

Resolution for Criminal Justice Reform 2024

***Teshuvah*: Return, Repentance, and Restorative Justice**

Teshuvah is the process of redemption by which a person who has committed a wrong returns to the path of righteousness.

In response to the “War on Crime” and the “War on Drugs” legislation which began in the 1970s, the justice system in the United States increased the use of punitive policies and practices with unintended consequences. Intending to promote public safety and curb drug abuse, the justice system subjected millions of individuals, charged with but not convicted of a crime, to lengthy and abusive jail detentions. Disproportionately lengthy prison sentences were imposed on those found guilty of certain crimes, making **incarceration rates in the USA the highest in the world.**

Studies show and there is persuasive evidence that harsher penalties did not produce the predicted decline in crime but did exacerbate the already alarming racial and ethnic disparities in incarceration. (*A Better Path Forward for Criminal Justice*, a report by the Brookings-AEI Working Group, April 2021)

Moreover, according to the Center for American Progress, an independent nonpartisan U.S. policy institute, every three seconds someone in the United States is arrested. This equates to more than 10.5 million arrests each year, the majority of which result in charges for low- level and nonviolent crimes. After arrest, but before guilt or innocence has been determined, a judge -- or sometimes a police officer or a prosecutor-- decides whether the individual should be released from custody or required to remain incarcerated while awaiting trial or pretrial hearing. This determination is based

on an assessment of the likelihood that the individual will appear in court and, sometimes, on an assessment of the potential threat the individual would pose to the community.

The onset of COVID provided motivation and opportunity to reduce jail and prison populations and highlighted the need to rethink these practices in order to determine whether reducing the length of pre-trial detention or prison terms could be accomplished without negatively affecting public safety.

Women's League for Conservative Judaism supports the continuation of this process.

Whereas studies (ACLU on Bail Reform) have shown that financial requirements for pre-trial release (bail) weigh heaviest on the poor and do not predict the likelihood of flight risk nor serve to assure future appearance at trial; and

Whereas bail should be a tool used only for security that a person will appear in court and not used for punishment; and

Whereas defendants who are unable to afford to post bail are remanded to pre-trial jail detention, even though they are presumed innocent until proven guilty in court; and

Whereas the societal cost of housing people in pre-trial detention (per *Safety and Justice Challenge*, it is \$13.6 billion/year) far outweighs the risks associated with failure to appear at trial (The Brookings Institute); and

Whereas laws with retributive and incapacitation goals do not consider the potential for less punitive and less costly interventions that might provide better long-term social outcomes, especially when considering mental health and substance abuse disorders; and

Whereas WLCJ honors the following Jewish values (“A Jewish Call to Action,” National Jewish Network on Criminal Justice Reform, 2015):

- ***V’ahavta L’re’echa Kamocha*** -- **Love your neighbor as yourself** (*Leviticus 19:18*). Society must be built on fairness, justice, love and respect for not just ourselves but for all people. All aspects of our society and criminal justice system should be based on human dignity.
- ***B’tzelem Elohim*** -- **Everyone is made in the Divine image** (*Genesis 1:26–27*). Approaches to justice must reflect the Biblical principle that each of us emerged from a common root and a common creator.
- **Destroying a life destroys a world -- When we destroy one person, we destroy an entire universe** (*Mishna Sanhedrin 4:5*). No human being is disposable.
- ***Tzedek Tzedek Tirdof*** -- **Justice, justice you shall pursue** (*Deuteronomy 16:20*). True justice cannot be achieved without compassion, mercy and empathy.
- ***Shtika K’hod’a’ah Dami*** -- Silence is akin to complicity (*Talmud Yevamot 87b*). Silence in the face of injustice is an active choice and a tacit consent. Allowing injustice to continue unchallenged is committing an injustice as well; and

Whereas as a Jewish community, we must act in accordance with our history, teachings and traditions to transform our criminal justice systems.

Therefore, be it resolved that Women's League for Conservative Judaism supports the following actions and interventions:

-Advocate that cash bail policy, as applied to individuals with minimal flight risk and repeat offense assessments, should be reformed so that it is based upon a defendant's ability to pay, and

-Encourage sentencing structures that ensure that the punishment is commensurate with the seriousness of the crime, and

- Promote alternatives to incarceration, including Mental Health Treatment Court, substance abuse agencies, community service, restitution fines, house arrest / ankle monitoring, and enforced rehabilitation including anger management, and

-Promote the investment in interagency services (social service and public health agencies) to provide more effective interventions, including accessible housing, and

-Design provisions for probation and parole that are reasonable and not set for failure, and

-Support the establishment of sentencing review units to rectify sentences deemed excessive or disproportionate, and

-Promote research to understand the relationships between policy alternatives, including rehabilitation and education services, and outcomes, and

-Urge agencies like police, courts and prosecutors to be publicly transparent with their data, so people inside and outside the system can answer the question “how are we doing” with performance metrics; and work with the community to set public, data-driven goals to make the stakeholders accountable. No data, no change. (Measures for Justice).