

Mindful Justice

Creating a Criminal Justice System Grounded in Mindfulness, Compassion and Human Dignity¹

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I. INTRODUCTION

Mindfulness has gained attention in the last decade as a simple yet powerful technique for managing stress, developing emotional intelligence, and increasing focus, balance, and empathy. Mindfulness programs have been adopted in major corporations, in educational settings, with professional sports teams, and in hospitals and other therapeutic settings.

The qualities cultivated by mindfulness have also, in the last two decades, begun to make an impact in the criminal justice world, which is increasingly adopting the practice in various forms. This paper and conference grow out of an unusual collaboration bringing together two distinct streams of work on social policy and mindfulness practice: the prison mindfulness movement and the mindfulness in law movement. Each of these movements had been working separately on transforming their respective sectors of the justice system through mindfulness, but had not previously joined their efforts. This collaboration represents an opportunity to look at the entire criminal justice system through the lens of mindfulness.

In prisons around the U.S., and now in some juvenile detention facilities, police departments, court rooms, criminal justice professionals, legal professionals, and those caught in the system have been learning to look inward, and develop moment-by-moment, non-judgmental attention, with compelling results—greater self-awareness, more emotional intelligence, reduced stress, reduced substance abuse, and other positive indicators.

These early results, and a growing body of scientific research, suggest how

What is mindfulness?

Mindfulness refers to both a practice and a state of awareness. The state is one of kind, focused, and receptive attention to the present moment, in which the practitioner simply observes her experience—including perceptions, thoughts, feelings, and moods—rather than trying to shape or evaluate them as we usually do. The most prominent mindfulness practice is sitting meditation, but others include centering prayer, certain forms of yoga, qi gong, and walking meditation.

mindfulness might provide a missing piece in the movement to reform our troubled criminal justice system. We believe that genuine transformation of the system requires developing the inner resources of all those involved in it. This includes cultivating focus and resilience, and fostering pro-social qualities such as empathy, compassion, and a sense of interconnection with others. Mindfulness is a uniquely simple, powerful, and scientifically-validated technique for doing so. It has worked in a wide range of settings, from the boardrooms of Google to inner city schools, and has already begun to do so in criminal justice institutions. We believe it should be placed at the heart of the effort to reform our criminal justice institutions and processes.

In this paper and conference, we will explore what a criminal justice system grounded in mindfulness might look like and think about the incremental steps that can be taken to bring that

system about. We envision a system in which all of the key players, from police officers to prosecutors, from judges to wardens, from public defenders to probation officers—are trained in mindfulness so that they have the skills of emotional awareness and empathic connection, and commitments to reducing suffering and maintaining communities that are free of violence and crime.

The criminal justice system’s purpose will be to assure that those who are convicted of crimes will return to communities with the skills to survive and thrive. The mindfulness

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programs being offered to inmates in prisons are giving those inmates personal insight and a sense of responsibility that will make their return to freedom at the end of their terms a benefit to their families and communities. The system will be driven by compassionate concern for victims of crime and their families and also for people accused of crime and their families. In addition to the traditional trial mechanism, innovative processes for resolving disputes and managing disruptive behavior, such as restorative justice and specialized courts to deal with drug offenses and mental illness, will assure that the dignity of the accused and the circumstances of the harmful behavior are managed with particularized attention to the needs of all affected by it.

Mindfulness will be recognized as a skill that is vital for all of the people who work in and manage the criminal justice system. The mindfulness in law courses beginning to appear in law schools will become a core part of the law school curriculum, particularly focusing on their relevance to the criminal law context. Mindfulness and empathy will be considered important qualifications for prosecutors and judges. Similarly, the education of police officers and corrections officers will include mindfulness in their basic training, and in the criteria for retention and promotion.

This utopian vision will take some years to attain, but the programs described in the papers posted on the Mindful Justice conference website indicate that mindful leaders in the criminal justice world are already moving in that direction. Moreover, the articulation of the larger vision helps to establish a vector for reform efforts, and creates a context which assures that any effort to transform the current dysfunctional criminal justice system incorporates the mindful dimension and doesn't fall into the mistake of relying on changes in laws and regulation while ignoring the need for an inner movement toward mindfulness.

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This moment is a particularly ripe one for catalyzing fundamental change in the American criminal justice system. Nationwide, we are witnessing the lowest rate of violent crime in 40 years²; many states are looking for measures to reduce their prison populations in order to relieve strained state budgets³; heightened public concern about racial disparities in the system, in particular unwarranted use of deadly force by police against African-Americans⁴ has increased attention to implicit bias; liberal and conservative voices for criminal reform have recently joined to reverse some of the harsh policies of the War on Drugs.⁵

² Simpson, Ian. "Violent U.S. Crime drops again, reaches 1970s levels: FBI." Reuters, Nov. 10, 2014. However, 2015 has witnessed a significant uptick in murder rates in 30 American cities; it remains to be seen whether this is a short term trend or something more serious. See Davey, Monica and Mitch Smith. "Murder Rates Rising Sharply in Many U.S. Cities." *The New York Times*, Aug. 31, 2015.

³ The Governors of Ohio, Florida, Georgia, and California have all publicly vowed to reduce their state prison populations through measures including sentencing reform, compassionate release (for elderly or sick inmates), greater emphasis on rehabilitation, diversionary programs, and— in California's case—devolution to county jails. See Keyes, Scott. "State Budget Cutbacks Lead to an Unexpected Silver Lining: Prison Reform." Thinkprogress.org, February 7, 2011.

⁴ This increased awareness can be credited in part to civil rights attorney and law professor Michelle Alexander's influential best-seller *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, as well as to the numerous instances of police-involved violence in 2014-15 (detailed below), out of which grew the #BlackLivesMatter movement.

⁵ President Obama visited a state prison in El Reno, Oklahoma in July 2015, the first sitting president to do so, and called for major changes to the criminal justice system. 2016 Presidential candidates including former Maryland Governor Martin O'Malley, a Democrat, and Kentucky Senator Rand Paul, a Republican, have made criminal reform a major element of their campaign platforms, while other candidates have made more general statements about the need for reform.

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This unusual set of conditions is likely to yield a number of conventional policy shifts, such as wider use of body-worn cameras by police; sentencing reform; greater diversity among police forces; and improvements in prison conditions. However, we believe that these measures, while important, are insufficient to effect the deep changes needed to transform the criminal justice system.

The patterns of violence, anger, fear, and reactivity are deeply embedded in the policies and practices of the criminal justice system, as reflected in widespread use of solitary confinement in prisons⁶; the numerous legal restrictions on individuals with felony records, which cripple their chances of successful reintegration⁷; the sentencing of thousands of non-violent offenders to life terms⁸; the sentencing of children as young as 13 to life in prison⁹; the death of numerous unarmed African-American civilians at the hands of police¹⁰; and dehumanizing prison conditions and physical violence by correctional officers against inmates.¹¹ These patterns are, consciously or unconsciously, embedded in the hearts and minds of many of those who work in the system. Only by addressing the attitudes and behavior patterns of the individuals who comprise the system can we truly shift it towards one that focuses on healing, rehabilitation, and restoration of our communities.

Although they have only been implemented on a small scale thus far, mindfulness programs show enormous promise for doing so, and suggest what could be achieved if mindfulness training were broadened and made more widely available within the criminal justice system. By strengthening functions in the brain that regulate emotional reactivity¹² and that enable empathic connections with others¹³, mindfulness training could, if offered on a large scale, cultivate less fear and reactivity among those in the system, and foster behaviors and policies that embody compassion and respect for human dignity.

Changing the system from the inside out would be a long-term process. The criminal justice system is vast and complex, and certain sectors and geographical regions will be more resistant to this approach than others.

However, this is a moment of unusual openness to change at all levels of the

⁶ See Shames, Alison, Ram Subramanian and Jessa Wilcox. "Solitary Confinement: Common Misconceptions and Emerging Safe Alternatives." Vera Institute of Justice, May 2015.

⁷ These include restrictions on access to subsidized housing, ineligibility to vote for probationers and parolees in 21 states, and mandatory disclosure of their criminal record in job applications.

⁸ As documented in a 2013 report by the ACLU, 3,278 people in the U.S. have been sentenced to life in prison for non-violent offenses, including stealing a \$159 jacket and serving as a middleman in the sale of \$10 of marijuana. The ACLU estimates that revising state and federal sentencing laws to exclude non-violent offenses from eligibility for life without parole would save U.S. taxpayers roughly \$1.7 billion. See "A Living Death: Life Without Parole for Nonviolent Offenses." American Civil Liberties Union. November 2013.

