

REMARKS

OF

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AT THE

NATIONAL ASSOCIATION OF BLACKS IN CRIMINAL JUSTICE
CRIMINAL JUSTICE FORUM

ON

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Thank you, Addie. I'm very happy to be here and pleased to take part in this discussion centered on improving relationships between African Americans and law enforcement. Finding ways to strengthen relations between police and the citizens they serve – especially people of color – is, to my mind, one of the defining social challenges of our time, and I'm grateful that you've included the Department of Justice in this dialogue.

As I register my voice in the conversation, I would ask your indulgence on one point. And that is, that we expand our focus to encompass the criminal justice system as a whole. To be sure, citizen-police interactions have our nation's attention at the moment, but issues of public confidence and trust span the entire system, whether it's related to prosecutors and their charging authority, judges and their sentencing discretion, or corrections administrators and the power that they wield over the lives of those in their custody.

There are numerous decision points throughout the criminal justice process, and it's important that we recognize there's a series of discrete, compounding actions that can aggravate or diminish harm. That message was brought home in March when the Department released findings from its investigation in Ferguson, Missouri.

You may recall that the Ferguson investigation found that much of the disparate treatment of African American citizens stemmed from practices initiated by the courts to generate revenue, and that the city relied on law enforcement to serve, as the report put it, as a "collection agency" for the municipal court.

In this case, it wasn't the police alone who were driving the problem. The courts and indeed the city itself were implicated. The moral is that building trust is not a piecemeal project – it involves every actor in the justice system. And it requires a good faith effort, not only from justice system professionals, but also from community members, to bridge divides of trust. Building relationships is, after all, a two-way street.

The question – the one you're asking me to address – is, how do we overcome the historical tension and the institutionalized suspicion in our communities of color?

I recently accompanied the Attorney General on a trip to Birmingham, Alabama, as part of her Community Policing Tour. We met with city leaders, criminal justice professionals, and community advocates to hear about the work they're doing to strengthen relationships. One of our meetings was with participants in something called the Youth Citizens Police Academy. This is an outstanding training program put on by the Birmingham Police that gives young people a chance to see, close up, how law enforcement works and the challenges officers face every day.

Two things stood out about that discussion. One was the level of bias against law enforcement that these young people admitted to before they started the program. Several speakers said that, until they went through the Academy, a police officer was the last person they'd trust to look out for their safety. Ironic and sad, but given the history

of race and policing in our country, not terribly surprising. But the other remarkable thing we heard is that, after these kids went through the Academy, their opinions didn't just shift – they transformed. One young person broke down in tears explaining the new-found gratitude she felt for law enforcement. “They really do so much to protect us,” she said. She and others said they felt they now had a mission to spread the news about the good work officers do. Some said they wanted to become officers themselves.

It was an astonishing reversal of attitude, and it was all because the police department invited in the community and provided an opportunity for a change of perspective. It's remarkable what a difference can be made just opening up channels of communication.

The bottom line is that we all want safer communities. We want it as justice system professionals, and certainly the citizens who live and work in these communities want it. This is where we need to start – not from the assumption that all cops are bad or that some citizens condone crime, but rather from our shared desire for order and civic accord. This is where we must begin.

This approach is shaping our work at the Department of Justice. Last year, with my office taking the lead, we launched a major new effort called the National Initiative on Building Community Trust and Justice. The goal is to support work in three basic areas. The first area is procedural justice.

Research in procedural justice has shown that those who come into contact with the police and other justice system agencies are more likely to accept decisions by the authorities and obey the law in the future if they feel they are treated fairly, even when they are penalized by criminal sanctions. This means that if we make a sincere effort to strengthen connections between criminal justice agencies and the communities they serve, we can hope to reverse the pattern of distrust and discord.

The second area we're focusing on is reducing bias. Many people have biases, some obviously more powerful than others. It's the implicit biases – the ones we're not consciously aware of – that often do the most damage. There are ways to bring those biases into check, not by wiping out a lifetime of prejudice with a single stroke, but by training people to recognize how bias influences their perceptions and behavior. There are training programs designed to reduce the impact of this implicit bias. As we speak, our partners in the COPS Office are supporting the development of a model curriculum aimed at helping officers recognize their own bias and adjust behaviors accordingly. Trainings like these, and changes in policies that address this issue, can go a long way toward improving interactions with members of the community.

