



How the Biden-Harris Administration Can Advance Criminal Justice Reform

*13 RECOMMENDATIONS FOR CHANGE AND
FEDERAL ENGAGEMENT*



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INTRODUCTION

Today, members of [both political parties overwhelmingly support reforms](#) to the U.S. criminal justice system that shrink the size of the incarcerated population, prioritize rehabilitation over punishment, and end persistent racial disparities. Having just won more votes than any presidential ticket in history – during an election cycle that brought



unprecedented progress for [reform-minded prosecution](#), [just drug policy](#), and [fair policing practices](#) – President-Elect Joe Biden and Vice President-Elect Kamala Harris will enter office with a mandate to transform the justice system. The new administration is poised to build its legacy on bold action to end the failed war on drugs that has had a devastating impact on communities of color, counter ineffective and harsh sentencing practices that have made this nation an international outlier, ensure that people in the criminal legal system have opportunities to rehabilitate and rebuild their lives, revitalize communities shattered by mass incarceration, and finally close the prison system’s revolving door.

This transition comes at a time when our nation, and particularly communities of color, have been devastated by the ongoing COVID-19 pandemic. This health crisis has been particularly acute behind bars, where many of the country’s worst COVID clusters have materialized. The tragic consequences have underscored the need to rethink when and if individuals need to be incarcerated. The pandemic has also created more economic pressure and trauma and cut off access to treatment and services – all of which can destabilize individuals who are already at risk and exacerbate challenges that can lead to entry into the criminal legal system. At the same time, the tragic deaths of George Floyd and so many others at the hands of police have heightened the need to address – once and for all – the systemic racism that pervades all parts of our criminal legal system. These intersecting crises underscore the need to bring new thinking, and leadership, to criminal justice reform.



Against the backdrop of a dire need for change, this document presents **13 recommendations** (a baker's dozen) for federal engagement and action. It draws on the experience and work of [Fair and Just Prosecution](#), a nonprofit organization that brings together a network of reform-minded, elected prosecutors from across the country. The recommendations are consistent with our work over the past few years alongside dozens of inspiring and bold local district attorneys¹ and state attorneys general seeking to promote fair, just, and effective criminal justice strategies.

The new president will have the power to advance many of these recommendations immediately upon assuming office, although we have also outlined opportunities for the new administration to build on executive actions through collaboration with Congress. Taken together, these recommendations would mark a much-needed and unprecedented step towards the justice system that Americans overwhelmingly demand: one that strengthens communities instead of tearing them down, rehabilitates the people it detains, provides second chances predicated on the recognition that people inevitably change over time, breaks cycles of violence, and prioritizes fairness over vengeance.

"We have the power together to build a system that reflects our best values and our best aspirations for ourselves and our children."

-Dan Satterberg

King County (Seattle, WA) Prosecuting Attorney

¹ The terms "District Attorney," "DA," or "elected prosecutor" are used generally to refer to any chief local prosecutor, including State's Attorneys, Prosecuting Attorneys, and Attorneys General with local jurisdiction.

13 RECOMMENDATIONS FOR CHANGE AND FEDERAL ENGAGEMENT

- 1 Appoint the Right People and Encourage the Right Culture in the Department of Justice and Throughout the Federal Government
- 2 Reform Policing Top to Bottom
- 3 Establish Mechanisms that Allow for Sentencing Second Chances and Second Look Opportunities and Advance Conviction Integrity
- 4 Establish Fair, Just, and Equitable Charging, Plea Negotiation, and Sentencing Policies That Alleviate Mass Incarceration and Promote Public Safety
- 5 Apply a Harm Reduction Approach to Substance Use
- 6 Adopt and Support Policies That Treat Kids Like Kids and Recognize Their Diminished Culpability and Heightened Capacity for Change
- 7 Address Concerning Conditions of Confinement in Federal Facilities and End the Use of Private Prisons
- 8 Support Improved, Expanded, and Increased Pathways to Successful Reentry
- 9 Address the Justice System's Poverty Penalty by Ending Cash Bail and Excessive Costs, Fines, and Fees
- 10 Reverse Cruel and Inhumane Immigration Policies and Build a Just and Effective Immigration System
- 11 Promote and Prioritize Racial Equity in All Criminal Justice Policymaking
- 12 End the Federal Death Penalty
- 13 Support, Promote, and Establish a Task Force on 21st Century Prosecution

"Change never happens when people are comfortable.... We're going to be thinking creatively about solutions."

