Securing Justice: Reforming Our Criminal Legal System

The United States has the highest rate of incarceration in the world and a criminal justice system not focused enough on fairness and justice. In recent years, we have started to change course—between 2007 and 2017, 34 states decreased crime while simultaneously reducing their prison population. But change has not nearly gone far enough or fast enough. We need a leader with the courage to take bold action at the federal level and to drive similar reforms at the state and local level.

Our criminal justice system applies immense and often unchecked pressure on the most vulnerable—particularly Black, Latinx, and low-income people. Without bail money or adequate legal assistance, and facing overly harsh sentences, they often have no choice but to plead guilty. It is due to a plea deal, not a trial, that roughly 95% of all federal and state cases end in a conviction. Legal decisions should not be the product of uneven power dynamics and poverty. We must rebalance our justice system to reflect fairness.

The same is true when it comes to policing. The overwhelming majority of police and prosecutors are dedicated public servants, committed to upholding their oath to the Constitution and their mission to serve and protect. However, despite the good intentions of many, serious systemic law enforcement issues have cost the lives of Atatiana Jefferson, Botham Jean, and countless others. When so many Black and Latinx people see police more like an occupying force than a protective one, it is time to reimagine policing.

We must recognize that our criminal system is unfair and racist in many ways. This must change. So we will free those who are unjustly detained. As President, Pete will work to cut the size of the incarcerated population by 50%. And for those who are incarcerated, we will ensure that while they are incarcerated they are prepared not only to regain their freedom, but also to rejoin their communities in productive and fulfilling ways. Justice must include a real second chance, and incarceration should be not only about detention, but also about redemption.

Rebalancing our criminal system and refocusing resources on areas like public health, economic opportunity, and alternatives to incarceration will dramatically reduce mass incarceration and racial disparities in the system. At the same time, it will keep communities safer and save money.

It is past time to transform the criminal legal system into one that truly promotes justice, and benefits all of us.

---


Pete is committed to reducing the number of people incarcerated in the United States at both the federal and state levels by 50%. Experts agree that far too many people are locked up unnecessarily. As a result, the United States has the highest incarceration rate in the world. In some cases, incarceration actually leads to an increase in crime. It’s not just a matter of closing down prisons; we also need to invest in social services to allow people to rehabilitate and expand access to diversion programs to keep people out of prison in the first place. We need better ways to address crime and poverty, both in the criminal justice system and in society. To remedy this, Pete will:

- **Double funding for federal grants for states that commit to meaningful reform** and prioritize funding for programs aimed at pretrial reforms, decarceration, and expansion of alternative to incarceration (ATI) programs. These grants will allow states to reduce their incarcerated populations while investing in programs that make communities safer, including drug rehabilitation, affordable housing, behavioral health treatment, and subsidized transportation. Pete will also triple funding for technical assistance and training efforts. Such incentives will help states reform their systems, while grant requirements will hold states accountable to follow through.

- **On the federal level, eliminate incarceration for drug possession, reduce sentences for other drug offenses, and apply these reductions retroactively.** Drug crimes have huge racial discrepancies. For example, despite equal rates of use, Black people are nearly four times more likely to be arrested for marijuana than whites. Latinx people are 53% more likely to be convicted of a drug crime than whites. Research shows that incarceration for drug offenses has no effect on drug misuse, drug arrests, or overdose deaths. In fact, some studies show that incarceration actually increases the rate of overdose deaths. We cannot incarcerate ourselves out of this public health problem.

- **Legalize marijuana and automatically expunge past convictions.** Pete will push Congress to pass legislation requiring that a significant percentage of tax revenue flowing from legalization is directed back to the communities and people most devastated by the war on drugs. Further, Pete

---

3Austin, James, Ph. D., Lauren-Brooke Eisen, J.D., James Cullen, B.A., and Jonathan Frank, J.D. "How Many Americans Are Unnecessarily Incarcerated?" Brennan Center For Justice. 2016.