⁹ According to the Equal Justice Initiative, nearly 3,000 children across the U.S. have been sentenced to life in prison without possibility of parole. <http://www.eji.org/childrenprison>

¹⁰ In 2014-15 alone, high profile cases included Eric Garner in Staten Island, New York (7/7/14); John Crawford III in Dayton, Ohio (8/5/14); Michael Brown in Ferguson, Missouri (8/9/14); Akai Gurley in Brooklyn, New York (11/20/14); Tamir Rice in Cleveland, Ohio (11/22/14); Walter Scott in North Charleston, South Carolina (4/4/15); Freddie Gray in Baltimore, Maryland (4/19/15); Sandra Bland in Waller County, Texas (7/13/15); Christian Taylor in Arlington, Texas (8/7/15).

¹¹ Schwirtz, Michael and Michael Winerip. "After 2 Killers Fled, New York Prisoners Say, Beatings Were Next." *The New York Times*, August 11, 2015

¹² See, e.g., Ortner C. N., Kilner S. J., Zelazo P. D. (2007). Mindfulness meditation and reduced emotional interference on a cognitive task. *Motiv. Emot.* 31, 271–283. See also, Pace T. W. W., Negi L. T., Adame D. D., Cole S. P., Sivilli T. I., Brown T. D., et al. (2009). Effect of compassion meditation on neuroendocrine, innate immune and behavioral responses to psychosocial stress. *Psychoneuroendocrinology* 34, 87–98.

¹³ See, e.g., Weng, Helen Y., et al. "Compassion training alters altruism and neural responses to suffering." *Psychological science* 24.7 (2013): 1171-1180.

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system. In the last six years, five states have abolished the death penalty.¹⁴ Leading prison officials recently called for strictly limiting the use of solitary confinement,¹⁵ soon after California enacted new policies limiting the practice. Throughout 2015 we have offered mindfulness training programs in criminal justice institutions in California, Oregon, Kentucky, and Colorado¹⁶—including community corrections professionals, correctional officers, prosecutors, public defenders, judges, first responders, and others—and participants have responded enthusiastically, suggesting a broad level of receptiveness to mindfulness as a skill for criminal justice and legal professionals. The continued mainstream adoption of mindfulness will support this trend.

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With the early successes of mindfulness-based programs in mind, we are working to bring the pioneers of this approach together to articulate a system-wide vision for a mindful criminal justice system, and to develop an agenda for advancing that vision. The organizations anchoring this project, which we are calling “Mindful Justice” (“MJ”) are [The Center for the Study of Law and Society](#), a research and teaching organization at the University of California, Berkeley School of Law, and the Providence, RI-based [Prison Mindfulness Institute/Center for Mindfulness in Corrections](#) (“PMI/CMC”), a leader in criminal justice-based mindfulness training.

In collaborations with the pioneers of these programs, we are developing a front to back vision for change, and a framework for introducing mindfulness practices to all of the key parties engaged in the workings of criminal justice. This includes the “front end” (under- and over-policed communities, police on the streets, juvenile detention officers, juvenile offenders, prosecutors, public defenders, and judges), to the “middle” (prisoners and correctional officers), and the “back end” (probation and parole officers, and individuals in re-entry), as well as the key policy-makers who shape the rules of the system.

In this paper we examine the pioneering programs that have introduced mindfulness into criminal justice settings, their successes and limitations, and explore, drawing on the recent workshops offered around the country, what it might look like to apply a larger vision of a “mindful criminal justice system” from the front end to the back end of that system. Based on these exploratory efforts, we believe that integrating mindfulness comprehensively into the system would be of tremendous benefit to all those involved in it, and foster a criminal justice system grounded in the values of fairness, justice, and respect for the dignity of all individuals.

¹⁴ New Mexico (2009), Illinois (2011), Maryland (2013), Nebraska (2015), and Connecticut (2015).

¹⁵ Press Release: New Report on Prisoners in Administrative Segregation Prepared by the Association of State Correctional Administrators and the Arthur Liman Public Interest Program at Yale Law School (Sept. 2, 2015). Available at <http://www.asca.net/>

¹⁶ Participating institutions included the Santa Clara County District Attorney’s office, Santa Clara County Public Defenders office, and Santa Clara County Superior Court; the Oregon Department of Corrections and Oregon Youth Authority; the Adams County (CO) Community Corrections department; and several departments of the City of Louisville, KY, including first responders, police, correctional officers, and city leadership. In total, more than 200 criminal justice professionals around the country have gone through Mindful Justice-organized mindfulness trainings since March 2015.

II. MINDFULNESS IN CRIMINAL JUSTICE: FROM LOCALIZED PROGRAMS TO CHANGING THE SYSTEM

Starting in the late 1960s, meditation programs were first introduced to a handful of prisons, often in the context of Buddhist ministry, and grew slowly over time. In the last decade, however, paralleling the explosion of popular interest in mindfulness, secular mindfulness-based programs and other transformative programs (e.g. Council) have spread throughout the criminal justice system. Programs now not only serve prisoners in all 50 states but also, in a number of areas, correctional officers, at-risk youth, juvenile offenders, and police officers.

** Mindfulness principles*

We believe that certain guiding principles are integral to mindfulness and must be included in any application to criminal justice settings.

These include:

- The importance of cultivating empathy and compassion;*
- A belief that all individuals possess some basic goodness that can and should be nurtured;*
- A commitment to develop our sense of interconnection with others.*

This expansion presents the possibility of a front to back application of mindfulness in the system, with mindfulness principles* and practices informing every step of the criminal process, from interactions between police and citizen on the street, to the arrest, a citizen's involvement with the court system, the management of the correctional system, and the support individuals receive upon re-entry into society.

These programs typically teach mindfulness as a tool for more effectively handling intense emotions and stress, for developing self-awareness and insight, and for cultivating more compassionate behavior (towards self and others).

The recent growth of criminal justice-based mindfulness programs can arguably be traced to the adoption of mindfulness in clinical and therapeutic settings, particularly for treating anxiety, chronic pain, post-traumatic stress disorder (PTSD), depression, and substance abuse. Many of these conditions are even more prevalent in prisons, and to some extent among police, correctional officers, and criminal attorneys, than in the general population, making mindfulness a potentially very powerful technique in those settings.

While prison-based programs have existed for decades, in the last few years, programs have emerged for other populations within the system. In 2014, the Hillsboro, OR Police Department became the first to introduce a nine-week mindfulness-based training program for its officers, which has since inspired other departments including Falls Church, VA, Toronto, and Louisville, KY to introduce their own programs. In 2014-15 the Prison Mindfulness Institute, which pioneered programs for prisoners, began teaching Mindfulness-Based Wellness and Resiliency to correctional officers in Rhode Island and Oregon. Over the last decade, through workshops and retreats, mindfulness has been taught to criminal attorneys and judges. At this point, mindfulness has been tested in virtually every piece of the criminal justice system.

Typically these programs do not explicitly aspire to create systemic change. At first glance, they could be seen as efforts merely to render a flawed system more tolerable, rather than to profoundly change it. But there is reason to believe that making meditative practices available to a critical mass of people in the system could lead to systemic change. On an individual level, the practices tend to foster a shift toward greater empathy, non-violence, peacemaking, and ethical behavior. If learned by sufficient numbers of people in the system, it seems likely that the system itself would inevitably start to reflect these qualities.

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Mindfulness-based programs in the criminal justice system are gaining attention. In early 2015, the California Legislature approved \$5.5 million to bring the mindfulness-based program Guiding Rage Into Power (GRIP), pioneered at San Quentin State Prison, to several other California facilities. The creators of the Mindfulness-Based Resiliency Training for police in Oregon were recently awarded \$380,000 by the National Institutes of Health to study the program's effect on police officers. In May 2015, the *Wall Street Journal* published a front-page story on the adoption of mindfulness training in the legal profession.¹⁷ We benefit from growing public attention to mindfulness and the value of emotional intelligence. Beyond North America, the UK is advancing its own programs for mindfulness in criminal justice, backed by a Parliamentary subcommittee called the All-Party Parliamentary Group on Mindfulness.

Since early 2015, MJ and its partners have organized eight pilot workshops with populations that have had limited exposure to mindfulness training—prosecutors, public defenders, judges, overpoliced communities, community corrections professionals, correctional officers, city officials, and first responders. In the next section we document takeaways from those pilots, as well as an overview of existing mindfulness-based programs in the system.

Existing programs embrace a range of techniques and approaches, including various forms of meditation and other contemplative practices. The basic practices taught focus on breath awareness and moment-by-moment observation of one's changing mental, emotional, and physical state that leads to self-understanding and insight. "Mindfulness" is the term most commonly applied to this set of techniques, although it encompasses a range of lineages that go by other names.

