



## Roundtable on the Future of Justice Policy

The Values of the Justice System: Implications for Justice Policy and Practice

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REIMAGINE JUSTICE

### Re-building Systems that Prioritize Healing and Recovery

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Here in Oregon, it feels like opportunity is in the air. The days are growing longer, spring flowers are blooming, vaccines are rolling out, the COVID-19 outbreak in jail has abated, the jail population remains low, and local stakeholders are motivated to find ways to continue improving our local criminal legal system.

Opportunity, however, is not action. Hope, alone, doesn't create change. Change requires commitment and collaboration that is grounded in values and vision.

The Square One Project's Executive Session on the Future of Justice Policy created a number of grounding values for reimagining justice. The values that speak to the current state of change in Multnomah County, Oregon are healing and recovery.

Healing and recovery are values in parts of the criminal legal system. For many years, I was a family therapist in juvenile justice for youth on probation. I worked with families to better support their children and find recovery from trauma, substance use and mental health problems. There are others in the field, like restorative justice workers, and even probation officers, who work tirelessly to help people find roads to recovery, repair harm, and stay out of the justice system.

But these approaches are not criminal justice foundations. Instead, they work to undo the tangled mess of prosecution and incarceration. Even though Multnomah County has a relatively progressive system, prioritizing healing and recovery is a huge task, and we have a long way to go.

### **The problem**

Change is hard. We need a plan.

The criminal legal system is outrageously expensive. One half of Multnomah County's general fund budget is allocated to the administration of the criminal legal system. This cost does not include the local, city-run policing agencies, court system, public defense, or state department of corrections. Given how much we spend, the investments don't reduce crime, heal victims, or meaningfully improve public safety.

The criminal legal system causes harm to individuals, families, and communities. Prisons are traumatizing and do not improve safety outcomes for people and communities. Victims of crime indicate they do not receive adequate support. Even though there is local recognition of this harm, creating systemic change is a monumental task

because the system was created hundreds of years ago to do exactly what it accomplishes today. A possible re-building process feels massive and daunting.

I believe the criminal legal system does too much. Police departments have special mental health units, prosecutors charge defendants with low-level crimes that are often a symptom of behavioral health problems (and then that individual receives specialized probation supervision for their condition). I believe the criminal legal system is an indicator that other systems are failing people who are poor, sick, and houseless. We need to build and fund non-criminal approaches to all of these problems and allow the criminal legal system to focus on serious crime.

Grounding ourselves in the values of healing and recovery, it is easy to see how the criminal legal system causes harm, uses too much public funding, and has mediocre outcomes. The systems that should have significantly more resources and capacity for people struggling with acute illnesses, like health and housing, have much more potential to help. It's also the right fit; allow health systems, rather than legal systems, to address addiction.

In the meetings I lead, I have observed that everyone — from law enforcement leadership to community activists to judges — buys into the same vision of community safety: more equity, safe streets, no gun crimes, ample treatment, services, housing, and healthcare. But our reality is that we see so many failures; people are booked into jail over and over again, ongoing racial and ethnic disparities, continued lack of investments in communities of Black, Indigenous and other people of color, and many tent cities.

Systems should help reduce harm while increasing recovery and healing. People don't fail, systems fail people. We recently completed a study, [Frequent User System Engagement](#) (FUSE), and matched data from booking, health, and homeless services. Unsurprisingly, the individuals with touches to all three sectors fare poorly, with multiple bookings (and therefore criminal cases), many visits to the Emergency Department, and indicators of chronic homelessness. Data showing how often people cycle through these systems indicate the systems are failing.

We, the system, hemorrhage money and try—but fail—to help people in need. People are sick, living outdoors, and are suffering generational traumas and oppression. Shame on us, the system, not yet re-building systems that prioritize healing and recovery. Instead, we continue to develop good programs that can help some people, but do not address the core problems.

Upon joining the conversations at the Executive Session table, I wanted to find ways to bring blue sky thinking (imagine a world so safe we didn't need police as they exist today; imagine a restorative penal system) to the road. As a practitioner, I am frustrated by aspirational discussions about criminal legal system reform. I need something tangible to create on-the-ground change; a model, a roadmap, or a new implementable concept. Recent movements for racial justice have accelerated and galvanized all of our desire for change, and I want to invest in a process that meaningfully changes the system at its core, rather than facilitating meetings that create new programs.

## **The vision**

For the last 25 years, I have worked at the edges of criminal system reform. I have helped make programs better and developed new, trauma-informed ways of making systems more focused on healing and recovery. The years of

experience, along with my involvement with the Square One Project, helped me realize we can pull local levers to create and maintain wholesale system change. No matter who occupies the White House, there is significant power at the state and local levels to envision and create core change.

At the [What Works in Public Safety conference](#) in January 2020, local leaders agreed to engage in a process to reimagine the future of justice policy. We acknowledged the need for a North Star that spans the criminal, legal, health and housing systems. This North Star should prioritize healing and recovery. System leaders can engage in creative, bold thinking to engage in budget alchemy in order to decrease the criminal legal system footprint while prioritizing treatment, housing, services, and investment BIPOC community-led safety efforts.

Our North Star should include priorities such as no-barrier, no-failure permanent supportive housing; a continuum of non-law enforcement responses to people in crisis; enhanced medical and treatment options for individuals with acute needs and behavior; well-financed treatment and recovery supports; and many more services that prioritize healing, wellness, and recovery.

If ‘hurt people hurt people,’ we must invest in healing approaches that can reduce crime and recidivism and increase community wellness and safety. Prosecution and incarceration are not a healing approach.

How do we make the shift happen?

### **A potential solution**

How do we get from our current state to a future state, pointed toward the North Star of a system of healing and recovery? No matter the path, it must include a process of reckoning before reconstruction can begin.

In my role as the Executive Director of the Multnomah County Local Public Safety Coordinating Council, I facilitate policy-level discussions and projects focused on safety and reform. This project is too big for one person or office to lead. And this visioning project must not be a typical strategic planning process. In fact, through the years and several office purging moments, I discovered three other strategic planning documents and many other reports on how to improve the criminal legal system buried in old files. All of the plans and reports largely say the same things about system strengths and weaknesses, but the system stays pretty much the same. Due to elections, retirements, and budget crises, we are very good at inertia.

To be successful, we need outside experts in visioning processes to help us see the forest for the trees and create daring new pathways toward reimagination. For this process, the experts should not have deep knowledge in criminal justice, housing, or behavioral health. We have plenty of local subject matter experts. Rather, we need a consultant that can help us (remotely due to COVID) uplift local voices and expertise to define the North Star and help us draw a map to get there.

Through a competitive RFP process, the County contracted with a firm, [Territory](#), that will shepherd this project, now named [Transforming Justice](#). Critical to this project are the budget-makers (local government), law-makers (state legislators), and policy-makers (many of whom are members of the [Local Public Safety Coordinating Council](#)), community members most impacted by the criminal legal system, and victims of crime.

Paramount to all of our sessions and work together as the project moves forward, we ground ourselves in values of repairing harm and moving toward recovery. Our mission is to create a fully realized vision that will lead a strategic plan across the public safety systems that grows health and housing responses; shrinks the criminal legal system footprint, particularly for BIPOC communities; and outlasts turnover and election cycles.

Transforming Justice launched in January 2021. We have a lot of work to do.