



Center for Community Resilience

Fostering Equity:

Creating Shared Understanding for
Building Community Resilience

**Module IV:
Advancing Equity in Policy**

Fostering Equity:

Creating Shared Understanding for Building Community Resilience

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Module IV

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Advancing Equity in Policy

We enter the policy arena with the intent to change the laws, rules, regulations and practices that institutionalize racial and economic inequity. Structures and systems that propagate and sustain inequity are resistant to change by design. As demonstrated in Modules [I](#) & [II](#) of this tool, centuries of U.S. social and criminal policy work synergistically to produce cycles of racial and economic disparity.

Policy is more than a prevailing set of statutes – it is in policy that a society reveals its priorities, even if those priorities conflict with a stated set of beliefs and values. Similarly, the policy process reflects and benefits those who have access to power. It is where privilege is defended. It is where organizations are resourced or cut off from resources. Many coalitions begin policy reform efforts lacking adequate personnel and resources for a process that may or may not produce results for the populations they serve.



How to Use This Guide

This module provides examples of policy change that can advance equity and support healthy and resilient communities. Within each domain - housing, education, and law enforcement and criminal justice - we highlight key equity goals and provide concrete examples of policies that communities can pursue to achieve those goals. To the extent possible, we provide examples at the federal, state, local and institutional levels, as change needs to occur across the entire spectrum. Note: this is not an exhaustive list of all potential policy levers that could make a difference in your community, but instead provides some thoughts on where coalitions might begin advocacy.

Understanding, dismantling and transforming the policies that drive adversity is how we begin to build a more just, equitable and resilient nation. We hope this module assists you in this critical work.

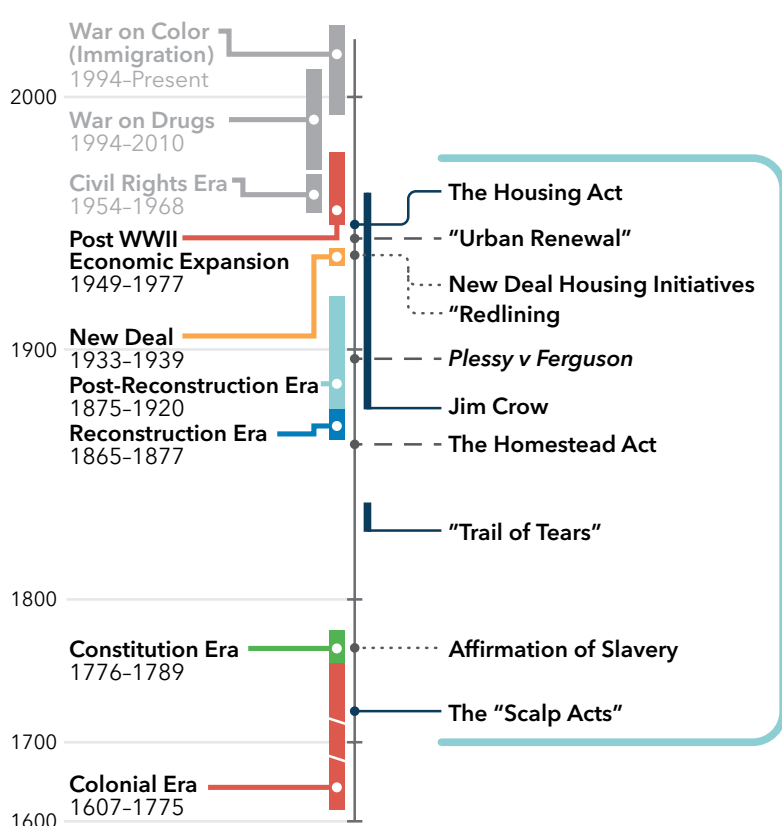
Housing

As discussed in Module I, the accumulation of discriminatory housing policy and practice is associated with variability in affordability and quality of housing stock, influencing community characteristics and leaving families more economically insecure. Home ownership is a primary component of generational wealth in families and is at the heart of many of the social inequities experienced in community.

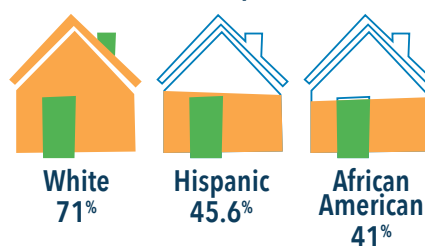


Learn more about historic trends in housing policy in [Module 1 of the Fostering Equity Guide](#).

Policy Timeline - A Closer Look

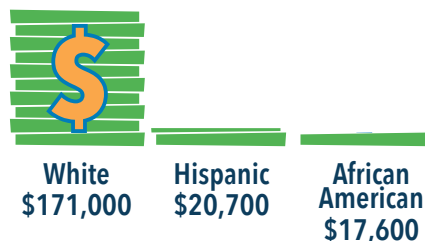


U.S. Home Ownership Rates



Source: American Community Survey

U.S. Median Net Wealth



Source: Federal Reserve

A policy agenda creating a pathway to intergenerational wealth and opportunity must eliminate barriers to homeownership for communities of color and those living in poverty and pave the way to economic mobility.



Equity Goal:

Promote and secure the self-determination of all communities, regardless of race, gender, income, ability or place of residence, by ending systemic barriers to economic mobility.

There are numerous policy and practice barriers that systemically prevent many People of Color and those experiencing poverty from accessing employment that provides a living wage, the ability to accrue savings, and access a line of credit to purchase a home—all necessary factors in building intergenerational wealth to break the cycle of poverty. The inability to accumulate savings and access credit sit atop a long history of inequitable and explicitly racist policies, such as red-lining, that produce continued segregation by race and income in many U.S. communities, as well as tremendous disparities in health and wealth.

Policy Landscape:

Enacted in 1977, The Community Reinvestment Act (CRA), requires the Federal Reserve and other federal banking regulators to encourage financial institutions to meet the credit needs of the communities in which they do business, including low- and moderate-income (LMI) neighborhoods. The initial goal of the CRA was to reverse the effects of redlining and decades of disinvestment, requiring banks to sufficiently address the banking needs of all the members of the communities they served.




Policy Landscape:




Most private and publicly managed lenders use the traditional “FICO” methodology for determining credit-worthiness. It does not always include rent, utility and cell phone bill payments, and favors credit cards. This type of methodology adversely and disproportionately impacts People of Color and those experiencing poverty. Numerous studies demonstrate that People of Color continue to be denied access to conventional loans, even when the applicant has financial characteristics similar to a white borrower who was approved. Just as importantly, applicants of color or those living in poverty are more likely to receive unfavorable terms when they do manage to secure a loan.









Policy Landscape:

Policies aimed at driving investment and development into historically disinvested communities can often (intentionally or unintentionally) drive displacement of People of Color. Often described as gentrification, new development transforms once 'undesirable' neighborhoods into attractive destinations for wealthier and generally whiter residents. Local governments can enact and enforce policies to prevent displacement and ensure that long-standing residents are able to remain in their neighborhoods and benefit from new amenities and investments .