6"The War on Marijuana in Black and White." American Civil Liberties Union. June 2013


will develop programs targeted at supporting entrepreneurship of people with marijuana convictions, particularly people of color, in the newly-legalized industry.

- **Eliminate mandatory minimums.** The average sentence for someone subject to a mandatory minimum penalty in 2017 was 138 months, compared to 28 months as the average sentence of people convicted of an offense that did not have a mandatory minimum sentence. Eliminating mandatory minimums and decreasing overall sentence length for a significant number of crimes is critical to ensuring that people are not incarcerated when there is no effect on public safety, and it will reduce incarceration. It also will eliminate the role mandatory minimums plays in incentivizing people to plead guilty for crimes they did not commit.

- **Direct the U.S. Sentencing Commission to explore sentencing caps for all crimes.** America’s mass incarceration crisis has been driven in large part by excessive sentencing. Powerful evidence confirms that long sentences have not made Americans safer. Further, we know that people often “age out” of crime as they move through the course of their lives. For this reason, Pete is committed to exploring innovative policy solutions to address the nation’s over-incarceration crisis, such as caps on sentencing.

- **Commute the sentences of people who are incarcerated in the federal system beyond what justice warrants by establishing an independent clemency commission that sits outside the Department of Justice.** An independent clemency commission, with diverse professional backgrounds and lived experiences, will make the process more streamlined and comprehensive. Pete will direct the commission to explore broad categories of people to be released, such as the elderly, and is willing to exercise this executive authority for the good of the many, in line with the historical origins of mass clemency.

- **Fight the profit motive in the criminal justice system.**
  - Abolish private federal prisons and significantly reduce the use of private contractors by incentivizing states to stop contracting with private organizations for areas such as health care, food services, communications, diversion, and supervision.
  - Support states that are eliminating the for-profit bail industry, which generates millions for a small number of insurance corporations, and make sure that their financial incentives are not replaced by perverse incentives of system actors looking to impermissibly fund their courts or pensions.
  - Work to eliminate poverty-based incarceration by making sure bail is never set beyond an individual’s ability to pay.

---

○ **Work with states to cap the amount of revenue cities and counties receive from fines and fees** so that police can focus on protecting public safety rather than raising revenue. The Department of Justice will coordinate collecting data on these fines and fees and make it publicly available and provide technical assistance to assist in creating revenue alternatives.

○ **Incentivize states to provide free phone calls to people who are incarcerated.** Research shows that keeping in touch with family and loved ones decreases recidivism, but many cannot afford to do so because of the cost of phone calls in prison. By expanding the allowable uses of Byrne-JAG grant funds, states will be able to offset the cost of free inmate phone calls and the technologies behind them.

○ **Push for federal legislation to prohibit price gouging** and limit the percentage that people who are incarcerated can be charged for goods and services. Pete will also work to pass federal legislation to cap processing fees for commissary contributions and other criminal system services.

- **End the criminalization of poverty and its link to incarceration.** Stories of Ferguson’s use of fines and fees shocked our conscience, but this issue is not just a Ferguson problem. Criminal justice–related debts are estimated to be in the tens of billions of dollars, with over 10 billion owed in California alone. In a recent study in Alabama, 83% of individuals said they gave up necessities such as rent, food, and medical bills to pay their court debts—and 38% admitted to committing another crime just to be able to pay. These targeted fines and fees are most often imposed on and negatively impact Black communities. That is why Pete will push to eliminate arrests and incarceration as punishment for failing to pay legal financial obligations, require states to account for a person’s ability to pay before levying fines and fees, and end practices that create additional economic burdens, such as suspending driver’s licenses for failing to pay criminal justice debts.

- **Establish a commission to study how consumer protection and credit reporting standards can be used to protect the records of people with convictions.** Potential recommendations may include data safety, limits to permissible uses of adverse information, and the development of standards and oversight mechanisms for background check companies.

