CBAC 2018 RESOLUTION IN SUPPORT OF CRIMINAL JUSTICE REFORM

WHEREAS, the Coalition of Bar Associations of Color (CBAC), organized in 1992, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

WHEREAS, the member organizations of the CBAC are the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA); and

WHEREAS, the member organizations of the CBAC are the national voices of their respective legal communities in the United States and its territories and possessions; and

WHEREAS, the United States is home to four percent of the world’s population, but twenty percent of the world’s prisoners and spends $80 billion a year to sustain these incarceration rates; and

WHEREAS, the per capita rate of prison incarceration in the United States has increased fourfold since 1970; and

WHEREAS, research supports that minorities are more likely to be convicted of an offense that requires a mandatory-minimum sentence that strips sentencing judges of their discretion at sentencing; and

WHEREAS, in recent years, legislators from both parties in both chambers of Congress have introduced comprehensive criminal-justice reform legislation that would ease some federal sentencing guidelines for drug-related crimes, and allow some current prisoners held on drug-related convictions to have their sentences reduced; and

WHEREAS, research suggests that among the major racial or ethnic groups, Latinos are most likely to be required to pay bail to gain release, and on average receive the highest bail amounts, and are the group least able to pay bail; and

WHEREAS, one of the fundamental and immediate needs of prisoners upon release is employment and education; and
WHEREAS, research supports that after a certain number of years a lower-level felony conviction no longer supports a credible likelihood of recidivism; and

WHEREAS, law enforcement’s use of body cameras provides benefits to the judicial fact-finding function by virtue of their ability to provide documented evidence that lends greater accuracy and credibility to court and jury determinations in contexts ranging from suppression hearings to jury verdicts; and

WHEREAS, in 2017, five states had enacted laws that required at least some officers to use body-worn cameras, and thirteen states and the District of Columbia had approved funding opportunities for state and local law enforcement to purchase body camera equipment; and

WHEREAS, approximately 500,000 youth were brought to detention centers in 2015, and approximately 71,000 juveniles were incarcerated in youth detention facilities; and

WHEREAS, the general adolescent population is estimated to have a rate of 9% to 21% in occurrence of diagnosable psychiatric disorders and in comparison, researchers have established that the juvenile offender population has a disproportionatley high rate of mental health problems, with estimates suggesting it is as high as 50% to 70%; and

WHEREAS, in the 2010 Survey of Youth in Residential Placement: Youth’s Needs and Services (Survey) conducted in partnership with the Office of Juvenile Justice and Delinquency Prevention, the U.S. Department of Justice found that 70% of youth in custody reported that they “had something very bad or terrifying” happen to them in their lives; and 67% reported having seen someone severely injured or killed; and

WHEREAS, the Survey found that youth in custody have more extensive histories of drug and alcohol use than youth in the general population; and

WHEREAS, the Survey also reported that, of those in custody, 63% of girls and 47% of boys have problems with anger; 49% of girls and 16% of boys have had hallucinatory experiences; and 37% of girls and 18% of boys had suicidal thoughts and feelings; and

WHEREAS, thirty-three percent of youth in detention reported exposure to “adverse” events including accidents, serious illnesses, physical and sexual abuse, domestic and community violence, and the majority of these youth were exposed to six or more adverse events; and

WHEREAS, youth of color remain disproportionately represented at nearly all contact points in the juvenile justice system—from arrest through charging, confinement, and transfer to adult court; and

WHEREAS, the Children’s National Health System (Children’s National), which is based in Washington, D.C. and has been serving the nation's children since 1870, believes that a public health approach is critical in preventing criminal behavior among juveniles; and
WHEREAS, Children’s National believes that legal and health care communities must work together to develop tools to identify and care for juveniles who may have experienced trauma, or who have behavioral, mental or substance use disorders.

NOW THEREFORE BE IT RESOLVED, that the CBAC supports any and all legislative and executive measures aimed at addressing prior sentencing disparities through revised statutory penalties, sentencing guidelines, and a reinvigorated use of clemency, with special regard to the juvenile justice system; and

NOW THEREFORE BE IT RESOLVED, that the CBAC supports law enforcement’s use of body cameras in a manner that thoughtfully addresses privacy and Fourth Amendment issues, data storage and retention, open records laws and police training; and

NOW THEREFORE BE IT RESOLVED, that the CBAC supports the use of best-available technologies, including the use of GPS devices, as an alternative to pre-trial and post-trial incarceration; and

NOW THEREFORE BE IT RESOLVED, that the CBAC supports adequate funding for prisoner re-entry programs, including those support programs that provide a high school diploma, GED, and training in computer science and technology fields, with special attention to juveniles; and

NOW THEREFORE BE IT RESOLVED, that the CBAC supports expungement of criminal records for lower-level felony offenses after a certain time period for which research demonstrates there is low chance of recidivism; and

NOW THEREFORE BE IT RESOLVED, that CBAC supports the end of solitary confinement, especially for youth.

BE IT FURTHER RESOLVED that the CBAC authorizes the presidents, boards, and staff of each CBAC organization to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary; and

BE IT FURTHER RESOLVED that the CBAC supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution; and

BE IT FINALLY RESOLVED that this resolution shall be a legislative priority of the CBAC until it is withdrawn or modified by subsequent resolution.
CERTIFICATION

WE, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly noticed meeting of the Board of Directors.

Erica V. Mason
President, Hispanic National Bar Association

Pankit J. Doshi
President, National Asian Pacific American Bar Association

Juan R. Thomas
President, National Bar Association

Diandra Benally
President, National Native American Bar Association

2/26/18
Date