These form the core practices taught in Jon Kabat-Zinn's popular Mindfulness-Based Stress Reduction (MBSR) programs. They are the focus of many of the studies in neuroscience and psychology that indicate mindfulness' ability to develop impulse control, lower cortisol levels, support concentration, enhance positive emotions and compassion, and confer other cognitive, emotional and health benefits.¹⁸ The growing interest in meditation in mainstream culture has likewise been focused on this set of techniques.

However, our vision would not be limited to programs teaching mindfulness meditation. For example, restorative justice programs, which do not explicitly teach mindfulness, but often incorporate compatible principles and practices, would also fall under the broader umbrella of this work. Restorative justice circles, by inviting the perpetrator of a crime to acknowledge wrongdoing, to confront the victims of her acts and

¹⁷ Gershman, Jacob. "Lawyers go Zen, with few objections." *The Wall Street Journal*, June 18, 2015.

¹⁸ See, e.g., Hölzel, Britta K., et al. "How does mindfulness meditation work? Proposing mechanisms of action from a conceptual and neural perspective." *Perspectives on Psychological Science* 6.6 (2011): 537-559. (Summarizing numerous studies finding mindfulness training's effect on emotion regulation, attention regulation, and perspectives on the self.); MacLean, Katherine A., et al. "Intensive meditation training improves perceptual discrimination and sustained attention." *Psychological Science* 21.6 (2010): 829-839 (documenting the enhanced perceptual acuity of long-term meditators); Leonard, Noelle R., et al. "Mindfulness training improves attentional task performance in incarcerated youth: a group randomized controlled intervention trial." *Frontiers in psychology* 4 (2013) (Finding that 750 minutes of mindfulness training provided to incarcerated youth over a 3-5 week period helped mitigate impulsive behavior and enhance self-control); Hölzel, Britta K., et al. "Mindfulness practice leads to increases in regional brain gray matter density." *Psychiatry Research: Neuroimaging* 191.1 (2011): 36-43; Davidson, Richard J., et al. "Alterations in brain and immune function produced by mindfulness meditation." *Psychosomatic medicine* 65.4 (2003): 564-570.

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the suffering she has caused, are a powerful means of developing empathy, interconnection, and a sense of responsibility that can shift behaviors. In some ways, this is very similar to the internal process facilitated in mindfulness-based programs, and initial studies suggest that they have a significant impact on recidivism rates and reduction of violent offenses.¹⁹ We also view mental health courts and drug courts as promising channels for a more compassionate approach to criminal proceedings.

We recognize that mindfulness need not be the exclusive technique or approach to developing a more empathic and compassionate criminal justice system. We do, however, consider mindfulness a powerful technique for developing insight and new perspectives on challenging problems, from the individual to the system level. While we would embrace other compatible approaches and techniques, mindfulness practices and principles form the core of our approach.

¹⁹ See, e.g., Bergseth, Kathleen J., and Jeffrey A. Bouffard. "The long-term impact of restorative justice programming for juvenile offenders." *Journal of Criminal Justice* 35.4 (2007): 433-451; Latimer, Jeff, Craig Dowden, and Danielle Muise. "The effectiveness of restorative justice practices: A meta-analysis." *The Prison Journal* 85.2 (2005): 127-144.

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III. MINDFULNESS-BASED PROGRAMS IN THE CRIMINAL JUSTICE SYSTEM TODAY, INCLUDING RECENT PILOT WORKSHOPS

a. MINDFULNESS PROGRAMS FOR PRISONERS

As noted above, meditation programs for prisoners have a relatively long history, going back to the late 1960s. However, systematic mindfulness-based programs have only emerged since the 1980s, and have gained significantly more attention in the last decade. Today, leading mindfulness-based programs include Prison Mindfulness Institute's Path of Freedom, Insight-Out's Guiding Rage Into Power (GRIP), and the Lionheart Foundation's Houses of Healing.

Mindfulness for prisoners is by far the most developed area of programming in the system, with even two feature length films documenting prison-based meditation programs (*The Dhamma Brothers*, set in Alabama, and *Doing Time, Doing Vipassana*, set in India). The Path of Freedom and GRIP programs are in expansion mode, with the biggest limiting factor to their growth being teaching capacity and funding.

Prison Mindfulness Institute has sought to address the need for teachers through its Path of Freedom teacher training programs, and more recently by launching a teacher training program through its Engaged Mindfulness Institute, which will equip teachers to lead programming in a variety of settings, including prisons.

Today, PMI's prison meditation program network comprises more than 160 member organizations operating meditation and yoga programs in 39 states and more than 20 countries.²⁰ Member organizations operate independently and offer prison programs grounded in a wide variety of approaches, including correspondence courses. Transcendental Meditation (TM) has also been offering prison-based programs since the 1980s, and operates in a number of facilities.

Curriculum and methodology

The main prison-based mindfulness programs tend to focus on teaching a core set of skills. For example, Path of Freedom focuses on increasing participants' resources, capacities and skills for self-awareness by developing mindfulness, presence, focus and attention stabilization. It provides tools for developing empathy, emotion regulation, resilience, deep listening, skillful communication, problem-solving and conflict management, as well as forgiveness and reconciliation.

Insight-Out's GRIP, which began at San Quentin State Prison in the late 1990s, is a year-long program that guides participants through a process of examining the experiences, traumas, and beliefs that led to their crimes, and invites them through meditative practices to face the impulses and memories that underlie their behavior. Both at the beginning and the end of the program, the men take a pledge of non-violence, to abstain from substance use, and promise to be peacekeepers in their communities—whether inside or outside the prison.

PMI is in the early stages of expanding its programs beyond prisoners. They have established two *Path of Freedom*-based program at day shelters in Boston serving both released prisoners and homeless individuals. They have also launched pilot mindfulness-based prison staff training and wellness programs in Oregon and Rhode Island (discussed

²⁰ See <http://www.prisonmindfulness.org/projects/network-directory/>

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further below).

Path of Freedom and GRIP are the two programs for prisoners that seem most poised to be replicated at other institutions. There are numerous other programs in operation, most of them small and run by volunteers through Buddhist organizations, such as [Buddhist Pathways](#), [Inside Dharma](#) and many others included in the Prison Dharma Network.

IMPACT OF PRISON-BASED PROGRAMS

There is a nascent literature of small-scale studies documenting the impact of prison-based mindfulness programs²¹, however results are preliminary and in some cases lack methodological rigor.²²

PMI is doing extensive research on the impact of its Path of Freedom programs in partnership with researchers from Brown University and the University of Rhode Island with the ultimate goal of establishing mindfulness-based interventions as evidenced based practice for the field of correction. One study involving 130 prisoners demonstrated an overall increased capacity for mindfulness, emotional intelligence and self-transcendence, decreases in both state and trait anxiety, and fewer negative institutional behaviors and infractions.²³ Two small pilot randomized control pre-release studies produced similar results as well as fewer positive drug screens as compared to the control group during the first month following release. Another study involving 18 female prisoners who completed Path of Freedom program demonstrated significantly lower scores on instruments measuring stress, anxiety and depression following the 12-week POF intervention.²⁴ PMI is currently pursuing an NIH grant in collaboration with researcher partners at Brown University to do a large randomized clinical trial (RCT) studying the post-release impact of a pre-release Path of Freedom intervention.

One of the larger studies was conducted by the University of Massachusetts Stress Reduction Clinic and the Massachusetts Council on Criminal Justice in six Massachusetts Department of Corrections (DOC) prisons. The study tracked a total of 1,350 inmates who completed MBSR programs between 1992 and 1996. The program was not designed or conducted as a formal research study (there were no formal controls), and limitations imposed by administrative constraints, and the need to adapt to differences among the various prison settings, necessitated some modifications from the way in which MBSR programs are usually conducted at UMass and elsewhere.²⁵ Evaluation assessments were held before and after each course, and highly significant pre- to post-course improvements were found on widely accepted self-report measures of hostility, self-esteem, and mood

²¹ See Research page on Prison Mindfulness Institute homepage for a bibliography of existing studies.
<http://www.prisonmindfulness.org/projects/research/>

²² Himmelstein, Samuel. "Meditation research: The state of the art in correctional settings." *International Journal of Offender Therapy and Comparative Criminology* 55.4 (2011): 646-661, 658.