**Elevate People Committed to Reform Across the Justice System**

19 "Under Pressure: How Fines and Fees Hurt People, Undermine Public Safety, and Drive Alabama's Racial Wealth Divide." Alabama Appleseed Center for Law and Justice, University of Alabama at Birmingham Treatment Alternatives for Safer Communities, Greater Birmingham Ministries
In addition to having the right policies, it is just as important to have the right criminal justice leaders in place, dedicated to the goal of reducing incarceration rates and unnecessary turmoil within our criminal legal system while increasing public safety. Pete will:

- **Ensure parity for public defenders’ offices.** Pete will push for legislation to provide equal resources for federal defenders as for federal prosecutors. Pete will also explore programs to incentivize states to establish and expand pay parity.

- **Create a federal matching fund to establish and support immigration specialists within public defender offices.** Minor misdemeanor offenses can trigger deportation because of the infraction's definition in the state's criminal code. Immigrant defendants can agree to plea bargains that avoid immigration consequences, the most severe being deportation. Without familiarity with the incredibly complex immigrant laws, a public defender can inadvertently put a noncitizen client in danger of deportation.

- **Incentivize prosecutors to increase transparency and accountability in their offices,** such as by adopting transparent and open data practices, implementing “checks” on discretionary decision-making where possible, and conducting regular reviews of convictions to make sure they serve justice.

- **Support the local, democratically elected prosecutors** who are at the forefront of a movement designed to reduce incarceration, increase fairness, and tackle systemic racism, all while making us more safe. Pete will support these prosecutors by providing federal funding for innovative projects and by creating a joint local-state-federal task force on creative approaches to systemic reform that will build off the successes of local prosecutor offices.

- **Diversify the judiciary.** The federal bench at all levels is overstocked with prosecutors. Pete will bring balance to the bench by nominating judges with experience in civil rights and criminal defense throughout the judiciary, and he pledges to appoint women and people of color in proportion to their overall representation in our country.

- **Appoint people deeply committed to reforming our criminal legal system.** Pete will appoint an Attorney General, Deputy Attorney General, and U.S. Sentencing Commissioners who are committed to the fundamental transformation of the criminal justice system.

### Promote Justice for Youths

Not only do we lead the world in our incarceration rate as a whole, we also lead the world in youth incarceration. Over 40,000 children are incarcerated throughout the United States on any given day.

---


While the overall numbers are slowly declining, the racial gap is getting worse. We still treat children as adults and subject them to harsh punishments. As President, Pete will:

- **Reduce youth incarceration.** Pete will support state efforts to abolish youth prisons and replace them with community-based programs by investing in a new $100 million federal competitive grant program for states and localities to close youth prisons and repurpose them to serve the needs of children. Pete will also move the Office of Juvenile Justice and Delinquency Prevention to the Administration for Children and Family Services Division of the Department of Health and Human Services.

- **Support state efforts to raise the age at which a child may be prosecuted as an adult and establish minimum ages of criminal responsibility.** Current law varies by state in terms of guidelines for when children can be prosecuted as adults. Knowing that young peoples’ brains are not fully developed until age 25, Pete believes that kids going through the system should be treated as kids. This includes the minimum age for which children can be charged with crimes at all, with some states having no minimum age. Pete will work with states to support the establishment of a minimum age of criminal responsibility of at least 14.

- **Remove youths from adult courts, jails, and prisons.** Pete will fully fund the Juvenile Justice Reform Act to ensure that every state has resources to implement the requirements of the Act, including the provisions to remove youths from adult jails. Pete will also prioritize and incentivize states and localities to fully implement the Prison Rape Elimination Act’s (PREA) Youthful Inmate Standard to completely remove all youth from adult jails and adult prisons.

- **End the school-to-prison pipeline for youth.** Pete will eliminate federal support for policies and practices that contribute to the school-to-prison pipeline. The presence of police in schools has been linked to significant decreases in both high school graduation and college enrollment rates. There are also sharp disparities in school-based arrests, with Black students representing 31 percent of these arrests during the 2015-2016 school year, despite only being 15 percent of the student body. Moreover, students of color and students with disabilities face harsher forms of discipline than their white peers and peers without disabilities. These pervasive disparities exist across school types, poverty levels, and disciplinary actions taken (e.g., detention, suspension, expulsion, etc.).