***-Rachael Rollins
Suffolk County, MA District Attorney***



Appoint the Right People and Encourage the Right Culture in the Department of Justice and Throughout the Federal Government

Over the last four years, the Trump administration has implemented policies at the Department of Justice (DOJ) and other federal agencies that have negatively impacted our criminal justice system, our immigration system, and our civil and human rights. The Biden-Harris administration should commit to not only reinstating prior policies and practices that were reversed by the Trump administration, but also going further in its pursuit of an equitable and compassionate justice system.

Using its power of appointment, the administration should:

- Appoint visionary leaders as Attorney General and United States Attorneys – individuals who understand the important lessons learned from the failed “tough on crime” era and are committed to **reinstating the exercise of prosecutorial restraint and discretion** by being strategic about when, *and if*, conduct should result in entry into the criminal legal system and how limited resources can best promote community safety and well-being.
- Move quickly to appoint committed, diverse, and reform-minded leaders to head the **Office of Community Oriented Policing Services (COPS)**, the **Office of Juvenile Justice and Delinquency Prevention (OJJDP)**, the **Bureau of Justice Assistance (BJA)**, and other offices in the Department of Justice, and not allow those critical positions to remain vacant.
- Appoint leaders at the **Department of Homeland Security**, and other agencies involved with our immigration system, who value our history as a nation of immigrants, treat those seeking refuge here with compassion, and prioritize compliance with national and international laws and human rights norms.

In addition, the administration should create expectations that U.S. Attorneys **reset vision, culture, and training** to underscore the mission of their offices to seek justice as opposed to convictions and to proactively correct *past* injustices. To that end, the administration should increase the capacity for **data collection and standardization** within DOJ, including data that disaggregates stops, arrests, prosecutions, and other key decision points in criminal cases by race, neighborhood, gender, and disability. This can be done by increasing funding to the Bureau of Justice Statistics (BJS) and [addressing delays](#) in its collection and reporting. What gets measured is often a proxy for what we value and can also inform policy, practice, and prioritization of ongoing concerns.

Finally, the incoming administration should also **revive the [Office of Access to Justice \(ATJ\)](#)**, a critical office within the DOJ that promotes accessibility, ensures fairness, and increases efficiency in civil and criminal justice across the country.

2

Reform Policing Top to Bottom

The Biden-Harris administration will face widespread demand for long overdue reforms that counter racial discrimination, excessive violence, and lack of accountability within our law enforcement agencies and departments. Today, Black men are [2.5 times more likely](#) to be killed by police than white men, local departments [routinely respond](#) to minor threats with military-style weapons, and officers are [rarely held accountable](#) for misconduct. A wide range of reforms that address these concerns are set forth in FJP's [Blueprint for Police Accountability and Reform](#).

As the new administration tackles these issues, it should:

