

# **Transforming Our Criminal-Legal System Away from Policing and Punishment Toward Healing and Community Investment**

The federal government has fueled a crisis of criminalization and incarceration in the United States through its failed, decades-long strategy of punitive policies—spending on police, jails, and prisons and a broad expansion of the carceral system’s reach—all while cutting and slowing investment in the social safety net. This approach destabilized communities, separated and destroyed families, and ensnared generations of children in the school-to-prison pipeline.

The United States now spends upwards of \$180 billion per year on policing, jails, and prisons, with major cities spending anywhere from a third to more than half of their entire general funds on police departments alone. Instead, we could be adequately funding essential needs that actually keep us safe, such as health, housing, infrastructure, and education.

Several harmful federal bills, including the Violent Crime Control and Law Enforcement Act of 1994—better known as the ‘94 Crime Bill—contributed deeply to our current crisis of incarceration, policing, and criminalization, destabilizing an entire generation of families in the United States with a particularly destructive impact on Black communities. By endorsing and financing ineffective and damaging policies and practices at the state and local levels, these bills encouraged the growth of police and prison infrastructure while failing to prioritize upfront investments in education, economic opportunity, housing, and other social services that would have increased public safety, particularly in underresourced communities.

Now is the time to commit to a new vision for justice that addresses the impacts of this legislation. And our country is asking for such change. Even former Vice President Joe Biden, the author of the bill, has stated previously that there are components he would change. It is time to transform the criminal-legal system, decarcerate the United States, and invest billions of dollars into the communities most impacted by policies of mass criminalization and mass incarceration. This can be accomplished by dismantling the harmful provisions of the 1994 Crime Bill and other such bills and replacing them with new bills developed with the participation of the people most harmed by systems of policing, criminalization, and incarceration, including those listed below.

## Goals

- ☑ Reduce the size of the carceral system, including spending, with a proportionate increase in direct community investment in Black and Brown neighborhoods, including neighborhood infrastructure and community-based alternatives to policing.
- ☑ Reduce the number of interactions between law enforcement and people of color, lowering the possibilities for police violence and unjustified criminalization and incarceration.

## Recommendations

### Day 1

The President should use the power of the office to issue a formal apology over the federal government's role in helping to create a crisis of criminalization and incarceration and an immediate commitment to transforming federal investment priorities away from law enforcement toward community.

### Day 100

For far too long, our criminal-legal system has prioritized punishment over rehabilitation, leading to a crisis of criminalization, police violence, and incarceration that has destabilized communities of color and ripped families apart. To start, it is necessary to curb billions in federal funding from going to states and cities to increase the presence of police officers in Black communities.

- End the Community Oriented Policing Services (COPS) program, which has granted over \$19 billion to state and local governments to fund police programs.
- End the 1033 program, which allows the federal government to transfer military equipment to local police departments.
- End the Byrne Jag program, which sends additional billions of dollars to police departments through the '94 Crime Bill.

## Covid-19 Response

It is imperative to protect the 2.3 million people in the US who are exposed to overcrowded and unsanitary conditions in prisons and jails, which have become hotspots across the country for Covid-19, infecting tens of thousands and killing hundreds of people. Addressing this crisis will also mitigate further spread of the virus as people in prisons and jails interact with staff and other visitors, which would also free up financial resources that can be dedicated toward much-needed health and economic investments. Specifically, the federal government should:

- Release anyone housed in federal prisons who is at an elevated risk of contracting Covid-19 and/or anyone who does not pose a tangible, known risk to community.
- Provide resources to help state and local jurisdictions release anyone who is at an elevated risk of contracting Covid-19 and/or anyone who does not pose a tangible, known risk to community. In addition, the federal government should include basic resources to support successful reentry into communities.
- Prioritize funding to people, not law enforcement. In the House-passed HEROES Act, \$850 million was unnecessarily earmarked for law enforcement instead of dedicating those urgently needed resources to support critical priorities, such as public health systems, housing, and/or direct support for struggling families and people returning from prison. Rather than an expanded police presence to enforce stay-at-home orders in a way that further criminalizes Black and Brown people, federal leaders should incentivize nonpolice, unarmed, noncriminal enforcement of stay-at-home and social-distancing orders and guidelines.

## Long-Term Priorities

- Support existing legislation to divest taxpayer dollars away from our current system that is focused solely on punishment and invest in a new vision of public safety, including the BREATHE Act, the Community Emergency Response Act, the Counseling Not Criminalization in Schools Act, and the Anti-Racism in Public Health Act.
- Support a People's Process—run by the People's Coalition for Safety and Freedom—that engages organizers and activists directly impacted by the '94 Crime Bill to create a new vision for safety. This would enable federal leaders to benefit from the experiences and wisdom of those impacted by the criminal justice system, examine the '94 Crime Bill, and support a new Community Safety and Wellness Bill that addresses the harm of that previous legislation.

## Conclusion

Those who have been pushed to the margins deserve so much more than to just survive—they deserve to *thrive*. We have the chance to shift our justice and safety paradigm to one of community investment, healing, and restoration and away from punishment and mass criminalization. This is a historic moment for our nation that requires a historic response. Federal leaders must seize the current moment by committing to fully transforming the criminal-legal system.



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