 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Fund community-specific efforts that support economic mobility and provide access to capital by building upon, expanding, and supporting provisions within the Community Reinvestment Act (CRA).</p>	<ul style="list-style-type: none"> • Increased access to economic mobility and capital for People of Color and those living in poverty. • Higher rates of home ownership among People of Color. • Increased rate of families lifted out of generational poverty. • Decreased gap in wealth between People of Color and whites. • Increased applications for first-time buyer loans in communities of color. • Number of “legacy” or long-time, generational residents who achieve homeownership in the communities in which they live. • Increased number of businesses owned by People of Color. 	<ul style="list-style-type: none"> • The Community Reinvestment Act (CRA) measures and evaluation metrics for banks must specifically serve communities of color, seizing the opportunity to reverse past discriminatory practices. CRA now considers low- and moderate-income borrowers and communities. • Currently, there is no incentive within the CRA for banks to actively work with community leaders to negotiate how they will comply with CRA. <u>Community benefit agreements (CBAs)</u> are a tool are negotiated between banks and community groups and commit banks to specific levels of loans, investments, and services to low- and moderate-income and minority communities over a multiple year time period. Formalized as part of the CRA, CBAs could create a pathway for greater community voice in how lending decisions are made and what projects receive support. • Various stakeholders have pushed for a <u>revision to CRA</u> that would include financing initiatives that could have city-wide benefits as an approved way to pass CRA requirements, meaning the investment would not necessarily have to be located in a low- and moderate-income neighborhoods. CRA should remain focused on spurring investments made in the geographic location of a community. • The CRA derives much of its power from an <u>evaluation metric</u> applied to banks that measures the share of its bank-wide balance sheet that reflected “CRA-eligible activities,” rather than on loans and investments made to serve community needs.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
		<ul style="list-style-type: none"> States can also act to impose CRA-style requirements on lending institutions not covered by the federal CRA, including credit unions. A study by the National Community Reinvestment Coalition found that credit unions, most of which have no affirmative obligation to demonstrate fairness in lending, make a lower percentage of loans in low- and moderate-income borrowers and communities. Massachusetts, New York and Connecticut all have established a state version of the CRA that covers credit unions.
Expand inclusionary criteria in credit score rating systems, allowing more ways for low-income applicants to build a higher credit score.	<ul style="list-style-type: none"> Increased rates of credit approval among People of Color, and those without credit cards. 	<ul style="list-style-type: none"> Requiring all credit reporting agencies to allow for the inclusion of rental and utility payment data, would give many low-income applicants who might not qualify for a credit card, a way to build a positive credit history.
Hold banks and real estate industry actors accountable for predatory practices and systemic bias which denies People of Color and those living in poverty equal access to credit.	<ul style="list-style-type: none"> Lending rates by race, ethnicity and income. Number of actions brought against lenders alleging discriminatory pattern and practice. 	<ul style="list-style-type: none"> The Home Loan Quality Transparency Act would restore a requirement that loan quality criteria is made publicly available by most lenders. Doing so supports regulators and advocates having the data to hold banks accountable for discriminatory or unfair lending practices. Ensuring these data are collected supports efforts to pursue pattern of practice lawsuits that have impacted the industry before.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Protect low-income communities of color from displacement by leveraging “impact statements” to require or incentivize developers to make commitments to financially support legacy residents.</p> <p>Communities across the nation have developed different kinds of “impact statement” policies that are designed to assess the health, environmental, cultural and economic impacts of a development project.</p> <p>All of these impact statements can be intentionally designed to include anti-displacement elements.</p>	<ul style="list-style-type: none"> • Demographic changes by census tracts. • Number of assessments/statements completed. • Median wealth growth among residents of color. • Increases in the number of residents hired by new and expanding businesses in communities of color. 	<ul style="list-style-type: none"> • Several states have adopted or proposed initiatives, such as Health Impact Assessments (HIA), to measure the impact of new development on the health and well-being of communities and include that analysis in the decision-making process. • Pew Charitable Trust has highlighted the Farmers Field Rapid HIA, an impact statement that focused on “the health impacts of a proposed stadium in Los Angeles on residents at risk of displacement during and after construction.” The HIA adopted “No Net Loss” policies within the impact area of the development; providing “development of a local hiring agreement for jobs created and provided to residents of the area immediately adjacent to the Farmers Field construction and operation; and provision of health insurance for all full-time employees at Farmers Field.” • Massachusetts requires HIAs to “determine the effect of transportation projects on public health and vulnerable populations” and to facilitate community outreach on transportation projects. • Alaska’s Department of Health and Human Services developed an HIA process for projects that features an environmental assessment or impact statement for development. The supporting toolkit acknowledges the need to consider income and relationship to environment. The endorsement of an HIA methodology by the state gives communities a leverage point in advocating for developers to comply. • The Council of the District of Columbia has proposed legislation to require health impact assessments for any major development, that would examine the positive and negative potential health impacts, including displacement.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Develop a federal, state or local voucher that can be awarded to legacy residents of gentrifying communities.</p>	<ul style="list-style-type: none"> • Demographic changes by census tracts. • Number of assessment/statements completed. • Median wealth growth among residents of color. • Number of low-income rental units retained in the target neighborhood. • Number of evictions for non-payment of rent. • Number of foreclosures in the targeted neighborhood. 	<ul style="list-style-type: none"> • Housing stabilization methods used in times of crisis could serve as a model for legislation at the federal, state or local level that would provide direct assistance to renters under pressure. • The Neighborhood Stabilization Program (NSP) was created by Congress in the Housing and Economic Recovery Act of 2008, followed by The American Recovery and Reinvestment Act of 2009, and the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. The program is an effort to mitigate the neighborhood effects of foreclosures in areas of greatest need and has been used effectively in states like Colorado. NSP funds could be used to help stabilize property values in gentrifying communities by decreasing the rate of decline in property values. • NSP is a component of the Community Development Block Grant (CDBG). The CDBG Program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. All CDBG funds must serve households at or below 120% of the area median income and a minimum of 25% of the funds must serve households at or below 50% of the area median income, as the national objective. • In Massachusetts, the Rental Voucher Program (MRVP), provides low-income families and individuals rental subsidies to those eligible for the program, contributing to long-term housing stabilization.



Equity Goal:

Ensure affordable housing exists in all communities.

The nation is experiencing an affordable housing crisis that is driving displacement in communities of color, increasing homelessness and resulting in 38 million US households spending more than 30 percent of their income on housing.¹ This growing cost-burden falls disproportionately on those with low-income and People of Color, reducing economic mobility and trapping people in poverty. [A 2018 review by Pew Charitable Trust](#) found that 46 percent of African-American-led renter households were rent burdened, compared with 34 percent of white households.

While researchers have struggled to fully capture the magnitude of displacement, legacy residents convey the feeling of losing the communities they built, as prices rise and many are forced to relocate. Housing affordability is not only a problem for those experiencing poverty - high-housing costs also reduce commerce and spending among all residents, and cause more people to undertake long commutes from neighborhoods far from where they work.

Ending the shortage of affordable housing is essential to reducing inequity and securing families achieve economic mobility.

Policy Landscape:

Community Land Trusts (CLTs) are a mechanism for removing real estate from the market thereby ensuring long-term affordability for renters, low-income homeowners, community arts and nonprofit institutions and community-centered businesses. A 2019 [study](#) of shared equity housing performance shows that CLT homes significantly contribute to family wealth creation and are increasingly serving families of color, with the potential to narrow the racial wealth gap.

Policy Landscape:

Limited-Equity Housing Cooperatives are another way some communities have found to maintain affordability and create a pathway for renters to acquire ownership. [Housing co-ops](#) are organizations of residents in multi-family buildings in which each household owns a share of the building. Shares can be sold at or below market rates, in limited-equity co-ops, where the co-op keeps a percentage of the sale. Even if property values in the area increase, the limits on share value allows the Co-op to remain affordable.

Policy Landscape:

Housing trust funds are primarily used to support property owners in preserving, rehabilitating and constructing housing, primarily for extremely low-income families. There are now 47 states and more than 700 cities and counties with housing trust funds in operation, with \$1.2 billion in funding annually. Many trust funds are used to provide support for affordability measures like Community Land Trusts and Limited Equity Housing Cooperatives. Cities and states have many mechanisms for resourcing trust funds, including direct allocations from the jurisdiction, charitable giving, linkage fees and increasing property tax revenues in redeveloped areas.




Resources to Know:









A Workbook for Creating a Housing Trust Fund, developed by the Center for Community Change, provides guidance for stakeholders looking for recommendations on creating a successful housing trust fund.






The Grounded Solutions Network has created a tool to help design inclusionary housing policies, tying the creation of affordable homes to the construction of market-rate housing or commercial development. The tool walks users through a set of questions to help identify policies that work best for a specific community and leverage new development to pay for new affordable housing units, creating more inclusive communities.

 Policy Recommendation	 Measurable Outcomes	 Examples
<p>Establish or increase funding for Housing Trust Funds at the local and/or state level, focusing on the creation of affordable units, housing stabilization and first-time home buyer support.</p>	<ul style="list-style-type: none"> • Percentage increase of affordable units in targeted areas. • A slowing of property value increases. • A decrease in the number of people experiencing homelessness. 	<ul style="list-style-type: none"> • Washington, DC's Housing Production Trust Fund is an example of a fund focused on a metropolitan area; since 2001, it has produced more than 9,000 units of affordable housing. • Washington State's Housing Trust Fund finances properties that primarily house people with incomes below 30% of Area Median Income. The fund receives biennial appropriations in the State's capital budget and directs fund investment. • Cumberland County, MD, leverages its trust fund to support the First-Time Homebuyers Down Payment and Closing Cost Assistance Program. The program provides up to \$3,000 in assistance to qualified first-time homebuyers who purchase homes in Cumberland County and have a gross household income between 80% and 100% of the county's median income.

 Policy Recommendation	 Measurable Outcomes	 Examples
<p>Leverage local dollars to financially support CLT efforts during the planning and startup phase, followed by donations of city-owned land and grants or low-interest loans for developing and financing projects.</p>	<ul style="list-style-type: none"> • Number and size of CLTs in a community. • Home ownership rates by race/ethnicity. • Levels of displacement. • Reduction in the number of foreclosures. • Estimated savings on housing per resident (CLT cost compared with average housing price). • Percentage of land trust sellers who went on to purchase homes. • Maintained perpetual affordability of property. • Civic participation of land trust residents or land trust-led community organizations. 	<ul style="list-style-type: none"> • In 2019, following grassroots advocacy, Baltimore Mayor Catherine Pugh <u>signed</u> a City Council-approved \$40 million budget allocation to finance increased affordable housing, including financial support that could help establish up to six community land trusts. • The State of New York established a <u>CLT Loan Fund</u> that can finance the following activities for projects that are or will be owned by a CLT: (1) pre-development planning and analysis, (2) real estate acquisition (3) real-estate improvements, and (4) down payment assistance to homeowners. • In 2019, the Oakland, CA, City Council unanimously passed a budget with \$12 million allocated to create a municipal fund for community land trusts and limited equity housing cooperatives, to take housing off of the speculative market by acquiring and preserving rental properties with 25 or fewer units. The allocation resulted from the advocacy work of local grassroots organizations <u>Alliance of Californians for Community Empowerment</u> and <u>Oakland Community Land Trust</u>.

