

# *Mindful Justice*

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

At an historic [conference](#) at the Fetzer Institute in Kalamazoo, Michigan, 24 criminal justice leaders came together to discuss the need for a fundamental transformation of the criminal justice system and the ways that mindfulness practices could help to catalyze such a transformation, making the system more compassionate, fair, and committed to human dignity.

Although the topic of criminal justice reform has captured public attention in recent months, the discussion has focused primarily on limited measures such as wider police use of body-worn cameras and reduction of harsh drug sentences. While important, these measures do not address the deeper changes needed in the criminal justice system; the basic attitudes and orientation of the people working in the system; its dehumanizing, polarizing practices and policies; the ingrained racial bias; and the system's punitive nature. Without an effort to shift the system across these dimensions, it will continue to produce suffering and injustice on a vast scale.

The Michigan conference was an unprecedented gathering in bringing together representatives from the front end to the back end of the system (listed below) who shared a commitment to confronting these deeper issues as well as a belief that inner work by all those in the system is critical to doing so.

"The deep commonality of shared suffering, hope and commitment we discovered across sectors of the system was matched by a shared sense that mindfulness can foster interconnection, and enable genuine

healing and system change," said conference co-chair Fleet Maull, founder of Prison Mindfulness Institute, which co-convened the event with the Fetzer Institute and the Center for the Study of Law and Society at UC Berkeley.

While meditation programs have existed in prisons for decades, this was the first time that a group representing the entire system came together united by a focus on bringing mindfulness practices and principles throughout the criminal justice system.

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"This is a unique moment," said Charlie Halpern, the conference co-chair, "Many criminal justice professionals, from judges to police to parole officers, are looking for ways to make their work more sustainable, and to have it more fully reflect the goals of fairness, justice, and public safety that brought them to work in criminal justice in the first place. Mindfulness can be a significant part of that process."

## Mindfulness in society, and in criminal justice

Mindfulness is a practice of receptive, kind, focused awareness of the present moment, in which practitioners closely observe their physical sensations, thoughts, and feelings. A growing body of research indicates that sustained mindfulness practice strengthens focus and resilience, supports mental and physical health, and fosters pro-social emotions such as empathy and compassion.

Due in large part to this research, mindfulness practice has already seen mainstream adoption in K-12 education, universities, forward-looking corporations such as Google, and professional sports teams such as the Seattle Seahawks. 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.

Today, more than 200 prisons and jails across the country offer some form of mindfulness programming. And in recent years mindfulness programs have spread to police officers, correctional officers, and youth offenders.

The practice is taught as a simple, scientifically-validated way to reduce stress, anxiety and depression; increase cognitive and emotional resources; and reduce violence, bias, and recidivism. Results of these programs so far has been promising, indicating more pro-social behavior, reduced aggression, and greater self-control.

Public defender and prosecutor offices, and judicial education programs have also begun to explore mindfulness-based programs to increase effectiveness and fairness, and to manage stress.

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, nonviolence, peacemaking, and ethical behavior. If learned by a sufficient

numbers of people in a prosecutor's office, a police department, or in a prison or juvenile detention facility, mindfulness could change the institutional culture and practice norms so that compassion, mutual respect, and a commitment to fairness reshaped the institution.



ABOVE, Police Lieutenant Richard Goerling, co-creator of a mindfulness-based resiliency training program for police in Oregon, shares his findings with the group. From left, Fariborz Pakseresht, Director of the Oregon Youth Authority; Leslie Booker, Founder of Urban Youth Sangha; and Rhonda Magee, Professor of Law at University of San Francisco. Photo by Kellen Manley.

## Exploring a front to back application of mindfulness in criminal justice

In preparation for the September 2015 gathering in Michigan, the conference organizers surveyed the state of mindfulness in the criminal justice system. They also organized a series of pilot workshops in four states (California, Oregon, Colorado, and Kentucky) to test mindfulness principles and practices where they have so far had little exposure. In all, mindfulness programs were delivered to more than 200 criminal justice professionals and community members during this period.

Based on those workshops, there is compelling evidence that groups across the criminal justice system are receptive to, and would benefit significantly from mindfulness training. Prosecutors, judges, police officers, and correctional officers, who have not previously adopted mindfulness practices, were engaged participants in these training programs. In written evaluations many of them gave high ratings to the relevance and value of the training, and offered positive descriptions of even brief exposure to mindfulness.