- Direct the Department of Justice to issue strong guidance on police use of force, pledge to seek civil or criminal remedies when local departments violate federal civil rights or policing laws, and empower the Civil Rights Division to resume the use of pattern and practice investigations and consent decrees to **hold local departments accountable**.
- Implement and promote de-escalation and peer intervention training and support departments in development of practices that implement **zero tolerance for dishonesty** and an affirmative **duty to intervene** in the face of misconduct.
- Reinvigorate the mandate of the COPS office to advance the principles set forth in President Obama's [Task Force on 21st Century Policing](#), support meaningful efforts to **build trust** between local law enforcement agencies and their communities, and provide in-depth technical assistance designed to improve the management and culture of local law enforcement agencies through the [Collaborative Reform Initiative](#) that existed in past years.
- Ban federal agencies from [selling military-grade weapons](#) that are unnecessary for community policing practices to local law enforcement (including by ending the Department of Defense 1033 program) and push local agencies – through DOJ convenings, guidance, incentives, or partnerships – to demilitarize.
- Create a **national database of police misconduct** records, limit federal grants to departments that fail to provide applicable records, and support congressional proposals to **end qualified immunity**.
- Support proposals and efforts to develop a **national use of force standard** that is predicated on de-escalation; the use of force no greater than what is objectively necessary and proportionate to the threat posed; the use of deadly force only as a last resort and in response to an immediate threat of serious physical harm or death; and a ban on chokeholds, strangleholds, and shooting at moving vehicles.
- Create federal incentives and resources that encourage the development of **alternative responder models** that remove law enforcement as the default first responders when individuals are experiencing mental health or substance use crises, and instead divert these cases to trained health professionals and avoid entry into the justice system.
- Provide funding and incentives to make the use of **body worn cameras** the norm in policing nationwide, with accompanying policies to (a) ensure footage is made publicly available absent a compelling reason for nondisclosure and with necessary privacy protections for the people police are interacting with, and (b) prohibit officers from viewing footage before filing reports.

3

Establish Mechanisms that Allow for Sentencing Second Chances and Second Look Opportunities and Advance Conviction Integrity

The incoming administration has an obligation and an opportunity to address the [long sentences](#), [racial disparities](#), and [aging population](#) in the federal criminal justice system. The next administration should address these challenges by using and expanding mechanisms to **revisit past extreme sentences**, directing U.S. Attorneys and the Bureau of Prisons (BOP) to presumptively consider those who have served at least 15 years eligible for sentencing review, and exploring ways to provide further avenues for relief through legislative or executive action. This [issue brief](#) and [model policy](#), which provide guidance for local elected prosecutors seeking to advance sentencing reform, include key principles and policy approaches that can and should be adapted federally through legislation and policy changes. The administration should also promote the integrity of convictions by ensuring there is a process in place at the federal level for correcting factual, evidentiary, and procedural errors and reversing previous wrongful convictions – tracking a growing trend in local prosecutors’ offices. In particular, the new administration should:

- Use the **power of clemency** often and proactively and [establish](#) a Clemency Commission, independent from the Department of Justice, that can make clemency recommendations directly to the president, and process these requests expeditiously (rather than awaiting the end of the term of office to grant clemency).
- Support and **expand sentence reductions** and **compassionate release** under the First Step Act, and push for federal legislation that includes increased compassionate release and second-look capabilities.
- Support and encourage state efforts to pass **sentencing review legislation**, such as the recently passed [legislation in Washington State](#).
- Establish a federal conviction review process, whereby past convictions are investigated based on credible allegations of misconduct or injustice, and provide resources and incentives to local prosecutors to encourage the implementation of conviction review mechanisms in their offices.

“Everybody makes mistakes, and some mistakes are seen faster and heard louder than other people’s mistakes. But we should never allow ourselves to get caught up in the hype and forget the focus of justice. Sometimes justice requires a second chance.”

-Mark Dupree

Wyandotte County (Kansas City, KS) District Attorney



4

Establish Fair, Just, and Equitable Charging, Plea Negotiation, and Sentencing Policies That Alleviate Mass Incarceration and Promote Public Safety

Over the past decade, there has been increasing recognition that mass incarceration is both unjust and harmful to communities. This has led to [bipartisan efforts](#) to roll back the excesses of mass imprisonment. However, in order to truly address mass incarceration, and to ensure that our policies are promoting public safety, fiscal responsibility, and justice, more needs to be done. The incoming administration and its DOJ can take the lead in these efforts by:

- Reversing the [current DOJ policy](#) requiring prosecutors to seek and only accept pleas to the highest possible charge and, instead, empower federal prosecutors to exercise restraint in charging decisions, including ending charge bargaining that can lead to coercive guilty pleas.
- Implementing policies that discourage federal prosecutors from stacking charges, seeking sentencing enhancements, or recommending higher-range sentences.
- Issuing guidance that creates a strong presumption against, and heavily discourages federal prosecutors from, seeking **life without parole sentences** for non-homicide offenses or young people or filing “851” enhancements.
- Working with Congress to revisit and **eliminate mandatory-minimum sentencing laws**.
- Ending the policy of requiring that defendants **waive their right to an appeal** in order to enter into a plea agreement.