 Policy Recommendation	 Measurable Outcomes	 Examples
<p>Develop local or state incentives for private developers to support inclusionary practices. Local inclusionary housing policies tie the creation of affordable homes for low- and moderate-income households to the construction of market-rate housing or commercial development. Developers can include affordable units in their building or simply pay a fee that a municipality can use to support affordable housing policies like CLT support.</p>	<ul style="list-style-type: none"> • Number and size of CLTs in a community. • Home ownership rates by race/ethnicity. • Levels of displacement. 	<ul style="list-style-type: none"> • In response to a concern that inclusionary zoning ordinances might be challenged under Florida's state statute prohibiting price and rent control, the 2001 Florida Legislature created an exception for land use mechanisms used to increase the supply of affordable housing, specifically citing "inclusionary housing ordinances." • In Winter Park, FL, linkage fees have supported the development of affordable housing, including housing produced by the Hannibal Square Community Land Trust in Winter Park. There has not been substantial research on the impact of these fees, which vary widely by community, but experts find that communities must carefully "right-size" the fee, so as not to drive a decrease in community investment. In Philadelphia, a study found that the mobility of office users is a key consideration in determining whether a linkage fee is viable for a community. • Boston, MA has a municipal linkage fee that that charges about \$8 per square foot of new commercial development for the provision of affordable housing. Between 1986 and 2000, Boston's linkage fees generated \$45 million in revenue, which funded nearly 5,000 affordable units. To avoid concentrating poverty, Boston requires at least half of its fee revenues to be invested in neighborhoods that have less than the citywide average of affordable housing.



 Policy Recommendation	 Measurable Outcomes	 Examples
Assist CLTs by revising local tax assessments for landowners who allow CLTs to be built on their property. This can spur CLT creation.	<ul style="list-style-type: none">• Number and size of CLTs in a community.• Home ownership rates by race/ethnicity.• Levels of displacement.	<ul style="list-style-type: none">• Fourteen states offer some form of tax credit for discounts or “easements” in addition to a federal income tax credit. As an example, the Georgia Conservation Tax Credit allows landowners who donate land to a land trust to apply for a credit against the owner’s state income taxes.
Provide local grants to help CLT’s expand and support operations.	<ul style="list-style-type: none">• Number and size of CLTs in a community.• Home ownership rates by race/ethnicity.• Levels of displacement.	<ul style="list-style-type: none">• In the summer of 2017, in partnership with the New York State Office of the Attorney General, Enterprise, a national non-profit focused on affordable housing, launched a \$4.2 million grant program to support the formation and development of six community land trusts throughout New York State, as well as a CLT Learning Exchange comprised of nine community-based organizations (CBOs).



Equity Goal:




End policies that encourage racial segregation of neighborhoods.

Since the beginning of the 20th century, federal housing policies, such as the Public Works Administration and the Housing Act of 1949, have supported and reinforced the segregation of Jews, African-Americans and other people of color. Home ownership is a primary component of generational wealth in families. Discriminatory practices in the housing sector have contributed to the racial wealth gap in this country.

Policy Landscape:

In 2015, the U.S. Department of Housing and Urban Development (HUD) enacted the Affirmatively Furthering Fair Housing (AFFH) legislation, requiring local governments to actively reduce housing segregation in communities for at least the next three years. The process included putting together an Assessment of Fair Housing (AFH), where communities look closely at the housing landscape in their neighborhoods to pinpoint where segregation existed and mitigate it. Though HUD eliminated the rule in 2020, components of AFFH could be used for future local, state or federal programs.



 Policy Recommendation	 Measurable Outcomes	 Opportunities
Re-Establish the Affirmatively Furthering Fair Housing Law	<ul style="list-style-type: none">• Increase in the number of affordable housing units in all neighborhoods.• Increase in the racial diversity of neighborhoods.	<ul style="list-style-type: none">• The AFFH Rule required any jurisdiction receiving money from HUD to submit an analysis of housing occupancy by race, disability, familial status, economic status, English proficiency, and other categories. The jurisdiction would then have been required to identify barriers to equity in housing and formulate a remediation plan. <p>Guidance administered with the rule included remediation measures, such as re-zoning neighborhoods to allow for the development of affordable housing in all neighborhoods.</p>
Establish Inclusionary zoning and Below Market Rate (BMR) Ordinances to provide an ongoing framework for ensuring mixed-income communities.	<ul style="list-style-type: none">• Number of affordable units by census tract.• Number of legacy residents able to continue living in rapidly developing areas.	<ul style="list-style-type: none">• East Palo Alto, CA, a historically African-American community near Silicon Valley, enacted a BMR ordinance which requires one of every four units to be rented to people making no more than 30 percent of area median income. There is a preference given to those who live or work in Palo Alto and the price of the unit is directly set by government officials. Officials aim to limit the price for the unit to ensure the resident is not “cost-burdened” (paying more than 30% of their income to afford the unit).



Equity Goal:

End policies that disproportionately exclude People of Color from public and private housing.

Envisioned as a federal promise of housing to those living in low-income households, public housing has provided thousands of People of Color an affordable option. But policy barriers within the public housing system, some of which mirror exclusionary practices in the rental market, contribute to homelessness and housing instability – with a particularly harsh impact on Men of Color.

Policy Landscape:

Laws and regulations that prevent individuals with felony criminal records from residing in public housing or being eligible for housing assistance, combined with “war on drugs” policing and enforcement policies, result in People of Color being disproportionately barred from housing, triggering instability and a breakdown of the family unit.




Policy Landscape:

Criminal justice policies have a profound impact on access to housing. In the private rental market, many landlords are allowed to use court records to discriminate against applicants with liens or judgments against them or deny housing to individuals with criminal records. This promotes inequity because People of Color are disproportionately represented in the criminal justice system. Policies that provide automatic or more liberal access to expungement of criminal records can improve access to housing. These policies are explored in the Criminal Justice section of this module.

Resources to Know:



“Untapped Assets: Developing a Strategy to Empower Black Fathers in Mixed-Income Communities,” by Dr. Clinton Boyd, Jr., a postdoctoral associate at the Samuel DuBois Cook Center on Social Equity at Duke University, and Deirdre Oakley, a sociology professor at Georgia State University, explains how public policy adjustments and designated support programs can better enable young black fathers to “serve as assets” to their families and communities.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>End exclusionary housing policies that prohibit returning citizens from gaining public and private housing.</p>	<ul style="list-style-type: none"> • Fewer evictions from public housing units based on criminal record. • Increased number of returning citizens with access to stable housing. 	<ul style="list-style-type: none"> • Revising aspects of the Anti-Drug Abuse Act of 1988, the Cranston-Gonzalez National Affordable Housing Act of 1990, the Housing Opportunity Program Extension Act of 1996, and the Quality Housing and Work Responsibility Act of 1998 would <u>immediately end much of the exclusionary practices within public housing</u>. These laws prevent returning citizens convicted of a felony or misdemeanor drug use (disproportionately Black men) from residing in government-assisted housing; permits the eviction of families receiving housing subsidies if a member of their household was once incarcerated; and disqualifies evicted leaseholders from receiving housing subsidies for three years. • In 2016, as part of Affirmatively Furthering Fair Housing, the Obama administration issued <u>guidance</u> stating that private landlords could be discriminating by using criminal history to ban certain renters. • Some cities have moved to end exclusionary housing policies based on criminal history. In August 2017, Seattle, WA passed <u>Fair Chance housing legislation</u> to help prevent unfair bias in housing against renters with a past criminal record. The ordinance prevents landlords from denying applicants housing based on criminal history. It also prohibits the use of advertising language that excludes people with arrest records, conviction records, or criminal history.

