

League of Women Voters of California Criminal Justice Position

A bipartisan consensus exists that the current criminal justice system needs reform to ensure its constitutionality, respect for human rights, and cost effectiveness. To date, LWVC has been able to advocate for criminal justice bills based on existing positions (<http://tinyurl.com/LWV-CJ-positions>), such as Juvenile Justice, State and Local Finance, and Violence Prevention. However, it has been recognized that there are glaring gaps in LWVC's ability to advocate for criminal justice reform. A statewide task force has developed this Criminal Justice position with input from local Leagues, so that we can work to achieve safe communities and equitable treatment for all. This position will enable LWVC to advocate for/against proposed criminal justice reform in order to achieve these goals.

POSITION IN BRIEF:

LWV-California supports:

- a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust;
- the elimination of systemic bias, including the disproportionate policing and incarceration of marginalized communities;
- policing practices that promote safety for both law enforcement officers and the communities they serve;
- collaboration between government and community throughout every stage of the criminal justice system;
- a focus on humane treatment and rehabilitation with the goal of promoting the successful re-entry into communities of those who have been incarcerated; and
- reliance on evidence-based research in decision-making about law-enforcement programs and policies (including scheduled, periodic audits of program and policy effectiveness).

POSITIONS - Support for the following measures and principles:

Policing Practices - *constitutional policies and procedures established by law enforcement with input from the communities they serve*

- Ensure that crime prevention and promotion of *public safety** are the primary roles of state and local law enforcement agencies. [*LWVs of Los Angeles City and San Francisco*]
- Build public trust and positive community relationships through law enforcement engagement with community members. [*LWVs of Los Angeles City, San Francisco, and Seattle/King County WA*]
- Encourage community participation in the development of policing policy. [*California SB 1421 Peace Officers: Release of Records; LWV-US Citizen's Right to Know/Citizen Participation position; LWV-CA Intergovernmental Relationships position; LWVs of Los Angeles City, San Francisco, Roseville Area MN, and Seattle/King Co. WA*]
- Provide law enforcement accountability via independent citizen oversight of law enforcement and publicly available data on officer conduct. [*California SB 1421 Peace Officers: Release of Records; LWV-US Citizen's Right to Know/Citizen Participation position; LWV-CA Intergovernmental Relationships position; LWVs of Los Angeles City, San Francisco, Roseville Area MN, and Seattle/King Co. WA*]

* *See Definition of Terms* - <http://tinyurl.com/CJ-definitions>

Policing Practices - *continued*

- Disseminate information to the public about policing policies, recruitment, procedures for complaint/commendation, and the rights and responsibilities of citizens and officers in interactions with each other. [*LWVs of Long Beach CA and Seattle/King County WA*]
- Provide sufficient psychological services and counseling to meet stress-related needs of law enforcement personnel. [*LWV-Long Beach*]
- Staff law enforcement departments to reflect the diversity of the communities they serve. [*LWV- Long Beach, LWV-US Policy on Diversity, Equity and Inclusion; Governing the States and Localities, “Diversity on the Force”*]
- Train law enforcement to identify individuals with mental health conditions, disabilities, or substance abuse and addiction, so that officers will be able to request support from appropriate medical and mental health professionals, with the goal of diverting those individuals into treatment instead of jail. [*Brennan Center for Justice; Disability Rights and Criminal Justice*]
- Ensure that officer training programs reflect the most current best practice standards. Establish *de-escalation** and anti-bias training, and ensure that all staff are provided with this training. [*California POST Training; Title 22 mandates; AB 1598 (2014 Rodriguez - Emergency Response Services); LWVs of San Francisco, Los Angeles City, Roseville MN, and Seattle/King Co. WA; Peel’s Principles of Policing 1829; LAPD Office of Inspector General Reports on Use of Force; President’s Task Force on 21st Century*]
- Conduct comprehensive background checks, to include such history as PTSD, domestic violence, sex offenses and affiliations with domestic terrorists groups, for all applicants to law enforcement positions. [*LWV-Long Beach*]
- Authorize minimal use force during law enforcement encounters with the public, and consider deadly force only when necessary to prevent imminent death or serious bodily injury. [*LWVC Letter of Support for AB 931; California DOJ, “Sacramento Police Department Report & Recommendations 2019”; San Francisco Police Department Use of Force Policy; Peel’s Principles of Policing 1829*]