²³ See "Preliminary Research Results of A Two-Year Study Conducted on Prison Mindfulness Institute's 'Path of Freedom' Curriculum." Presentation by Dr. Jill Harrison (Rhode Island College), Dr. Jennifer Clarke (Brown University) and Fleet Maull (Prison Mindfulness Institute) at the 11th Annual Center for Mindfulness Scientific Conference on April 20, 2013 in Norwood Massachusetts. Available at <http://www.prisonmindfulness.org/projects/research/>

²⁴ See "The Impact of a Mindfulness Based Intervention with Women in Prison, a Feasibility Study." Presentation by Ginette G. Ferszt PhD, RN, Robin Miller PhD, RN, Joyce Hickey MS, RN, Fleet Maull MA, Kate Crisp. Available at <http://www.prisonmindfulness.org/projects/research/>

²⁵ Samuelson, Marlene, et al. "Mindfulness-based stress reduction in Massachusetts correctional facilities." *The Prison Journal* 87.2 (2007): 254-268, 258.

disturbance.²⁶

Acknowledging the limitations of these studies, results so far indicate improvements in three principal areas: enhancement of psychological wellbeing (making inmates receptive to further rehabilitation), decrease in substance abuse, and reduction in recidivism.²⁷

Research is an area that needs further development for all mindfulness-based criminal justice programs. The research study initiated by PMI will help bring some rigor to this field, and further work is needed.

b. MINDFULNESS PROGRAMS FOR CORRECTIONAL OFFICERS

Programs for correctional officers (COs) are a significant new development. The Center for Mindfulness in Corrections (CMC), a division of Prison Mindfulness Institute, is the lead organization providing these training programs with pilot initiatives in Oregon and Rhode Island. In 2013, CMC completed a 12-month pilot training with 23 Rhode Island DOC correctional counselors and probation and parole officers, integrating mindfulness-based emotional intelligence (MBEI) training with Motivational Interviewing (MI) training (an interviewing technique for diagnosing criminogenic needs in order to craft a personalized support plan). Research on participants demonstrated positive gains in mindfulness and emotional intelligence capacity scores and positive competency scores in MI. CMC also recently completed a 12-month pilot wellness and resiliency program with sixty Oregon DOC COs (detailed below) based on its MBEI-based Intelligent Corrections™ curriculum.

The emphasis in programs for COs is on addressing the primary stress factors COs face at work, as a way of improving their health and wellbeing, and fostering more compassion and empathy in their work. Anecdotal reports and research studies indicate that COs face elevated rates of depression, anxiety, substance abuse, and stress-related ailments such as heart disease and stroke.²⁸ Mindfulness-based programs may be a way to address these risk factors while also creating positive behavior change within prisons.

In our workshops, many COs report coming to work with a “combat mentality,” approaching each day with a hypervigilant mentality and seeing their workplace as a battleground where their own survival is continually at risk. This environment is not only toxic for the prisoners, but also for the correctional officers themselves, whose mental and physical health is compromised by constant stress and anxiety. Their own stress fosters an atmosphere of fear and apprehension, which fuels the cycle of violence and mistrust between COs and inmates. Training for COs could be an important way of mitigating these harmful patterns; while acknowledging the real dangers of their work, mindfulness training can enable them to be less reactive, more discerning in their use of force, and lay the groundwork for a more compassionate approach to their jobs.

Another emerging dimension of mindfulness work with COs relates to recruitment. Typically, COs are drawn from military or police backgrounds, where the training and attitudes reinforce a perception of “us vs. them.” So long as police and military recruitment continues to emphasize this perspective, drawing COs from these pools is likely to perpetuate a combat mentality within corrections staff. CMC and other organizations have begun exploring how to draw more individuals with a social work or rehabilitation perspective into corrections, so that those values become more prevalent in prisons. This

²⁶ Id at 263.

²⁷ Himelstein at 658.

²⁸ Finn, Peter. *Addressing Correctional Officer Stress: Programs and Strategies* at 16. National Institute of Justice. December 2000.

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would entail working with high-level policy-makers in corrections to adjust recruitment criteria and practices, and reaching out to educational institutions that train COs to incorporate more of a social work perspective into the curriculum.

Mindfulness-Based Wellness & Resiliency (MBWR) Training with Oregon Correctional Officers

The most recent major mindfulness intervention with CO's began with correctional officers in Oregon Department of Corrections (ORDOC) in 2013. At that time, a group of local mindfulness and Non-Violent Communication (NVC) practitioners, who had been offering programs for prisoners, connected with an ORDOC chaplain and began exploring the possibility of offering some kind of wellness programming for correctional officers. There had been several news stories about ORDOC staff suicides, inspiring this group to reach out with an offer to help. The group of outside prison volunteers then contacted Fleet Maull at Prison Mindfulness Institute, who had been involved in supporting prisoner programming in the ORDOC as well. The timing was ideal, as PMI's sister organization, the Center for Mindfulness in Corrections (CMC), had recently completed a yearlong pilot program in the Rhode Island Department of Corrections with a group of 25 RIDOC correctional counselors, probation and parole officers, and treatment providers, integrating mindfulness-based emotional intelligence (MBEI) with Motivational Interviewing (MI) training.

CMC proposed a Mindfulness-Based Wellness & Resiliency (MBWR) program for the ORDOC correctional officers, built around four areas of self-care (physical, mental, emotional and spiritual fitness/resilience), and four areas of shift-readiness structured around the four quadrants of Goleman's emotional intelligence model (self-awareness, self-management, social/environmental awareness, effective relationship/communication skills). CMC launched a 12-month pilot program with 60 ORDOC correctional officers from five ORDOC facilities in and around Salem, Oregon. The program included five days of training and twenty-one 2-hour community of practice (CoP) group sessions spread over the year.

Pre/post survey data and qualitative data collected throughout the program indicated very significant positive health impacts for the officers, including lowered stress and anxiety levels, increased capacity for mindfulness and emotional intelligence, improved communication with peers, supervisors, subordinates; reports of sleeping well for the first time in years, improved family relations, improved eating habits and weight management, getting off of blood pressure medications, and more. Officers almost universally appreciated having simple skills/practices for better managing their own physiology at work and at home, better communication skills to avoid unnecessary conflict and drama in the workplace, and the opportunity to have, for the first time, real conversations about the challenges of their work in a safe space with their peers (community of practice groups).

Based on the experience in this yearlong pilot, CMC developed a more scalable and condensed model that includes two-days of training bracketing eight weekly, 2-hour community of practice (CoP) groups sessions, focused on the 4 areas of self-care or resilience building and the 4 areas of shift-readiness skills. The ORDOC has contracted with CMC to provide an ongoing MBWR training throughout the state, employing this more condensed and scalable 10-week model with cohorts of 60 officers, who are divided into community of practice (CoP) groups of 12 officers each. The CoP groups are co-facilitated by Oregon-based CMC contract facilitators trained by Maull, and ORDOC graduates of the initial yearlong pilot program. CMC completed the first of these scaled down 10-week MBWR programs in July 2015 and will run two more, October - December

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2015 with 60 officers each and two more in April 2016, also with 60 officers each. Graduates from these programs will be able to participate in ongoing, self-sustaining CoP groups located regionally within the ORDOC system in order to continue practicing and supporting each other in the MBWR skills and overall wellness and professional development.

c. MINDFULNESS PROGRAMS FOR POLICE OFFICERS, FIRST RESPONDERS, AND COMMUNITIES

Like programs for correctional officers, programs for police officers are new and intended to address the intense pressures faced at work, to improve their professional effectiveness, and encourage more centered and empathic decision-making. As Richard Goerling, one of the leaders of mindfulness training for police, puts it:

The human landscape of policing is incredibly complex on both sides of the badge. Police officers are in the business of trauma; human suffering, tragedy, and dark choices of human behavior that too often require them to confront the worst of violence against humanity. Officers encounter populations that are oppressed through legacy and contemporary economic and social forces, including the criminal justice system itself. This complexity is perplexing for the officers and challenges social sense-making, which can ultimately reinforce social bias. As a result, police officers are drawn into a cycle of predictable erosion of their civility and resiliency, and this leads to catastrophic failures at the police-citizen encounter. The result is the tragedy of social justice.

Mindfulness can interrupt this erosion of humanity among police officers and provide hope for healing, enhanced social justice and greater access to democracy. Mindfulness training has tremendous potential to improve the police-citizen encounter and enhance community relations and community goodwill. Mindfulness provides the foundation for resiliency in head (mind), hand (body) and heart (emotion) through teaching skills, including but not limited to, of self-awareness, compassion, attunement to others and emotion regulation.²⁹

Indeed, police officers face regular verbal and physical violence, must make life or death decisions in a matter of moments, and in some cases have faced trauma associated with injury, witnessing the death of a colleague, or themselves having killed or severely injured someone in the line of duty. They frequently report high levels of substance abuse, heart attacks, PTSD and suicide.³⁰

Meanwhile, police play a critical role on the front lines of the criminal justice system. Their decisions whether to stop, search, or arrest someone is often the first step in initiating someone's contact with the criminal justice system, which—regardless of the ultimate outcome—can have a decisive impact on a person's life. Particularly in some low-income communities and communities of color, young men experience almost-constant contact with police, either being stopped or questioned by police, or witnessing interactions between their families and police officers. The perception in many of those communities of police as racially-motivated, violent, or abusive drives friction and can prevent police from

²⁹ Goerling, Richard. "Mindfulness: The Foundation of 21st Century Police Reform" at 2. Mindful Justice Working Paper series (Aug. 2015).

