# **TAKING STOCK:**

# REFLECTIONS ON 50 YEARS OF CRIME AND PUNISHMENT IN AMERICA

KEYNOTE ADDRESS

MARKING THE

50<sup>TH</sup> ANNIVERSARY OF THE

NATIONAL CRIMINAL JUSTICE ASSOCIATION

BY

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**AUGUST 12, 2024** 

# Dear friends:

I am deeply honored by your invitation to deliver the keynote address at this annual conference of the National Criminal Justice Association. I am grateful to the NCJA Board, and your Director Chris Asplen, for this opportunity to speak with you. Many years ago, when Janet Reno was Attorney General, Chris and I worked together on some of the cutting-edge issues in our field involving the power of DNA evidence. Chris became Ms. Reno's go-to person on the implications of this science for the workings of the justice system. It is no exaggeration to say that Chris changed the trajectory of those policy conversations in important ways. NCJA is lucky to have him as your director in these challenging times.

I consider myself fortunate to be with you today. For people working on justice reform, this conference is one of the highlights of the annual calendar, as a meeting place for the exchange of ideas and sharing of best practices. This is different, however, from all other national criminal justice conferences because of the membership of NCJA. You represent all 50 states. Most of you work on behalf of your governors. Some of you oversee the State Administering Agencies and are responsible for the disbursement of sizable congressional appropriations that flow through your states. Some of you represent the Statistical Analysis Centers and contribute to our ability to track trends in system operations. We are also joined by Administrators of the Residential Substance Abuse Treatment programs. You are on the front lines of our response to substance use challenges.

To put a fine point on it, you hold very important positions of influence in your communities. My fondest hope is that my remarks will encourage you to step outside your formal roles to think broadly about our history and to use your expertise and influence to encourage new thinking in our field. My talk will not be a recitation of the good work you have done, nor praise for the innovations you have promoted. That is the function of the impressive breakout sessions over the next two days. Rather, I hope to challenge you to think critically about the realities of crime and punishment in America so that you can help our democracy chart a new course to a more just and humane response to crime.

# FIFTY YEARS AGO

Today we mark fifty years since the founding of NCJA. Fifty years! As with all major life milestones, this is a good opportunity to take stock, to reflect on our history. Our history lesson starts 60 years ago, in 1964, when Barry Goldwater, the Republican nominee for president, delivered his acceptance speech. He promised to make "law and order" a campaign issue. He

decried what he called "violence in the streets." He promised, if elected, to "do all that I can to see that women can go out on the streets of the country without being scared stiff."

Compared to today's political discourse on crime, this may seem like mild rhetoric, but Goldwater struck a nerve. He lost his bid for president in a landslide, but the man who beat him – Lyndon Baines Johnson – was determined that his party would never again be without a strong response to the crime issue. He named a presidential commission that came up with a landmark report – *The Challenge of Crime in a Free Society*<sup>2</sup> – that served as the bible for the next generation of criminal justice practitioners. One of the legacies of this commission was the creation of a new federal bureaucracy to support state and local efforts to combat crime and promote justice. Initially known as the Law Enforcement Assistance Administration<sup>3</sup>, that federal agency is now known as the Office of Justice Programs. For many of us, we got our start in this field through projects funded by LEAA-OJP. My first job in 1971 was on a LEAA grant! I am personally grateful for the opportunity to serve as Director of the National Institute of Justice when Laurie Robinson was the Assistant Attorney General for OJP and Janet Reno was Attorney General. Those were great years of inspirational leadership and unprecedented innovation. You are lucky: you will have an opportunity to hear directly from Laurie when she addresses the conference tomorrow.

Ever since the early 1970s, criminal justice policy has been a national issue, not simply relegated to state and local government. It has been a bipartisan issue. Both parties have supported a robust federal response to crime, with Democrats often echoing the tough-on-crime rhetoric of Republicans. A central feature of this vision was the creation of state planning agencies that would ensure the wise investment of congressional appropriations to promote more effective responses to crime and the pursuit of justice. Then in 1974 these state planning agencies came together to create a national association to provide support and guidance to those state efforts. We stand here today as inheritors of this remarkable history in the evolution of our country's efforts to improve our response to crime and the administration of justice.

