

Position on Criminal Justice

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The Issue:

[Criminal Justice Reform](#)

State or National:

State

Position in Brief:

The LWV California supports:

- a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages, including policing practices, pre-trial procedures, sentencing, incarceration, and re-entry;
- 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 reentry 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)

Details:

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.
- Build public trust and positive community relationships through police engagement with community members.
- Encourage community participation in the development of policing policy.
- Provide police accountability via independent citizen oversight of law enforcement and publicly available data on officer conduct.
- 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.
- Provide sufficient psychological services and counseling to meet stress-related needs of police personnel.
- Staff police departments to reflect the diversity of the communities they serve, and establish recruitment efforts that reflect this principle.
- Train police to identify individuals with mental health conditions, disabilities, or

substance abuse/addiction, so that officers will request support from appropriate medical and mental health professionals, with the goal of diverting those individuals into treatment instead of jail.

- Require all officers to render first aid to people who have been injured as a result of police action.
- Conduct comprehensive background checks, to include such history as PTSD, domestic violence, sex offenses and affiliations with domestic terrorist groups, for all applicants to law enforcement positions.
- Establish de-escalation (the use of time, distance, communications and available resources whenever it is safe to do so) and anti-bias training, and ensure that all staff are provided with this training.
- Authorize minimal use of force during police encounters with the public, and consider deadly force only when necessary to prevent imminent death or serious bodily injury.

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 should they be subject to risk assessment tools which can produce biased outcomes.
- Provide adequate numbers of public defenders to defend indigent accused.
- Provide prosecutors, defense attorneys, court counselors and judges with regular training on alternatives to incarceration, including pre-trial diversion and restorative justice practices.
- Recognize that mental health conditions and substance abuse/addictions are public health issues, not crimes.
- Implement the use of specialty courts, e.g. drug treatment courts and restorative justice programs.
- Consider community-based treatment programs and other alternatives to incarceration when appropriate.

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.
- Consider split sentencing and/or alternatives to incarceration when appropriate.

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 incarcerated people and personnel, including appropriate healthcare and access to community-based rehabilitation programs.
- Eliminate the practice of solitary confinement.
- Ensure that incarcerated people and corrections officers have clear, safe and accessible ways to report abuse.
- Address recidivism by instituting programs that focus on rehabilitation, education, mental health treatment, substance abuse recovery, and transitional programs.
- Adapt case management services to match education, behavior, job training, work, and mental health programs with the needs of incarcerated individuals.
- Provide sufficient psychological services, including training and evaluation, to meet the needs of corrections officers.
- Encourage family and community visitations and ways to maintain contact.
- 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.

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.
- 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.
- Remove technical violations of parole as a reason to return an individual to prison.

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.
- Rely on evidence-based research in decision making about criminal justice programs and policies.

Comments relating to LWVNM Position are in Bold Italics

Position in Brief:

The LWV California supports:

- a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages, including policing practices, pre-trial procedures, sentencing, incarceration, and re-entry; ***NM does not have a general statement about the system and does not address policing practices***
- the elimination of systemic bias, including the disproportionate policing and incarceration of marginalized communities; ***Systemic bias and disproportionate policing and incarceration are not directly referenced by NM but could be addressed via JEDI policy***
- policing practices that promote safety for both law enforcement officers and the communities they serve; ***NM does not explicitly address policing practices***
- collaboration between government and community throughout every stage of the criminal justice system; ***NM's position does include references to the community, supporting community based programs as an alternative to incarceration but does not reference collaboration at every stage.***
- a focus on humane treatment and rehabilitation with the goal of promoting the successful reentry into communities of those who have been incarcerated; and ***NM talks about humane treatment in prisons and references opportunities for self improvement while in prison and education for all youth in the juvenile justice system, and reintegration into the community***
- reliance on evidence-based research in decision-making about law-enforcement programs and policies (including scheduled, periodic audits of program and policy effectiveness) ***The NM position does not speak directly about evidence-based research.***

Details:

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. ***NM's position does not directly describe the goals of the system, only stating that there must be adequate funding to carry out the goals of the justice system.***
- Build public trust and positive community relationships through police engagement with community members. ***Not addressed directly by LWVNM but could come under the position on transparency in state and local government***
- Encourage community participation in the development of policing policy. ***Maybe this is covered by the transparency position which speaks of "open, accessible governance."***
- Provide police accountability via independent citizen oversight of law enforcement and publicly available data on officer conduct. ***The transparency position says state and local***

governments should provide “timely and complete information to their constituents on current topics.”