5

Apply a Harm Reduction Approach to Substance Use

The Biden-Harris administration has a timely opportunity to turn the tide on substance use disorder and implement a drug policy based on science and public health instead of stigma and punishment. [Overdose rates are rising](#) across the country in the wake of the COVID-19 pandemic. The incoming administration has an obligation to respond with harm reduction policies that have proven effective, and to shift resources and responses from law enforcement to public health. The new administration should:

- **Halt prosecutions for drug use and possession.** Criminal legal system involvement is not an effective response to substance use disorder and simply increases the risk of overdose death.
- Support local communities that decide to open **overdose prevention sites**, clarify that this life-saving strategy is not at odds with federal drug laws (and cease any legal challenges that advance this claim), and issue guidance making clear that those involved with this public health intervention will not be prosecuted for their involvement.
- Increase funding and support for local community **harm reduction initiatives** such as needle access and exchange, naloxone distribution, and community outreach programs.
- Immediately reinstate the Obama-era [Cole Memorandum](#), asserting that the federal government **will not prosecute cannabis charges** in states that have legalized, and support and advocate for legislation that legalizes cannabis federally.



Adopt and Support Policies That Treat Kids Like Kids and Recognize Their Diminished Culpability and Heightened Capacity for Change

The United States treats justice-involved youth far too harshly, in a manner at odds with recognized science. As a result of ineffective, tough-on-crime policies of a bygone era, many young people are being ushered through the criminal justice system rather than receiving the care and treatment they need to become responsible and productive adults. This has led the Supreme Court, relying on adolescent brain research, to [declare](#) that “children are different” from adults. Yet, overly harsh and punitive practices continue to persist, even though they do not help our children or make our communities safe.

The new administration should **implement and promote policy reforms** consistent with recent Supreme Court decisions, [research on adolescent development](#), and public safety. These reforms should include:

- **Eliminating federal transfer laws** and providing grant support, technical assistance, and guidance to encourage states to implement similar reforms of both mandatory and discretionary transfer provisions that push young people into an adult system ill-equipped to deal with young people and where outcomes are poor.
- **Ending life without the possibility of parole and de facto life sentences** for youth in the federal system through policies that prohibit federal prosecutors from seeking such sentences and by supporting early release mechanisms for youth with long sentences, and encouraging states to follow suit.
- Reversing recent, [harmful changes](#) at OJJDP by **reinstating the 24 [guidance documents](#) that were rescinded by the previous administration**, revising the COVID juvenile justice guidance issued in May 2020, resurrecting robust data collection requirements for states, and rebuilding OJJDP’s research arm.
- Issuing guidance on best practices around **youth arrest and interrogation** that recognize the unique vulnerabilities of young people to coercion, including ensuring that a parent/legal guardian and an attorney are present for the entire interrogation, video and audio taping the entire *Miranda* warning and interrogation process (including breaks), and prohibiting deception or coercion when interrogating a young person.
- Reinstating Obama-era DOJ and DOE [joint guidance](#) on **countering racial disparities in school discipline**.
- **Limiting the use of exclusionary discipline** (suspension/expulsion) in schools and **monitoring racial bias** in the use of these practices.
- Leveraging grant funding to incentivize state and local prosecutors and other criminal justice leaders to promote **alternatives to youth prisons** and develop community-based placements and treatment strategies that can better protect the community and are also more humane for the young person.
- Creating funding incentives for states that **raise the age** of juvenile jurisdiction.