The third area we're addressing is the need for community reconciliation. The reactions we've seen in communities like Ferguson and Baltimore are obviously informed by generations of tension. When the President said earlier this year in Selma, “this nation's racial history still casts its long shadow upon us,” he was talking specifically about our criminal justice system. It does no one any good to ignore that

history. The only way to overcome it is to allow safe space for frank conversations that allow people to air their grievances. That's the most effective way to reset these relationships – by getting those concerns and misconceptions out in the open and addressing them. It's not easy – it's uncomfortable – but no important problem was ever solved by talking around it.

That's what the National Initiative on Building Community Trust and Justice is all about – promoting reconciliation, reducing bias, and advancing procedural justice. We're working with several partners – the John Jay College of Criminal Justice in New York, Yale Law School, UCLA's Center for Policing Equity, and the Urban Institute, along with an advisory body of law enforcement practitioners and community and faith-based leaders.

These groups are bringing their considerable expertise to the task of repairing fractured relationships between citizens and justice system agencies. The project is tackling a number of issues, notably the strained relationships between minority communities and law enforcement.

Currently, six cities are serving as demonstration sites. Birmingham is one of the sites, along with Fort Worth, Texas; Gary, Indiana; Minneapolis; Pittsburgh; and Stockton, California. We've also launched an online resource center with news about the cities' efforts and research and other information about these issues. You'll find it at trustandjustice.org. I encourage you to check it out.

I believe this effort represents a major step forward in resolving historic tensions in many of America's communities, and I'm excited about where this work will lead.

But cultivating trust isn't an isolated exercise. It's an integral part of neighborhood revitalization, work that justice system professionals like all of you are leading.

In May, the President visited Camden, New Jersey, which is one of the sites in our Violence Reduction Network. VRN, as we call it, coordinates resources from across the Department, bringing together the U.S. Attorneys' offices and our enforcement units – the FBI, DEA, ATF, and the U.S. Marshals – and it makes training, technical assistance, and information resources available from my office, the COPS Office, and the Office on Violence Against Women.

We're targeting cities with violent crime rates that are well above the national average, and we're concentrating resources on the most pressing violence problems at each site. Much of the work is focused on strengthening relationships between criminal justice agencies and communities. For example, at our site in Oakland and Richmond, California, officers have received training on fair and impartial policing from Lorie Fridell. Lorie is spearheading the COPS training I mentioned earlier.

We also supported a seminar called “Tact, Tactics, and Trust,” which builds on the latest scientific research on how to effectively engage with community members and quickly build rapport and trust. And, just to prove that trust-building isn’t the sole province of the police, the Chief Assistant District Attorney in Alameda County, Kevin Dunleavy, has started a group in his office to review cases to make sure prosecution decisions are made fairly and without bias.

In Oakland/Richmond, Camden, and the other VRN sites, our goal is to support local efforts to bring down crime rates, but to do it in a way that breeds confidence and good will – because we know that that’s the only way to make a sustainable difference in public safety.

And while law enforcement is the face of the criminal justice system, we need to be mindful that there are numerous opportunities for establishing trust beyond the initial citizen-police encounter. Those opportunities begin at the booking and pretrial detention stages. Nearly two-thirds of inmates in America’s jails are defendants awaiting trial. These are people who haven’t been convicted or entered a plea. Most are there for low-level, non-violent offenses. A study by our Bureau of Justice Statistics of felony defendants in the nation’s 75 largest counties found that defendants remained in jail – on average – 68 days. And fully one-third of those defendants were ultimately not convicted. The same study found that more than a third of pre-trial detainees are in jail because they can’t afford to post bail. I probably don’t have to tell you that these detainees are disproportionately people of color.