“The [corrections] environment is very dehumanizing and degrading,” wrote one corrections officer in Kentucky, following a two-day workshop there. “Often it is very security oriented, very polarized, and puts the offender in a defensive position. [Mindfulness] will help. Any way they can get a more human interaction is helpful, helps to create a more humanizing environment.”

Several officials in other departments where we conducted pilot workshops in spring and summer 2015 offered similar comments, and have been prepared to deepen their exploration of mindfulness.

The possibility of a “mindful criminal justice system” One striking development in recent months has been the clustering of mindfulness programs in a handful of geographic areas, which presents the opportunity of fundamentally shifting the system in those places.

At the moment Louisville, Kentucky, offers a fertile ground for system-wide application of mindfulness. Under the leadership of Mayor Greg Fischer, the city has launched a Compassionate City Initiative (See [Mayor Fischer’s TEDx talk on the Initiative](#)), which includes city-wide days of service, heightened attention to public and environmental health, and most recently, mindfulness training for an array of city staff including city leaders, corrections officers, police, and first responders [see local TV news coverage of the training [here](#)].

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Following the workshop delivered by conference co-chair Fleet Maull (the results of which are described in a [brief paper on the conference website](#)), key city officials including Mark Bolton, Director of Metro Corrections and a participant in the conference, are developing plans to bring mindfulness training programs to their staffs.

Officials in Santa Clara County, California, a large



ABOVE, two inmates embrace during the mindfulness-based program Guiding Rage Into Power at San Quentin State Prison in Northern California. Photo by Paul Chinn.

Northern California county including the major metropolis of San Jose as well as numerous rural towns, are similarly discussing ways in which the county can become a leader in bringing mindfulness into its criminal justice system. In summer 2015, mindfulness facilitators offered workshops to the three principal offices that handle the county’s criminal law matters: the District Attorney’s office, the Public Defender’s office, and judges of the County’s Superior Court. All three groups were receptive to the training, and subsequently met with the mindfulness facilitators in September to plan further training programs for their staffs. They also discussed ways to explore introducing mindfulness to the corrections and probation systems in the county, and to local police forces.

In the medium term, officials in Santa Clara County would like to consider setting up “mindful court-rooms,” where not only the attorneys and judge, but also court staff, are trained in mindfulness and can bring an attitude of focused attention and openness to the proceedings. In such a pilot, researchers might measure recidivism rates, and subjective measures such as levels of satisfaction, fairness, and trust in government in order to gauge whether mindfulness has an impact on tangible outcomes in the criminal justice system, as well as perceptions of the system.

### Bridging deep divides

In addition to its individual benefits, mindfulness can foster a greater capacity for making empathic connections across lines of age, gender, race, class, and professional identity, for example through dialogue and circle practices.

Rhonda Magee, a professor at USF Law, has recently been facilitating an ongoing mindful dialogue between law enforcement and San Francisco communities on issues of race and policing, in the wake of a scandal in which San Francisco Police Department officers were found exchanging racist and homophobic text messages. At the Michigan conference, Magee shared her reflections on using mindfulness in these workshops to create a safe space in which community members could express their concerns and anger to law enforcement.

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“Each of these first two sessions indicates the value of mindfulness- and compassion- based interventions to support the healing of communities in distress,” Magee wrote in [a paper reflecting on the workshops](#). “They demonstrate the potential efficacy of mindfulness-based interventions to support healing and strengthening of communities. If made available to a wider population, these practices could provide the basis for deep healing and the new beginnings at the intersection of race and justice that so many so deeply need.”

This kind of mindful dialogue was also a powerful technique that enabled those at the Michigan conference to bridge the deep chasms that often separate individuals in the system: between police and public defenders; prosecutors and former inmates; victims and offenders. Practicing mindfulness together, individuals from these groups were able to make deep connections, inviting greater empathy, understanding, and a common desire to bring healing to the system.

### **Building the next phase of the movement**

Mindfulness has the potential to make a major impact on the criminal justice system, and on the criminal reform movement. However, there is a need for a coordinated effort, working nationally, to integrate mind-

fulness into all aspects of the criminal justice system, from the first encounter of a citizen and police officer on the street, through the processes of the courts, in jails and prisons, to an inmate’s reintegration into society after a period of incarceration.