Pete will encourage states to pass legislation that eliminates suspensions for discretionary infractions, such as “disrespect” or dress code infractions, where bias is most likely to seep in. He

---

will also direct the Department of Education to issue guidance on alternatives to punitive disciplinary practices, such as restorative justice and the use of positive behavioral intervention supports.

- **Prioritize enforcement of the ban on juvenile mandatory life without parole sentences.** The Supreme Court held in 2012 that mandatory sentences of life without the possibility of parole for children violates the Eighth Amendment, and later confirmed that this applied retroactively, yet many states have been slow to enforce people’s right to re-sentencing. A Buttigieg administration will ensure that prompt hearings are scheduled by setting deadlines. Pete will also encourage states to drop life without parole sentences for children in any instance, bringing the U.S. in line with the rest of the world.

- **Remove barriers to justice-involved youth participating in federally-funded programs** by ending participation bans on children with juvenile or criminal records, and banning excessive participation fees and non-accessible settings.

- **Initiate a “Families of Incarcerated Children” program** in the Children’s Bureau of the Administration of Children and Families at the U.S. Department of Health and Human Services. This program will build off previous efforts to promote best practices for law enforcement on treatment of children whose parents are arrested, requiring facilities to follow guidelines to place parents within a reasonable distance from their children, and ensuring that parents do not lose parental rights simply because they are incarcerated.

- **Ensure fairness and equity for system-involved youth.** While youth incarceration has decreased, not all youth benefit equally from reforms. For example, in New Jersey, even though the size of the confined population has decreased, stark racial disparities have persisted with the placement rate of Black youth at 30 times that of white youth. Pete will promote reforms that take on this disparity and will promote the use of racial impact statements, an idea which was pioneered in Iowa and is quickly catching on in other states, for criminal justice reforms.

- **Enact the Eliminating Debtors’ Prisons for Kids Act.** This act would incentivize the elimination of fines and fees on children and provide technical assistance and best practices to cities and states so that they can eliminate fees imposed on families for detaining or incarcerating their children in the justice system. Pete will also push to expand this to children tried as adults.

- **End the automatic transfer of immigrant children in HHS custody to ICE detention on their eighteenth birthdays.** Although immigration detention is civil, rather than criminal, this distinction can make little difference to a person detained, particularly when ICE has contracted with a local jail. Pete will promote partnerships with non-profit organizations that have resources to sponsor these teenagers and provide them with housing and legal services.

---

End Inhumane Punishment and Ensure Better Incarceration Conditions

There are certain conditions that no person in America should be subject to. A Buttigieg administration will protect the basic humanity of all people, including those who are incarcerated. As President, Pete will:

- **Support a constitutional amendment to abolish the death penalty.**

- **Reduce the over-reliance on solitary confinement and abolish its prolonged use**, bringing the United States in line with international human rights standards, which define the use of solitary confinement in excess of 15 days as *per se* torture. Pete will also incentivize states to follow the federal government’s lead in abolishing the use of solitary confinement for children.

- **Prioritize suicide reduction in prison.** Pete will authorize a vigorous review of all people who die by suicide or suspicious circumstances in federal custody and will take steps to remedy causes, including by addressing staffing shortages, improving mental health services for people incarcerated, and significantly reducing the use of solitary confinement: 53% of acts of self harm and 45% of fatal self-harm in prisons come from the 7.3% of people in solitary confinement.