<sup>&</sup>lt;sup>1</sup> Ted Gest, *Crime & Politics: Big Government's Erratic Campaign for Law and Order* (New York: Oxford University Press, 2003), 6.

<sup>&</sup>lt;sup>2</sup> President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: United States Government Printing Office, 1967). Accessed July 16, 2024: https://www.ojp.gov/ncjrs/virtual-library/abstracts/challenge-crime-free-society.

This office was first known at the Office of Law Enforcement Assistance (OLEA). LEAA was created by the 1968 federal crime act, the first of many omnibus federal bills designed to improve the operations of the criminal justice system. Congress also stipulated that federal funding would flow through block grants to the states and required each state to create a state agency to oversee the disbursement of those funds. This funding, in turn, was conditioned on the development of a state-wide comprehensive plan to deal with crime and improvements to the justice system. See: Gest, *Crime and Politics*, 18-21. This legislative architecture provides the authorization for the agencies represented at this NCJA conference.

## TRENDS IN CRIME AND PUBLIC OPINION

I will leave to others the debate about the impact and effectiveness of the federal expenditures in the name of crime prevention<sup>4</sup>. Rather I would ask that we take a big step back and look at the key indicators of the changing landscape of crime and punishment – our typical response to crime – over the past fifty years. To illustrate my points, I will be using slides prepared by our friends at the Council on Criminal Justice in their invaluable report entitled *The Footprint: Tracking the Size of America's Criminal Justice System.*<sup>5</sup> (Note: I will always refer to rates, not absolute numbers, to reflect the growth of the U.S. population)

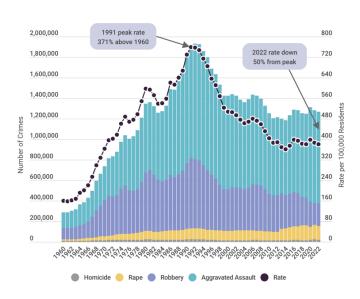


Figure 1. Reported Violent Crime, 1960-2022

Source: Council on Criminal Justice, The Footprint (2024). Accessed July 8, 2024: https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#Crimeandrates

We start with the rate of violent crime, which has defined so much of our public discourse on the role of law enforcement, the courts, and our nation's approach to punishment. As this slide illustrates [Figure 1], between 1960 and 1991, rates of reported violent crime rose rapidly, more than tripling, before taking a steep decline to a rate half the 1991 peak. Reported property crime

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<sup>&</sup>lt;sup>4</sup> In 1996, Laurie Robinson, the Assistant Attorney General for the Office of Justice Programs, convened a group of individuals who had been involved in the early years of LEAA to reflect on that history and the ensuing developments in the federal support for local criminal justice efforts. The report on that symposium is a rich source of material, see: Laurie Robinson, *LEAA/OJP Retrospective: 30 Years of Federal Support to State and Local Criminal Justice* (Washington, D.C.: Office of Justice Programs, 1996). Accessed July 23, 2024: <a href="https://www.ojp.gov/ncjrs/virtual-library/abstracts/leaaojp-retrospective-30-years-federal-support-state-and-local">https://www.ojp.gov/ncjrs/virtual-library/abstracts/leaaojp-retrospective-30-years-federal-support-state-and-local</a> For more critical analyses of the federal role, see: Gest, *Crime and Politics*; Elizabeth Hinton, *From the War on Poverty to the War on Crime* (Harvard: Harvard University Press, 2016).

<sup>&</sup>lt;sup>5</sup> Council on Criminal Justice, *The Footprint: Tracking the Size of America's Criminal Justice System* (2024). Accessed July 16, 2024: <a href="https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/">https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/</a>.

followed a similar trend [Figure 2], more than doubling between 1960 and the peak in 1980, followed by a rapid decline to a rate in 2022 that is 63% lower than the 1980 peak.

This is a remarkable story. The rates of violent and property crime are now at or below the rates seen when NCJA was founded. Certainly, today's political rhetoric does not reflect the reality that we live in an era of relatively low crime rates, when compared to our own national history.

