



Coalition of Bar Associations of Color

RESOLUTION IN SUPPORT OF CRIMINAL JUSTICE REFORM

Endorsed March 2016

WHEREAS, the Coalition of Bar Associations of Color (CBAC), organized in 1992, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

WHEREAS, the member organizations of the CBAC are the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA); and

WHEREAS, the member organizations of CBAC are the national voices of their respective legal communities in the United States and its territories and possessions; and

WHEREAS, the United States is home to five percent of the world's population, but twenty-five percent of the world's prisoners and spends \$80 billion a year to sustain these incarceration rates; and

WHEREAS, the per capita rate of prison incarceration in the United States has increased five-fold since 1970; and

WHEREAS, research supports that Hispanics and African Americans are among the minorities more likely to be convicted of an offense that requires a mandatory-minimum sentence that strips sentencing judges of their discretion at sentencing; and

WHEREAS, Indigenous Peoples are also impacted by mandatory-minimum sentencing, as a group that endures the highest incarceration rate in the United States of any racial or ethnic group, at 38% higher than the national rate; and

WHEREAS, Native American youths are 30% more likely than whites to be referred to juvenile court than have charged dropped, according to the National Council on Crime and delinquency; and

WHEREAS, both parties and both chambers of Congress recently introduced comprehensive criminal-justice reform legislation (commonly referred to as the "Sentencing Reform and

Corrections Act of 2015”) that would ease some federal sentencing guidelines for drug-related crimes, and allow some current prisoners held on drug-related convictions to have their sentences reduced; and

WHEREAS, research supports that the average bail amount of Hispanics and African Americans is almost double the amount than those imposed upon White defendants; and

WHEREAS, one of the fundamental and immediate needs of prisoners upon release is employment and education; and

WHEREAS, research supports that after a certain number of years a felony conviction no longer supports a credible likelihood of recidivism; and

WHEREAS, the United States Department of Justice has announced a new Clemency Initiative, acknowledging that “[o]lder, stringent punishments that are out of line with sentences imposed under today’s laws erode people’s confidence in our criminal justice system;” and

WHEREAS, prior to 2015, only Pennsylvania, Vermont, Oklahoma, and New Hampshire had enacted laws that addressed law-enforcement’s use of body cameras; and

WHEREAS, a majority of states were considering legislation to address law enforcement’s use of body cameras as of May 18, 2015 and only Arizona, Colorado, Florida, Maryland, North Dakota and Utah enacted new laws concerning body-worn cameras; and

WHEREAS, law enforcement’s use of body cameras provides benefits to the judicial fact-finding function by virtue of their ability to provide documented evidence that lends greater accuracy and credibility to court and jury determinations in contexts ranging from suppression hearings to jury verdicts.

NOW THEREFORE BE IT RESOLVED that CBAC supports any and all legislative and executive measures aimed at addressing prior sentencing disparities through revised statutory penalties, sentencing guidelines, and a reinvigorated use of clemency;

NOW THEREFORE BE IT FURTHER RESOLVED that CBAC supports passage of the Sentencing Reform and Corrections Act of 2015;

NOW THEREFORE BE IT FURTHER RESOLVED that CBAC supports law enforcement’s use of body cameras in a manner that thoughtfully addresses privacy and fourth amendment issues, data storage and retention, open records laws and police training;

NOW THEREFORE BE IT FURTHER RESOLVED that CBAC supports the use of best-available technologies, including the use of GPS devices, as an alternative to pre-trial and post-trial incarceration;

NOW THEREFORE BE IT FURTHER RESOLVED that CBAC supports adequate funding for prisoner re-entry programs, including those support programs that provide a high school diploma, GED and training in computer science and tech fields;

NOW THEREFORE BE IT FURTHER RESOLVED that CBAC supports expungement of criminal records for lower-level felony offenses after a certain time period for which research demonstrates there is low chance of recidivism;

NOW THEREFORE BE IT FURTHER RESOLVED that CBAC supports the end of solitary confinement, especially for youth;

NOW THEREFORE BE IT FURTHER RESOLVED that CBAC authorizes its officers and staff to communicate the content of this resolution to other minority bar association members, members of the U.S. Congress, the press, and to whomever else suited to receive the information in order to effect this Resolution;

NOW THEREFORE BE IT FINALLY RESOLVED that this resolution shall be the policy of CBAC until it is withdrawn or modified by subsequent resolution.

[Remainder of page intentionally blank.]

CERTIFICATION

WE, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly noticed meeting of the Board of Directors.



Robert T. Maldonado

Roberto Maldonado
President, Hispanic National Bar Association

March 1, 2016
Date

Jim Y. Hwang

Jim Hwang
President, National Asian Pacific American Bar Association

March 1, 2016
Date

BCP

Benjamin Crump
President, National Bar Association

March 1, 2016
Date

Linda Benally

Linda Benally
President, National Native American Bar Association

March 1, 2016
Date