

Obama lays out some steps for Trump to tackle criminal justice reform

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The United States spends \$80 billion annually on incarceration, and has about 2.2 million people behind bars in state and federal prisons and jails. Even though America only makes up 5% of the world's population, it has the largest prison population in the world.

There's no denying that the criminal justice system in the U.S. needs major reform. As President Barack Obama's administration comes to an end, he has put forth a set of tools future presidents, like President-Elect Donald Trump, can use to make meaningful change in the criminal justice system.

"Presidencies exert substantial influence over the direction of the U.S. criminal justice system," Obama writes in *The President's Role In Advancing Criminal Justice Reform*. "This Essay argues that those privileged to serve as President and in senior roles in the Executive Branch have an obligation to use that influence to enhance the fairness and effectiveness of the justice system at all phases."

In his 56-page essay published in the Harvard Law Review today, Obama outlines the need for reform, what his administration has done — and what other administrations can do — to drive change at the state and local levels, and the work that still needs to be done. Obama specifically says he’s hopeful about seven “common-sense steps” that could be accomplished in the next few years.

1. Pass “meaningful sentencing reform legislation. “The Sentencing Reform and Corrections Act, Obama writes, “would be a good start.”
2. Reduce gun violence by having Congress pass reforms to increase access to mental health care, expand background checks.
3. Address opioid misuse and addiction. The opioid epidemic, Obama writes, is a “public health problem that requires a public health response.” He says it’s important for the next administration to invest in evidence-based treatment programs, which Obama says would cost just a fraction of what it would take to build new prisons, and ensure every American who wants treatment can get it.
4. Strengthen forensic science and identify wrongful convictions. “Continuing advancements in DNA analysis and other forensic science disciplines will improve the reliability of forensic evidence and assure that justice is served, both in contributing to the convictions of perpetrators of crimes and in exonerating those falsely accused or wrongfully convicted,” Obama writes.
5. Data. We need more of it. Obama says that we need to get every law enforcement agency reporting data to the FBI using the National Incident-Based Reporting System. We also need more data about the use-of-force on civilians.
6. Give people back their rights to vote. More than six million Americans have lost their right to vote because of a felony conviction. As Obama has said before, and reiterates in his essay, “[I]f folks have served their time, and they’ve reentered society, they should be able to vote.”
7. Harness the power of technology to enhance trust in law enforcement. Ensure adequate funding and resources to deploy body-worn cameras for police officers across the nation.

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In Obama’s eight years in office, his administration has done much to attempt to reform the criminal justice system. The Obama administration has changed charging and sentences policies, launched initiatives to get businesses to commit to reduce barriers to hiring formerly incarcerated people, enabled Obama to use his clemency powers, as well as encouraged local law enforcement agencies to harness data and technology to modernize the criminal justice system.

After the murder of Michael Brown in Ferguson, and other killings of unarmed black people, the Obama administration launched the Task Force on 21st Century Policing in order to provide recommendations to law enforcement agencies around transparency, de-escalation and building trust in communities.

The White House launched a Data-Driven Justice Initiative and Police Data Initiative to try to effect change at the state and local level. Since launching Data-Driven Justice, 140 cities, counties and states have committed to reducing the amount of unnecessary time spent in jail, and helping to ensure people with mental health issues, who have committed low-level crimes, don't get locked up in the criminal justice system simply because they can't afford bail.

With the Police Data Initiative, more than 130 law enforcement agencies have voluntarily decided to release data sets on arrests and use-of-force broken down by race and gender.

After the Obama administration ends, the Data-Driven Justice Initiative will continue through a collaboration of the [National Association of Counties](#). The Police Data Initiative, on the other hand, will remain a federal program by moving into the hands of the Department of Justice. More specifically, the DOJ's Community-Oriented Policing Services Office will take charge of the initiative and make it part of its [Collaborative Reform Initiative](#).

“Even as I am proud of what we accomplished, I am aware of how much work is left unfinished,” Obama writes. “Our criminal justice system took a long time to build and will take a long time to change.”

Under a Trump presidency, it's hard to say what will happen to other criminal justice reform efforts at the federal level. But it's worth mentioning that most criminal justice policies and legislation form at the local and state levels ([local and state officials are in charge of more than 90% of the prison population and jail population](#)).

There's also only so much a President, and the federal government as a whole, can do to impact — either positively or negatively — criminal justice reform. Still, presidents can set the tone and provide recommendations.

On a press call yesterday, many reporters wondered if there was fear that a lot of what President Obama has accomplished might be undone by Trump, and if Obama's “common-sense” steps have been communicated to Trump. White House Senior Advisor Valerie Jarrett would not say much about that, other than that there is still very strong bipartisan support among advocacy groups, civil rights organizations and the business community. Jarrett also noted that the vast majority of people are incarcerated at the state and local levels.

“It's critical we build on this in the ways I've outlined above,” Obama writes in conclusion. “But at the end of the day, those entrusted with influence over the direction of the criminal justice system must also remember that reform is about more than the dollars we spend and the data we collect. How we treat those who have made mistakes speaks to who we are as a society and is a statement about our values — about our dedication to fairness, equality, and justice, and about how to protect our families and communities from harm, heal after loss and trauma, and lift back up those among us who have earned a chance at redemption.”