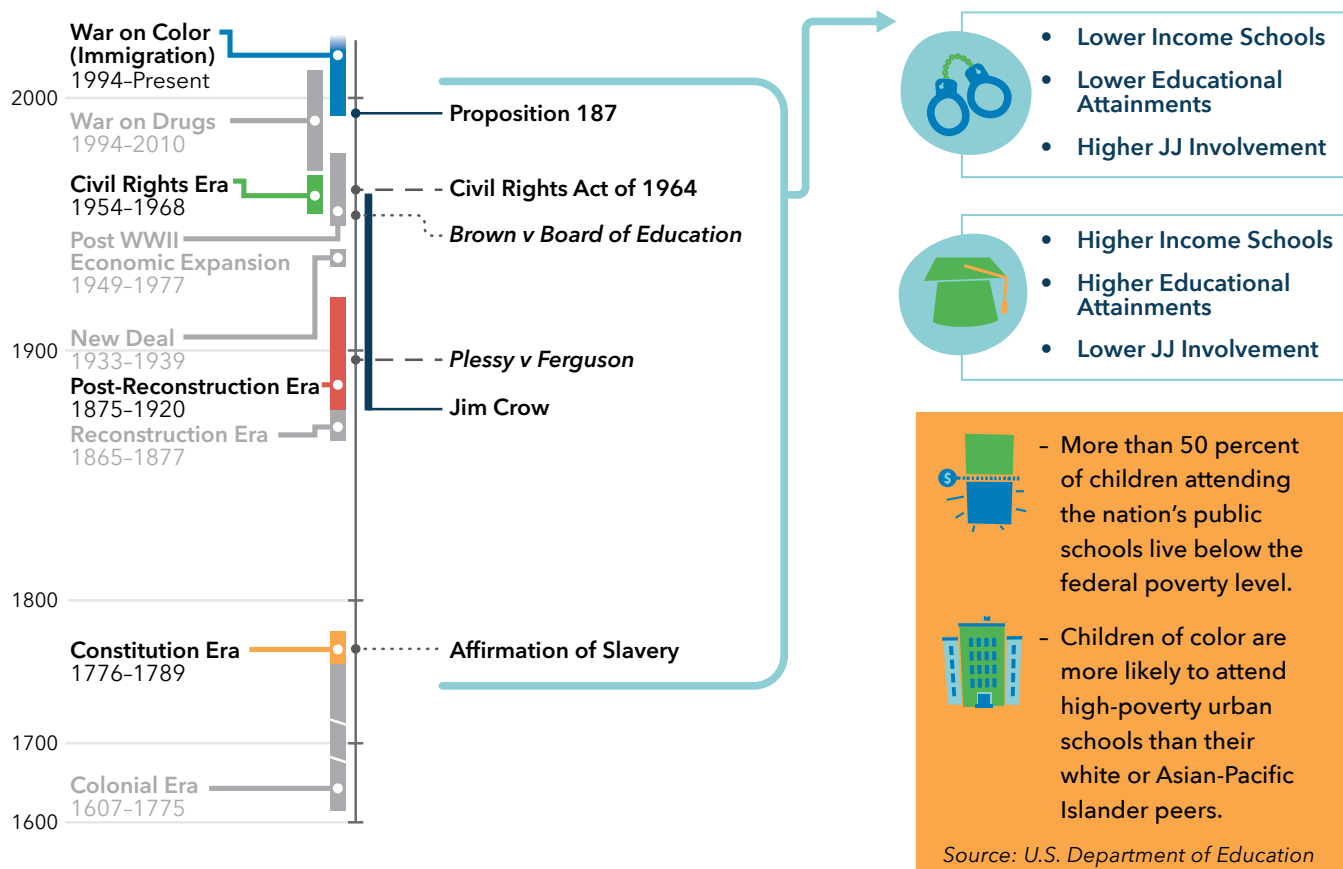
Education

At every level, American public education is designed for inequity. In communities across the country, access to high-quality early childhood education is inequitable, with Black children being much less likely to access quality programming.² Elementary, middle and high schools in communities of color are underfunded. Urban districts receive on average around \$2,100 less per student than their suburban counterparts, and \$4,000 less than students who attend rural remote schools, [according to a recent study by EdBuild](#). The opportunity to escape generational poverty by accessing higher education is also inequitable. A [report by the Association of American Colleges and Universities](#) found that “45.4 percent of Black students nationwide graduated within six years compared to 64.7 percent of white students (a 19.3 percentage-point gap).”



Learn more about historic trends in education policy in [Module 1 of the Fostering Equity Guide](#).

Policy Timeline - A Closer Look





Equity Goal:

Provide high-quality early childhood education for all.

In the United States, two standards of early childhood education (ECE) have emerged - one that features high-quality instruction and another that offers no access or lower quality early education. Experts consider high quality ECE to meet standards related to teacher training, staff-to-student ratio, continuous quality improvement measures and age-appropriate curriculum.³ Strong evidence shows addressing this gap in access to ECE, including pre-K for children between three and 4 years of age, can significantly reduce the racial achievement gap.⁴

Closing the Achievement Gap between African American and white children with High-Quality Universal Pre-K (UPK)

	Current gap in months	Estimated gap after UPK	Reduction in months	Percent reduction
Math	8.9	4.9	4.0	45%
Reading	6.7	.1	6.6	98%

Source: Friedman-Krauss, A., Barnett, W. S., & Nores, M. (2016). How much can high-quality universal pre-k reduce achievement gaps? Center for American Progress.




Policy Landscape:

Generally, state-funded ECE programs discount the cost of attendance or provide free access to pre-K for low-income families. States can also provide grants to pre-K facilities that serve low-income communities. But the sum total of these measures have not created a level-playing field for all families or guaranteed access. Of the 40 states plus the District of Columbia with state-funded pre-K programs, only nine served more than half of all eligible 4-year-olds in the state, and 11 served less than 10 percent in 2014. This creates an immediate gap in kindergarten readiness, and contributes to delays in early childhood brain development that can impact the entire course of a child's educational attainment and behavioral development.




Policy Landscape:

The National Institute for Early Education Research (NIEER) has developed a series of policy recommendations for achieving high-quality early learning opportunities.






 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Increase the funding available at the federal, state and local level to provide affordable and high-quality early childhood education for all, including universal Pre-K for children ages 3-4.</p>	<ul style="list-style-type: none">• The percentage of children of color and children experiencing poverty who can access high-quality ECE.• Assessment of kindergarten readiness for children of color.• Performance gains in reading and mathematics by children of color.	<ul style="list-style-type: none">• There are several federal bills that have attempted to establish “universal” Pre-K, generally by providing resources to states to establish a program and legislating the provision of ECE as mandatory.• Currently, 40 states plus the District of Columbia offer some form of voluntary Universal Pre-K, but not every child is eligible.• Tulsa, OK, Washington, D.C., Miami, FL and San Antonio, TX all support public Pre-K with local tax dollars. Those programs have demonstrated a variety of gains <u>including reduced gaps in kindergarten readiness, increased labor force participation for mothers, and increased math scores.</u>• The <u>Louisiana School Readiness Tax Credit</u>, started in 2008, promotes early childhood program quality by providing refundable tax credits to families, programs, members of the early childhood workforce, and businesses that support early care and education.• States and jurisdictions have also taken steps to support <u>quality childcare</u> for children between birth and age three, which includes an educational component. Washington, DC established a <u>“Birth to Three for All” Act</u>, which allows childhood education centers to provide high-quality child-care to low-income families.• In 2016, the Nebraska legislature passed a bill providing <u>tax credits</u> to ECE providers, including daycares serving children three and under that meet quality standards.






 Policy Recommendation	 Measurable Outcomes	 Opportunities
Consistently institute measurable standards for high quality Pre-K and ensure equitable access.	<ul style="list-style-type: none">• The percentage of ECE facilities that achieve benchmarks for quality, located in or near low-income communities and communities of color.• The number of children of color and children in low-income families attending high quality Pre-K.	<ul style="list-style-type: none">• <u>Illinois</u> developed a program to provide high-quality preschool programs, and to expand high-quality full day preschool programs for four-year old children in high-need communities. Eighteen communities were selected to participate in the program, which were primarily in low-income areas with high percentages of children of color.• In Cincinnati, voters approved a special levy to fund an effort to improve access to high-quality Pre-K for students of color and children experiencing poverty. The program is operated by the non-profit <u>Cincinnati Preschool Promise</u>, and uses funds to expand the number of quality preschools near low-income communities and provide tuition assistance for families who need it most.
Provide accessible, full-day kindergarten, which has been shown to improve reading proficiency and other educational indicators. A 2010 research <u>review</u> found that children who attended for a full day had more favorable academic outcomes the following year, increased self-confidence, and exhibited better social and emotional skills.	<ul style="list-style-type: none">• Increased reading and math proficiency scores for students of color and children from families experiencing poverty.• Reduced number of disciplinary actions for all students.	<ul style="list-style-type: none">• In 17 States plus the District of Columbia, Districts are required to offer <u>full day kindergarten</u>.• <u>West Virginia</u> mandates that all kindergarten programs be full-day M-F programs, meaning that districts cannot opt to offer half-day kindergarten programs. The state supports kindergarten students through a funding formula that places them on par with students of all levels. Traditionally, formulas provided less support for kindergarten students.• In 2019, Colorado passed <u>legislation</u> to fund free, full-day kindergarten in every school district in the state.



 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Ensure ECE quality measures include teacher compensation and benefits. ECE teachers <u>experience</u> a severe pay gap when compared with other teachers.</p> <p>Teacher compensation is directly <u>tied</u> to student performance and academic outcomes.</p>	<ul style="list-style-type: none">• Comparative compensation between Pre-K/ Kindergarten teachers and their elementary school counterparts.• Should add metrics associated with student outcomes in all of these rows.	<ul style="list-style-type: none">• San Antonio, TX's Pre-K program, <u>Pre-K 4 SA</u>, puts teacher pay in line with the city's employment policies, not school district policies. In practice, these Pre-K teachers are paid substantially more than beginning K-3 teachers (\$65,000 versus \$45,000 annually). City policy also provides for raises over time, including periodic cost-of-living adjustments, as well as opportunities for merit raises based on performance.• Washington, DC's "<u>Birth to Three for All Act</u>" created a childcare subsidy focused on increasing teacher salaries in ECE facilities.
<p>Establish a comprehensive system for professional development for ECE teachers.</p> <p>Prioritize resources for a national professional development system that standardizes ECE teacher education, training and certification.</p>	<ul style="list-style-type: none">• Improved teacher effectiveness as demonstrated by observed supportive <u>interactions</u> with students (reciprocal conversations, stimulating learning experiences).• Increased recruitment and retention of effective and diverse teachers.• Amount of resources allocated to the ongoing career and skill development of teachers.• Number of teachers accessing professional development.	<ul style="list-style-type: none">• Colorado has developed a <u>statewide set of standards</u> for ECE professional development. These standards directly tie to core competencies for students, identify and require professional development curriculum and objectives and require that teachers demonstrate competence as part of their training.