Individual mindfulness-based programs have accomplished a great deal, often while operating with small staff in limited localities, and in discrete sectors of the criminal justice system. Their impact could be significantly scaled up if supported by an organization that could present their views forcefully and collectively in national forums, and coordinate a larger research agenda.

The September 2015 Michigan conference was an important step towards a more coordinated movement for mindfulness in criminal justice. Conference participants committed to bring mindfulness into their work settings, and to stay connected, electronically and through future gatherings. They also articulated a draft set of principles that they agreed should guide the movement for mindfulness in criminal justice, including:

- The importance of building mindfulness and fostering inner change among all those involved in the system, as a key element in efforts to change the system itself;
- A belief that all people, even those who have caused harm or committed crimes, possess some inherent goodness that can and should be cultivated; and
- That any movement for mindfulness in criminal justice must address the disparate impact of the system on individuals and communities of color.

In the months ahead, the organizers of the conference will be exploring ways to establish a long-term project based on the Mindful Justice conference and the network we established at the conference, as a way to continue and deepen the work that is currently underway. They will also nurture the prospects in Louisville, Santa Clara County, and other places, in order to maintain the momentum behind these promising explorations. Their goal in the months and years ahead is to build a criminal justice system that is grounded in mindfulness, compassion, and respect for human dignity.

## ACKNOWLEDGEMENTS:

**The Fetzer Institute** ([www.fetzer.org](http://www.fetzer.org)) provided programmatic engagement, financial backing, and administrative support for the Mindful Justice conference in Kalamazoo, Michigan, and graciously hosted the event at its beautiful Seasons conference center.

We would also like to thank the **Frederick P. Lenz Foundation for American Buddhism** ([www.fredericklenzfoundation.org](http://www.fredericklenzfoundation.org)), which provided seed funding for the Mindful Justice collaboration. We are deeply grateful to both of these organizations for seeing the promise of this work and generously supporting it.

The conference was organized as a collaboration by the Prison Mindfulness Institute and the University of California, Berkeley School of Law, through two of its centers: first, the Berkeley Initiative for Mindfulness Law, and subsequently the Center for the Study of Law and Society.

A special thanks to Robin Fisher and Joel Villaseca for generously volunteering their time and talents during our preparations for the Mindful Justice conference, and for providing meticulous notes of the gathering that contributed to this report.

## CONFERENCE ORGANIZERS AND PARTICIPANTS:



### Sujatha Baliga

Director of the Restorative Justice Program at Impact Justice (Oakland, CA). In 2013 her restorative justice work was featured in a cover story in the New York Times Magazine.



### Dan Carlin, Associate Director

Dan is a California-based attorney who has been working to bring mindfulness practices and principles into the legal profession since law school. He was previously Associate Director of the Berkeley Initiative for Mindfulness in Law.



### Preeta Bansal

Co-Founder and President, SocialEmergence.org; Lecturer, MIT Media Lab; Member, President Obama's Advisory Council on Faith-Based and Neighborhood Partnerships. Previously Solicitor General of New York State; general counsel and senior policy advisor to federal Office of Management and Budget (White House).



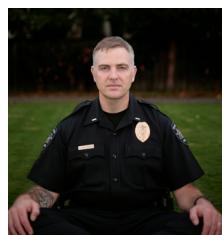
### Fania Davis

Executive Director, Restorative Justice for Oakland Youth (R-JOY). Prior to her work in restorative justice, Davis was a civil rights trial lawyer for 27 years. She has taught Restorative Justice at San Francisco's New College Law School and Indigenous Peacemaking at Eastern Mennonite University's Center for Justice and Peacebuilding.



### Robert Barton

Inspector General of California, which oversees the California Department of Corrections and Rehabilitation. Barton also serves as Chairman of the California Rehabilitation Oversight Board, which reports to the state legislature on the progress made in providing effective rehabilitative programs to California's inmates and parolees.



### Richard Goerling

Lieutenant, Hillsboro, Oregon Police Department and co-creator of an 8-week mindfulness-based resiliency training (MBRT) program for police officers, now serving as a model for other police forces looking to integrate mindfulness training.