Pre-trial Procedures - *actions taken after an individual has been arrested, which embody the constitutional presumption of innocence*

- Ensure no person suffers discrimination before the law due to their economic status nor is subject to risk assessment tools which can produce biased outcomes. [*LWVs of DC, DE, IN and MA*]
- Provide adequate numbers of public defenders to defend those accused. [*LWV of PA*]
- Provide prosecutors, defense attorneys, court-appointed counselors and judges with regular training on *alternatives to incarceration**, including *pre-trial diversion** and *restorative justice* practices. [*LWVs of IA, PA, and VA*]
- Recognize that mental health conditions and substance abuse and addiction are public health issues, not crimes. [*LWVs of AR, ID, IA, IL, KS, LA, MA, OR, NY, PA, RI, SC, TX, UT, VA, WA, WI, and DC*]
- Implement the use of specialty courts, e.g. drug treatment courts and restorative justice programs. [*LWVs of AR, ID, IA, IL, KS, LA, MA, OR, NY, PA, RI, SC, TX, UT, VA, WA, WI, and DC*]
- Consider community-based treatment programs and other *alternatives to incarceration** when appropriate. [*LWVs of AR, ID, IA, IL, KS, LA, MA, OR, NY, PA, RI, SC, TX, UT, VA, WA, WI, and DC*]

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Sentencing - *judgment made after an individual has been declared to be guilty*

- Consider the individual circumstances of the person charged and nature of the crime, rather than mandatory minimum sentences. [LWV-IL and LWV-US Sentencing position]
- Consider *split sentencing** and/or *alternatives to incarceration** when appropriate. [LWVs of CO, DE, LA, MA, MT, NE, WA, and Los Angeles County]

Incarceration - *policies and procedures that apply to employees of and incarcerated individuals in local jails and state prisons*

- Ensure that all correctional systems provide humane, dignified, non-discriminatory treatment of inmates and personnel. [LWVs of AR, DE, ID, IL, MA, MT, NY, PA, VA, RI, WI, Los Angeles County, and No/Central San Mateo County]
- Eliminate the practice of solitary confinement. [LWVs of PA and Long Beach CA and Scientific American, “A Case Against Solitary Confinement”]
- Ensure that incarcerated people and corrections officers have clear, safe and accessible ways to report abuse. [LWV-PA; National Commission on Correctional Healthcare; Prison Rape Elimination Act]
- Address recidivism by instituting programs that focus on rehabilitation, education, mental health treatment, substance abuse recovery, and transitional programs. [LWVs of ID, PA, and WI]
- Adapt case management services to match education, behavior, job training, work, and mental health programs with the needs of incarcerated individuals. [LWVs of DE, IA, IL, KS, LA, MA, NY, PA, RI, TX, VA, WA, WI, DC, and Los Angeles County]
- Provide sufficient psychological services, including training and evaluation, to meet the needs of corrections officers. [LWV-PA]
- Encourage family and community visitations and ways to maintain contact. [LWVs of FL, MI, and NH]
- Eliminate private prisons. Until space in public prisons is available, ensure that private prisons comply with all of the standards for state-run jails and prisons. [LWV-US Privatization position]

Re-entry - *programs in place during and after incarceration to help individuals become successful members of their communities*

- Collaborate with community-based organizations to facilitate reintegration of people released from prison. [LWVs of AR, DE, IL, LA, MA, MT, PA, TX, VA, SC, WI, and Los Angeles County; California AB 1008 Ban the Box]
- Provide pre- and post-release programs, inclusive of *probation** services, to prepare as well as assess and address the needs of people re-entering the community. [LWV-MI]
- Remove technical violations of *parole** as a reason to return an individual to prison. [LWV-PA]

General - *statements which apply to some or all of the above categories*

- Standardize data and setting up systems so that information can be easily shared among criminal justice agencies. [LWV-ID, Measures for Justice]
- Rely on evidence-based research in decision making about criminal justice programs and policies. [LWVs of DC, ID, FL, IL, LA, and MN]

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