 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Increase the number of ECE teachers of color. Teachers of color <u>represent 18 percent of educators</u>, and Black males represent just 2 percent.</p> <p><u>Studies</u> have shown that a single experience of a same race teacher can significantly improve educational outcomes for children of color.</p>	<ul style="list-style-type: none">• The number of Black ECE teachers in your jurisdiction.• The number of children receiving instruction from a teacher of their own race.• Increased graduation rates for children of color.• Increased attendance in a 4-year college by children of color.	<ul style="list-style-type: none">• The Learning Policy Institute developed <u>guidance on best practices in fostering professional development for Black ECE teachers</u>.• Nationally, some programs specifically focused on hiring People of Color have begun to emerge such as the <u>Brothers Empowered to Teach (BE2T) Initiative</u> in New Orleans. The program focuses on teacher recruitment in communities of color and awards fellowships to men of color seeking a career change.• Additionally, 10 states have joined the <u>Council of Chief State School Officers' (CCSSO) Diverse and Learner-Ready Teacher's Initiative</u>. Through this initiative, CCSSO convenes leaders focus on strategies that improve outreach, create culturally competent teacher instruction and increase teacher compensation.
<p>Increase incentives for ECE teachers working in underserved neighborhoods, such as college tuition remission for teachers serving in communities of color and incentives for first time home buyer loans for ECE teachers working in communities of color.</p>	<ul style="list-style-type: none">• Number of highly-qualified teachers working in communities of color.• Duration of service for teachers in communities of color.	<ul style="list-style-type: none">• <u>Washington State's Career and Wage Ladder Pilot Program</u> provided funding to participating ECE centers to support wage increases based on experience and educational attainment.• The <u>WAGE\$ program</u>, developed by T.E.A.C.H. Early Childhood, operates in five states and provides education-based salary supplements for early childhood educators every six months.• <u>Louisiana</u> and <u>Nebraska</u> give eligible educators refundable tax credits based on their educational attainment and experience.



Equity Goal:

End the school to prison pipeline.

For students of color, the experience of education in America often includes being placed on an academic track associated with lower academic achievement,⁵ harsher discipline and, eventually, involvement with the criminal justice system.^{6,7} A combination of policies and practices across multiple systems converge to establish this track, often called the school to prison pipeline. First adopted in the 1990s to enforce gun bans on school campuses, zero-tolerance policies were expanded to include non-violent offenses such as truancy, insubordination and tardiness, resulting in disproportionate suspension and expulsion rates for students of color. Approximately 94 percent of U.S. public schools have adopted zero-tolerance policies to prevent gun violence and 88 percent to prevent drug use on school property.⁸

These policies, coupled with the increased presence of school resources and law enforcement officers, shifted student discipline to a crime-control model.⁹ Just one suspension increases the likelihood of dropping out of school and future involvement with the juvenile justice system.¹⁰ A wide variety of systems across the sector must be addressed to end the role of the education system as a conduit to criminal justice system involvement.

Policy Landscape:

Even though many school districts have abandoned zero tolerance policies, SROs have remained in the school environment, and are tied to increased numbers of suspensions and expulsions and referrals to the criminal justice system. One component of the movement to reallocate funds dedicated to law enforcement focuses on the presence of **armed officers in school buildings**.




The National Association of School Resource Officers (SROs) estimates that up to 20,000 sworn officers walk the halls of schools nationwide.






Policy Landscape:




In Missouri, community-based stakeholders (led by Building Community Resilience network partner [Alive and Well Communities](#)) worked with educators and other stakeholders to develop the [Missouri Model for Trauma-Informed Schools](#). The goal of the model is to help schools move through stages of change to build cultures that support healthy educators and students, recognizing and responding to the layers of trauma – from systemic oppression to individual traumatic experiences -- that impact well-being and equity for school communities. Early adopters of the model have reported lower rates of office referrals and out of school suspensions, positive shifts in staff attitudes related to trauma-informed care, and progress in engaging youth as active leaders in building safe and healthy school cultures.






 Policy Recommendation	 Measurable Outcomes	 Opportunities
Reallocate funding for Student Resource Officers and support investments in mental and behavioral health staff and supporting infrastructure.	<ul style="list-style-type: none">• Increased access of mental and behavioral health services by students and families.• Decrease in the number of incidents involving violence.• Improved academic achievement.• Increased parental involvement in students' school life.• Decrease in the number of children interacting with the criminal justice system.	<ul style="list-style-type: none">• In the wake of the May 25, 2020 killing of George Floyd by a Minneapolis police officer, the Minneapolis school board ended its contract with the Minneapolis Police Department to provide SROs.• In Virginia, several organizations are advocating for a reallocation of funds away from SROs in favor of mental health resources.• Other states are taking similar action.• At the district level, many stakeholder groups have supported resolutions to end the use of SROs in their jurisdictions.
Redefine the role of police in schools.	<ul style="list-style-type: none">• Decreased involvement with school resource officers in situations where no threat of serious harm exists.• Decreased racial disparities in interaction with law enforcement in the school environment.• Increased access to counselors, social workers, mediators and violence prevention community programs inside schools and in community.	<ul style="list-style-type: none">• The Philadelphia, PA School District has directed school police officers to no longer respond to calls related to student conduct offenses such as "failure to follow classroom rules", truancy, verbal altercations and inappropriate touching/public displays of affection.• Denver, CO Public Schools will phase out all sworn police officers in schools by June 4, 2021, redefine school safety, clarify the role that law enforcement should play and enact a policy ensuring students will no longer be ticketed, arrested, or referred to law enforcement "unless there are no other available alternatives for addressing imminent threats of serious harm."

 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Dramatically increase investment in mental and behavioral health supports, both inside and outside of the school environment.</p>	<ul style="list-style-type: none"> • The number of students provided mental and behavioral health services in the school environment. • Increased school attendance. • Decreases in violence, bullying and suspension referrals within a District or jurisdiction. • Increased involvement by parents in school activities. • Increased numbers of families attaining child care, health care (such as treatment for maternal depression), and housing for homeless or unstably housed families. • Decreases in emergency room visits as well as substantiated child-} maltreatment which drive childhood trauma, negative health impacts, and child welfare system involvement. 	<ul style="list-style-type: none"> • In Arkansas, Project PLAY (Positive Learning for Arkansas's Youngest) connects mental health professionals certified consultants with early care and education providers. The program provides consultation to programs, teachers, and child-serving systems. • In Massachusetts, the Massachusetts Advocates for Children, Harvard Law School, and the Task Force on Children Affected by Domestic Violence launched "Helping Traumatized Children Learn." This project provides clinical support for staff, children and family members; includes strategies for academic support for students who have experienced violence, and supports staff training on behavioral health and revised school policy approaches to discipline. • The Center for Health and Health Care in Schools and the Center on Education Policy, both at the George Washington University, analyzed dozens of federally funded programs administered by the US Department of Education. This research found 15 specific funded programs that contain either explicit or implicit authority for prevention-related activities. A Guide to Federal Education Programs That Can Fund K-12 Universal Prevention and Social and Emotional Learning Activities



 Policy Recommendation	 Measurable Outcomes	 Opportunities
Establish “restorative justice” approaches that allow students to remain in their educational environment.	<ul style="list-style-type: none">• Reduction in the proportion of children of color expelled and/or suspended.• Reduction in the number of all children expelled or suspended.• Improved school climate.• Increased referrals for behavioral health treatment.• Increase in mental health and wellbeing of students participating in the programs.• Reduced experience of trauma at the school level.	<ul style="list-style-type: none">• Implementing Restorative Justice: A Guide for Schools, produced by the Illinois Criminal Justice Authority, focuses on ways that schools can integrate restorative-justice practices. The guide looks at challenges to implementation, defines the subject, and provides three approaches to using restorative justice in school.• The San Francisco Unified School District uses restorative practices throughout the district. Restorative Practices – Whole-School Implementation Guide provides a framework for planning, implementing, and using restorative practices within a school or across a district.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
Redefine the role of police in schools.	<ul style="list-style-type: none"> • Decreased involvement with school resource officers in situations where no threat of serious harm exists. • Decreased racial disparities in interaction with law enforcement in the school environment. • Increased access to counselors, social workers, mediators and violence prevention community programs inside schools and in community. 	<ul style="list-style-type: none"> • The Philadelphia, PA School District has <u>directed</u> school police officers to no longer respond to calls related to student conduct offenses such as “failure to follow classroom rules”, truancy, verbal altercations and inappropriate touching/public displays of affection. • Denver, CO Public Schools <u>will phase out</u> all sworn police officers in schools by June 4, 2021, redefine school safety, clarify the role that law enforcement should play and enact a policy ensuring students will no longer be ticketed, arrested, or referred to law enforcement “unless there are no other available alternatives for addressing imminent threats of serious harm.”
Ban expulsions and suspensions from the early years through the early grades, and significantly limit such punishments in the upper grades.	<ul style="list-style-type: none"> • Increased rates of graduation for students of color. • Increased rates of school attendance for students of color. 	<ul style="list-style-type: none"> • Following several District-wide bans on certain types of expulsion, California passed <u>SB 419</u>, ending suspensions in all public and charter schools for “willful defiance” in grades 4 through 5 and banning them in grades 6 to 8.






Equity Goal:

Improve schools in communities of color and low-income neighborhoods.

Public education funding in the United States remains inequitable by design. Basing school resources on the value of real estate in the District's (or school's) catchment area - which remains the prevailing funding formula for school districts across the nation - ensures that children who may need the most help, generally receive the least support.

