

*Project on American Justice Fireside Chat Summary*

## **The Future of the Criminal Justice System: Civilianization of Traditional Justice Functions**

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### **Overview**

The CNA Center for Justice Research and Innovation's Project on American Justice (PAJ) for 2023 focuses on the future of the criminal system based on current research and trends. To support this effort, CNA is working with several leading subject matter experts (SMEs) and senior advisors with research and practitioner experience in the justice field.

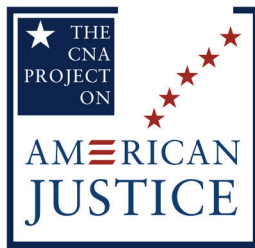
In May, PAJ conducted its third "fireside chat" with these esteemed experts to discuss civilianization using a futures analysis approach. Specifically, PAJ is using an analysis framework that examines the social, technological, economic, environmental, and political factors (STEEP) that may influence the criminal justice system in the future to better identify opportunities to mitigate risks and promote success.

Based on research and current trends for these STEEP factors, our PAJ team is using the following 2040 future scenario:<sup>1</sup>

*In 2040, the number of adults outnumber the number of children for the first time in US history, and urbanized megapolitan areas exist nationwide, including mega areas. These mega areas are consolidating government services to better support increased community needs. In these areas and throughout the country, artificial intelligence (AI) is commonplace. Robots are replacing the workforce. It is common to have surveillance cameras in public spaces. The US national debt has reached historic highs, limiting our government's ability to invest in new priorities. Economic instability and climate action failure have increased tensions among states and there is no longer any faith in local and federal governments. Communities are pushing governments to enact more transparent processes by releasing information more often. Economic inequality has resulted in private policing for the wealthy. Communities have no trust in law enforcement. However, law enforcement is more efficient and effective due to AI. Globally, the US has lost its place as the top superpower and has been surpassed by China, while the number of foreign-born individuals in the US is at a historic high and created a nationally diverse populous where no racial majority exists. However, rural America remains homogeneous and slow to adopt new technology.*

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<sup>1</sup> The PAJ team is using this scenario as a baseline for the conversations and does not assume that this will be the final outcome in the future. Rather, we are posing that this is one of many possible futures in 2040.



Using the future state scenario as a starting point, the group discussed potential risks and opportunities regarding civilianization, as well as steps to take now to mitigate those risks and promote successes. A summary of the discussion continues below.

## Risks and Opportunities

Upon discussing the 2040 future state scenario, SMEs identified several **risks** to the criminal justice system, which include the following:

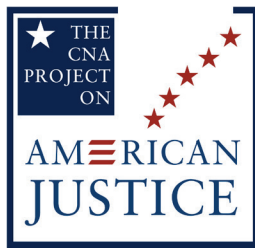
- **Moving to the private sector:** The private sector may poach or recruit more civilians because they can pay a higher salary than the public sector for those with specialized skills.
- **Loss of Expertise:** SMEs noted that a consequence of shifting officers out of certain positions for civilians (e.g., handling late-reported property crimes) is a loss of expertise in an area. Newer officers may lose skills on how to investigate more routine calls that officers were previously responsible for.
- **Police culture may impede civilianization:** Both the culture within police departments and unions may impede the civilianization of roles within departments.
- **Technology may hinder, rather than help, community trust:** Some experts noted that technology, such as robots and artificial intelligence (AI), may replace the need for both sworn and civilian personnel, removing the human element in interactions with law enforcement. This may lead to the public sentiment to reduce officer involvement in public safety.
- **Too much civilianization may reduce positive police interactions:** SMEs also raised concerns of overly civilianizing sworn positions, as it distills police work to requiring firearms, arresting, and extensive training. This shift risks placing police in constant adversarial contact with communities and enhancing an “us vs. them” mentality.

In addition, **opportunities** were identified in relation to the civilianization of traditional justice functions in 2040.

- **Retaining institutional knowledge:** Using retired officers in a civilian capacity allows departments to retain knowledge and history that would have otherwise been lost. This also allows retirees to still feel useful and connected to their agencies.
- **Increasing volunteer programs in agencies:** More agencies can start utilizing volunteers to work as non-sworn police to patrol low crime areas and help with community outreach and administrative roles. SMEs note that this allows communities and agencies to adapt over time to work being performed by non-sworn members and

“When we look at 2040, we’re looking at a different type of police department. We have to consider a hybrid-type police department. And if we want to get public trust and public buy-in on the police department, it requires a diversity that’s different than just ethnicity or gender. It requires the diversity of people whose ability to communicate what they do is different.”

- PAJ SME Damon Mosler



build agency morale and support from the public.

- **Specializing in call responses and skills:** Utilizing AI in conjunction with data can allow police departments to strategically dispatch calls that are appropriate for either civilian or sworn responses. Similarly, hiring additional civilians provides the opportunity for specialization, such as crime scene investigators.
- **Enhancing public trust:** Having sworn and civilian personnel participating in public safety creates a sense of trust.

## Ideas to Take Action On

The SMEs recommended several steps to take now to address the concerns and opportunities identified throughout the discussion. These steps include the following:

- The criminal justice system can begin to **train civilians** on how to handle tasks, such as administrative work and even some investigative work, so they can assist officers in various capacities.
- Agencies can lay out all the functions that occur within a department and **identify which ones can be civilianized**.
- SMEs noted that civilianization requires a **change of culture** in the law enforcement profession as well as legislative changes that apply across all states (regionalization) regarding the civilianization of some sworn roles. To do this, a broader understanding of law enforcement and community safety is needed.
- Others noted **additional research** needs to be conducted in calls for service data and other areas to identify appropriate responses, skills, and backgrounds needed. Additionally, research in the effectiveness of civilianized positions in both the US and abroad is needed.

Overall, PAJ's fireside chat on civilianization resulted in fruitful discussion on potential risks and opportunities, as well as considerations on steps to take now to reduce the abovementioned risks and promote successes. The next fireside chat will cover the role of police, prosecutors, and corrections in society.