

2024 Public Safety Agenda for State Legislators



INTRODUCTION

Each new election cycle is an opportunity for state legislators to evaluate the current status of public safety priorities and pursue evidence-based strategies to serve their constituents. Voters increasingly favor [crime-prevention strategies](#) over punishment and recognize that more police and prisons should not be the default solution. Young voters particularly value candidates who seek to build [safer communities](#) by providing resources for health care, education, and jobs. They understand that police and jails are ill-equipped to handle the myriad of [social service needs](#) with which they are confronted and that many individuals would be better served by community-based resources. Rather than relying on the overly punitive and often ineffective tough-on-crime policies of the past, state legislators should prioritize smart-on-crime strategies that build trust between law enforcement and the communities they serve; provide critical reentry resources to reduce recidivism and enhance public safety; and expand access to treatment and other resources for substance use, mental health, and homelessness. These [effective, fiscally responsible alternatives](#) to arrest and incarceration enjoy [bipartisan support](#) among voters and legislators and demonstrate a commitment to the [long-term safety](#) of our communities.


AGENDA

POLICE ACCOUNTABILITY AND TRANSPARENCY:


Enhancing public safety and improving police-community relationships

- ? **Why:** Between May 2020 and May 2022, state legislatures considered [more than 4,500](#) police-related reforms that sought to enhance police accountability and transparency. Some of the bills included provisions to [limit or ban](#) no-knock warrants, qualified immunity, and chokeholds while [expanding requirements](#) for the use of police body-worn cameras, dashboard cameras, civilian oversight boards, and databases to track police misconduct and use of force. While Republicans and Democrats debate the specifics of various bills, there is [bipartisan support](#) for police reform along these lines. Voters [overwhelmingly support](#) comprehensive approaches to community safety that hold individuals accountable for violating the law—civilians and officers alike.
- ✓ **Benefit:** Police accountability and transparency benefit both law enforcement and the general public. Data [can be used](#) to defend officer actions and behavior that runs afoul of departmental policy, identifying and addressing these incidents early to prevent escalation. It [can also be used](#) to support officers, effectively allocate resources, and target police response to high-crime areas. Being transparent and holding officers accountable [improves police-community relationships](#) and enhances police legitimacy.

POLICE ACCOUNTABILITY AND TRANSPARENCY (continued)

-  **Keep in mind:** Not all jurisdictions have the finances, technology, or infrastructure to comply with body-worn cameras, dashboard cameras, or data collection mandates. There is also concern regarding the “purity” of this data, with speculation that officers might provide narratives that justify their conduct.
- 📍 **Where the states stand:** Between 2020 and 2021, 30 states and Washington, D.C. passed one or more statewide legislative police reforms; of those, 25 states and D.C. included at least one of three identified areas: use of force; duty for officers to intervene, report, or render medical aid in instances of police misconduct; and policies relating to law enforcement misconduct reporting and decertification. Many states (including Colorado and Maryland) changed their use-of-force standards, requiring law-enforcement agencies to report specified use-of-force incidents to the state or federal government.

EVIDENCE-BASED PROBATION AND PAROLE PRACTICES: Investing in reentry to reduce recidivism and jail populations

-  **Why:** The vast majority of people under correctional control in the United States are on probation or parole in our communities. In 2021 (the most recent year for which statistics are available), an estimated 3.75 million people were on community supervision. At mid-year 2022, 663,100 were held in local jails; and by the end of that year, there were 1.23 million people incarcerated in federal or state prisons. Reentry matters because approximately 95 percent of inmates will be released—meaning an investment in their success is an investment in community safety. The most common barriers to reentry include difficulty obtaining or maintaining suitable and stable housing, employment, education, transportation, and prosocial support networks. A comprehensive strategy that assesses risk, identifies needs, and responds with resources tailored to the individual reduces recidivism. Streamlining conditions, eliminating supervision fees, leveraging technology, and focusing on reintegration can improve outcomes. Incentives like earned compliance credits and early termination of supervision are also more effective than punitive approaches in producing behavioral change. Sanctions (if needed) should be swift, certain, graduated, and community-based.
- ✓ **Benefit:** Incarceration is an expensive, less-effective alternative for people on community supervision. It does not improve individual outcomes, reduce recidivism or future violations, or encourage supervision completion. Investing in reentry saves taxpayers money, preserves community-supervision officer resources, and affords individuals the opportunity to fully reintegrate into society in a law-abiding manner.
- 📄 **Keep in mind:** Reentry planning begins on the first day of incarceration. Comprehensive institutional programming, pre-release planning, post-release planning, and continuity of care are essential to successful reentry. But reentry models differ at the federal, state, and local levels, and services are often fragmented. Reentry coalitions can help identify service gaps, coordinate resources, and improve service delivery and supervision outcomes.
- 📍 **Where the states stand:** Increasingly, states are realizing that barriers to reentry are costly and that current probation and parole supervision policies and practices do not align with evidence-based strategies. Many states are legislating state funding to increase access to institutional and gender-specific educational and employment training and investing in recidivism-reducing programs and services. Others, such as Pennsylvania, Georgia, and Virginia, passed reforms including mandatory case status reviews, the imposition of conditions specific to the individual, early termination of supervision, and limiting incarceration for minor technical violations.

