

# Criminal Justice Reform

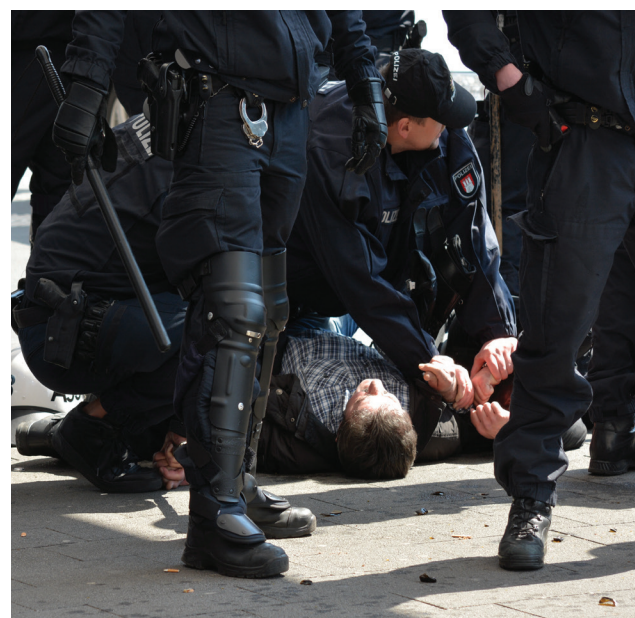
*Building a Better, Fairer, More Effective Justice System*

By examining three core elements of our police and justice system, we can apply bipartisan solutions and create better outcomes for everyone who benefits from a well-functioning criminal justice system.

Many view criminal justice reform as a debate about whose policies or preferences must win and whose must lose. Instead, we should focus on how to improve our system to deliver better outcomes with greater transparency and reliability. The key is for policymakers to consider how self-defeating policing, overcriminalization, and the weakening of juries have damaged our society and justice system.

## SELF-DEFEATING POLICING

The vast majority of police officers are capable, well-intentioned professionals who work hard to make their communities better, safer places to live. But when policymakers task them with enforcing laws that penalize nonmorally wrongful conduct, police officers get angry and alienate the communities they are sworn to protect—and too often the very communities most in need of effective policing. Such self-defeating policing is a disservice to communities as well as police officers because it makes it harder for officers to do their jobs and protect law-abiding citizens from the kinds of serious crimes that make their lives worse.

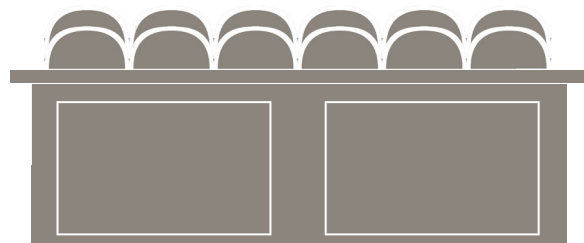


## RESTORING CONFIDENCE IN LAW ENFORCEMENT

About 40 years ago, the U.S. Supreme Court invented a judge-made legal doctrine called “qualified immunity” that makes it extremely difficult for people whose rights have been violated by police and other public officials to hold those officials responsible for the injuries they caused through their misconduct. There is no reason to sully the reputations of conscientious, rights-respecting police by shielding from liability the small handful of officers who commit serious misconduct.

## RESURRECTING THE CRIMINAL JURY TRIAL

America’s founders put citizen participation, in the form of jury trials, at the very heart of our criminal justice system. Today, however, we have practically eliminated the criminal jury trial in favor of plea bargaining, which accounts for more than 95 percent of all criminal convictions in America. Our system was not designed to function this way, and over time it will lose both credibility and accountability if cases are decided behind closed doors instead of in public, as the Constitution provides.



# Ensuring Better Justice, Safety, and Accountability for All

Leaders of all parties and ideologies can agree that America's criminal justice system can and should be the best in the world at keeping communities safe by punishing the guilty while ensuring that law-abiding citizens have confidence in those who are sworn to uphold the laws. The following are either barriers that need solutions or suggestions on how to improve our system.



- Clearance rates for many crimes, including homicides, have declined precipitously in recent years.
- Limited police resources are too often misdirected at low-level offenses and revenue generation (fines, fees, citations, and forfeitures).
- To better protect our communities, police officers should focus their efforts on solving and preventing violent crimes rather than arresting people for petty crimes.
- Policymakers should engage their public safety teams on decriminalization of nonviolent offenses to enable better community policing.

• Someone who has been harmed by a private individual or a public official is entitled to compensation. Yet, a judge-made loophole in federal civil rights law shields police and other government agents from accountability when they violate people's rights. This undermines public trust in police.

• Like other employers, police departments and law enforcement agencies should be financially responsible for injuries caused by their employees acting in the course and scope of their employment. But here, too, the Supreme Court has created rules that prevent proper accountability.

• State governments could continue indemnifying officers, or they could consider the cost-saving possibilities of providing officers an allowance with which to purchase professional liability insurance that would serve as the primary means of satisfying damages claims in civil rights cases.

• With 95 percent of convictions being obtained through plea bargains, the criminal jury trial is practically extinct.

• With some conservative estimates suggesting that over 7,500 people are wrongfully convicted of serious felonies in the U.S. each year, the power of the jury must be restored.

• Plea bargaining undermines public confidence in the system by convicting the innocent and providing reduced sentences for those who choose to cooperate with the government.



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• To restore the historic value of the jury trial, criminal jurors should be advised about the consequences for the defendant if they convict so that they can fulfill their time-honored role of preventing manifest injustices.

• With the average annual cost of housing a single inmate running between \$30,000 and \$50,000, our criminal justice system should be incentivized to secure maximum justice for victims, the taxpayer, and our society at large by holding the guilty accountable and keeping the innocent out of prison.