³⁰ "On the Job Stress in Policing – Reducing It, Preventing It" at 19. *National Institute of Justice Journal* (January 2000).

being a positive force in those communities.

One of the early pioneers of bringing mindfulness training into police work is Cheri Maples, co-founder of the Center for Mindfulness and Justice. Maples, a former district attorney and Madison, WI police captain, brought Thich Nhat Hanh to Wisconsin in 2003 to lead a retreat for police officers and other criminal justice professionals. Hanh published a book, *Keeping the Peace: Mindfulness and Public Service*, based on the talks he gave at the 2003 retreat, exploring why mindfulness is essential for those in high-stress public service professions. At the moment, Maples is on sabbatical writing a book on her experiences bringing mindfulness into criminal justice settings, and is not doing workshops with police.

Based on our research, the first comprehensive mindfulness curriculum specifically designed for police officers is the Mindfulness-Based Resiliency Training (MBRT) program created by Police Lieutenant Richard Goerling and Brant Rogers at the Hillsboro, Oregon police department.

The 9-week curriculum (8 weeks plus a 6-hour retreat), based on MBSR, was first offered to 43 police officers in early 2014. According to the facilitators, the curriculum is substantially similar to the standard MBSR curriculum, with only some of the interpersonal exercises and lovingkindness practices removed.³¹ As documented in a published research paper, the initial training resulted in improvements among participants in a number of dimensions including self-reported mindfulness, resilience, perceived stress, burnout, emotional intelligence, difficulties with emotion regulation, mental health, physical health, anger, fatigue, and sleep disturbance.³² Goerling notes that presenting mindfulness to police requires understanding the “warrior” culture of police, and introducing it in a way that emphasizes the ways that mindfulness enables “grounded compassion and skillful action.”³³

So far, a few police departments have followed Hillsboro’s lead and developed or explored offering a similar training program. These include Falls Church, VA, where the department launched an MBRT program in 2015 and San Leandro, Calif., which is exploring offering a day-long retreat to its officers. Outside of the U.S., the York Regional Police in Toronto has successfully launched an MBSR-based program for officers³⁴, and the police department in Surrey, England is exploring doing the same.

Promising pilot workshops in Louisville, KY

Louisville, Kentucky has recently emerged as an exciting leader in introducing mindfulness comprehensively into government operations, including criminal justice settings. Mayor Greg Fischer has spearheaded the city’s Campaign for Compassion, making compassion an operative principle in city government. As part of that campaign, in July 2015 Fischer invited Fleet Maull and Mark Allen to present a two-day mindfulness-based wellness and resiliency (MBWR) training program to the city’s police officers, as well as correctional officers, EMTs, drug and alcohol treatment providers. Over the course of the two days, the 46 participants learned a range of practices including breath awareness,

³¹ Goerling, Richard. “Mindfulness: The Foundation of 21st Century Police Reform” at 7. Mindful Justice Working Paper series (Aug. 2015).

³² Christopher, M. S., Goerling, R. J., Rogers, B. S., Hunsinger, M., Baron, G., Bergman, A. L., & Zava, D. T. (2015). A Pilot Study Evaluating the Effectiveness of a Mindfulness-Based Intervention on Cortisol Awakening Response and Health Outcomes among Law Enforcement Officers. *Journal of Police and Criminal Psychology*, 1-14.

³³ Goerling at 3.

³⁴ Sellick, Mel. “Canadian ‘Mindful Cop’ Offers Tools to Change Policing.” *The Huffington Post*, Aug. 12, 2015.

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empathetic listening, cognitive reframing, self-care, and the neuroscience of stress and stress management.

Response was very positive, including from Mark Bolton, the city's Corrections Director, and Police Chief Steve Conrad. Most participants stated in their evaluations that mindfulness should become incorporated into professional development and/or wellness programming for corrections, law enforcement, substance abuse and/or emergency & paramedic professionals. The facilitators, Maull and Allen, are currently in discussions with city officials about possible follow-up programs.

Mindfulness for communities, and in community-law enforcement dialogue

To complement training for police, mindfulness for individuals in over-policed/under-policed communities may also be a powerful way to reduce the cycle of violence and suspicion that fuels conflict in those communities, and could facilitate dialogue between communities and law enforcement.

While improving police practices is critical, offering community members the same skills for deescalating tense situations (amongst citizens, or between citizens and police), for avoiding reactivity, and refraining from verbal and physical violence, can only help improve outcomes and avoid unnecessary confrontations and tragic incidents of violence. The Chicago-based violence interruption organization Cure Violence has recently partnered with Shambhala Chicago to introduce mindfulness practice to its violence interrupters. Empowering violence interrupters to in turn teach mindfulness to their community members could be a powerful way to magnify the impact of their training.

In San Francisco, Rhonda Magee, a member of our planning committee, and a law professor at University of San Francisco Law School and a pioneer of using mindfulness to facilitate challenging conversations around race and other topics, has explored using mindfulness as a container for dialogue between law enforcement (police and prosecutors) and citizens. In spring and summer 2015, Magee offered two community workshops in the wake of the release of racist text messages exchanged by several members of the San Francisco Police Department. Coming on top of years of tense interactions between the SFPD and citizens of color, the texts seemed to confirm the community's worst suspicions about police and police attitudes. They also were treated with great concern by the District Attorney, George Gascón, who considered the texts and the pattern of racism they revealed in the SFPD as possibly implicating the DA's office as well, since bias in policing creates a strong possibility of bias in prosecutions.

The workshops were attended by a mix of community members and prosecutors from the San Francisco District Attorney's office, as well as a few former police officers. Participants were given simple instructions in mindful awareness in order to establish a calm and grounded attitude. They were then asked to formulate together a set of commitments for the discussion (e.g. confidentiality, listening with an open mind, not interrupting, giving full attention to each speaker, putting aside digital devices) that would enable an atmosphere of safety, honesty, and mutual respect. Over the course of five hours in the first workshop, participants shared intimate first-person reflections on how racial bias, encounters with police, and related issues impacted them personally. It was clear that the mindful "container" was critical in creating the conditions for the unusually candid and heartfelt comments.

The second, shorter workshop (described as a Working Dinner) was again framed by mindfulness practice, before participants were asked to reflect together on a series of prompts about how to foster a better relationship law enforcement and the community.

Response from participants was overwhelmingly positive, and suggests the potential

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usefulness of introducing mindfulness as a framework for facilitating difficult conversations in other cities facing similar issues. Professor Magee discusses the format and response to these workshops in more detail in a draft Working Paper on the Mindful Justice website.

e. MINDFULNESS PROGRAMS FOR AT-RISK AND COURT-INVOLVED YOUTH

Mindfulness programs for at-risk youth and juvenile offenders are a natural complement to those for incarcerated individuals. Young people in at-risk schools and neighborhoods are statistically very likely to have contact with the criminal justice system, and juvenile offenders in particular very commonly end up in the adult system. Several organizations currently teach mindfulness and/or yoga to this population around the country, with varying levels of receptivity by youth corrections officials and administrators.

Authorities in Oregon have perhaps been the most receptive thus far to mindfulness training for youth. In July 2015 the Director of the Oregon Youth Authority (OYA), Fariborz Pakseresht, sat in on a two-day meditation retreat for 17 youths aged 18-22 in the MacLaren Youth Corrections Facility (Woodbury, OR). After the event he commented that the retreat was “transformative” for many of the participants, and expressed his wish to see mindfulness integrated in a sustainable way in all OYA facilities. As Vice President of the National Council of Juvenile Corrections Administrators, Pakseresht is also in a position to advocate for mindfulness to colleagues around the country.

Special considerations for teaching mindfulness to adolescents

Neurologically speaking, adolescents are in a different developmental state than adults, particularly in their decision-making abilities, impulse control, and other capacities for executive function. Among court-involved youth, these biological facts common to all adolescents are often exacerbated by a history of physical and/or sexual abuse, unstable home lives, and substance use. These special circumstances must all be taken into account in teaching mindfulness to youth populations.

In her Working Paper prepared for this conference, Leslie Booker, an experienced mindfulness and yoga teacher to at-risk and court-involved youth, describes in detail practical ways to adapt mindfulness for this audience. She emphasizes the need to meet young people where they are with the practice, being attuned to the frequent cultural and lifestyle gaps between teacher and student, which can exist even when the teachers and students are people of color.