### Brad Bogue

President of Justice Systems Assessment and Training (JSAT), a leading provider to criminal justice institutions of training and implementation services for evidence-based practices.



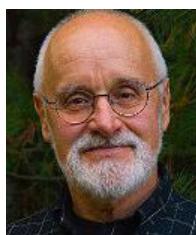
### Ron Greenberg

Judge, California Superior Court (Ret.). Introduced the use of drug courts in Alameda County, and successfully integrated meditation practice into his court room. Greenberg is currently a mediator and teaches mindfulness workshops for judges throughout North America.



### Mark Bolton

Director, Louisville Metro Department of Corrections. Bolton has been involved in Mayor Greg Fischer's efforts to integrate compassion and mindfulness into the city of Louisville's operations, and in summer 2015 helped organize a three-day mindfulness symposium involving the city's criminal justice staff.



### Charlie Halpern, Co-Director

Charlie is a long-time social entrepreneur and innovator in legal education. He founded the Berkeley Initiative for Mindfulness in Law in 2011 and for more than 20 years has led workshops and retreats for law students and law professionals, in the U.S. and abroad.



### Leslie Booker

Founder and Director of the Urban Sangha Project; Senior Teacher and Director of Teacher Trainings for the Lineage Project. Leslie teaches meditation and yoga to incarcerated youth. She also facilitated a mindfulness-based intervention with adolescents on Riker's Island for two years through New York University.

## CONFERENCE ORGANIZERS AND PARTICIPANTS:



### Angela Harris

Professor, UC Davis School of Law and an expert on criminal law and critical race theory. She is the co-author of "From 'The Art of War' to 'Being Peace:' Mindfulness and Community Lawyering in a Neoliberal Age" and regularly teaches a course on mindfulness and professional identity.



### Fariborz Pakseresht

Director, Oregon Youth Authority. OYA operates 10 youth correctional facilities across the state charged with protecting the public by reducing crime, holding youth offenders accountable, and providing opportunities for reformation in safe environments. He has introduced a number of mindfulness programs into the Oregon youth system.



### Chris Innes

Former Chief of Research and Information Services - National Institute of Corrections (Washington DC), and author of Healing Corrections: The Future of Imprisonment.



### Jared Seide

Director, Center for Council. Center for Council has expanded its Council-based programming to 14 prisons and 26 social justice orgs in California, is piloting a community-reconciliation program in LA Youth Court and is collaborating with Center for Mindfulness in Corrections on a wellness/resiliency skills program for correctional officers.



### Beverly Kingston

Executive Director, Center for the Study and Prevention of Violence at University of Colorado, Boulder. Kingston is a leading writer on issues of violence prevention and community rehabilitation.



### Jonathan Simon

Professor of Law and Director of the Center for the Study of Law and Society, UC Berkeley School of Law. Simon is a widely-respected author and researcher on criminal justice reform and mass incarceration who integrates mindfulness practice into his criminal law teaching.



### Jeni Lyon

Filmmaker and restorative justice activist. Jeni's interest in criminal justice reform arose from her personal experience of miscarried justice and as a surviving victim of family violence. She is currently working on a feature documentary called Restoring Justice.



### Ron Tyler

Clinical Professor of Law and Director of the Criminal Defense Clinic, Stanford Law School. Tyler is a former federal public defender and integrates mindfulness training into his law school clinic. He has worked closely with Charlie Halpern and Ron Greenberg in piloting mindfulness workshops for attorneys and judges in Northern California.



### Rhonda Magee

Professor at University of San Francisco Law School and a leading scholar and thinker in the integration of mindfulness into legal education and dialogues around race, class, gender, power, and privilege. She is currently Chair of the Board of the Center for Contemplative Mind in Society.



### Fleet Maull, Co-Director

Fleet is a leading teacher of mindfulness to prisoners, correctional officers and other criminal justice professionals, and creator of the Path of Freedom mindfulness curriculum for prisoners. He leads retreats and training programs throughout the U.S. and internationally.



### Jacques Verduin

Executive Director of Insight Out. Pioneer of the mindfulness-based Guiding Rage Into Power (GRIP) program, first offered at San Quentin State Prison and now expanding to other facilities in California and internationally.

To learn more visit  
[www.mindfuljusticeconference.org/](http://www.mindfuljusticeconference.org/)