our criminal justice system that if we don't tap their talent, it is at our peril, because there are so many gifted and talented people.

The second thing we did is we hired a Second Chance Fellow, Dale Atkinson, who is a lawyer in North Carolina, who also served time in prison, and rebuilt his life afterwards. He is a remarkable lawyer, a remarkable advocate.

One of the things that we learned through the Reentry Council work that Amy Solomon leads on behalf of the Department is that we needed to have different voices at the table, so we started meeting regularly with individuals who had been formerly incarcerated, and I just spoke a couple months ago at their first national conference.

To see thousands of people who have been caught up in our criminal justice system committed to rebuilding their lives, if you need inspiration, work with them. You will be inspired, and you will see how

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

committed they are to helping other people.

What we have done with our Second Chance dollars is fund programs that work with communities to help build opportunities for people coming out of prisons, but we know what works. It is connection to family, jobs, and education.

In partnership with the Department of Education, who is running the Second Chance Pell Program, which has phenomenal success, over 12,000 people who were incarcerated are now going to have a chance of getting higher education, thanks to the Second Chance Pell Pilot Program.

I mention that it is a pilot because of the change in the law in the 1990s, we can't do it across the board. I encourage you all to encourage people to change that.

We have spent \$400 million on Second Chance programs during this Administration, and in preparing people to come back out and be successful.

Again, I will go back to the Children of Incarcerated Parents program, what we have done is we

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

also recognized that -- Charles Samuels, who used to run the Bureau of Prisons, we did a lot of work together because what we like to say is we had a fabulous partnership. He was preparing people to come back out into our communities, and I wanted to match up and make sure the minute they were released, our services were there to pick them up and help them be successful.

We're not allowed to use our funding to help people in Federal prison, so we came up with a creative partnership to design -- we found providers who would work with children of incarcerated parents in the communities where there are Federal prisons.

I encourage you all to look at -- we have a resource called "Reentry Resource Center," where we have mapped out everything that is available across the country, what we know about research on reentry, so you can build successful programs and model them.

The challenge again is we have limited Federal resources, but we try to invest in programs that we can evaluate and assess whether or not they

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

are successful.

If you can go to the Reentry Council website, you can find out what works, what is successful, and replicate them in your communities. The wonderful thing is we have technical assistance that's available that doesn't cost you.

If you have problems in your community, please contact the Diagnostic Center at the Office of Justice Programs. We have to be invited in. Tell us what your problem is and we will help bring you the resources you need to address your issues.

MR. DAVIS: If you don't mind, I'd like to share a story, and I shared this with Karol when I first got appointed here and we talked. I was Chief at East Palo Alto for six months when I had what would be obviously the worse phone call a police chief can get, and that is that one of my officers was shot and killed in the line of duty. We captured the guy that did it. He had been out of jail for maybe three months or four months, out of prison.

I remember being faced with the choice at

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

that time as chief, and that was I could declare, and probably legitimately or I would say at least legally -- legally to declare war on all parolees and pretty much knock on every door, and it was necessary to exact the kind of remedies that you would expect when an officer is shot and killed in the line of duty.

It was the family. Richard May was the officer's name. It was his family that asked me the most significant question, profound question, that helped change my life, they looked at me and said what would have happened if there was something for that young man when he got out, why is he walking around with a gun even to begin with.

This is the part of reentry that I think sometimes is lost. It starts with the concept of redemption, the human belief that people deserve a second shot, the human belief that people are not born criminals.

If you had come up to me in 1988 or 1989 when I was a cop in Oakland during a crack epidemic and you said look, Ron, do you believe in reentry, I

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

would go absolutely, my job is to reenter every parolee back into jail, because that's what we do.

Look at the stats during that period of time, that was the prevailing thought. That was the war on drugs that had collateral damage that we are all living with right now, that is devastating communities.

If you now embrace the idea of redemption, we ended up doing a reentry program with the state. We ended up having employment programs. I ended up hiring like six or seven formerly incarcerated, and started talking to advocates that really just opened my eyes to things like reentry is a great concept. For many communities, they were never a part of their community to begin with. It's their first entry. It is reentering back to their family, the idea of redemption.