However, as evidenced by Booker’s powerful anecdotes of teaching mindfulness to youth, the practice can be incredibly powerful and meaningful to young people facing some of the most challenging of life circumstances. She describes one moving story of how a group of girls used mindfulness and ujayyi breathing to support a peer facing a moment of intense emotion:

Mariah was definitely the Alpha Female of our group of young women. She had been locked up for a while, but always seemed especially grounded, connected and optimistic. Without being too much of a bully, she was able to have all the girls fall into place, including getting them to participate in yoga and meditation sessions. One day Mariah seemed agitated and asked to step out of the circle to get some water. While on the other side of the room, we heard this primal scream come out of her body. For maybe 2-3 minutes, which seemed like an hour, Mariah screamed and yelled and cried, swinging her arms wildly if anyone tried to come near her. We all (staff included) just waited for this to run its course through her body.

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Eventually, she made her way back over to the circle. Still not able to articulate what had triggered her, she just sat in the circle and continued to sob. The girls, ages 12-16, slowly and gently began to circle around her, intuitively dropping into ujayyi breath, the sound of the ocean. When all of our breaths were aligned, the girls began to lay hands upon Mariah. I had never seen anything like it, my teaching partner and I just sat back and watched as this community, this Sangha, took care of one of their own in her time of need. This had typically been an incredibly challenging group of girls to work with. My teaching partner and I had taught them ujayyi breath in an attempt to gather all of the energies of this incredibly intense and complex group of girls. It was astonishing for us to watch them reach for this tool at that moment.

The practice, often manifesting in unexpected moments, helps at-risk and court-involved youth cope with the intense pressure produced by past trauma and their present involvement in the system.

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At present, there are a handful of leading organizations providing mindfulness programs for youth. Since 2000, the New York City-based Lineage Project has offered theme-based classes on yoga, meditation and life skills, co-taught by a paid teacher and a volunteer at detention centers, alternative schools, subsidized housing complexes, alternative-to-incarceration programs and Boy's Clubs.³⁵ The organization reports that New York City is cutting by half the number of children it sends to state prisons by enrolling low-risk offenders in community-based programs.

The Power Source program at Lionheart Foundation works quite differently than most. They do not provide direct services to youth. Instead they create mindfulness-based programming via books and DVDs that are disseminated nationally to organizations, programs and agencies providing this type of care. Presently, over 70,000 copies of the book Power Source are in circulation in the US and it is embraced by a wide range of agencies.

Lionheart Foundation summarizes all of its mindfulness-based youth programs succinctly by saying, "The function of [our] mindfulness training program is to equip youth with low-cost, portable, and self-initiated self-regulation tools to use both during their incarceration/detention period and once they are back in the community. Mindfulness practices offer resilience-based coping strategies to compete with less healthy approaches many youth have relied on in the past such as substance dependence and other risky mood-regulation techniques. Healing, Empowerment, Emotional Regulation, using Self-Awareness, Self-Respect, Self-Control are used as measurable outcomes."

According to the Lionheart Foundation website, Power Source has been utilized in 3,500 sites throughout the United States, including juvenile institutions and detention centers, private and public schools, residential programs, group homes and community programs.

In California, the organization Insight-Out connects graduates of its prison-based GRIP program with at-risk youth in Novato, Richmond, and Oakland, California, introducing them to mindfulness practices and sharing their own stories to help young people avoid making life-changing mistakes.

The Mind Body Awareness Project (MBA), another Bay Area organization, focuses

³⁵ <http://www.lineageproject.org/>

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specifically on at-risk youth, offering mindfulness-based programs in six different juvenile detention facilities and two aftercare sites in four different counties in California.³⁶ In collaboration with Children's Hospital Oakland Research Institute, MBA is currently implementing a program at the Alameda County Juvenile Justice Center, which utilizes MBA's mindfulness training program as a formal prescription for anxiety and insomnia for incarcerated youth in long-term detention.

As a service provider for the Oakland Unified School District's (OUSD) program on Alcohol, Tobacco and Drug Prevention and Intervention, MBA is partnering with OUSD on a grant to solidify services for delivering a mindfulness-based substance abuse treatment program³⁷ at a community day high school and other public high schools through 2016. MBA is also attempting to grow its presence in communities where high-risk youth reside, and will be piloting mindfulness-based family therapy in a number of locations in the greater Bay Area. In 2015 Sam Himelstein, one of the creators of the MBA Project, released a book titled, *A Mindfulness-Based Approach to Working with High-Risk Adolescents*, which will likely help disseminate the MBA-style approach to more facilities.

Prison Mindfulness Institute originally developed its Path of Freedom MBEI at the Lookout Mountain Youth Services Center, a secure Department of Youth Services (DYS) facility in Golden, Colorado in 2004, where the program continues now in its eleventh year. PMI recently launched a Path of Freedom program at the Hogan Street Regional Youth Center, a secure DHS facility in St. Louis, Missouri. These programs are designed to interrupt the youthful offender to adult incarceration cycle by empowering youth to make healthier more rewarding choices.

The mindfulness-based approach to working with at-risk youth is growing, with programs in a number of other jurisdictions, including Cincinnati (Mindful Youth), Atlanta (Centering Youth); Boise (Compassion & Insight Center) and Warrenton, Oregon (Youngs Bay Juvenile Detention Center).

e. PROGRAMS FOR LAWYERS AND JUDGES

In the last 10 years, legal educators and practicing lawyers alike have begun embracing meditation and other mindfulness practices for a variety of reasons. It offers a way to manage the stress and strong emotions of law practice, and also develops the emotional intelligence, listening skills, and empathy that enhance a lawyer's effectiveness. In the world of legal education, roughly 25 law schools across the country now offer courses or programs in mindfulness or meditation, including such trend-setting law schools as Harvard, Stanford, Columbia, Northwestern, Georgetown, and UC Berkeley. Similarly, there have been a number of mindfulness training programs for trial judges in Massachusetts, California, Florida, and the District of Columbia. CLE programs that teach mindfulness to lawyers are being offered in a number of states, gradually moving mindfulness from a marginal to an important skill for effective lawyering.

This growing movement for mindfulness in law, particularly as it engages criminal defense lawyers, prosecutors, and judges, could be an important vector for changing outcomes and attitudes in the criminal justice system.

Prosecutors are widely acknowledged to have enormous power in the current

³⁶ <http://www.mbaproject.org/>

³⁷ MBA's mindfulness-based substance abuse treatment curriculum was developed by former MBA Executive Director Sam Himelstein, Ph.D, and Stephen Saul, M.A.; MBA's mindfulness based anger management is currently under development with a pilot curriculum in place: See Research described on MBA's website for current and published research related to MBA's work.

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system, in which 97% of state cases and 95% of federal cases are settled by plea bargain, a process largely driven by the prosecutor. The judge also plays a critical role in the criminal process, presiding at arraignments, preliminary hearings, and at trial. The judge exercises significant control over decisions such as bail, trial dates, and sentencing. As the representative of the justice system, the judge can set the tone of proceedings, and can affect the perceptions, attitudes, and behaviors of all those who interact with the court, including police officers, lawyers, and defendants and their families. Public defenders, meanwhile, serve an important role in representing those who cannot otherwise afford counsel, and the proper functioning of the system depends on their competent representation of clients.

For individuals in all of these positions, there are stressors and challenges where mindfulness can be helpful—in increasing focus and productivity, in handling the emotional toll of the work (e.g. a prosecutor interviewing rape victims, a public defender reviewing the traumatic history of a defendant), and in remaining centered and equanimous while dealing with the day-to-day stress of a fast-paced and adversarial workplace. We also believe that mindfulness would lead to secondary changes among these individuals that would affect outcomes in the system—such as judges who develop more empathic connections with defendants and crime victims and their families and communities. Prosecutors and public defenders might approach their work with more respect and less mutual suspicion and antagonism, formulating fairer plea bargains, less influenced by ingrained, unexamined attitudes or professional agendas. These are just some possibilities of how the inner change fostered by mindfulness might manifest among prosecutors, public defenders and judges.

To explore these possibilities, in spring and summer 2015, we offered pilot workshops to each of those groups in the San Francisco Bay Area. The results, detailed further below, suggest that there may be real receptivity to mindfulness practices and principles amongst those who manage our criminal courts.

2015 Santa Clara County pilot workshops

Many of the judges and lawyers who have participated in mindfulness workshops and retreats in the past decade have benefited significantly from their mindfulness practice. However, there has been no specific focus on the work of lawyers and judges in the criminal process. As we prepared for our conference at Seasons, we undertook a number of workshops to explore mindfulness with the judges, prosecutors, and defense counsel who play a central role in the criminal process—in criminal trials, in the plea bargaining process, in sentencing—in order to determine their receptivity to mindfulness practice and its relevance to their work.

