Project on American Justice Fireside Chat Summary

The Future of the Criminal Justice System: Organizational Change and Development

Overview

The CNA Center for Justice Research and Innovation's Project on American Justice (PAJ) for 2023 focuses on the future of the justice 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 June, PAJ conducted its fourth "fireside chat" with these esteemed experts to discuss organizational change and development 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 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:[1]

> *In 2040, the number of adults outnumbers the number of children for the first time in US history and urbanized megapolitan areas exist nationwide. 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, and robots are being used to carry out police functions, such as search warrants and issue parking tickets. Agencies are using data and AI to be strategic on dispatching sworn or civilian responses. Police departments are also beginning to work with other local agencies to further address areas of community concern. 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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[1] 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.
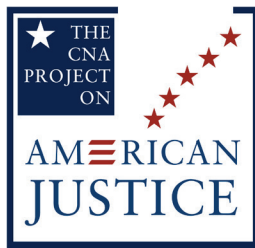
Using the future state scenario as a starting point, the group discussed potential risks and opportunities regarding organizational change and development, as well as steps to take now to mitigate those risks and promote successes. A summary of the discussion continues below.

Risks and Opportunities

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

- **Police legitimacy:** The legitimacy of police continues to be an issue with the communities they serve. The use of technology partnered with policing strategies requires an understanding of how this would improve the issue of community trust in police and the overall legitimacy of law enforcement. This does not only include the trust of the community but also the agency's trust of the actual product (e.g., AI technology).
- **Increased staffing challenges:** The 2040 scenario posits increasing difficulties for law enforcement to effectively recruit officers. The SME's advised that there will always be a need for human officers or civilian staff to be available, but it will continue to be difficult to identify and hire service-minded individuals committed to the 24/7 demand.
  - o Part of the staffing challenge includes recruiting people with **specialized knowledge and experience** in technology, for example, to ensure it is being utilized properly.
- **Rate of learning:** There is a risk of wasting resources if AI algorithms that are created to predict potential crime opportunities to mitigate are incorrect. It can even lead to law enforcement looking incompetent.
- **Reactive approaches to policing:** One of the challenges to organizational change is that policing is still inherently a highly reactive profession despite efforts to be proactive. People are trained from day one to respond to calls and incidents. There is no systematic opportunity to prepare for more proactive strategic thinking, or to think innovatively about change.
- **Police culture may impede civilianization:** Both the culture within police departments and unions may impede the civilianization of roles within departments. SMEs noted that priorities of sworn officers may not align with priorities of civilian staff. Without clear guidelines and workflows, there will be continued pushback from police culture to incorporate civilian staff.

In addition, *opportunities* were identified in relation to organizational change and development in traditional justice functions in 2040.
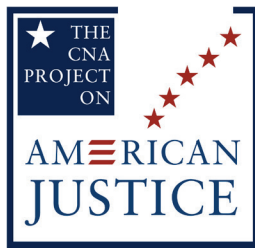
- **Enhanced decision making:** Advanced technologies will allow for the access and analysis of larger sets of data in real time. This will allow law enforcement to think and make decisions that are more informed because they will consider a much larger volume of information than what is possible today.

- **Specialized workforce:** A specialized workforce facilitates opportunities to select from a broader spectrum of candidates with different skill sets (i.e., technical) and education levels in order to adequately fill various roles in public safety. There is space to capitalize on current information; however, professionals such as data scientists and analysts will need to be hired in order to leverage data.

- **Training artificial intelligence:** AI algorithms are now trained in assisting and extracting insights, detecting patterns, and identifying key information from vast volumes of open-source data to recognize specific behaviors, keywords, and sentiments, and aid in the identification of potential threats and activities. These are in most agencies today and in 2040 technology will advance further allowing public safety agencies to measure and monitor tremendous volumes of data from parent sources in real time.

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 justice system should have a **civilianized public safety director** that is going to exhibit more control than law enforcement uniforms. How a supervisor runs things is important for the cultural change in the organization and can positively effect change.

- In order to jumpstart organizational change **a non-traditional police force or a less badge-driven police force** will need to be implemented incrementally.

- A key is figuring out what is it society wants the police to do. The faster public safety agencies figure that out then perhaps a better foundation can be built to aide with rebuilding trust between the public and the police, with **building rapport being the most important about policing.**

- Currently, **professional development models for law enforcement** are limited in the US, therefore limiting officers' opportunities to prepare for organizational change. It is imperative that these models become more accessible in order for organizational change and development to be implemented and reinforced.

- Agencies **should begin thinking now about the skills and knowledge needed in new recruits and staff** for this evolving trend to a more technology-driven workforce.
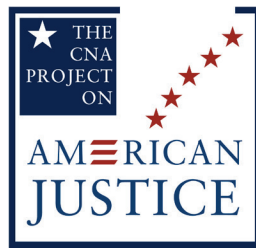
- **Legislation is more incumbent** upon those developing advanced technology such as AI. Specifically, legislation should build a certain set of data ethics restricting the release of products and advanced technology if there is uncertainty in the possible harms.

- **Continuous improvement** of the algorithms that support data used in the justice system is needed since most are outdated and risk falling behind as technology quickly advances.

- Organizational changes within the justice system should begin with **leadership, public or political, that creates the combination of several different professional skillsets.** Community and political leaders should be more involved in police departments to help facilitate staff within agencies as they provide diverse backgrounds of experience. Additionally, creating positions for data scientists in police departments to properly analyze data ensures that departments can capitalize on the use of the information.

Overall, PAJ's fireside chat on organizational change and development 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.