Little things that I know Karol's group really focused on, we are running this program, but we have basically the state funding the police department for the first time in California's history to do

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

reentry. I have 20 to 30 formerly incarcerated men, mostly men on parole, coming to the police department every day, and they didn't come in to register, to sign up, to get credit. They came to work. We gave them jobs working, picking up litter, doing litter abatement, and having training.

To see the pride in those guys' eyes, not because someone gave them something, but because they were working hard and earning their dollars. It was amazing to me. It was transformative, and it was transformative to my agency.

I think the work that Karol's shop has done with that, and I have sat in on a couple of the Council's meetings, is amazing. You learn a lot.

I have them come to me and say, you know, Chief, at the time I was Chief, did you know that when you are getting out, if you owed child support, you can't get your license? Okay. Well, how do you get a job without the license? There, it is.

So, in other words, this guy is coming out of jail and already one foot is already back into the

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

jail the moment he walks out. No matter what he does, he can't get his license at the time. All the policies and county actions, from housing, he can't find housing, he can't get his license, which means he can't get a job, he then can't make his child support, which means it turns into a warrant, and within six months of being out of prison, he's back in prison.

That's crazy. To hear that they came up with something like 40,000 plus administrative processes that are just by design or otherwise obstacles to reform means we have a lot of work to do.

I think this is one of the most significant areas that you should press local law enforcement to participate in, because if he or she is telling you they are fighting crime and violence, how could you do it without dealing with reentry?

That is like saying I'm your mechanic, your car mechanic, but I can't touch your engine. That is the most significant piece of the equipment, especially when you look at some of these rates. Our rates were in the high 70s for recidivism, and people

in the program were below 14, just by investing in them.

You can tell I'm passionate about it because I think we spend so much time investing in incarceration. Some people need to go to jail, we all know that. It is what it is, but it's not even close to being what we put in jail right now, and for many people, reentry is their next step or probably their best step to really not ever come back into the system.

If I were making any recommendations for the future, it is really investing in reentry, and the work that Karol and her team have done has just been nothing less than amazing.

MS. MASON: I just want to say one thing quickly about child support. Look at the new rule that was released yesterday. We are addressing those issues.

MS. GUPTA: I think the reentry piece is so important, but I also think it's really important for us to kind of understand what is undergirding so much

of the work that we have been trying to do, that we have been doing on criminal justice reform across the spectrum, and I think reentry is a point of that, but regarding that so much of it is the criminalization of people of color and the criminalization of poverty.

Giving folks a second chance, there are a lot of communities where the door is too wide open or there are too many people just coming in at the front end, so the onus has to be on all of us to obviously connect those dots and recognize that spectrum, but something that I think that has been really important for this Administration has been connecting those dots, looking at how policing practices and policies that are set by local elected officials contribute to the kinds of priorities that are set around who is getting stopped and arrested, who is being searched, what is happening when people enter into the system through kind of police priorities, and headed further down the road to incarceration and then reentry.

The Ferguson report that the Division put out back in March of 2015, I think, we started out

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

that investigation focused really on the police department and on policing practices in the City of Ferguson. It quickly became apparent to us that we weren't going to be able to address the kind of breakdown and corrosion in trust between the Ferguson P.D. and the communities without understanding that the entire philosophy around policing was deeply connected to the way the courts were operating, the municipal courts in particular in Ferguson, around kind of profit driven policing that had created a local justice system that was really focused on revenue generation rather than public safety.

Once we began to dig in, and I hope that you have seen our report on that, there have been a number of legions of folks who were working on these issues, debtors' prison issues, before we issued the Ferguson report, but certainly the Ferguson report kind of catapulted this bucket of issues, and we were getting calls from communities all over the country where they were saying that these problems around fines, fees, unlawful imposition of fines and fees, and the role

between kind of policing and municipal courts had really eroded people's faith in the legitimacy of the justice system, and had resulted in entire communities feeling they were criminalized. Obviously, the criminalization of poverty, which in this country and a lot of communities is also equivalent to the criminalization of race.

One of the things that I am really proud of that we did at the Justice Department, and this was with Karol's shop, it was with Lisa Foster's shop at the Access to Justice initiative, Civil Rights Division, to use the moment where there was focus on this issue of debtors' prisons and fines and fees, and to issue a package of resources, both through funding that Karol was providing to do pilot reform in four different jurisdictions, but also a Dear Colleague letter to state and local judges to identify practices, and it just basically becomes memorialized where local justice systems have been funding themselves of the backs of low income individuals and black and brown individuals in this country.