The new administration should also support Congressional efforts to promote change and codify reforms in legislation by:

- **Prohibiting armed School Resource Officers** in K-12 federally funded schools.
- Fully funding the **Juvenile Justice and Delinquency Prevention Act** to ensure states have the resources needed and that their youth justice policies are consistent with recognized science about youth development, treat youth with compassion, recognize their vulnerabilities, and help them flourish.

7

Address Concerning Conditions of Confinement in Federal Facilities and End the Use of Private Prisons

Over the past 30 years, the deterioration of the [prison-based education system](#), [overcrowding](#), and [lack of funding](#) for key services have made American prisons and jails more dangerous and destructive for both incarcerated people and staff. In 2018, Congress took long overdue action with the First Step Act, but the BOP still [lacks funding and staff capacity](#) to fully implement several of the Act's key provisions. The Biden-Harris administration should work quickly to direct DOJ funding away from ineffective, punitive practices, towards the essential **mental health, drug treatment, and educational services** mandated by the First Step Act. The BOP should also create a clear, transparent policy for awarding **earned time credits**, which were expanded by the First Step Act, ensuring that people who complete rehabilitative programming are rewarded with time off of their sentences.

Recognizing the importance of **educational services** to reducing [recidivism](#), increasing post-release [employment](#), and maintaining [safe prisons](#), the incoming Department of Education should expand the Second Chance Pell Experimental Sites Initiative, making more incarcerated people eligible for federal Pell grants, and support congressional action to make all incarcerated people Pell-eligible. The president should also direct agencies, including the Department of Education and the Department of Labor, to make funds from existing educational and workforce development programs available to correctional systems working to improve educational programming and re-entry services.

The BOP has the nation's [highest number](#) of people incarcerated in private custody. Private prisons rely on profit incentives that are antithetical to the core purposes of a prison system – public safety and rehabilitation. The incoming administration should **end the use of private prisons** to incarcerate federal prisoners.

Finally, the new administration can make prisons safer and more rehabilitative by instituting and expanding **more humane practices at the BOP and at the state and local levels, such as:**

- Making **phone and video calls free** in all federal prisons and encouraging state facilities to do the same, because maintaining contact with loved ones helps incarcerated people stay healthy while in prison and prepare for release.
- **Discontinuing the use of [solitary confinement](#)** and instituting training and mental health supports for corrections officers.
- **Ensuring humane conditions of confinement for those who must remain in custody during the COVID-19 pandemic**, including implementing a clear housing and medical plan for people who are sick; providing free sanitation products to those in custody; ensuring proper, professional, high-quality medical care is available; and sharing information about COVID-19 and mitigation strategies to those in custody.



Support Improved, Expanded, and Increased Pathways to Successful Reentry

Pre-COVID-19 [estimates](#) suggested that the unemployment rate among individuals returning to their communities from incarceration was 27 percent – higher than the total U.S. unemployment rate has ever been in history. Lack of opportunity leads many such individuals back into the system. COVID-19 has only exacerbated these trends and the pandemic is likely to have a lasting impact on returning populations. By supporting successful reentry, the Biden-Harris administration has an opportunity to make lasting reforms that will better protect people from this and any future pandemic or catastrophic event. The new administration should allocate federal funding for **release planning** and other **reentry employment and education programs** [proven](#) to facilitate successful re-entry, direct the Department of Labor and Department of Justice to consider re-entry services for grants under existing programs, and support legislation to protect individuals returning from incarceration to their communities from housing, educational, or labor discrimination.

The new administration should also work to improve **housing opportunities** for individuals returning to their communities by:

- Directing the Department of Housing and Urban Development to ensure individuals are not disqualified from HUD-assisted housing.
- Allocating HUD funding to address homelessness in justice-impacted communities.
- Directing HUD to issue guidance advising local housing authorities that discrimination against these individuals violates federal law.
- Supporting congressional repeal of [federal laws](#) prohibiting individuals convicted of certain categories of offenses from living in public housing.