DEFLECTION AND DIVERSION:

Addressing mental health, substance use disorder, and homelessness

- ? **Why:** Jails and prisons are **overwhelmingly filled** with people experiencing mental health issues, substance use disorder, and homelessness. Incarceration can exacerbate these conditions, and jails are **ill-equipped** to address them. Police service calls for these individuals are **time-consuming** and distract from other public safety issues and investigations. “**Deflection**” refers to police-led, pre-arrest diversion of an individual from the traditional legal process. The goal is to connect individuals accused of nonviolent, low-level crime to community-based resources that address their social service needs. Deflection efforts **typically target** “individuals involved primarily in drug-related offenses, mental health crises or those dealing with issues such as homelessness.” **Other forms** of diversion include pre-police intervention, pre-charge diversion, and pretrial diversion. Some jurisdictions also have **post-conviction** and **probation or parole violation** diversion programs. **Problem-solving courts** use a **therapeutic jurisprudence** model to hold individuals accountable, address the root causes of their crime, and address “social problems such as poverty, homelessness, and abuse.” Examples include drug courts, mental health or wellness courts, and veterans courts.
- ✓ **Benefit:** Deflection and diversion address the underlying behavior that leads to a law violation while avoiding the harmful consequences of incarceration. They are also more effective and **less expensive** than incarceration and system involvement. While the overall efficacy of **police-led deflection** has yet to be studied, “research has consistently shown the effectiveness of treatment or therapeutic interventions for behavioral health conditions, medications for opioid and alcohol use disorders, case management, and wraparound services such as housing and education.” A study of King County (Seattle), Washington’s program **found** significant reductions in recidivism and criminal justice contact among participants, as well as improved housing and employment outcomes. Drug court, mental health court, and veterans court completers also **experience** reduced recidivism, enhanced rehabilitation, and increased access to care and housing.
- 🗨 **Keep in mind:** Deflection and diversion programs are only as successful as the people involved intend them to be. Special attention should be paid to **eligibility requirements**, buy-in is needed from justice professionals, and robust partnerships with community-based service providers are critical. The International Association of Chiefs of Police **endorses deflection** as “a powerful crime-fighting tool that improves community relations.”
- 📍 **Where the states stand:** Approximately 850 police-led deflection programs exist across the country, and “as of June 2021, **25 states and the District of Columbia** have some form of a law addressing deflection programs, which vary significantly by state.” **Nineteen states** describe a deflection program within their statutes; others address funding or direct municipalities to study and enact deflection. By 2015, there were **more than 4,000** problem-solving courts across the nation. **Illinois** and **New York** have self-referral deflection laws, and many states have expanded eligibility and opportunities to participate in pretrial diversion programs. **Forty-four states and D.C.** have legislation outlining population-specific (e.g., mental health or substance use) diversion programs, but the authority to implement deflection and diversion remains at the local or municipal level.

FOR
ADDITIONAL
SUPPORT

● If you need help with further research around these issues, taking the next step to push forward initiatives or local ordinances, or anything else, please do not hesitate to reach out.

Christi Smith is a senior fellow for Criminal Justice and Civil Liberties at the R Street Institute. She can be reached at cmsmith@rstreet.org.