Policy Landscape:

An analysis of data between 2003-2011 found that an improvement in the equity of funding between school districts can improve academic performance in students. The estimated improvement would bring almost a quarter of students from low-income families across the line to reading proficiency. Disregarding family income, districts serving large numbers of students of color receive, on average, 16 percent, or about \$2,200, less per student than largely white districts. In 21 states, nonwhite school districts received less funding per pupil than white districts.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>End the practice of directly connecting local property tax to the school funding, which has tied school quality to the value of real estate in the District and local business revenue.</p>	<ul style="list-style-type: none"> • More equitable per student spending across and within Districts. • Comparison of programming, curriculum, offered activities and resources available in high-performing school districts/schools versus low-performing school districts/schools. 	<ul style="list-style-type: none"> • Some states weight students when running their <u>funding formula</u>, assigning more weight (and therefore more dollars) to districts or schools with more students from low-income backgrounds or students with special needs when calculating the amount of funding guaranteed by the state. • <u>Connecticut, New Jersey, and Wisconsin</u> use weighting to create some of the smallest gaps between property tax rich and poor school districts. New Jersey's is one of the most progressive in the country, providing high-poverty districts with approximately 30% more funding.

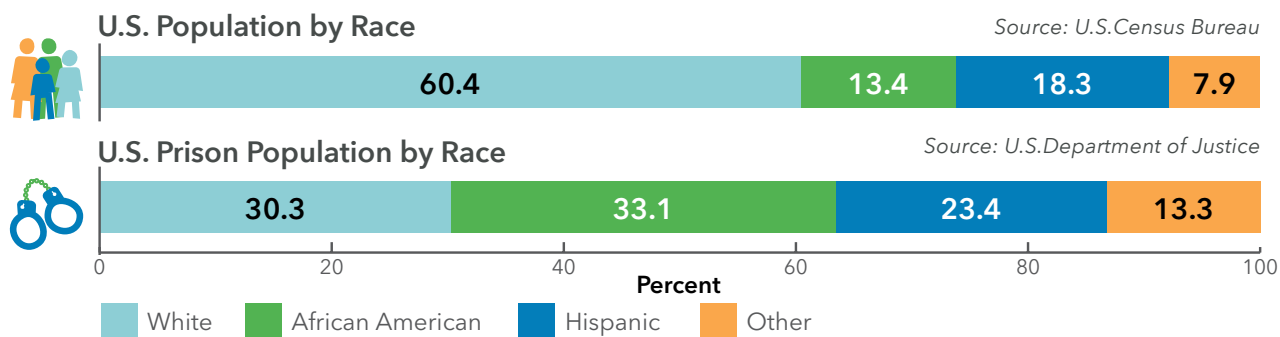
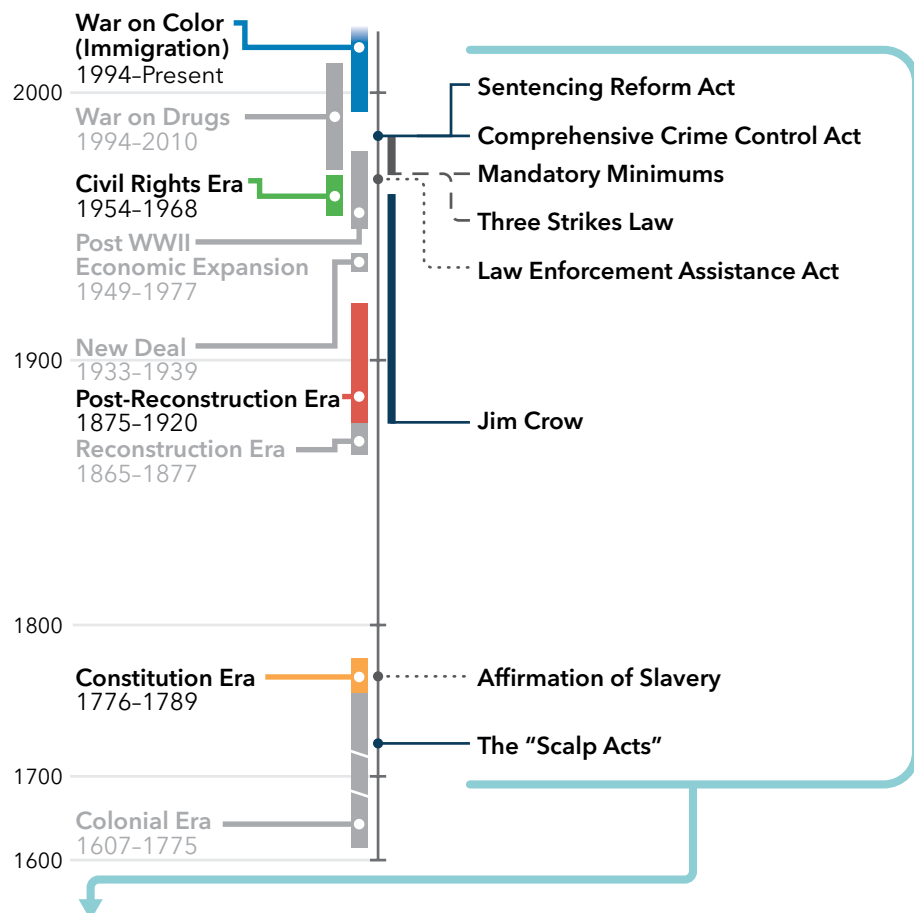
Law Enforcement and Criminal Justice

Today, the nation's law enforcement and criminal justice systems continue to perpetuate inequity in myriad ways: mass incarceration; the harsher treatment of children of color; police brutality; excessive sentencing in the context of disproportionate contact with law enforcement; disenfranchisement of returning citizens; employment and housing restrictions for ex-offenders; adversarial relationships with communities of color; ordinances and infractions that serve to criminalize poverty; disproportionate allocation of resources towards law enforcement instead of needed social services in community; and unequal access to legal assistance. [According to the Prison Policy Project](#), the American criminal justice system holds almost 2.3 million people in 1,833 state prisons, 110 federal prisons, 1,772 juvenile correctional facilities, 3,134 local jails, 218 immigration detention facilities, and 80 Indian Country jails as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the U.S. territories. Black Americans make up 40% of the incarcerated population, despite representing only 13% of U.S. residents. The U.S. incarceration rate per capita is by far the highest in the world.



Learn more about historic trends in criminal justice and law enforcement policy in [Module 1 of the Fostering Equity Guide](#).

Policy Timeline - A Closer Look



The brutal murder of George Floyd by Minneapolis Police in May 2020 and subsequent mass protests have galvanized local movements around the nation to fundamentally change the nature of law enforcement, ensure that police are held accountable for violence and brutality against People of Color, and critically examine law enforcement budgets and policies. The movement to transform law enforcement is built on the work that has been undertaken in many communities, including Ferguson, Missouri and Camden, New Jersey.

Pending federal action, a number of communities have begun to address the roles

of law enforcement and the judicial system in community safety and well-being. Due to the tireless work of advocates, community members, scholars and some policy-makers, there is a growing recognition of the racism embedded in our criminal justice system policies and practices. Changing attitudes about the negative and disproportionate impact of racism have led to an opportunity to implement reforms focused on equity in law enforcement and the administration of criminal justice.

Federal Reforms:

On June 25, 2020 the United States House of Representatives passed [H.R. 7120, the George Floyd Justice in Policing Act](#). This legislation is the country's most comprehensive federal attempt to reform law enforcement and address systemic racism in policing in the nation's history. Among other provisions, it would establish a nationwide use of force standard, roll back "qualified immunity" for police who use force, create a national registry of officers discharged for unprofessional conduct, and condition federal funding on adoption of numerous reforms. As of this writing, this legislation is still pending in the Senate.

In 2015, the [President's Task Force on 21st Century Policing](#) released their report identifying best policing practices and offering recommendations on how those practices can promote effective crime reduction while building public trust. The task force recommendations, each with action items, are organized around six main topic areas: Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime Reduction, Officer Training and Education, and Officer Safety and Wellness.

State & Local Reforms



Equity Goals:

End Racial Disparities in Criminal Justice Involvement Through Pre-Trial Reform and Decreasing Incarceration Rates

According to the [Prison Policy Project](#), of the more than 600,000 people held in local jails, over 70% are being held pre-trial. This means their case has not been adjudicated and they are legally presumed innocent. Incarceration destabilizes households and communities. Parental incarceration is recognized as an [Adverse Childhood Experience \(ACE\)](#) that can negatively impact health and other outcomes across the lifespan.¹¹ Data compiled by youth.gov shows that one in nine Black children and one in 28 Hispanic children have an incarcerated parent compared to one in 57 white children.



Policy Landscape:

The primary driver of high pre-trial detention rates is the criminal justice system's reliance on cash bail. **Cash bail** is a payment made to the court that acts as a guarantee that a defendant appears for related court dates. If the individual appears, the bail is returned. For profit bail bond companies can also post bail for an individual in exchange for a fee (typically 10-15% of the bail amount) and secured collateral, such as a person's car or other items of value. The result is that detention is a product of an individual's income and ability to pay bail or a premium to a bail bond company and not on whether they are a risk for re-arrest or not appearing in court. As cash bail amounts and bond premiums are frequently discretionary, People of Color have been found to be charged significantly higher amounts for bail and bond premiums. Detention because of inability to pay cash bail can set off a series of adversities in a person's life, including job loss, worse case outcomes (defendants waiting in jail are more likely to accept harsh plea deals out of desperation), mental health crisis, child welfare involvement for their children, eviction and homelessness.

