

REMARKS

AS PREPARED FOR DELIVERY

OF

THE HONORABLE KAROL V. MASON
ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS

AT THE

NATIONAL CRIMINAL JUSTICE ASSOCIATION
ADVISORY COUNCIL MEETING

ON

SUNDAY, AUGUST 2, 2015
ATLANTA, GA

Thank you, Jeanne. I'm very pleased to be here, and happy to join Denise, Bill, and Cherise to talk about some of the work we're all doing to support justice reform. I think much of what we're doing at the Office of Justice Programs is truly transformative, and it spans the full range of the criminal and juvenile justice systems.

We're at a watershed moment in the history of criminal and juvenile justice in this country. Crime remains at historic lows. Incarceration rates are on the decline. In many ways, we're headed in the right direction. But in one very important way, we stand to improve. The fact is, in many places across the nation, there's a perception that the system does not work as fairly or as effectively as it should. And given that people's perception of fairness impacts their decisions to act lawfully, that perception could ultimately be a threat to public safety.

In my view, building trust and strengthening relationships between the justice system and the people it serves is one of the defining social challenges of our time. Now, I believe that the vast majority of criminal and juvenile justice professionals perform their jobs with integrity. But I also believe that bias sometimes affects the way officials interact with certain communities. Research shows that all of us, regardless of our ethnic or cultural identities, hold a set of implicit beliefs that can shape our behaviors.

And I believe, as the President put it in his speech to the NAACP, that "there's a long history of inequity in the criminal justice system in America" that must be addressed if we are to overcome barriers of trust. There was a time within the lifetimes of many of us when the justice system was used as a tool of social control and large segments of the population were denied equal treatment under the law.

These are long-standing, deep-rooted problems, and I'm under no illusion that solving them will be easy. But I also know that there's a lot of really good work going on in this country that shows promise.

One of my favorite examples is something I saw while visiting Birmingham, Alabama with the Attorney General recently. It's called the Youth Citizens Police Academy. It's 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. The program has had a real, transformative effect on the kids who go through it. Many of the participants said they had strong negative associations with the police before they started the program, but by the time they were finished, they felt real respect and gratitude for the work law enforcement officers do.

Birmingham is one of the six pilot cities in a major effort we have under way called the National Initiative on Building Community Trust and Justice. How many of you know about this effort? This is one of OJP's key contributions to the President's *My Brother's Keeper* Initiative. Basically, the idea is to build on what we know about procedural justice, implicit bias, and reconciliation to test and refine tools aimed at repairing division and discord.

The six demonstration sites are Birmingham; Fort Worth, Texas; Gary, Indiana; Minneapolis; Pittsburgh; and Stockton, California. And we've 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. We've also made resources available to other communities through the OJP Diagnostic Center.

We're looking for opportunities to cultivate trust beyond the initial encounter with law enforcement. I know Cherise will have much more to say about this, but the booking and pretrial stages offer lots of chances to restore fairness – and common-sense – to our criminal justice practices. One thing we can do is to wean ourselves off a money-bail approach and think in terms of risk factors when managing pre-trial detainees, many of whom linger in jail far longer than they should simply because they can't afford to post bail. This is something we're working toward through BJA's Smart Pretrial Demonstration Initiative. And it's encouraging to see the work that private groups like the Laura and John Arnold Foundation are doing to support broader use of risk assessments.

And we need to ensure that defendants who can benefit from diversion get that chance, whether it's through drug or problem-solving courts, community supervision, or other evidence-based alternatives. I'll reserve further discussion on this to Denise, but it's important to note the remarkable success we've had through our Justice Reinvestment Initiative in moving the focus of our policies away from incarceration to practices that are shown to reduce recidivism.

And finally, if we really hope to institutionalize reform, we've got to begin with how we deal with young people coming into the system – even before they come to the system's attention. We've learned from research in developmental psychology and neurobiology that kids are wired differently than adults. They don't have the same capacity for impulse control and emotional regulation, and so it's not fair or productive to treat them as though they do. But that's exactly what we've been doing for years.

We need to make sure our juvenile justice system is developmentally informed, that we're giving justice-involved kids opportunities for growth – as we're doing through *My Brother's Keeper* – and that we recognize another remarkable fact about kids: most of them will naturally age out of criminal behavior, meaning that adult-like punishments are unnecessary and counterproductive.

Two factors impede that natural aging-out process – trauma experienced at a young age and youthful incarceration, both of which can profoundly alter and delay brain development. Our Office of Juvenile Justice and Delinquency Prevention is devoting much of its activity to supporting reforms that align with the science and that will make our juvenile justice practices smarter and more effective.

And it's not just children and teens that this applies to. Research shows that the brain's architecture is in development well into the 20s, which means that young adults as

old as 24, 25 years old don't yet have full capacity for impulse control and emotional regulation. And like kids, their brains are still malleable, meaning they are more likely to respond to developmentally-appropriate, positive interventions. Given that so many crimes are committed by people in this age group, having this knowledge gives us a big opportunity to improve public safety.

So the need for reform is wide-ranging, but so are the opportunities available to us. My hope is that we can use the knowledge and experience that we've acquired, build on it, and apply it across the justice system.

Thank you.

###