- **Ensure that all correctional and detention facilities provide medically necessary treatment and appropriate detention conditions.**
  
  o **Protect the health of trans and gender non-conforming people.** A Buttigieg administration will put the full force of the federal government behind ensuring that transgender people are appropriately placed in the correctional facilities that align with their gender identity. The federal government will provide guidance to state and local facilities on how to best ensure the safety of trans and gender non-conforming individuals in their facilities, without relying on solitary confinement or administrative segregation as a form of protection. Pete will ensure that incarcerated transgender people are provided medically necessary care as defined by the World Professional Association of Transgender Health, including psychotherapy, hormone therapy, and gender-affirming surgeries.

  o **Protect the health of women.** Pete will ensure that incarcerated women have free and sufficient access to necessary healthcare, including menstrual products. For pregnant women, Pete will enforce and enhance federal standards and protocols for pregnancy, prenatal, and postpartum care. Pete will also ensure that the First Step Act is properly funded and enforced, including its provision barring the shackling of pregnant women, and instruct the Bureau of Prisons to update standards for post-birth contact between

---


mother and child and develop new programs and initiatives that allow for mothers to spend time with their newborns and other children.

- **Provide incarcerated people living with HIV, diabetes, and other chronic conditions with access to high-quality and evidence-based treatment and sufficient supplies of medication.** Pete will also look to create grant regulations that raise the level and standard of correctional healthcare providers.

- **Reform and strengthen the Prison Rape Elimination Act (PREA).** Seven years after the implementation of PREA, sexual assault is still a prevalent issue in police facilities, jails, prisons and immigration facilities nationwide. LGBTQ+ people who are incarcerated are more likely to be victims of sexual assault while in prison, but they are also more likely to be punished for consensual sex while incarcerated. Moreover, between 2014 and 2018 there were more than 4,000 complaints of sexual abuse against immigrant children in federal detention facilities. Pete will work to reform the PREA to prevent these assaults, including by creating a private right of action under the Act, and ensuring that facilities are meeting their obligations under the Department of Justice’s National Standards to Prevent, Detect, and Respond to Prison Rape. Further, Pete will increase funding and audit capabilities of the PREA Management Office to ensure stricter compliance with the statute.

- **Remove the Medicaid exception for incarcerated people.** An unjust criminal legal system means an unjust health care system. Currently, correctional health care is neither paid for by federal health dollars, nor subject to quality controls and oversight that would accompany these funds. The result is a separate and lower standard of care in jails and prisons that has deadly implications for people suffering from opioid use and substance use disorders, mental health issues, and chronic illnesses. This rule also creates avoidable gaps in care during re-entry into the community, such that people released from prison are 12 times more likely to die within the first two weeks after release and up to 130 times more likely to drug overdose as the general population. We will ensure that those who are incarcerated receive the same, high-quality standard of treatment that all Americans deserve.

- **Restore Pell Grant access to people who are incarcerated.** Studies show that access to postsecondary education while incarcerated increases the likelihood of finding jobs upon release and decreases recidivism rates. Because so many people in the criminal justice system lack high school diplomas or GEDs, Pete will also massively increase Title I funding from the federal

---

government for states that commit to supporting K-12 education of justice-system-involved people.

- **Provide funding to empower states to provide better opportunities for individuals to prepare for life after incarceration.** States are already working on reforms that provide better opportunities for incarcerated individuals, and Pete intends to encourage, support, and greatly expand these reforms. For example, programs like South Carolina’s Second Chance Program\(^ {46} \) could be expanded across the country to help people who are incarcerated to prepare for employment once they return home. Pete is committed to working with states to ensure that they provide assistance to people preparing to return home after incarceration, including obtaining state identification, voter registration, information on timelines for expungement, and requirements for certificates of rehabilitation.

- **Ensure that the cost of fundamental services and programs is not the financial responsibility of people who are incarcerated or their family members.** This includes the costs of adequate nutrition, phone calls to family members, doctor visits, money transfers, access to public defenders, probation, parole, and incarceration itself. Too often these costs are borne by Black women and contribute to the financial burdens of Black families.\(^ {47} \)

- **Promote fair wages and job training opportunities for incarcerated individuals.** Pete will promote reforms that bring fair wages to incarcerated workers, and will partner with the private sector to provide training that will lead to post-incarceration employment.