The conversations and the reform that we are seeing taking place in courts and police departments around the country on these issues, I think, has been actually quite profound.

I'm really excited about where this area is going to go. There is a lot of need for increased engagement, but that front end pipeline is really important.

I would also say as kind of an equivalent, school discipline. School discipline issues, especially kids of color that are criminalized early for behavior that used to once be a trip to the principal's office, we have had a number of enforcement actions in the Civil Rights Division like in Mississippi where kids were getting expelled from school and suspended from school for wearing wrong colored socks, for having their shirts untucked.

Things that are so incredibly minor, but were resulting in this pipeline and really derailing kids, preventing them from actually getting diplomas, and instead going to jail.

The front end, I think, the thing that has been amazing about this work is really recognizing just how many points along the spectrum the need for reform is, because we can't have transformative reform without connecting those dots, but also recognizing that undergirding all this requires a certain culture shift in our country around race and poverty and justice.

That's been part of the enterprise that I've been so excited to be a part of.

MS. SCHANZENBACH: Thanks. I am going to turn to questions from the audience. Roy, many pieces of criminal justice reform are bipartisan. How do you see the accomplishments of the Administration for assisting or not in the next four years?

A related question, what are you all doing to institutionalize the work that you have done, especially interagency work? Take as much or as little of that as you want.

MR. AUSTIN: All right. Let me just start with the bipartisan nature. We have seen Senator Mike

Lee, Senator John Cornyn, hand in hand with Senator Leahy, Senator Durbin, Senator Booker, on criminal justice reform. Completely understanding that the system that we have right now does not work.

It doesn't work because it has an average impact or increased impact on people who are poor, on race, on our budgets, and they want to see change.

For some reason, the rest of the legislature is ignoring the facts, is ignoring the data that says we can do better.

The Smart on Crime initiative, and Sally Yates has talked about this, Deputy Attorney General, repeatedly. We have found that we can incarcerate people for less time, use mandatory minimums less, and actually have a little bit of an increase in the number of people who take pleas. We are seeing our crime rates going down while at the same time we are having these incredible reforms.

Ron talked about stop and frisk. New York right now has reduced the number of stops and frisks by an enormous number, and crime is going down in New

HAMILTON-2016/12/20

York. That is a fact. That is what we should be looking at to see and make sure we are replicating that around the country.

We're talking about fines and fees and kicking kids out of school, and all the kind of stupid things that we are locking kids up for or locking people up for. Our clearance rate right now in this country on homicides is about 60 percent. The thing that we are worried about most is public safety, and we are worried about some kid with mismatched socks? We are worried about someone jay walking?

Our police officers don't even want to be doing this stuff. They want to be dealing with real crime. They don't want to be investigating and spending all their time on little things.

There is a bipartisan spirit around it. We hope to see it continue. Look, I don't want to guess at what the next Administration is going to do, but my hope is, number one, that they see the facts, they see the data, they see everything that we have done around criminal justice reform has been the right thing to do

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

and the right direction to push.

If they don't see it, that the communities see it, and at a minimum, our state and local governments see what is going on, realize how important this is.

Texas, the liberal State of Texas, the liberal State of Georgia, are doing criminal justice reform better than much of the rest of the country. There is no reason why we can't be doing the same kinds of things nationally.

MS. SCHANZENBACH: Does anyone else want to weigh in?

MS. MASON: I just want to answer the question about how do we institutionalize this work. It already is, because as Roy said, from my perspective, the bulk of our criminal justice work is out in the state and local communities. The Federal criminal justice system is small compared to the footprint of the rest of the system.

We have over three-quarters of our states and primarily red states who have been participating

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

in what we call "justice reinvestment," which is reexamining their criminal justice system and looking at how it needs to be retooled so you get the resources where they need to be.

As Roy mentioned, we cannot sustain \$80 billion a year for corrections only. So, people are getting smarter and looking at what is really happening, what are the social indicators or things that really need to be addressed, not by our criminal justice system, but in a less expensive way, and doing things on the front end.