A big part of the problem is the way we’ve relied on a money bail system instead of making assessments based on risk. Fewer than 10 percent of jurisdictions use validated risk assessments, which helps explain why so many people are in jail for so long without having been adjudged guilty of a crime. We can take a huge step toward restoring fairness to the pretrial process by encouraging use of evidence-based assessments. This is something we’re doing through a program we’re funding called the Smart Pretrial Demonstration Initiative. And I’m very encouraged to see that private groups, like the Laura and John Arnold Foundation, are supporting broader use of risk assessments.

My hope is that these efforts will improve the fairness and effectiveness of pretrial detention and reduce the disparate impact on people of color.

Our work to limit the harm that incarceration does to families and communities must continue on the back end of the system, as well.

One toxic legacy of our nation’s over-reliance on imprisonment is the large group of released inmates who return to our communities every year, many without getting the help they need to stay crime-free and become productive citizens. In fact, not only have they not received critical training, education, and treatment – they’re now saddled with the burden of a criminal record, which makes it that much harder to land a job, find housing, and get back on one’s feet.

With some 700,000 people coming out of our prisons each year, we've got our work cut out for us. But thanks to greater public awareness of the magnitude of the problem, and to unprecedented bipartisan cooperation in this area, we're making headway.

Under the Second Chance Act, we've funded close to 700 adult and juvenile reentry grants since 2009. Through the Justice Reinvestment Initiative, we're working with private partners to help states and local jurisdictions redirect resources away from costly prison-building projects and toward evidence-based efforts that can be shown to reduce recidivism. And through the Federal Interagency Reentry Council, which is chaired by the Attorney General, agencies across the federal government are working to remove barriers to successful reentry and reduce the collateral consequences of incarceration.

Helping inmates reenter their communities is something we must think about from the start – from the moment an individual is locked up. If we can institutionalize reentry planning – make it an ingrained part of the process – I think we'll find that we can make a difference in changing behavior, reducing the impact of incarceration on people of color, and improving the safety of our communities.

And of course, if we really hope to realize positive and lasting change, we must start with our youth. Too many of our young people of color come into contact with the criminal and juvenile justice systems. Black youth make up just 16 percent of the overall youth population, but more than half of the juvenile population arrested for committing a violent crime.

Rather than steering these kids away from justice-involvement, our policies too often invite the system into their lives. Zero-tolerance school disciplinary practices remove students from healthy learning environments and put them on a path to arrest and even confinement. And minority youth are the ones most often affected. Studies show that black middle school students are suspended nearly four times more often than white youth. Clearly, we need to reconsider the wisdom of our policies. Our goal should be to keep kids in school, where they can be educated and nurtured, not on the street, where trouble can find them.

Under our Supportive School Discipline Initiative, the Department of Justice and the Department of Education are working to foster safe, supportive, and productive learning environments while keeping students in school. We've issued guidance to school districts on steps they can take to reform zero-tolerance discipline policies, and we've provided funding aimed at promoting positive behaviors and increasing school safety.

This is part of the President's *My Brother's Keeper* Initiative, the goal of which is to create and extend ladders of opportunity for our young people. Agencies across the federal government and private-sector groups are working together to address persistent

opportunity gaps faced by boys and young men of color and ensure that all young people can reach their full potential. The Justice Department, and my office in particular, is playing a central role – by keeping kids in school and out of the courts, but also by supporting programs aimed at preventing violence, ensuring that young people are treated fairly by the justice system, and connecting them with positive influences.

My Brother's Keeper is designed to give kids the opportunities that many of them have never had. And I think that's a goal that all of us who work in the justice system should strive for. We're all in this work for the same big reasons – to protect our communities, to serve the cause of justice, and to make a positive difference. These aren't just noble principles, they're attainable objectives. And in spite of the challenges we face, in spite of the many obstacles each of us encounters every day, I see us a nation marching forward – slowly perhaps, falteringly at times, but with purpose, resolve, and a certainty that we will achieve our goals.

I commend you for your commitment to this work, and for all you do to make our justice system more effective, more fair, and more deserving of the confidence of the people it serves.

Thank you.

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