Policy Landscape:

Harvard Law School's Criminal Justice Policy Program published a guide for state and local policy makers detailing the **five principles for pretrial reform**. These principles were limiting pretrial detention, eliminating money bail, the careful use of risk assessment tools, optimizing pretrial assessment tools, and involving stakeholders in creating and implementing solutions. The Harvard guide offers language for a model bill to meet its suggestions for optimizing pretrial assessment tools that would reduce the use of or eliminate money bail. This model language also details strict time requirements for when a defendant must be arraigned and pretrial release decisions must be made.

Policy Recommendation	Measurable Outcomes	Opportunities
Reform the cash bail system, including eliminating cash bail for most offences, enacting procedural safeguards for pre-trial detention, offering robust pretrial services, and smartly utilizing risk assessment tools.	<ul style="list-style-type: none"> • Higher pre-trial release rates. • Improved outcomes for defendants (decreased job loss and eviction rates, etc). • Higher rates of appearance and lower re-arrest rates for released defendants. • Timeliness of release (i.e. how many hours/days individuals are detained). • Improved outcomes for children of justice-involved parents (higher attendance rates, lower rates of homelessness, higher rates of child support payment). • Trends in pre-trial detention motions requested and granted. 	<ul style="list-style-type: none"> • The Washington, D.C. Bail Reform Act prohibits bail from resulting in preventive detention. By strengthening pretrial services to better inform judges of alternatives to pre-trial detention, codifying a strong preference for pre-trial release, and imposing strict timeliness requirements, D.C. has a release rate of 94% compared to a national average pretrial release rate of 62%. • New Jersey has enacted a set of reforms including utilizing risk assessment tools in pre-trial detention decisions, improving case management, offering pre-trial services, enacting procedure safeguards for preventive detention and stakeholder engagement and education. These reforms resulted in a 20% decrease in the state's jail population in the initial years post reform. • The Maryland Court of Appeals adopted a rule which specifically instructs judicial officers not to impose bail amounts that a defendant can-not afford. Initial evidence is that the change has not resulted in increased failures to appear. • New Mexico voters approved a constitutional amendment to prohibit pretrial detention because of unaffordable bail, and enacted procedural safeguards for preventive detention based on dangerousness.
Reduce mandatory minimum sentences and broaden discretion in sentencing.	<ul style="list-style-type: none"> • Fewer non-violent offenders incarcerated. • Reduced time of average sentence. 	<ul style="list-style-type: none"> • Delaware amended the state's sentencing enhancements that had eliminated judicial discretion in sentencing and resulted in longer sentences that disproportionately impacted people of color. • California removed sentencing enhancements that lengthened prison terms based on prior criminal record. • Oklahoma reduced minimum sentences for various offenses by re-categorizing certain property and drug felonies as misdemeanors.






Equity Goal:

Reduce the number of children in adult prison.

The United States is the only nation that allows sentences of life without parole for crimes committed before turning 18. Research on adolescent brain development confirms the importance of identifying age appropriate criminal sentences. In a series of cases beginning in 2005, the U.S. Supreme Court has used data from adolescent brain science to ban the use of capital punishment for juveniles, limit life without parole sentences to homicide offenders, and ban the use of mandatory life without parole.¹²

Policy Landscape:

Policies that set **limits on when children can be tried and imprisoned as though they are adults** are both aligned with the science of child development and will begin to alleviate the disparate impact on children of color. In fifteen states and the District of Columbia, there is no minimum age for transfer into the adult system for certain offenses and nearly all states have multiple mechanisms for allowing children to be tried as adults. In 2016, over 75,000 children were tried as adults in the United States and, despite making up just 14% of the youth population, Black children make up 35.5% of all juvenile cases and 51.9% of juvenile cases referred to adult court. Tribal youth are nearly twice as likely as white youth to receive an adult prison sentence.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
Establish minimum age limits on trying children as adults.	<ul style="list-style-type: none"> • Number of children in adult detention. • Reduction in number of children transferred to adult courts. 	<ul style="list-style-type: none"> • Utah restricts statutory exclusion statute to murder and attempted murder, and only for 16 and 17-year-olds, while giving judges a list of factors to consider before deciding whether a child being tried as an adult should be held in an adult jail. • Virginia raised to 16 the age at which a child can be subject to “Direct File” – that is, charged as an adult at the discretion of the prosecutor with no judicial oversight. • For additional state examples visit the Campaign for Youth Justice State Snapshot database.
Increase maximum age for juvenile court jurisdiction.	<ul style="list-style-type: none"> • Fewer children in adult detentions. • Fewer individuals tried as children housed in adult detention facilities. 	<ul style="list-style-type: none"> • Washington requires children charged as adults to be housed in juvenile facilities until they turn 25.
Implement protections for all children in adult criminal justice settings.	<ul style="list-style-type: none"> • Improved outcomes for released individuals (housing, employment, etc). 	<ul style="list-style-type: none"> • New York requires all 16- and 17- year-olds convicted as adults to come under the supervision of the Office of Children and Family Services.



Equity Goal:

Remove barriers for successful re-entry of returning citizens.




Individuals returning from incarceration face numerous barriers to successful re-entry. These include long-standing restrictions on access to numerous public benefits, including housing and income supports and access to mental and behavioral health treatment. Economic barriers include background checks and restrictions on professional licensing that exclude applicants with prior criminal histories, and child support policies that allow arrears to accrue even during incarceration.

The result of these restrictive policies is that returning citizens are more likely to be homeless, lack steady employment, lack health insurance and access to care, face insurmountable child support debt and as a result are more likely to recidivate. Because incarceration rates are disproportionately higher for People of Color, these barriers exacerbate existing racial and income disparities in health, wellbeing and economic attainment.

Policy Landscape:

Expungement is a legal process that allows an individual to erase or seal various types of criminal justice involvement (often including just arrests) from their record. Through this process, the record of criminal justice involvement is no longer accessible via background checks. Expungement is particularly important because even non-convictions are frequently used by employers, landlords, creditors, colleges, and government agencies to exclude individuals from jobs or other opportunities and benefits, including public assistance. By making expungement an easier process that is available sooner or that occurs automatically for certain offenses, states can remove the stigma that attaches with a criminal conviction or even an arrest. As the vast majority of arrests and convictions are for state-level offenses, expungement reform must primarily occur at the state level and a number of states are implementing reforms.



 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Increase technical and vocational training to improve employment prospects post-release.</p> <p>Increase accountability for training and vocational programs to ensure they are matched to employment opportunities post-release and not simply used as a means for cheap labor.</p>	<ul style="list-style-type: none">• Higher employment rates among returning citizens.• Lowered rates of recidivism.• Fewer professions where licensure is prohibited based on a criminal record.	<ul style="list-style-type: none">• Under the First Step Act, federal inmates can earn good time credit toward their sentence by completing a vocational or technical certification program. This provides the individual with a marketable skill once they have been released and, when combined with certain employment laws, allows former inmates to find stable work which has been shown to greatly reduce recidivism.• In 2020, California enacted a law to allow for returning citizens who successfully participated in a forest fire fighting program to expunge their records, thus becoming eligible to be hired as paid fire fighters.
<p>Expand expungement of criminal (including arrest) records and ensure individuals can access expungement.</p> <p>Implement “Clean Slate” laws to automatically expunge certain records (e.g. for low-level misdemeanors).</p>	<ul style="list-style-type: none">• Employment rates among returning citizens.• Number of expungements finalized each year.	<ul style="list-style-type: none">• Utah and California each passed legislation in the past two years to automatically expunge misdemeanors and low-level felonies. They join a growing number of states moving to address the collateral consequences of criminal justice involvement by reforming their expungement laws and processes.• In 2018, Pennsylvania passed the Clean Slate Act to automatically seals certain conviction records after a person stays crime-free for 10 years and all non-conviction records with no waiting period.
<p>Eliminate and/or restrict background checks for most state or local job licensing requirements.</p>	<ul style="list-style-type: none">• Employment rates and outcomes for returning citizens.• Number of licenses issued each year.	<ul style="list-style-type: none">• In 2019, a number of states, including Maryland, Mississippi, Arkansas, and others joined a growing number of states enacting licensure reform laws.• The National Employment Law Project has model legislative language that can be used to craft state laws.



Equity Goal:

Ensure that individuals involved with the criminal justice system maintain full citizenship.




In addition to creating barriers to economic opportunity, involvement with the criminal justice system has discreet implications for citizens to fully participate in civic life, ranging from the ability to participate in the democratic process to the way legislative seats are allocated based on the census.

Policy Landscape:

As many as 6 million Americans are prohibited from voting due to a criminal record. According to research by the National Conference of State Legislatures, the majority of states have **restrictions that prohibit many returning citizens from voting** in local, state, and federal elections. As People of Color are disproportionately represented in the criminal justice system, this means that the political power and citizenship of communities of color is diminished. Even in states that have enacted reforms, re-enfranchisement has been made contingent upon the ability of a returning citizen to pay various fines, fees, court costs, and restitution, considered to be a modern equivalent of a poll tax.

