

**AMERICAN BAR ASSOCIATION
CRIMINAL JUSTICE SECTION
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS**

REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

RESOLVED, That the American Bar Association supports the enactment of legislation such as S. 714 (111th Congress) which would provide for a national study of the state of criminal justice in the United States to consider ways to reduce crime, lower incarceration rates, save taxpayer money, enhance the fairness and accuracy of criminal justice outcomes, and increase public confidence in the administration of the criminal justice system; and

FURTHER RESOLVED, That the American Bar Association urges, as part of such a national study, that consideration be given to all the serious criminal justice issues facing federal, state, local and territorial jurisdictions, including the following:

- (1) whether fair and reasonable guidelines exist to distinguish between those offenders who should be incarcerated and those for whom alternative sentences would be more effective;
- (2) whether alternatives to incarceration, such as community confinement, home detention, community treatment programs that address mental health issues and problems relating to drug addiction and chemical dependence, and other treatment options, provide better alternatives for some offenders, and if so, how to design the most effective community confinement and treatment options;
- (3) whether diversion from criminal prosecution can be more effectively employed to give offenders in appropriate cases a second chance and to prevent them from developing criminal records;
- (4) whether re-entry programs can be initiated or enhanced to improve the likelihood that offenders will return to the community as productive, law-abiding citizens and avoid recidivism;
- (5) whether state and local courts, prosecutors, and defense lawyers in some jurisdictions have developed innovative and successful (in terms of both costs and results) treatment, diversion and re-entry programs that could become models for use in other jurisdictions;
- (6) whether the collateral consequences of convictions can be reduced in reasonable and constructive ways without undue risk to the community, in

order to help former offenders with issues such as finding jobs and housing, obtaining educational opportunities and recovering voting rights.

- (7) whether effective processes and procedures exist or can be developed to reliably identify practices by law enforcement agencies and other elements of the criminal justice system that unnecessarily contribute to racial disparities among individuals sentenced to jail and prison;
- (8) whether long prison sentences should be reexamined once the offender has served a significant portion of the sentence, to determine whether changed circumstances warrant a reconsideration of the length of the sentence, even though it was appropriate when imposed;
- (9) whether additional resources should be provided to train criminal justice officials in the exercise of discretion; and
- (10) whether the scope of federal criminal law and the respective roles of state and federal law enforcement should be re-examined.