As we began to look for communities of judges, prosecutors and public defenders who might be interested in exploring mindfulness in connection with their work, our connections in the bench and bar in the Bay Area led us to San Jose, the county seat of Santa Clara County. San Jose is a large and complex metropolis with more than 1 million residents, and it is the county seat of a diverse and large County, which encompasses rural and suburban areas as well as large urban centers. It is racially diverse and encompasses extremes of wealth and poverty.

Our preliminary inquiry revealed that the trial judges, the District Attorney's office, and the Public Defender's office were all interested in participating in our mindfulness workshops. Over the course of the past summer we held a four-hour workshop for the district attorney, Jeffrey Rosen, and his senior assistants, then a four-hour workshop for 14 Santa Clara County trial judges, and then a two-hour workshop, shortened to accommodate

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their available time, with the Public Defender, Molly O’Neal, and 19 members of her office.

In each case, these busy professionals committed a significant amount of time to this project for two reasons—to support an inquiry which they felt had some promise for improving the quality of criminal justice broadly, and to test out the question of whether mindfulness might improve the quality of their offices' performance and make their law professionals more effective in their work and less stressed in their lives.

The three workshops had a number of things in common:

- Each of the workshops was offered for professional educational credit for each of the participants, recognizing mindfulness was a skill which was relevant to effective performance in the advocates or judges role.
- In each case, the fact that the facilitators of the workshops and the Mindful Justice project were connected with Stanford Law School and Berkeley Law probably made this unconventional activity seem more professionally appropriate.
- In each of the workshops, the great majority of the participants had little or no experience with mindful meditation, although some had experience with other contemplative practices, through prayer, yoga, sports, and time in nature.
- In the course of the workshops, most participants were called on to undertake unfamiliar activities – the practice of qi gong, a moving meditation form for working with energy; time spent in silent, mindful stillness with the eyes shut, observing the flow of thoughts and feelings. They were invited to participate in intense interactions with other members of their working community in which they discussed challenging work experiences that left them feeling uncertain, anxious, or vulnerable. After a period of adjustment, the participants in the workshop willingly, and even enthusiastically, undertook these activities, noting the good feelings that flowed from their being present more fully in their bodies. Their participation in mindfulness practices in advance made them more willing to undertake exercises which would have been uncomfortable if not held in the framework of mindfulness.
- In each of the three workshops, most of the participants ended with a feeling of satisfaction and insight, and the belief that they had acquired in this brief period of time a set of skills that they would find useful in discharging their responsibilities.
- The value of synergy: the leadership in each of the three groups (prosecutors, public defenders, judges) were impressed that the other groups were engaging in these workshops, and they spontaneously suggested that it would be interesting to bring the groups together to think about how mindfulness could not only affect their individual professional work and the culture of their workplace, but how mindfulness could affect the way that they came together in the courtroom. They discussed the ways that the courtroom experience could be more satisfying for all of the participants in the legal process and, potentially, offer a set of legal outcomes that could enhance the effectiveness of the criminal justice process in the county. The district attorney, the public defender, and a senior trial judge are planning on coming together with the facilitators of these workshops to discuss future explorations of the mindfulness work as it might affect the interactions of their

offices in the courtroom.

- The seriousness and depth of the conversations in each of the three workshops was striking. For a group of people trained in law with its insistence on rationality, on valuing mastery, and its unwillingness to betray weakness, the participants in these workshops were strikingly willing to embrace unfamiliar practices and to be more self-disclosing than lawyers normally allow themselves to be. The facilitators were impressed with these qualities and with the high level of professionalism and commitment to fairness and justice shown by all of the workshop participants.

In all respects, the three Santa Clara workshops exceeded our expectations. Many of the participants from the three groups committed to bring back into their offices some new ideas about how mindfulness could affect their work— how experienced lawyers would supervise the younger attorneys in their office, how judges would engage with “routine” cases, how prosecutors would weigh information in deciding how to charge a suspect. We took away from these workshops the view that a modest exposure to mindfulness practices could be received with serious attention and receptivity by seasoned professionals, with a surprising willingness to think about how to modify and improve their practices with the goal of building more fairness, attention, and respect into their work.

We want to be careful not to overstate what these workshops demonstrated. This was a small group of people and they did not undertake a long-term commitment to cultivating mindfulness or applying it in their work. And it is likely that the San Francisco Bay area is among the geographical areas that would be most receptive to these practices. Still, we could see, in this microcosm, the ways in which prosecutors, defense counsel, and judges might interact mindfully in a fashion that could dramatically alter the crucial adjudicative component of the criminal justice process. This is an exciting prospect and demands deeper and more systematic attention.

f. PROGRAMS FOR COMMUNITY CORRECTIONS PROFESSIONALS AND INDIVIDUALS IN RE-ENTRY

Reentry is often a very tumultuous process for ex-prisoners. It can be difficult to assimilate back into mainstream society after years inside the prison walls. Ex-prisoners may have difficulty finding housing, finding employment (especially due to questions from employers about past criminal convictions), and access to public benefits and social services. The stress of the transition is often immense.

Equipping both individuals in re-entry and those who will be working closely with them—community corrections staff including counselors, probation and parole officers, and case managers—with mindfulness training could lessen the strain of this process and lead to greater success in the re-entry process. If a recently-released individual were assisted by professionals who were themselves trained in mindfulness, they might find greater emotional support, more skilled listeners, and individuals more genuinely motivated to relieve the suffering of their client. If that client were himself trained in mindfulness (either while in prison/jail, or upon release), he would likely be better able to navigate the emotional triggers and pitfalls of the reentry process.

To explore this possibility, in July 2015, Fleet Maull and Brad Bogue³⁸ conducted a mindfulness training and brief research study with twenty-eight community corrections

³⁸ President of Justice Systems Assessment and Training (J-SAT), a firm that helps criminal justice institutions design and implement evidence-based training and rehabilitation programs.

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staff from two partner organizations based in Denver, Colorado – *Time To Change Community Corrections* and *Correctional Psychology Associations*. Time To Change operates halfway houses and community corrections programs in Adams County, Colorado and Correctional Psychology Associates provides the counseling and treatment staff for those programs.

Participants in the mindfulness workshop and brief research study included case managers, counselors, treatment providers, probation & parole officers, community corrections technicians (line staff) and administrators. The four-hour workshop included an introduction to basic mindfulness practices, the current neuroscience findings related to mindfulness practice and the Center for Mindfulness in Corrections' mindfulness-based wellness & resiliency (MBWR)TM model; the primary focus of the workshop was the introduction of basic mindfulness of body and mindfulness of breathing practices, including a guided body scan, and a number of simple breathing techniques for self-regulation.

The workshop was well received and the program director indicated a wish to pursue additional mindfulness-based training for his staff. A significant number of the participants indicated a strong interest in further training and likelihood of beginning or maintaining a mindfulness practice as a result of the workshop experience.

Existing mindful re-entry programs

Several programs currently in existence use mindfulness or a similar approach in their re-entry programs:

- **Upaya Zen Center, Santa Fe, NM.** This Zen center runs the Prison Outreach Project whose mission is “to teach meditation and other mindfulness practices as a means of ending the cycle of addiction, violence and incarceration for men, women and youths.” The Project currently teaches in a county jail and a state prison in New Mexico. The Project is expanding to include a Post-Release Mentoring Program, which help individuals with re-entry through mentorship that begins three months before release and ends one year after release. This program is presented in partnership with the Catholic Archdiocese of Santa Fe.
- **Bodhi House, Gettysburg, PA.** This residential Buddhist spiritual community “was created in order to provide a modest re-entry plan for post release men who want to continue the study and practice of Buddhism.” It is not intended to operate as a monastery, but instead helps ex-prisoners to develop the qualities and skills to find a happy and meaningful life. The House also offers programs for overcoming impulsive addictive behaviors and teaches nutrition and exercise programs. The House is affiliated with the Blue Lotus Buddhist Temple.
- **Volunteers for Hancock Jail Residents & The Landing Post-Release Project, Blue Hill, ME.** This secular non-profit partnership sends volunteers into the Hancock Jail to teach a range of workshops, including writing, stress-reduction, yoga, anger management, and more. They also offer a one-on-one Visiting/Mentoring Program, where inmates or ex-inmates are matched with a volunteer for a weekly visit of “friendship and non-judgmental listening.”
- **Root and Rebound, Oakland, CA.** This non-profit envisions “a world where people in reentry have the opportunity and resources available to become productive and valued members of our community.” While mindfulness is not explicitly part of

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their work, their values align well with mindfulness goals. They offer free legal assistance to ex-prisoners, advocate for policy reform, and have put together a detailed “Roadmap to Reentry” on their website.