The next administration should also reform the federal probation system and support state-based efforts at **probation and parole reform**. Every day, [4.5 million](#) people are under probation or parole supervision. [Close to half](#) of people entering prison were on probation or parole at the time of their current incarceration, and a quarter of those were incarcerated for technical violations. Evidence-based reforms to the probation system promote development and success rather than finding failure, and are gaining [wide support](#). The incoming administration should instruct federal prosecutors and law enforcement to divert from probation individuals for whom the purposes of sentencing can be achieved without supervision, and ensure that the conditions placed on those who are on probation are narrowly tailored to the needs and goals of the individual.

Last, the next administration can ease the transition of thousands of people out of the federal prison system by reforming and **limiting supervised release and probation terms and requirements**. DOJ should also implement guidance directing federal prosecutors to **not seek re-incarceration for technical violations**, limit burdensome fines, and support congressional action to reinstate parole eligibility in the federal system.

9

Address the Justice System's Poverty Penalty by Ending Cash Bail and Excessive Costs, Fines, and Fees

Pervasive costs, fines, and fees throughout the justice system create a hidden tax on many of our country's [poorest communities](#) and prevent individuals from escaping the revolving door of incarceration. The new administration should complete a **top-to-bottom assessment of the federal justice system** to identify every point at which the system punishes individuals for being poor.

First, the new administration can ensure that people are not incarcerated on the basis of poverty by supporting federal legislation to **end the use of cash bail** for federal crimes. It should take the lead in countering false, alarmist narratives on bail reform by explaining to the public how a system that makes decisions on the basis of evidence, rather than on the basis of a defendant's wealth, makes everyone safer.

Next, the administration should address the crushing impact of the justice system's **fines and fees**. Today, while over [80 percent](#) of people in prison come from low-income families, the average incarcerated person incurs over [\\$13,000](#) in court fees. Then, while sometimes making only a [few cents per hour](#) for their labor, incarcerated people must pay far-above-market rates to [call home](#), [purchase necessities](#), or even [read books](#). After release, constant fees prevent many from rebuilding their lives. The new administration can mitigate these harms by halting the collection of excessive fines in the federal system, directing federal prosecutors to consider a defendant's ability to pay before demanding any monetary penalty and not to seek to incarcerate individuals for simple failure to pay, and instituting fair price controls for goods and services sold to inmates in the federal system.

Finally, the Administration should encourage local justice systems to align with these best practices by offering funding incentives to those who take bold action on ending the poverty penalty.



"People shouldn't be punished without due process because of their lack of funds. This allows everybody equal access to the justice system, not access based on ability to pay."

-Tori Verber Salazar
San Joaquin County, CA District Attorney

10

Reverse Cruel and Inhumane Immigration Policies and Build a Just and Effective Immigration System

The Trump administration's immigration policies were characterized by cruelty, moral depravity, xenophobia, and violations of human rights. The incoming administration should use executive power to reverse harmful measures and build an immigration system that reflects American values.

First and foremost, the administration should **immediately rescind several harmful policies**, including "[Zero Tolerance](#)" family separation, racist travel bans, the "Remain in Mexico" [Migrant Protection Protocols](#), the placement of sanctuary city restrictions on federal grants, the 287(g) program that enables [dangerous cooperation](#) between local law enforcement and Immigration and Customs Enforcement (ICE), and the ability to use local criminal justice resources, including detention, notification, and transfer requests, to enforce federal immigration laws. The new administration should also revise other harmful agency policies, such as withdrawing ICE from all sensitive spaces, including courts and schools, and rescinding U.S. Citizenship and Immigration Service's (USCIS) arbitrary "blank space" U-visa policy – while also expanding and facilitating the authorization of U-visas.