I am reassured that the work will continue because the states are getting it and understand it, and I'm also reassured that it will continue because of the audience here and your interest in this subject, and that you are going to continue to require us to work across agency, because we have learned how to leverage resources in a more collaborative fashion.

For example, we at the Department of Justice transferred money to the Department of Labor to work on expungements. We transferred money to HUD to work

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

on youth expungements, so that people can clear up their records and have the opportunity to be successful.

We work collaboratively with the Department of Labor in our Second Chance grantee awards to make sure we leverage resources to be able to enable people to get out and get a job. The Department of Transportation, the collateral consequences that Ron mentioned. We now have data out there that is being updated, before Amy Solomon walks out the door, all of those collateral consequences and what we have done will be updated.

The Department of Transportation now understands and the prison systems understand now that when people leave incarceration, they need to have a Government I.D. You can't get a job. You can't do anything without a Government I.D.

We know again what to do, the question is whether we are going to invest in it, and continue to invest in it, and I think with you all continuing to advocate for these things, they will continue.

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

MS. SCHANZENBACH: Just a quick follow up to Karol. We have a direct question about will the Reentry Council website and Reentry Resource Center remain in existence in the new Administration.

MS. MASON: Yes. It's funded for the next few years, so it will continue.

MR. DAVIS: I wanted to add something with regard to the President's Task Force and the work on policing, and this is limited to the policing part. I haven't seen this kind of really embracement of change in 30 years, as I mentioned earlier.

What we are seeing as far as institutionalizing, we have projects with the International Chiefs of Police, we have projects with major cities, Black Law Enforcement Executives, pretty much every major law enforcement organization has partnered with us to advance the recommendations of the Task Force report.

As we told the President early on, and he knew this through presidential leadership, as he brought the 11 people together, they were all

HAMILTON-2016/12/20

external, law enforcement, leaders, community, civil rights activists, youth leaders, and they went out to the field and got recommendations from the field to put back out in the field, so we know it is going to be institutionalized because the recommendations came from the field, they came from you and they came from them.

We have since then worked with all the organizations. We met with every post director basically at the state level, every state director that is responsible for training police officers, at least 36 out of 50 were committed to implementing the majority of the Task Force's recommendations, some of the core principles, in their curricula.

We have met with city managers. We have met with mayors, who also have their own subcommittee on how to advance. Most recently, we met with risk managers, with the idea that 21st century policing reduces risk, litigation, injuries to officers, it improves training.

We met with insurance carriers. Many small

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

cities can't afford to be self-insured, so they become risk management pools. We talked to just leaders, people who have oversight of police to see that they are realizing the benefit of 21st century policing.

The biggest thing is that this is now being driven by the field itself. We have a project with the Chiefs of Police Association where we have identified 15 cities that we funded this organization to identify the best ways to implement the Task Force recommendations.

As they are learning things, they are putting up basically blogs, implementation guides. It is now being driven by the Chiefs of Police Association and by these other law enforcements which tells me something, that it is not an Administration driving it, it is the Administration that sparked it.

It wasn't a president saying you have to do it as much as bring a group together so people can see we needed to do it, and now that they are adopting it, I would imagine as the law enforcement field is starting to meet with the transition team, they are

sharing their priorities. I think everybody here has alluded to, especially Vanita mentioned it, their priorities are building trust and confidence and establishing legitimacy, reducing use of force, not just excessive force, the need for any use of force.

These are the priorities that the field is now grappling with, and I think they have made it their priority.

The challenge for me is not that the change or the desire to change is going to be institutionalized, it is as we are grappling with these challenges, as we need to spark innovation and do further research and identify best practices, we still need leadership from D.C. to support that.

That will be the challenge, and that is where you come in and the field comes in, to make sure that any Administration continues to provide that support.

I leave here extremely optimistic in seeing the kind of changes. Like I said, in 30 years, we went through a lot of cycles that I've never seen like

HAMILTON-2016/12/20

this, I think people realize Ferguson was not a moment, it started a national movement.

Anyone that realizes history, with that movement, the question for law enforcement is which side of this line are you going to be on this time. We know which side we were on in the 1950s and 1960s. This time, I think you see Chiefs marching with groups. You see Chiefs carrying signs. You see law enforcement trying.

I'm not naïve. I'm not saying we are there yet, but I think we do see a theme, there is something you have to hold on to and keep driving it. I think it can work.