### Bolster Reintegration

Failing to give people who are incarcerated the tools to succeed after prison does not just hurt them—it hurts entire communities. The lifetime collateral consequences of conviction, including stripping voting rights and job opportunities, stand in the way of individuals who want to redeem themselves as providers, family members, and citizens. But these harms are all preventable. To help returning citizens reintegrate fully, Pete will:

- **Significantly reduce the use of supervised release on the federal level by limiting it to two years, cutting burdensome requirements and technical constraints, and making it harder to be sent back to prison for small violations of the terms of release.** Through the use of grants and allocated matching funds, Pete will incentivize states to improve probation and parole practices, including implementing a presumption of release on parole and eliminating discretionary violations of terms of release or supervision (e.g., missing a check-in, being late for curfew, or substance use)\(^ {48} \) as a basis for returning someone to confinement.

- **Ensure that people with convictions have the freedom to access education, jobs, housing, and health care.**

---

46"Second Chance Program." South Carolina Department of Employment and Workforce.


○ **Support ban the box** and other fair chance hiring initiatives to ensure that people with criminal records have equal access to employment. In order to avoid unintended consequences of these kinds of programs, Pete will direct the Department of Labor to issue guidance and model policies aimed at reducing bias and encourage private employers to adopt these practices.49

○ **Increase the availability of tax credits and bond insurance** for employers who hire people with criminal convictions.

○ **Lift barriers that prevent formerly incarcerated people from accessing public benefits**, including for housing credits and the Supplemental Nutrition Assistance Program (SNAP). Pete will also incentivize state and local governments to end similar restrictions.50

○ **Incentivize states to abolish practices that restrict people with criminal records from access to professional licenses**, which deny economic advancement and opportunity to people looking for a fair chance.51

● **Restore the right to vote for all formerly incarcerated people immediately upon release from confinement as part of the 21st Century Voting Rights Act.** This would not be contingent on any payment of fines, fees, or the completion of supervised release. Over 6 million Americans cannot vote due to a felony conviction.52 One out of every 13 Black Americans is prohibited from voting due to a felony conviction, which is more than four times the rate of white Americans.53 Pete will also ensure that people who remain in their communities after a conviction never lose the right to vote.

● **Amend the Fair Debt Collection Practices Act (FDCPA) to expand protections for people with criminal justice debt.** Currently, courts have narrowly construed the definition of debt under the FDCPA to those financial obligations that are a result of the purchase of goods or services and, thus, does not include criminal justice debt in the definition of debt. This means that people who have criminal justice debt are subject to predatory debt collection practices, including misrepresentation of the amount of debt, false threats of arrest, and disclosure of information to third parties.

● **Ensure that people with criminal convictions are eligible to serve on juries.**54

49 Doleac, Jennifer L. "Increasing Employment for Individuals with Criminal Records." The Hamilton Project. October 2016


52 "Felony Disenfranchisement." The Sentencing Project.

53 "Felony Disenfranchisement." The Sentencing Project.

- Encourage people with criminal convictions to apply for Small Business Administration and Department of Labor loans and designate loans for returning citizens to get their lives back on track after their sentence has been served.

- Encourage automatic expungement and the elimination of extensive waiting periods. Studies confirm that legal interventions, such as expungement, have a significant impact on employment and earnings and can reduce recidivism. Pete will encourage efforts to make expungement free, automatic, and broadly available.

**Reform Policing**

Across the country, Black and Latinx men and women tense up at the sight of blue and red police lights in their rear-view mirrors, wondering if they'll be the next Philando Castile or Sandra Bland. Additionally, many police officers are overworked, and their departments lack the resources to conduct sufficient training and oversight and suffer from low recruitment and retention. The federal government has an enormous opportunity to improve policing for everyone. Pete’s administration will prioritize reforms to bring better policies, training, and accountability to police.

**Practices and Policies**

- **Promote legislation that raises the legal standard under which officers are justified to use lethal force, and offer incentives for states and localities to adopt more restrictive policies.** Too many states and cities use a “reasonableness” standard for use of force; some lack any laws governing use of force. Many law enforcement agencies lack substantive guidance past the “bare minimum” constitutional standard. Stricter policies regarding use of force correlate with fewer deaths at the hands of police. Pete will promote policies and training that require de-escalation efforts and limit lethal force to circumstances in which it is absolutely necessary.