Beyond reversing these harmful policies, the Biden-Harris administration should also **reform the immigration system**. While some immigration reforms may require legislative action, others can be done within the Executive Branch. The administration should:

- Improve the **Executive Office of Immigration Review**, with the goal of eventually creating an [independent immigration court system](#) separate from the Department of Justice.
- Return to policies that allowed prosecutors to **use discretion in deciding when and if to prosecute immigration offenses**, such as unlawful entry, and do so only when a public safety interest is clearly implicated. In particular, the DOJ should issue guidance directing federal prosecutors to rarely, if ever, prosecute violations of 8 U.S.C Section [1325](#) and only prosecute violations of Section 1326 in conjunction with other federal criminal conduct or compelling evidence of public safety concerns.
- Encourage DOJ prosecutors to **consider immigration collateral consequences** when determining charges to file and sentences to seek.



11

Promote and Prioritize Racial Equity in All Criminal Justice Policymaking

Racial disparities in the criminal justice system are pervasive. They infect every aspect of the justice system from arrest to sentencing to reentry. All policies, necessarily, must be viewed with a racial equity lens.

For years, the American people have rightfully demanded that systematic racism be addressed, but these disparities are often challenging to reduce. If we, as a society, are to tackle these issues, this administration must continuously monitor and be willing to openly tackle the impact of its decisions on racial disproportionality.



The incoming administration should direct the Department of Justice to **collect, track, and release data on race in the criminal justice system**, including for stops, arrest, bail requests, charging decisions, plea bargains, sentencing recommendations, and parole board recommendations, disaggregated by race, gender, neighborhood and disability. Access to data enables us to ask important questions and probe further in an effort to uncover why disparities exist and ultimately to help the administration address the underlying issues and problems. The administration should require and fund an outside source to review the data, evaluate disparities, and make recommendations to reduce them at every point in the system.

The administration should also encourage racial bias training for all federal officials, grantees, and contractors and regularly bring in experts, especially those who have been system-impacted, to **train staff and law enforcement agencies on racial equity, implicit and explicit bias, and systemic racism**.

Finally, the new administration should promote diversity in local and federal prosecutors' offices by **prioritizing inclusive hiring and promotion**. Workplace diversity is critical to reducing racial disparities, changing workplace culture, spurring innovation, reducing groupthink, and improving overall performance. It is also important to collect employee demographic data and make that information available to the public.

"This is not just a Black problem. This is an American problem, that requires ALL Americans to be a part of the solution." -Wesley Bell

St. Louis County, MO Prosecuting Attorney

12

End the Federal Death Penalty

The death penalty is on the decline nationally, but sadly has been resurrected at a federal level in recent years by the Trump administration. Capital punishment has been shown, time and time again, to be ineffective as a deterrent to crime, faulty in application, and permeated with racial bias. The incoming administration should immediately **institute a moratorium on federal executions** and support state and federal efforts to **abolish the death penalty nationwide**, once and for all.

13

Support, Promote, and Establish a Task Force on 21st Century Prosecution

A growing number of local prosecutors are being elected on platforms promising to dismantle mass incarceration, ensure equity, and increase public safety in jurisdictions around the country. These state and local leaders are creating a new normal in the field of prosecution, but they are also increasingly facing challenges and under attack – often as a result of a false narrative suggesting that their proven reforms are somehow making communities less safe.

The incoming administration should:

- **Establish a Task Force on 21st Century Prosecution**, modeled on the Obama-era [Task Force on 21st Century Policing](#) that seeks to define and encourage new thinking in prosecution.
- Support local elected prosecutors by creating federal funding incentives **to support local prosecutorial reforms**, including programs that address conviction integrity, police accountability, wrongful conviction compensation, violence prevention, second-look sentencing, racial disparities, expungement, restorative justice, new performance evaluation metrics, and data collection.
- Help promote and incentivize prosecutorial **best practices and data collection** that promote fairness and accountability, with accompanying funding for implementation. These standards might address topics such as discovery, *Brady* and *Giglio* obligations, conviction integrity units, prosecutor training, sentencing review policies, performance evaluation tools, and data transparency.

For more information, visit FairandJustProsecution.org.