- 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. ***See the transparency position.***
- Provide sufficient psychological services and counseling to meet stress-related needs of police personnel. ***Not addressed by LWVNM.***
- Staff police departments to reflect the diversity of the communities they serve, and establish recruitment efforts that reflect this principle. ***Not addressed by LWVNM.***
- Train police to identify individuals with mental health conditions, disabilities, or substance abuse/addiction, so that officers will request support from appropriate medical and mental health professionals, with the goal of diverting those individuals into treatment instead of jail. ***NM’s position calls for specialized programs such as mental health and substance abuse treatment, but does not address training of police except in the context of the juvenile justice system.***
- Require all officers to render first aid to people who have been injured as a result of police action. ***Not addressed by LWVNM.***
- Conduct comprehensive background checks, to include such history as PTSD, domestic violence, sex offenses and affiliations with domestic terrorist groups, for all applicants to law enforcement positions. ***Not addressed by LWVNM.***
- Establish de-escalation (the use of time, distance, communications and available resources whenever it is safe to do so) and anti-bias training, and ensure that all staff are provided with this training. ***Not addressed by LWVNM.***
- Authorize minimal use of force during police encounters with the public, and consider deadly force only when necessary to prevent imminent death or serious bodily injury. ***Not addressed by LWVNM.***

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 should they be subject to risk assessment tools which can produce biased outcomes. ***This would come under the NM JEDI policy.***

- Provide adequate numbers of public defenders to defend indigent accused. *NM calls for adequate funding of the public defender program.*
- Provide prosecutors, defense attorneys, court counselors and judges with regular training on alternatives to incarceration, including pre-trial diversion and restorative justice practices. *NM supports development of alternatives to incarceration through community-based programs with emphasis on diversion and reintegration into the community. These programs should be separate from correctional facilities. NM supports alternative or therapeutic courts and pre-trial diversion programs and argues for education of the community regarding alternatives.*
- Recognize that mental health conditions and substance abuse/addictions are public health issues, not crimes. *The LWVUS position on health care supports “problem solving or specialty courts, including mental health and drug courts, in all judicial districts to provide needed treatment and avoid inappropriate entry into the criminal justice system.*
- Implement the use of specialty courts, e.g. drug treatment courts and restorative justice programs. *NM supports alternative or therapeutic courts.*
- Consider community-based treatment programs and other alternatives to incarceration when appropriate. *NM supports development of alternatives to incarceration through community-based programs with emphasis on diversion and reintegration into the community.*

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. *NM opposes mandatory minimum sentences for drug offenses and taking into account the circumstances and nature of the crime.*
- Consider split sentencing and/or alternatives to incarceration when appropriate. *NM does not address split sentencing but does favor alternatives to incarceration.*

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 incarcerated people and personnel, including appropriate healthcare and access to community-based rehabilitation programs. *NM supports funding adequate to guarantee humane prison conditions and to provide services that offer the opportunity for self-improvement.*
- Eliminate the practice of solitary confinement. *Perhaps this is covered by the guarantee of humane prison conditions.*

- Ensure that incarcerated people and corrections officers have clear, safe and accessible ways to report abuse. *This is not explicitly addressed except the reference to humane conditions.*
- Address recidivism by instituting programs that focus on rehabilitation, education, mental health treatment, substance abuse recovery, and transitional programs.
- Adapt case management services to match education, behavior, job training, work, and mental health programs with the needs of incarcerated individuals.
- Provide sufficient psychological services, including training and evaluation, to meet the needs of corrections officers.
- Encourage family and community visitations and ways to maintain contact.
- 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.

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. *This is consistent with the NM position.*
- 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. *This is more detailed than the NM position which does not address pre- and post-release programs and probation services.*
- Remove technical violations of parole as a reason to return an individual to prison. *Not addressed in the NM position.*

General - statements which apply to some or all of the above categories *These statements are not addressed in the NM position.*

- Standardize data and setting up systems so that information can be easily shared among criminal justice agencies.
- Rely on evidence-based research in decision making about criminal justice programs and policies.