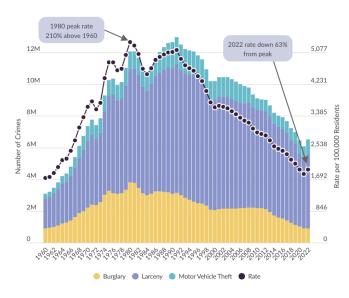


Figure 2. Reported Property Crime, 1960 - 2022

Source: Council on Criminal Justice, The Footprint (2024). Accessed July 8, 2024: https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#Crimeandrates

We must look at these figures with profound humility. We do not have a good scientific understanding of the rise or fall of these indicators of community well-being. But we do know this: crime is not the dominant issue on the minds of the public that it once was. In fact, if we look at Gallup polls showing the percent of Americans who said that crime was "the most important problem", we see that crime began to register as nationally important in the 60s and 70s, spiked in the mid-1990s, and for the last twenty years has barely registered. Another very revealing analysis is provided by Peter Enns, a Professor of Government at Cornell and former Executive Director of the Roper Center for Public Opinion Research. In his brilliant book, *Incarceration Nation: How the United States Became the Most Punitive Democracy in the World*<sup>7</sup>, Professor Enns examines the rise in mass incarceration in our country and, using a variety of public opinion data, constructs a measure of "punitiveness" in America [Figure 3].

<sup>&</sup>lt;sup>6</sup>Richard Rosenfeld, *Overview and Reflections: Crime Bill* (2022). Accessed July 9, 2024: https://counciloncj.foleon.com/reports/crime-bill/overview-and-reflections.

<sup>&</sup>lt;sup>7</sup>Peter K. Enns, *Incarceration Nation: How the United States Became the Most Punitive Democracy in the World* (New York: Cambridge University Press, 2016).

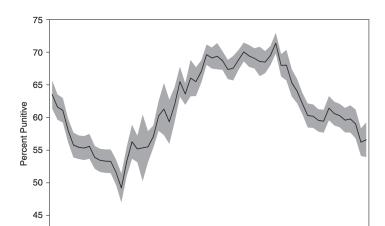


Figure 3. The public's punitiveness from 1953 to 2012 (with 95 percent confidence intervals in gray)

Source: Peter K. Enns, Incarceration Nation: How the United States Became the Most Punitive Democracy in the World (New York: Cambridge University Press, 2016), 38, Figure 2.6.

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Using this measure, Enns demonstrates that the American public became increasingly punitive over the consequential decades of the 1960s through the early 1990s. Very importantly – and critical to your work in your states – Enns also reveals a sharp decline in punitiveness since the mid-1990s. Enns argues that this shift in public sentiment provides a backdrop for the emergence of the bipartisan coalition supporting justice reform in the early 2000s<sup>8</sup>.

Given these realities – crime at low rates not seen in decades, public opinion no longer rating crime as an important national issue, and punitive sentiment at historic lows – we have an opportunity to ask whether the time is right for our country to respond to crime in ways that are more effective and less punitive. In a recent issue of *Vital City*, John K. Roman and Elizabeth Glazer provide a resounding affirmative answer to that question. They offer a compelling argument that we face an unprecedented opportunity to usher in a new approach to crime, as reflected in the title of their article, *The Golden Age of Crime Reduction is Now*<sup>9</sup>. I agree that America stands at a crossroads where a new vision of safety and justice is possible, with this caveat. We can chart this new course only if we come to terms with the damage done by the tough-on-crime politics of the past half century.

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<sup>&</sup>lt;sup>8</sup>This remarkable chapter in the justice reform movement is beautifully documented in: Colleen P. Eren, *Reform Nation: The First Step Act and the Movement to End Mass Incarceration* (Stanford: Stanford University Press, 2023).

