

Bridging the Bipartisan Divide on Criminal Justice Reform by Focusing on Families

By Christopher Bates | Friday, January 21, 2022

The partisan divide in Washington seems wider than it's ever been. There is so much to fight about and so little to agree on. One area where there's been at least some bipartisan success in the past is criminal justice reform. And a new approach to this complex issue could help bring momentum for lasting change.

In 2018, Congress passed and President Trump signed into law the First Step Act, which lowered mandatory minimums for certain crimes, created incentives for inmates to participate in recidivism reduction programs, and made a variety of other reforms. To date, however, there has been no "second step." To the contrary, with the recent collapse of police reform negotiations in Congress, the two parties seem further apart on criminal justice issues than they have ever been.

Stepping into this breach is the Hatch Center, the policy arm of the [Orrin G. Hatch Foundation](#). In a recently published [report](#), the Hatch Center has outlined an approach to criminal justice reform that can help bridge the partisan divide by centering the discussion on a subject that all of us can relate to and that all sides acknowledge is of overriding importance: the family.

We all have family members or friends with family members who have gone astray. We all understand that when a loved one loses a job, or becomes incapacitated, the effects ripple through the entire family.

Consider the example of [Carl](#), an incarcerated father. Carl describes how before he was sent to prison, his daughter had been headed to college. But "because I was the primary source of financial support," he says, "[n]ow, she's working instead."

Or consider the example of [Peyton](#), a young woman from Oregon. Peyton's father was sent to prison when she was in first grade. According to Peyton, her father's incarceration "all but severed" their relationship. They had occasional visits, but sometimes when Peyton saw him, they just sat in silence. "Some days it hurt too much," Peyton says, "and I just couldn't do it."

All of us can put ourselves in the place of Peyton, or Carl's daughter, and think about how we would react in those difficult situations. We can also think about how we would want the system to operate to help ameliorate the negative consequences of our loved one's actions. In this way, a family-centered approach can create a point of common ground for discussions. It can also identify a number of important goals.

First, a family-centered approach to criminal justice reform seeks to leverage the positive impacts of personal relationships. Research has consistently shown that one of the strongest determinants of whether an individual who has served time in prison is able to successfully reenter society and avoid reoffending is the strength of the individual's family ties. Family members provide emotional support to help cope with the stresses of reentry and frequently serve as an important source of housing and job leads.

Accordingly, helping individuals in the criminal justice system maintain and strengthen family relationships during and after incarceration should be a priority. Ways to do this include housing prisoners closer to home, reducing the cost of prison phone calls, and facilitating video visits for family members unable to make in-person trips.

Second, a family-centered approach to criminal justice reform considers the harmful impacts of a criminal conviction on all affected parties, not just the convicted individual. The most obvious, and most serious, consequence of a criminal conviction frequently is a term of incarceration. Incarceration separates an individual from his or her family, takes the person out of the job market, and can create a red flag for potential future employers.

But incarceration is far from the only consequence a criminal conviction can bring. Many federal, state, and local laws bar individuals with a criminal record from certain jobs, even when the job has nothing to do with the convicted conduct. And even when there's no outright bar, state and local licensing boards may deny a necessary employment license on the ground that a criminal conviction demonstrates lack of "good moral character." Other "collateral consequences" of conviction may include ineligibility for housing or other benefits, as well as loss of a driver's license if a person is unable to pay required court fees.

These outcomes pose significant hurdles not just for the convicted individual, but for his or her family members as well. The harmful impacts of incarceration on spouses and children are well documented and include poorer physical and mental health, reduced family income, increased risk of homelessness, and poorer educational outcomes. Other collateral consequences that make it more difficult for individuals with a criminal record to obtain employment, stable housing, and other necessities exacerbate these difficulties.

It goes without saying, of course, that individuals who break the law must face consequences. The more serious or destructive the crime, the more serious the consequences should be. But punishment is not an end in itself. There must be a balance — particularly where the punishment also impacts third parties. Evaluating criminal penalties through this lens can suggest a number of reforms, such as requiring that any employment disqualification be tied to the actual criminal conduct, considering whether civil rather than criminal penalties may be appropriate in a broader range of cases, and reconsidering sentencing laws that lead to disproportionately severe punishments.

Third, a family-centered approach to criminal justice reform makes successful reentry a top priority. As disruptive and harmful to family members and children as one stretch in prison may be, even more harmful is a second or third stretch, or worse yet, a continuing cycle of release and reincarceration. Reducing barriers to reentry and helping formerly incarcerated individuals find housing, employment, and other necessities thus benefit

far more than just the released individual. They make a difference for the person's family as well, which in turn can yield dividends for the broader community (and future generations).

The principles outlined above are ones that can both win broad support and make a real difference. The Hatch Center's [report](#) goes into greater detail on each of these points, identifying specific proposals that implement their teachings.

All Americans understand the importance of family. For many, family is our greatest source of strength and the first place we turn when we need help. At the same time, nearly all of us have experienced the heartache of seeing a family member make a serious mistake, as well as the joy of seeing that family member learn and grow from the mistake. Evaluating criminal justice policy through the lens of family impacts provides a framework that each of us can relate to and that can help bridge the divide that too often exists on this important issue. It's not the answer to everything, but it can help us find common ground. And that is a good place to start.

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