- **Prison Mindfulness Institute (PMI), Providence, RI.** This non-sectarian non-profit runs a program called “Path of Freedom” which teaches mindfulness and emotional intelligence skills to prisoners. These skills may help for ex-prisoners cope with the stresses of the re-entry process. PMI has established Path of Freedom[®] prison programs in 15 states in the U.S. and in five other countries – Australia, Canada, Finland, Sweden and Switzerland. PMI currently operates Path of Freedom[®] reentry programs at three large social services agencies serving release prisoners and formerly homeless persons in Boston, Massachusetts and one in Providence, Rhode Island.
- **The Lionheart Foundation’s Prison Project, Boston, MA.** This foundation created a curriculum for prisoners and ex-prisoners called “Houses of Healing.” This non-denominational curriculum seeks to create “emotional literacy” by helping participants get in touch with their emotions, spiritual development, empathy, and sense of self-awareness. One of the components of the program is mindfulness meditation. This curriculum has been taught in both prisons and re-entry programs around the U.S. and abroad.

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IV. BUILDING A “FRONT TO BACK,” NATIONAL MOVEMENT FOR MINDFULNESS IN CRIMINAL JUSTICE

At present, we are in an exploratory phase with this work, and acknowledge the opportunities and challenges of this undertaking. Achieving even relatively modest, incremental goals will require significant resources. Moving toward a “front to back” model will be a gradual process.

We will foster connections within geographic areas where there is already starting to be a critical mass of mindfulness-based programs. This will likely include the San Francisco Bay Area, which already has programs in prisons, jails, juvenile detention facilities, and schools, has seen mindfulness workshops for police, public defenders, prosecutors and judges. Oregon and Rhode Island are also fast approaching a critical mass of programs. As described above, the City of Louisville has recently introduced a series of mindfulness workshops to dozens of its criminal justice professionals as part of its Compassionate City Campaign.

In addition to advancing a novel, integrated approach to mindfulness in criminal justice, we would provide increased visibility and credibility to existing programs through a national platform combining communications, advocacy, and research on behalf of the broader movement, serving as an advocate for expanding mindfulness-based programs on a large scale, and for incorporating mindfulness approaches into the training of law students, lawyers, and criminal justice professionals.

We will try to generate sufficient resources to permit it to consult with existing programs around the country, provide advice and support, and help promote and spread the most successful models to other jurisdictions. MJ would also work to document and research the impact of these programs across the country.

The three main components we see to this effort are 1) training; 2) policy advocacy that highlights the importance of mindfulness at all levels of the system and its role in criminal reform; and 3) movement-building.

In order to spread the impact of the mindful perspective in criminal justice, we need a training system that can expand the capacity of the movement, and reach all sectors in the system.

Further, in order to create conditions in which these programs and approaches can succeed, we need supportive policies in criminal procedure and corrections, which can be bolstered by favorable attitudes in the media and society toward mindfulness-based approaches. This involves launching a pro-active media and public relations strategy of disseminating to decision-makers and opinion leaders the stories and other evidence of mindfulness’ positive impact in the criminal justice world.

Finally, there needs to be a process of convening thought leaders and activists to develop an integrated vision for this movement, to articulate its aspirations and values, and establish a more tightly-knit network that can leverage its collective resources for impact in policy discussions, in affecting public opinion, and in increasing the success and results of their respective programs.

Below are some of the steps we will discuss at our conference at Seasons:

1) ESTABLISH A NATIONAL PLATFORM AND COMMUNICATIONS HUB

As a movement we need to articulate a common set of values and aspirations. A common statement of values helps create the foundation for effective cooperation amongst

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disparate organizations, and gives the public, policy-makers, and others a clear understanding of what we stand for.

On a more pragmatic level, a national platform for this approach gives policy makers and decision-makers considering mindfulness training a single place to review research and results, understand the relevance of mindfulness, and connect with advocates and other criminal justice practitioners to learn about implementation and ask other questions.

Implementation:

- Over May 5-6, 2014 we convened a working group meeting to advance this national conversation and made progress toward articulating a holistic vision for system-wide change.
- In spring and summer 2015 we offered a series of pilot workshops that helped test out the idea of a “front to back” mindful criminal justice system
- In September 2015 we are hosting a longer gathering to continue this conversation in greater depth.
- We have created a basic website that will host the most comprehensive information and resources on mindfulness programs in the criminal justice system, and present the system-wide vision that we’ve developed with our partners.
- Develop and disseminate a set of materials making the case for mindfulness in criminal justice, which can be shared with leading government officials (at the municipal, state, and federal levels), including elected officials, wardens, chiefs of police, DAs, public defenders, judges, and others as well as key members of the media, and leading criminal reform organizations.

2) DEVELOP A CREDIBLE BODY OF RESEARCH EVALUATING THE EFFECTIVENESS OF MINDFULNESS-BASED APPROACHES IN CRIMINAL JUSTICE SETTINGS

As in medical centers, professional schools, corporations and other settings, in criminal justice institutions research is a critical driver of mainstream acceptance for mindfulness-based programs. Neuroscience and psychology studies on the general population indicate the effectiveness of mindfulness training for various behavioral outcomes relevant to prisoner rehabilitation, and we should be prepared to mobilize that data. However, policy-makers will likely need to develop studies focused on criminal justice populations, documenting the impact of specific programs, in order to endorse large-scale adoption of these programs.

Implementation:

- Prison Mindfulness Institute is currently conducting a 5-year research study, the results of which will illuminate the impact of Path of Freedom, and potentially bolster it as a model for other jurisdictions.
- Depending on its resources, we may fund or organize small research projects, but for the most part it will serve as a database for individual research studies, and perhaps develop priorities for large-scale research studies.

3) LAY THE GROUNDWORK FOR A “FRONT TO BACK” FRAMEWORK IN ONE OR MORE JURISDICTIONS

In the Bay Area, we have an opportunity to build on existing programs for youth

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offenders, prisoners, and ex-offenders and lay the foundation for a “front to back” mindfulness-based criminal justice system. Two particular populations to focus on would be legal professionals (prosecutors, public defenders and judges) and police, who both play critical roles in shaping outcomes and interactions in criminal justice processes. If we are able to establish linkages between these different programs, it would make the Bay Area a unique laboratory in which to observe the effects of a mindfulness-based criminal justice system.

We hope that a successful model in the Bay Area—and possibly a few other locations such as Rhode Island, Oregon, or Louisville—could inspire other jurisdictions to follow suit, and to advance whatever nascent efforts they already have in place to bring mindfulness into their processes and institutions.

Implementation

- We recently offered pilot workshops to prosecutors, public defenders, and judges in Santa Clara County and are working on follow-up programming for those offices.
- We will continue to develop connections between initiatives in the Bay Area to build a more interconnected web of programs.

4) INSPIRE, TRAIN, AND SUPPORT NEW COMMUNITIES IN DEVELOPING OR EXPANDING THEIR OWN MINDFULNESS-BASED PROGRAMS

The initial pioneers of these programs could serve as trainers for institutions and municipalities that want to start a mindfulness-based program; they would need a framework through which to access these skilled trainers, some combination of centralized training programs or on-site training where the trainer visits specific clients.

The pioneers of programs may also want to gather to trade notes on what works and what doesn't in their programs and what new approaches they are trying. This could be pursued through one or more conferences, along with online communication networks and webinars. Collaborations could include joint funding proposals, shared infrastructure or staffing.

Implementation:

- We have expertise in convening conferences and training workshops and could draw large numbers of participants to training events, and serve as a portal where individual jurisdictions could hire expert trainers on a consultant basis.
- Our website could offer a directory and forums through which members of this community could discuss, exchange materials and seek advice.

TIMELINE FOR IMPLEMENTATION

This working paper and the September conference are intended to be exploratory steps in developing the Mindful Justice project. We want to ensure that our plans are consistent with what is needed, and that there are strong prospects for institutional and financial support of this work.

We are grateful for the seed grant from the Frederick P. Lenz Foundation which has permitted us to launch this exploratory process, and the \$100,000 grant from the Fetzer Institute to fund the September conference, along with preparatory work and post-conference dissemination.

Following the conference, our hope is that we will be able to hire staff to move this

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project forward, build the website, and collect/develop the materials that would constitute a key part of our contribution to the field. While we expect it to be a gradual process, we want to ramp up our activities to fulfill the variety of training, movement-building, and policy advocacy goals set out in this paper and to maintain the momentum of the mindfulness activity.

As this process proceeds, we will stay in close contact with our advisors and partners to determine the best path forward for the program and for the movement it aspires to build and serve.

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