<sup>&</sup>lt;sup>9</sup> John K. Roman and Elizabeth Glazer, *The Golden Age of Crime Reduction Is Now* (Vital City, 2024). Accessed July 23, 2024: <a href="https://www.vitalcitynyc.org/articles/the-golden-age-of-crime-reduction-is-now">https://www.vitalcitynyc.org/articles/the-golden-age-of-crime-reduction-is-now</a>

### TRENDS IN PUNISHMENT

Before discussing the possibility of a different future, we should first take a close look at the second major development in our field: the unprecedented growth in imprisonment and other forms of punishment over the past 50 years. This slide [Figure 4] tells a familiar story. Beginning in the early 1970s, the rate of incarceration in state prisons started to increase and rose every year for nearly 40 years, increasing more than four-fold.

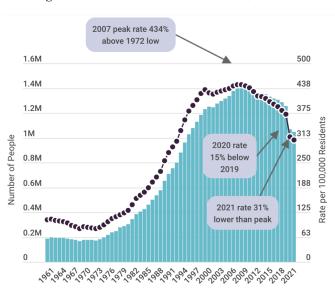
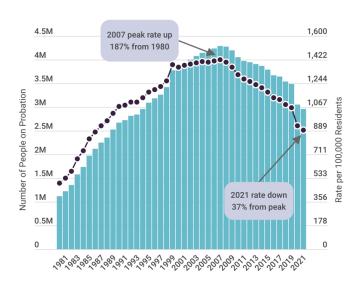


Figure 4. Incarceration in State Prisons, 1961-2021

Source: Council on Criminal Justice, The Footprint (2024). Accessed July 8, 2024: https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#state-prison

The story of trends in probation supervision [Figure 5] is similar, but less extreme: the rate of probation supervision in America nearly doubled between 1980 and 2007.

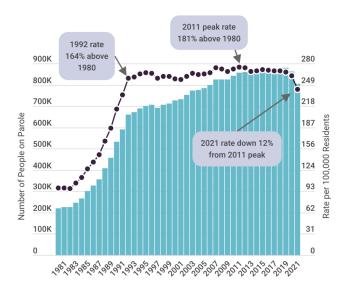
Figure 5. Probation, 1981-2021



Source: Council on Criminal Justice, The Footprint (2024). Accessed July 8, 2024: <a href="https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#prob">https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#prob</a>

As with state incarceration rates and probation supervision rates, the parole supervision rate [Figure 6] also rose sharply in the late 1980s, nearly doubling between 1980 and 2011.

Figure 6. Parole, 1981-2021



Source: Council on Criminal Justice, The Footprint (2024). Accessed July 8, 2024: <a href="https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#parole">https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#parole</a>

Similarly, the rate of people held in pretrial detention [Figure 7] rose rapidly over these years, reaching a peak in 2007, 220% above the 1980 rate.

2007 peak rate 2022 rate 23% 220% above 1980 lower than peak 800K 700K Number of People Incarcerated in Jails 600K 2020 rate down 500K 25% from 2019 400K 300K 105

Figure 7. Incarceration in Jails, 1981-2021

Source: Council on Criminal Justice, The Footprint (2024). Accessed July 8, 2024: https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/thefootprint/#Jails

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A final slide: the federal prison population [Figure 8] has skyrocketed since the early 1980s, reaching a rate in 2011 that is 600% above the 1980 low point.

100K

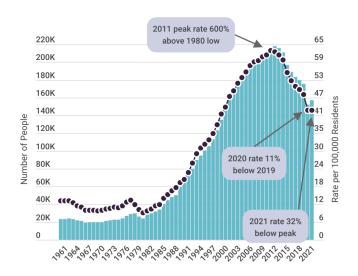


Figure 8. Incarceration in Federal Prisons, 1961-2021

Source: Council on Criminal Justice, The Footprint (2024). Accessed July 8, 2024: https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/thefootprint/#federal-prison

Taken together, these slides illustrate a massive expansion of state control over the lives of Americans. Granted, each of these indicators has shown a downward trend in recent years.

Compared to the peak years, federal incarceration rate is down 32%; state incarceration rate is down 31%; jail incarceration rate is down 23%; parole is down 12%; probation is down 37%.