MS. SCHANZENBACH: There are so many more questions and we don't have time but for a few. Let me get two more in. The first one is they want you to talk about your work with women and girls. I think this is for Karol, I'm not actually sure. Several people have asked about the specific needs for women in the prison system.

MS. MASON: We just had a convening at the
ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

White House Friday by the Council on Women and Girls, the President's Council on Women and Girls. One of the things again that we know from research and data is that the pathway into the criminal justice system for women and girls is very different. It tends to be a pathway when they have been sexually abused. I think the question and the challenge for everyone is to recognize that is their pathway in.

We have done some wonderful things in this Administration. The new VOCA, Victims of Crime Act rule, now specifically provides that if people are incarcerated, you are able to provide victim assistance from Federal monies for them.

I think part of the challenge is first on the front end to recognize that when people are exhibiting certain behavior, to ask why, what has happened in that person's life, and not to criminalize them when they have been traumatized and respond to that.

The second is if they are in our criminal justice system, to provide them the right kind of care

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

that they need so they can come out and be successful when they leave. I think that is the biggest challenges, recognizing the different pathways into our criminal justice system, and to provide that trauma care on the front end and on the back end.

MS. GUPTA: I'll just add that the Civil Rights Division has conducted a few investigations over the last several years of police departments where there was a real strong concern and finding around unequal investigation or improper investigation techniques for victims of sexual assault and DV.

General bias and stereotypes obviously can play a very negative role in the ability of law enforcement to actually investigate and for prosecutors to prosecute sexual assault and domestic violence, false assumptions about alcohol use or the physical strength of victims and their partners, or a victim's sexual orientation.

We did a lot of work to really change this around, not only in schools, as well as in campus sexual assault issues, but also in communities, in

Montana, New Orleans, and the like. One of the things that we found that was really important was to be able to do the kind of training and provide protocols that are victim centered and trauma informed on these issues.

Just last year, we issued guidance on general bias policing that was very informed by the field of law enforcement around these kinds of interview techniques and appropriate investigative techniques, to really help enhance the kinds of special investigative techniques and protections that need to be offered for victims of sexual assault and domestic violence.

That is work that we are really proud of. That is again trying to change the culture of the ways in which some of these particular problems that end up playing themselves out in the corrections sector are actually dealt with in the investigation and prosecution of DV and sexual assault crimes. MR.

AUSTIN: Just real quickly, I just want to mention the Prison Rape Elimination Act that Karol's shop runs,

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

how important it is, both men and women being sexually assaulted when they are incarcerated, that is not what they have been sentenced to. We need to make sure that we continue to strengthen that.

What we are ending up with are people who are further damaged by their incarceration and we wonder why they recidivate. I just want to make sure that we also push that further as we move forward.

MS. SCHANZENBACH: The final question. There is a lot of interest from the audience, from everyone, in sort of looking ahead and thinking about where can we expect to see movement in the next four years? I know we have touched on that.

A related question is in what civil rights' issues have we seen the most progress in the recent years, and also the least progress.

MR. AUSTIN: I'll just start it. It goes to the body cameras. President Obama said for the first time, everyone in the world is seeing that these communities are not making this up. Communities of color have known for a long time about the fact that

HAMILTON-2016/12/20

they were more likely to be arrested, to be stopped, to be searched, to face use of force, to face excessive force.

The body cameras, what they have done is they have shown the entire world that what all of these communities have been saying is in fact true. I think we have made enormous progress simply by bringing people together to say you know what, what happened to some of these people should never happen to a fellow human being. I think that is important.

Where I don't feel we have made enough progress is on improving the national data. I think we have taken some good, solid steps there, but until a Newark Police Chief and a Camden Police Chief can compare exactly what they are doing to an Oakland Police Chief, to a Los Angeles Police Chief, until we have good, solid audited national data on crime, we're just going to continue to struggle to answer the question of why are people committing these crimes and how do we enhance public safety.

That is something that should be urgently

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

HAMILTON-2016/12/20

done and it should be something that should be mandated around the country, that everybody report good numbers, and we do so in a timely fashion, we are not looking at numbers 9/10/11 months after it has happened.

MS. SCHANZENBACH: Thank you.