- **Support departments that actively strengthen community relationships and implement community policing.** This includes departments that have recruited a diverse police force that reflects their communities, encourage hiring of police officers who live in the communities they serve, and have effectively responded to officer misconduct. Such departments have selection and promotional policies that reward officers not solely on enforcement. Pete will also encourage other departments to follow their lead.

- **Invest in community-based health care, especially mental health services, and other front-end social supports** that will minimize the need for police officers to serve as de facto social workers and allow them to resume their primary role as guardians of public safety.

---

Accountability

- **Promote effective, informed independent civilian oversight of state and local law enforcement agencies.** Pete will support such local civilian oversight bodies where they exist, and incentivize states and localities to create civilian oversight bodies if lacking. Pete will provide incentives for civilian oversight bodies to have transparent meetings so communities can better understand the policies governing the police.

- **Create a National Review Board.** Pete will apply a system-accident framework to help police agencies assess catastrophes, including violence and other misconduct, after they happen. This framework will focus on the opportunity to create change in operational systems, rather than assigning blame, and will provide technical assistance to amend questionable practices. 59

- **Establish a comprehensive federal database** to document use of force and track officers who are fired from their duties.

- **Provide resources to states that enable their law enforcement agencies to track key metrics among their offices and to adopt early warning systems that can flag troubling performance and problematic or illegal behaviors.**

- **Develop incentives to encourage states to standardize and make public data** related to the use of force, line-of-duty deaths, policing activities (including traffic stops), officer safety and wellness, officer misconduct, arrests and charging, crime, and racial impact. As a precondition for federal grants, Pete will require law enforcement agencies to publish documents such as protocols and manuals that promote transparency—especially related to use-of-force investigations, technology, surveillance, and intelligence.

- **Reinvigorate the Department of Justice (DOJ) Civil Rights Division** and direct it to investigate law enforcement agencies that have a pattern or practice of violating civil rights and the Constitution, including by racial profiling, and reinstitute the Collaborative Reform Initiative in which the DOJ supported communities working to do the right thing.

- **Bolster funding to increase the number of police departments that use body-worn cameras** and develop a national analytics process for public safety processes and results. The DOJ will also work to develop model policies for law enforcement agencies that balance transparency with the privacy rights of people in the footage.

- **Encourage departments to hold police officers accountable for bias, discrimination, or falsifying information** with full investigations and meaningful discipline, including referrals to prosecutors for criminal culpability. Officers are entrusted with keeping the public safe; biased or corrupt officers tarnish the reputation of all officers, and make it more difficult for communities to trust law enforcement. Pete will leverage federal law enforcement funding to ensure states and localities develop strong disciplinary procedures that give a fair investigation to all incidents.

• **Promote legislation to end qualified and absolute immunity.** Police officers and other public officials are often shielded from liability for wrongdoing through court-made doctrines. Pete will push for legislation to ease restrictions on these lawsuits so that accountability and justice prevail.

**Training and Recruiting**

• **Develop a National Police Academy.** Similar to the other U.S. Service Academies, this academy would provide a four-year college degree for individuals interested in public service as a police officer. The curriculum would include standardized police training based on best practices and general education credits culminating in a bachelor’s degree. Upon successful completion, cadets will return to their local communities, complete jurisdiction-specific training, and then agree to a four-year commitment.

• **Create a pipeline for law enforcement employment** through the A New Call for National Service plan. Police departments across the country are facing shortages as a result of low recruitment and low retention, as well as because police officers often burn out quickly or fail to find meaningful forms of career development. This pipeline will prioritize access to positions in the communities in which they already live and are connected, and will encourage underrepresented members of those communities to enlist.

• **Invest in rigorous training on:**

  ○ Implicit bias.
  
  ○ Crisis intervention, mediation, conflict resolution, and rumor control.
  