Notwithstanding this good news, we must still face this bottom line: twenty years after the peak in the rate of reported violent crime and forty years after the peak in reported property crime, we still live with the legacy of the tough on crime policies of a bygone era. One might think that there is a lag effect, that the system is simply processing old cases. But the data reveal that our courts are actually handling fewer cases. Adult arrests for violent crime are about half what they were in 1995. Adult arrests for property crime are down 65% from their peak in 1980. Given that far fewer cases are being processed, we must face this uncomfortable question: why are so many people still under state supervision? Shouldn't the lower crime rates, and the lower arrest rates mean that fewer people are being held in jail, sentenced to prison, and placed on community supervision?

For me, the answer to this riddle is simple. We live in a time that has been dominated by the politics of punishment. Through our politics, we have constructed the machinery of punishment and that machinery – what I call the "justice juggernaut" – has taken on a reality divorced from the reality of crime. For us to move forward, to develop policies that rely less on punishment, we need to understand the dynamics, and the legacy, of the era of punitive politics.<sup>12</sup>

### THE LEGACY OF PUNITIVE POLITICS

About ten years ago, I had the honor of chairing the consensus panel of 20 scholars and experts brought together by the National Academy of Sciences to answer two questions: What caused the nearly five-fold increase in incarceration rates in the United States? And what are the consequences of this profound change in American society?<sup>13</sup>

To answer these questions, the panel reviewed the available evidence from different scholarly disciplines. The answer to the first question was blunt and provocative: contrary to the popular belief that the growth in the prison population was a natural consequence of increases in the crime rate, "[t]he best single proximate explanation of the rise in incarceration is not rising crime

11 Council on Criminal Justice, *The Footprint*, Adult Arrests for Property Crime (2024). Accessed July 23, 2024: <a href="https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#arrest">https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#arrest</a>

<sup>&</sup>lt;sup>10</sup> Council on Criminal Justice, *The Footprint*, Adult Arrests for Violent Crime (2024). Accessed July 23, 2024: <a href="https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#arrest">https://counciloncj.foleon.com/the-footprint-trends-in-crime-arrests-and-the-total-correctional-population/the-footprint/#arrest</a>

<sup>&</sup>lt;sup>12</sup> For a rich collection of essays on the realities of the era of punitive politics, see: Lauren-Brooke Eisen, ed., *Excessive Punishment: How the Justice System Creates Mass Incarceration* (New York: Columbia University Press, 2024).

<sup>&</sup>lt;sup>13</sup> Jeremy Travis, Bruce Western, and Steve Redburn, ed., *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (Washington, D.C.: National Academies Press, 2014).

rates, but the policy choices made by legislators to greatly increase the use of imprisonment as a response to crime."<sup>14</sup>

To support this assertion, the NAS report pointed to laws passed in the 1980s and 1990s that expanded the prison population. It's a familiar roster: "three strikes" laws; "truth-in-sentencing laws"; mandatory minimum statutes; sentencing enhancements; juvenile life without parole statutes. The report also pointed to changes in parole policies that slowed prison releases and the launch of the War on Drugs. These and other legislative enactments contributed to the nearly five-fold increase in incarceration rates. In the bracing words of the NAS report, this explosion in the number of people in prison was "historically unprecedented and internationally unique" 15. These "policy choices" were the result of the politics of punishment. Elected officials ran on "tough on crime" platforms, often fueled by racist rhetoric. Punishment, and more punishment, became the default answer to crime.

Tragically, however, as the NAS report also concluded, these policies did not significantly reduce crime. Let's pause for a moment to consider the importance of this conclusion. Many in the general public, and indeed some of our criminal justice colleagues, look at the rise in incarceration rates, and the decline in crime rates, and see a causal connection. Shouldn't we conclude, they ask, that more prison leads to less crime? Not true, according to the National Academy of Sciences, reporting on a robust body of research. Any crime prevention effects of the unprecedented expansion of prisons were "highly uncertain" and "unlikely to have been large." Yet, this was the core message of the politics of punishment, often driven by racist beliefs and delivered with racialized rhetoric: if you want safety, we must put more people, especially people of color, in prison and keep them there longer.