Policy Landscape:

The political power of many communities of color is further diminished by policies and practices that **count incarcerated individuals as residing in the county of incarceration, not their home county** for purposes of the census and apportionment of funds and legislative seats. As many jails and prisons are located in rural areas, with populations disproportionately from urban areas, these policies dilute the political power of communities of color.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
Measure population and allocate representation and legislative districts based on the last residence of an individual prior to incarceration.	<ul style="list-style-type: none"> Legislative district census counts that reflect actual resident population not incarcerated population. 	<ul style="list-style-type: none"> In 2020, Colorado passed a law that reassigns incarcerated persons to their last known residence prior to incarceration. In total, 8 states have enacted legislation to end “prison gerrymandering.” Model legislation to change the way states collect home residence information is available from the Prison Policy Initiative.
Restore full voting rights for all people.	<ul style="list-style-type: none"> Voter registration percentage. Increased voting rates among returning citizens. 	<ul style="list-style-type: none"> Florida Amendment 4 (2018) restored voting rights for returning citizens via ballot initiative. However, subsequent legislation required that returning citizens have fully paid any fines and restitution associated with their cases prior to re-enfranchisement. While the legislation was challenged, it was upheld in federal court. Find a list of other state actions here.
Establish voting rights for incarcerated individuals	<ul style="list-style-type: none"> Improved outcomes upon release, including lower recidivism rates. Voting rates for those incarcerated vs. general population. 	<ul style="list-style-type: none"> The Restore the Vote Amendment Act in Washington DC re-established voting rights for incarcerated individuals.



Equity Goal:

End disparities in police use of force and other invasive policing tactics

Communities with relatively high concentrations of racial minorities are more likely to be heavily policed, increasing opportunities for contact with law enforcement officers for people of color.^{13,14} Studies indicate criminal justice policy is implemented differentially in practice, based on the discretion of the agent who is interacting with a community member—whether the agent is a judge, police officer, probation officer or investigator.¹⁵ So-called ‘stop and frisk’ policies are one example of systemic racial bias in policing and contribute to disproportionate justice involvement in communities of color.

Policy Landscape:

Federal law (42 U.S.C. § 1983) generally makes government employees and officials personally liable for money damages if they violate a person’s federal constitutional rights. However, **qualified immunity** is a legal doctrine that protects government officials, including law enforcement officers, who are performing their duties from certain types of liability in cases where their actions may have deprived a person of constitutional or statutory rights (e.g. a police officer using deadly force on a person) as long as the official(s) did not violate “clearly established” law. In the case of police use of force, a Fourth Amendment violation occurs if it clearly established that the force is “excessive.” Courts have taken a very narrow view of excessive force meaning that all but the most egregious cases would not meet the standard.

Policy Landscape:




Under ‘**stop and frisk**’ policies, law enforcement officers are granted authority to stop individuals when an officer has ‘reasonable suspicion’ of criminal activity. The officer may go as far as a limited search of the individual if there is reasonable suspicion that the individual possesses a weapon. A reasonable suspicion cannot be an “inchoate and unparticularized suspicion or hunch.” Instead it must be based on “specific and articulable facts” and the “rational inferences from those facts” related to the specific individual.¹⁶ Data from jurisdictions with aggressive stop and frisk practices has clearly showed that People of Color were overwhelmingly the target of implementation and a federal judge ruled that New York City’s use of stop and frisk was unconstitutional and amounted to racial profiling. After the explicit policy in New York City was stopped as result of the court ruling, data showed that crime rates were not negatively impacted as many stop and frisk opponents argued. As they are applied, police stop and frisk policies fail to apply the facts and inferences to the specific individual, instead permitting police to generalize and stereotype.




A number of communities have begun to address police abuses and re-think the role of law enforcement in community safety. These have included efforts to take a public health approach to violence prevention and response, examine how local law enforcement dollars are spent, and reform the rules around use of force and other tactics, such as “stop and frisk” policies that have disproportionately impacted People of Color. Some of these efforts are detailed below.

Resource to Know:



[Changing the Law to Change Policing: First Steps](#) is a compilation of model policies developed by a group of law school faculty associated with various academic centers devoted to policing and the criminal justice system. The model policies offer immediate, concrete steps federal, state, and local governments can take to address enduring problems in policing.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Require police departments to track, review and publicly report stop data by race.</p> <p>Require police departments to establish clear, serious, and escalating penalties for unconstitutional behavior by officers.</p> <p>Require police departments to utilize technology, including body worn cameras, to ensure full collection of data for stop related encounters.</p> <p>Hold police departments accountable by civilian-led oversight boards who have real authority to identify penalties.</p>	<ul style="list-style-type: none"> • Number of stops (and searches). • Number of civilian complaints filed. • Number of civil settlements with complainants. • Analysis of racial disparities. 	<ul style="list-style-type: none"> • Philadelphia agreed to begin tracking stops and frisks as well as retraining officers on when stops and frisks are appropriate and lawful. According to the ACLU of Pennsylvania, the Philadelphia police department has seen a <u>downward trend in the use of the policy but large numbers of stops are still found to be without merit</u> pointing to the need for additional oversight, training, and penalties. • Chicago <u>established a citywide community oversight board</u> consisting of those who have been most invested in advancing stop-and-frisk reforms. The board is intended to monitor the department's fulfillment of changes and provide assistance. For example, it would help to identify penalties to use in the discipline standards.
<p>Replace stop and frisk policies with other policing methods, such as <u>focused deterrence</u>.</p>	<ul style="list-style-type: none"> • Number of stops. • Number of arrests, rate of felony crimes. 	<ul style="list-style-type: none"> • In place of stop and frisk, <u>Boston enacted focused deterrence policy</u>. Instead of allowing/encouraging police to stop individuals on the street in hopes of finding an illegal substance or object, officer identify specific individuals engaged in criminal activity by working with community members.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Enact comprehensive <u>“Use of Force” Policies</u> and enforce their implementation.</p> <p>Implement independent oversight and prosecution of deadly police-civilian encounters.</p> <p>Increase transparency of policy disciplinary records and prevent officers with history of discipline from being re-hire in other jurisdictions.</p> <p>Improve hiring and training process to ensure police reflect the communities they patrol and have the training necessary.</p>	<ul style="list-style-type: none"> • Fewer police involved shootings. • Fewer civilian complaints. • Lower crime rates. • Less use of lethal force. • Fewer officer-involved fatalities. • Increased use of non-lethal restraints and force. 	<ul style="list-style-type: none"> • In 2020, <u>Colorado passed Senate Bill 217</u> that would: Outfit all officers with body cameras; Release body camera footage within 45 days of a questionable police encounter; Ban the use of chokeholds and carotid holds; Collect racial data on officers’ encounters with the public; Report to the state when officers unholster their weapons, point their weapons at a citizen and use deadly force. • <u>New York enacted</u> police reform legislation that would among other things appoint an independent prosecutor for policy involved deaths and allow release of police disciplinary records. • <u>Additional examples</u> of state and local reforms.






Equity Goal:

Remove barriers to employment for returning citizens and other justice-involved individuals.

After release, returning citizens often have difficulty finding employment regardless of vocational training they receive while serving their sentence. This is often because employers are quick to make assumptions about applicants with a criminal record. However, one of the most influential factors for recidivism is finding a job.¹⁷ In addition to applicant benefits, employers may also see returns in the form of loyalty and reduced turnover. Data suggests that, for customer service jobs, there is no difference in disciplinary or firing rates between workers with and without criminal records, and employees with criminal records will remain in the job longer on average.¹⁸

Policy Building Blocks:

“Ban the box” refers to a human resources policy of removing questions about previous criminal convictions from job application questionnaires. This policy makes it more likely that returning citizens are judged by their qualifications before consideration of their record. One limitation of “ban the box” laws is that they may lead to HR Departments using race as a proxy for criminal history. “Ban the box” doesn’t prohibit employers from asking about criminal history later in the hiring process. However, in an effort to conserve resources, employers will often try to minimize the cost of hiring by declining interviews for applicants based on the statistical likelihood of having a criminal record.

 Policy Recommendation	 Measurable Outcomes	 Opportunities
<p>Incentivize employers to become “<u>Fair Chance Employers</u>,” by committing to remove questions of criminal history from the initial application.</p> <p>Employers should fully utilize the <u>Work Opportunity Tax Credit</u>, which allows a tax credit for up to 40% or \$6,000 of an employee’s salary who is a returning citizen.</p>	<ul style="list-style-type: none"> • Number of firms enacting “ban the box” policies. • Employment rates for returning citizens. 	<ul style="list-style-type: none"> • In 2015, Koch Industries, one of the nation’s largest employers, announced implementation of a “<u>Ban the Box</u>” Policy, ensuring job applicants are not <u>asked</u> about their criminal history.

Meaningful and lasting change to improve health outcomes and support resilience must take place across systems through policy change. At the Center for Community Resilience, the Policy Lab supports communities to develop and implement public policy solutions that improve child and family well-being, strengthen community resilience, foster equity, promote cross-sector integration, and dismantle systemic drivers of adversity. You can find more tools and resources on our website (www.ccr.publichealth.gwu.edu) and in our Policy and Advocacy Guide, available free to download [here](#).





Endnotes

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