  ○ Appropriate engagement with youth; LGBTQ, transgender and gender nonconforming individuals; domestic abuse survivors; women; non-English speakers; different religious affiliations; and individuals who are disabled.
  
  ○ De-escalation and minimizing the use of force.
  
  ○ Serious events, including active shooters and domestic terrorism.

• **Work to eliminate unfair and discriminatory practices,** such as broken windows-style policing, that are biased against people of color. This will require us to train officers and departments to prioritize the most serious offenses while creating diversion opportunities such as Seattle’s LEAD program and the Los Angeles Neighborhood Justice Program, for less serious offenses.

---

● **Train first responders to identify and deal with mental health crises.** First responders are increasingly responsible for responding to individuals with mental health and addiction needs in crisis. A Buttigieg administration will integrate mental health clinicians and co-response teams into the first responder workforce, and invest in first responder mental health and addiction training to equip them to address the mental health crisis in real time through de-escalation, therapeutic and care approaches as alternatives to arrest, and hospitalization for people who just need mental health care.

**Ensure Justice for All**

While the criminal legal system primarily consists of state and local actors, there are many ways in which the federal government influences practices in our communities. A Buttigieg administration will take full advantage of these opportunities to promote justice. Pete will reduce barriers to accountability by making it easier for everyone to work with law enforcement and bring justice to the wrongfully accused.

● **Incentivize states to process their evidence backlogs** by withholding federal grants for states with unjustified backlogs and providing more funding to states attempting to address the issue by expanding successful grant programs like the Sexual Assault Kit Initiative (SAKI) to include other types of evidence and target states that need help. Currently backlogs exist for all types of evidence including rape kits, electronic forensic evidence, and DNA samples. This backlog means that people are sometimes waiting in jail for extended periods of time and can cause innocent people to plead guilty.

● **Compensate the unjustly incarcerated.** Some states provide compensation by statute for people who are incarcerated because of a wrongful conviction. While no amount of money can bring back the years lost, Pete will encourage states to pass legislation compensating wrongfully convicted individuals at least $50,000 per year imprisoned and encourage all states to provide additional support beyond financial compensation, such as automatic expungement and sealing of records, so that people are able to pick up their lives again.

● **Promote restorative justice.** Pete will promote restorative justice programs that engage survivors of crimes in the process and promote alternatives to incarceration where appropriate. Studies show that involving survivors in the justice system makes them more likely to feel that justice has been served. It also helps people who commit crimes take accountability for their actions and it decreases recidivism.

---

● **Eliminate barriers to immigrants’ cooperation with law enforcement.** People without documentation often fear any interaction with law enforcement and other legal authorities because it may compromise their ability to stay in the U.S. As a result, they suffer in silence, and we’re all less safe.71 We need to ensure that undocumented immigrants and their families feel safe to report crimes so that we all can be safer.

  ○ **End the section 287(g) agreements and threats to withhold federal funding to so-called sanctuary cities** so that local law enforcement is free to focus on protecting the community, not forced to do Washington’s work.

  ○ **Eliminate caps for U and T visas**, which protect victims of crimes and encourage cooperation with law enforcement, and expedite adjudication of these visas.

  ○ **Protect undocumented workers from retaliation when reporting labor and employment law violations.**72

● **Vigorously enforce the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act**, which expanded the 1969 federal hate crime statute. Pete will also incentivize states to abolish the so-called “gay panic” defense so that hate is never a justification for violence.73

● **Address violence against Native American Women** by pushing Congress for a statutory Oliphant fix to affirm tribal jurisdiction over all reservation activity and appointing a commission within the first 100 days dedicated to studying the crisis of missing and murdered indigenous women. Pete also supports Savanna’s Act and strengthening the protocols and reporting standards surrounding the documentation and investigation of the crisis.

***

Scripture says, “Blessed is he... who secures justice for the oppressed.” With bold action, we can finally bring our criminal justice system in line with our deepest values.


72“A New Rising Tide.” Pete For America.