



CCJ

National Commission
on COVID-19 and
Criminal Justice

Reshaping Criminal Justice After COVID-19

SEARCH PRESENTATION

Thomas Abt, Commission Director and Senior Fellow
Council on Criminal Justice

July 20, 2022

The Council on Criminal Justice

- Founded in 2019
- Invitational membership organization and think tank
- Independent and nonpartisan, works to advance understanding of the criminal justice policy choices facing the nation

National Commission on COVID-19 and Criminal Justice

- Launched in July 2020
- Staffed by the Council but led by members
- Chaired by two former Attorneys General, composed of 14 members with wide range of relevant expertise

COMMISSION MEMBERS



Charlie Beck
Former Chief, LAPD



Chief Adrian Diaz
Seattle Police Department



Hon. Alberto Gonzales
Dean, Belmont University
College of Law



Sheriff Ed Gonzalez
Harris County, Texas (Houston)



Mayor Eric Johnson
Dallas, Texas



Tom Inglesby
Johns Hopkins University



Hon. Loretta Lynch
Paul, Weiss, Rifkind, Wharton
and Garrison

COMMISSION MEMBERS



Desmond Meade
Executive Director, Florida Rights
Restoration Coalition



Hon. Tina Nadeau
New Hampshire Superior
Court



Melissa Nelson
State Attorney
Florida's 4th Judicial Circuit



Colette Peters
Director
Oregon Department of Corrections



Pastor Michael McBride
Director, LIVE FREE



Steven Raphael
Economist and Professor
UC Berkeley



Jo-Ann Wallace
National Legal Aid and
Defender Association

The Charge

National Commission on COVID-19 and Criminal Justice

1

Assess the impact of COVID-19 in the criminal justice system

2

Develop priority prevention strategies to minimize the impact of a resurgence or future pandemics

3

Establish a priority agenda for future policy, practice, and research

The Work

Impact Reports

- Crime
- Jail Case Rates and Deaths
- Prison Case Rates and Deaths
- Domestic Violence
- Substance use Disorders
- Racial Disparities
- Public Health and Prisons

Interim Recommendations

- Released October 1, 2020
- 33 action steps for leaders in the field to stop the spread of COVID-19

Final Recommendations

- Released December 14, 2020
- Unanimous recommendations across five policy areas

FINAL REPORT: KEY RECOMMENDATIONS

1. Build preparedness by engaging all sectors of system, as well as public health authorities and community-based organizations, to develop integrated crisis response plans
 - Establish standing coordinating panels for public health emergency preparedness
 - Support state and local emergency planning through federal training, technical assistance, and funding
 - Prioritize criminal justice system for early access to vaccines

FINAL REPORT: KEY RECOMMENDATIONS

2. Rebalance criminal justice and public health responses to limit contact, maximize distance, and reduce density
 - Expand emergency release mechanisms for medically vulnerable
 - Invest in evidence-based public health alternatives to traditional law enforcement, particularly for behavioral health
 - Ensure adequate access to behavioral health, medical care, and housing for those returning from incarceration

FINAL REPORT: KEY RECOMMENDATIONS

3. Encourage adoption of shared standards and best practices for responding to public health emergencies
4. Collect and report standardized, aggregated public health data concerning justice-involved populations and staff; increase and improve research
5. Improve communication and increase transparency concerning public health emergencies by developing clear, reliable channels of communication

The Initial Response

- Commission's website visited over 35,000 times; Commission reports viewed more than 44,000 times
- Held eight webinars with more than 4,500 participants in total
- Hundreds of features in national and regional media publications, reaching millions of readers and viewers
- Policy influence: “Two former Attorneys General – one Democrat, and the other Republican; one Black, the other Latino – they have come out with a great report. Let's use that report as a foundation upon which to build back our judicial system.” U.S. Rep. James Clyburn (D – SC), *The Atlantic*, 12/17/20

American Rescue Plan Recovery Funds

- ARP provides \$350 billion in flexible funding to states and localities for pandemic recovery
- Treasury guidance specifically allows funds to be used for wide range of public safety and criminal justice initiatives
- States and localities have until 2024 to commit funds; until 2026 to spend them

American Rescue Plan Recovery Funds

- According to Brookings ARP funds tracker, only 33.2% budgeted to date, 5.9% of which devoted to public safety
 - \$370 million for police departments
 - \$307 million for “other public safety”
 - \$159 million for violence reduction and prevention
 - \$119 million for fire departments
- Very little devoted to future preparedness

American Rescue Plan Recovery Funds

- Bright spot: \$1.6 billion in ARP funds to support testing and mitigation measures in high-risk settings, including homeless shelters, treatment facilities, and correctional facilities
 - HHS collaborating with DOJ's Bureau of Prisons to invest \$169 million to advance testing and mitigation efforts in federal congregate settings
 - CDC collaborating with DOJ's Office of Justice Programs to distribute \$700 million to prevent COVID-19 in state and local correctional facilities, including diagnostic and screening programs, contact tracing, isolation strategies, etc.

18 Months Later – What Have We Done?

- Have we improved preparedness by engaging public health and communities in developing integrated crisis response plans?
- Have we rebalanced criminal justice and public health responses in order to limit contact, maximize distance, and reduce density?
- Have we encouraged the adoption of shared standards and best practices for responding to public health emergencies?
- Have we collected standardized, aggregated public health data concerning justice-involved populations?
- Have we improved communication and increased transparency?

Obstacles to Improved Preparedness

- Weakened institutions, struggling to return to status quo
- Pandemic fatigue more broadly
- Decentralized nature of U.S. government
- Hyper-polarization and resulting mistrust of government

CCJ

**National Commission
on COVID-19 and
Criminal Justice**