The expansion of state control over people's lives extended far beyond the growth in the prison population. The scope of the criminal law itself was enlarged as more behaviors were criminalized. The powers of the police to engage in surveillance were enhanced. Electronic monitoring and drug testing became more common. State and federal legislatures created a pernicious regime of collateral sanctions – laws that restrict the autonomy and freedom of people convicted of crimes. They also imposed burdensome fines and fees on people under justice supervision, sometimes requiring them to pay for their own probation, drug testing, public defenders or even their time in prison. Virtually every coercive tool available to the state under the operation of the criminal law has been deployed by government officials, all in the name of crime prevention. Where is the justice in this new regime of punitive policies?

I firmly believe that now is the time to take a step back from the policies we have adopted over the past half century<sup>17</sup>. We have an obligation to undertake a sober assessment of the costs of

<sup>&</sup>lt;sup>14</sup> ibid., 3.

<sup>&</sup>lt;sup>15</sup> ibid., 2.

<sup>&</sup>lt;sup>16</sup> ibid., 4.

<sup>&</sup>lt;sup>17</sup> My thinking on the value of "reckoning" with our history has been deeply informed by my participation in the Collaborative on Reckoning and Justice. This group of 32 people, representing a variety of perspectives on issues of

these policies. We must reckon with financial costs, the human costs and the societal costs. We must squarely face the history of racism that fuels these policies. I firmly believe that these policies have weakened our democracy, undermined respect for the law, and created obstacles to our pursuit of racial justice. Perhaps most ironically, our relentless focus on punishment as the default to crime has distracted us from pursuing responses to crime that heal the trauma experienced by victims, strengthen the community's ability to prevent the next crime, and support the constructive reintegration of those who have violated the law.

These sentiments were expressed elegantly by NYU Law Professor Rachel Elise Barkow in her recent book, *The Politics of Punishment: Breaking the Cycle of Mass Incarceration.* She called this era of punitive excess "one of the great tragedies of American domestic policy." <sup>18</sup>

We are wasting billions of dollars on too many practices that achieve the worst of both worlds: they do not protect victims or increase public safety, while at the same time they have catastrophic effects on millions of individuals and entire communities, especially poor people of color. One could say our approach to crime is a failed government program on an epic scale, except for the fact it is not a program at all. It is the cumulative effect of many isolated decisions to pursue tough policies without analyzing them to consider whether they work or, even worse, are harmful.<sup>19</sup>

The legacy of the past 50 years is cause for sober reflection. We have experienced the damage caused by rapidly rising crime rates. Too many victims and survivors have been left to struggle with their trauma and their loss without support from their government. We have also witnessed the power of punitive politics. Too often, the call for law and order drowns out the sensible policies that would actually produce more safety and healing. We have seen the damaging effects of excessive punishment. Too many lives have been lost to prison; too many of our fellow Americans live lives of diminished liberty. We have seen that communities of color have suffered the double tragedy of high crime rates and high incarceration rates. Finally, we have learned that more punishment does not produce more safety. Yet we continue to rely on the coercive powers of the state rather than pursue a more humane approach to justice and accountability.

The people in this room are uniquely positioned to lead the nation in this reflection on the past. You are also the experts who can point the country to a different future. Allow me to offer some concluding thoughts about the way forward.

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safety and justice, was convened twice a year over two years by the Square One Project to explore the power of reckoning with the legacy of racism and punitive justice policies as a precondition to creating new visions of justice. Read more about the Collaborative here: <a href="https://squareonejustice.org/about/collaborative-reckoning-justice/">https://squareonejustice.org/about/collaborative-reckoning-justice/</a> (Accessed July 25, 2024).

<sup>&</sup>lt;sup>18</sup> Rachel Elise Barkow, *Prisoners of Politics: Breaking the Cycle of Mass Incarceration* (Cambridge, Massachusetts: Belknap Press, 2019).

<sup>&</sup>lt;sup>19</sup> ibid., 5.