MR. DAVIS: I agree with Roy with regard to data. I think I would probably put that question back on the people in the audience, the people that are watching, about what the next four years really looks like. I think it is up to us to help frame not only the question but quite frankly the response.

If you look at the last eight years, what you have is an Administration, in my opinion, that was very responsive to not just the current challenges, but also looking ahead as far as 21st century policing and what needed to be done.

There is a good roadmap for a new Administration to platform off of, if you will. I think it is going to be guided by the people. It is going to be guided by people saying what they need and

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

what they want.

I agree, on the one hand, I think to answer that question, if you look at the work over the last eight years, I think you can still demand there is an accountability, that officers are receiving training, that the principles of 21st century policing are not exclusive rights of one Administration. These were developed by the field, by communities, best practices. We should all embrace it. I think that you can, and I think policing agencies have to.

The national data, it has to be there. I like the way Roy put it with the comparison, we have to have that comparison if we are going to embrace a profession that has the most significant power, if you think about it, in our society, and that is the power to detain without judicial oversight immediately, the power to take life. There is a lot of power that goes with that.

We have to always accept and never be shy to make sure those, and I carried that badge for 30 years, that have that power have to be held to the

highest standards of the profession, and the higher standards of the community.

There is nothing wrong with that, and I think data will help us do that. Data does another thing, that I want to make sure we all focus on. The last couple of years have revealed, as Roy mentioned, a concern that has been floating around the country. Some people will try to say this is race relations and policing is the worse it has ever been in 30 years. Well, for many of us, especially those of color, know that is actually not true, not even close to being true.

What the President has done is he took a band-aid off a wound that has been simmering and scarred and festering for decades. Now that we see it, now that it is in front of us, now it is time to heal it.

I think the only way to do that is to acknowledge that it is not all about the individual officers. You heard today perfectly, it is about these systems. It is about a policing system that

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

even makes a good officer have a bad outcome. It is about a system that makes sure prosecutions are inconsistent.

Some will always say the system is flawed. I'm going to get in trouble but I'll say it, as I leave, it is not even close to being flawed. It is doing exactly what in many cases it was designed to do.

So, the question may be we have to disrupt the system, change it, reform it, so that good cops have good outcomes, good communities can work with their police officers, and when people violate the law, they will be held accountable whether they wear a badge or not. I think that is where we need to go.

I think until we start getting into some of that data so we can start comparing and taking a look at it, it is not going to happen.

MS. GUPTA: I'll just say that for me it is pretty extraordinary to see the trajectory of criminal justice reform kind of in the national conversation. I've been working on these issues for between 15 and

HAMILTON-2016/12/20

20 years. There was a time where those of us who were working in criminal justice had to like squeeze like a little panel on a three day agenda that would focus on the criminal justice system because everyone else was kind of looking at all these other civil rights' issues.

The thing that I sometimes have to pinch myself to remember is that we are witnessing kind of a changed trajectory and momentum on these issues that for many of us were really so front and center but we couldn't get people to really care about who was in the criminal justice system, what was happening in the criminal justice system.

That really is as a result of all the pushing and relentless and sometimes lonely and unpopular pushing that has happened by many of you in this room.

I am proud to be part of an Administration that made this a top and front issue. I am proud to be part of a Justice Department that was unrelenting in the use of our tools and tactics and resources to

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

try to really push that envelope, recognizing the moment that we have here.

I don't know what will happen in the future, but I do know that we are all going to continue to push to be able to redefine public safety in a way that is respectful of people's rights, that is fair, that does not result in the kind of racial inequities that we have seen plaguing our criminal justice system for far too long.

I think we have come too far. We are going to encounter roadblocks. I don't know if we are going to go two steps forward, one step back, or what that is going to look like. I think there is so much happening at the state and local level on bail reform and sentencing reform and the like, but also there is such a generation of community and energy and activism to push even on the Federal and national level, and the onus will be on us to keep these issues front and center for the country so that we can't go back.

MS. SCHANZENBACH: We are over time. I am very sorry about that. Sorry to call an end to this.

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

Thank you very much for your serious and thoughtful
discussion today, and for the work you have done.
Look forward to working together going forward.
(Applause)

* * * * *

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Carleton J. Anderson, III

(Signature and Seal on File)

Notary Public in and for the Commonwealth of
Virginia

Commission No. 351998

Expires: November 30, 2020

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190