### MOVING FORWARD

In my view, we have three important tasks ahead of us. I wish to acknowledge my indebtedness to my colleagues at the Square One Project who have informed my thinking on this path forward.<sup>20</sup>

Acknowledge Harm. First, we must recognize that the era of punitive excess has caused enormous damage. This honest reckoning with our history, in turn, requires us to make a solemn commitment to never again engage in such punitive policies. We must also take steps to ameliorate these harms. I know it is difficult for criminal justice practitioners to acknowledge that the policies we pursue have caused harm. But when we look at the empirical evidence and see that so many people have suffered harm – whether held in prison or buckling under excessive fees -- for no compelling public safety reason, I think we have no choice but to recognize the enormous human costs of our over-reliance on punishment. We must also recognize that the weight of the policies has fallen disproportionately on communities of color, undermining our aspirations for a truly representative multi-racial democracy and leaving a legacy of intergenerational harm that we can only begin to calculate. As criminal justice professionals, I believe we must take a critical look at the impact of a generation of excessive punishment, to ameliorate those harms and to resolve to never again embark on such damaging policies.

Decouple Public Safety and Punishment. Second, as experts in the justice sector, we have an obligation to persuade the public – and elected officials -- that we should not reflexively default to the criminal justice system to produce public safety. I am not suggesting that the criminal justice system has no role in our response to crime. On the contrary, I believe we should strengthen the capabilities of these agencies to respond effectively to crime when it occurs, to prevent crime, and to treat the public with respect. Rather, we should recognize that simply ratcheting up the machinery of punishment does little to prevent crime, and causes damage to families, communities, our aspirations for racial justice, and the health of our democracy. We must accelerate the development of safety strategies that draw upon the power of communities. We must activate other government sectors such as health, education and housing in pursuit of public safety. We must creatively attend to the needs of people who commit crime. We must invest energy and money to provide support for victims and survivors of crime. Those who commit crimes, and those harmed by crime, deserve public support in rebuilding their lives. (I would like to commend to you the recent publication by Amy Solomon, Brent J. Cohen and Betsy Pearl, Reimagining Justice at Justice: Investing in Communities as Co-producers of Public Safety<sup>21</sup>, which provides an exciting blueprint for this agenda, and a guide for the work of your agencies.)

<sup>&</sup>lt;sup>20</sup> See: Jeremy Travis and Bruce Western, eds., *Parsimony and Other Radical Ideas about Justice* (New York: The New Press, 2023).

<sup>&</sup>lt;sup>21</sup> Amy Solomon, Brent J. Cohen, and Betsy Pearl, *Reimagining Justice at Justice: Investing in Communities as Co-producers of Public Safety* (The Square One Project, 2024). Accessed July 25, 2024:

**Promote Values**. Third, we must affirmatively promote core values that have been cast aside by our relentless campaign of punishment. The pursuit of justice should rest on these four pillars. *Human dignity*: we should strive to respect the human dignity of people who are charged and convicted of crimes, victims and survivors, and the public servants such as police and corrections officers who take an oath to advance justice. *Parsimony*: we should honor the age-old principle of parsimony which holds that the state may restrict our liberty only to the extent necessary to achieve a legitimate social purpose. *Racial equity*: we should advance public safety strategies that uphold the goal of racial equality and seek to strengthen, not weaken, communities of color. Finally, we should hold every institution of the justice system to the high standard of *social justice* by ensuring that these institutions actively promote our aspiration for a representative democracy. Your agencies are uniquely positioned to advocate for a values-based reform agenda, to experiment with new programs that reflect these values, and to support research that advances our understanding of the role of values in justice reform.

We have much work ahead of us, but this is the time to embrace an ambitious agenda. The American system of criminal justice stands at a crossroads. With low crime rates, public support for less punitive responses to crime, and an urgent call from the next generation to do no more harm and embrace the call for racial justice, a window of opportunity has opened. I can think of no group of justice professionals better equipped to seize this moment. I believe with all my heart that this is a patriotic calling. The cause of justice, and the hopes for a vibrant multi-racial democracy, hang in the balance. It may take another fifty years, but now is always the best time to get started.

Thank you.

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 $<sup>\</sup>underline{https://squareonejustice.org/wp-content/uploads/2024/07/ReimaginingJusticeatJustice\_WhitePaper\_Final-with\_Cover.pdf}$