

# **Criminal Justice**

## **1972, 1973, 1976, 1979, 1982, 1983, 1989, revised 1995**

### **LWVIL Position:**

**The League has positions on the following aspects of criminal justice.**

#### **Investing in Communities to Reduce Crime and Violence**

To reduce crime and violence, there should be community-supported and comprehensive investment in underserved and/or impoverished communities.

#### **Bias in the Criminal Justice System**

In order to work toward the goal of equal treatment under the law, ongoing evidence-based training for individuals working in the criminal justice system is necessary to check biased behavior.

#### **Equitable and Appropriate Treatment of Offenders**

In order to assure equitable and appropriate treatment of offenders, the criminal justice system needs to consider their gender, age, health, race, ethnicity, disabilities, and cognitive development.

#### **Data Collection And Transparency**

Efficient data collection, data sharing among appropriate agencies, analysis, and transparency are critical in an impartial and unbiased criminal justice system. -

#### **Policing**

- Policing should protect and promote the dignity of all.
- Building trust and nurturing legitimacy on both sides of the police/citizen divide is foundational to positive relationships between law enforcement agencies and the communities they serve.
- Police recruits should be hired based on their willingness to build positive relationships with the community.
- The police should work with community stakeholders (e.g. law enforcement agencies, schools, social services, churches, and businesses) to develop policies and strategies to reduce crime and promote public safety. It is desirable for police to use alternatives to arrest whenever possible.
- Law enforcement should adopt model policies and best practices for current technology-based community engagement that increases community trust and access.
- Quality training and education should begin with recruits and should be ongoing throughout officers' careers. Police should be licensed.
- The mental and physical wellness, (health) and safety of law enforcement officers is critical not only for the officers, their colleagues, and their agencies but also for public safety.

#### **Jail Standards**

The League supports the development and enforcement of standards for local jails and detention facilities. The Illinois Department of Corrections is an appropriate agency to carry out this function.

#### **Pre-trial Procedures**

- The League supports the elimination of cash bond. Continued detention should only be considered if the defendant is a danger to the community or is a flight risk.
- When deciding conditions of pretrial release for a defendant, the judge should consider the results of an unbiased risk assessment.

- Electronic monitoring may be used if it does not prohibit a defendant from carrying out responsibilities such as working, attending school, seeking medical help, or meeting family needs.
- Pretrial service providers should remind defendants of court appearances.
- A private attorney or public defender should be present for all defendants at all hearings.

#### **Courtroom Procedures and Access**

- The League supports improvements in courtroom procedures that serve to minimize confusion and delay and increase fairness and efficiency.
- Trials should be prompt, with a limit on the time the accused can be held in jail prior to trial.
- Sufficient numbers of well-paid and well-trained judges, assistant state's attorneys, public defenders and other court personnel are essential.
- Uniform standards should be used for appointing public defenders.
- Barriers to and within the courthouse and courtrooms should be eliminated whenever possible.

#### **Sentencing Laws and Procedures**

- The goal of sentencing should be rehabilitation and restoration to society
- The League believes that judges should retain the discretion to choose between imprisonment and probation for most offenses and opposes the proliferation of non probationable offenses.
- The League believes that there should be strict penalties and enforcement for all crimes committed with a handgun or an assault weapon (see LWVIL Gun Violence Prevention position).
- The League supports reduction in time served as an incentive for good conduct by inmates. Such credits should be incorporated into the sentencing structure and should not be revoked without due process.
- The League believes that a body, free from political influence, should make recommendations that promote certainty and fairness in sentencing in order to provide greater uniformity and monitor the fiscal impact and effect on prison populations
- Evidence-based practices and best practices should guide sentencing laws and prosecutorial decision-making.
- Proposed laws should be evaluated for potential discrimination.
- There should be collaboration among stakeholders so that sentencing outcomes are more just and fair.
- Legislation that reduces penalties for a crime should allow those incarcerated under the previous law a process to appeal their convictions.

#### **Alternatives to Incarceration**

- The League supports the expansion of prevention and treatment programs to ease the burden on the criminal justice system
- The League supports the concept of pretrial diversion.
- The League supports approaches such as restorative justice which involve members of the community.
- The League supports the increased use of a range of intermediate sanctions in the community and the development of screening and supervision standards to ensure their appropriate use.
- The community must be educated regarding these alternatives.
- The League supports a statewide probation system. Probation, the underlying element of most alternatives, must be professionally staffed and removed from political influence. Probation officers should be required to meet uniform professional standards and receive pre-service and in-service training. The number of probation officers should be adequate to make

comprehensive investigative reports to the court, supervise categorized, manageable caseloads and provide social services.

#### **Illinois Department of Corrections**

- The League supports correctional services that conform to national professional standards. This would include offenders receiving humane treatment and access to healthcare while they are incarcerated.
- The League believes that offenders are entitled to mail, telephone calls, visits from relatives, extended family visits, furloughs, the opportunity to voice grievances, and access to information in their case records.
- The League believes that offenders are entitled to participate in educational and job training programs which are evidence-based and/or based on best practices. These programs should be made available to all for whom they are appropriate, should be tailored to individual needs, and should be provided in conjunction with the boards of education, private industry and unions.
- All offenders should have access to program credits.
- Prerelease planning and transitional living centers are critical for a successful re-entry and reintegration into society. They bridge the gap between prison and the community.
- The League supports mandatory supervised release (MSR) and the provision of community services to offenders, particularly when first released.
- Technical violations of mandatory supervised release need to be carefully defined and uniformly reported.
- The length of MSR should be determined by completion of goals which are tailored to the individual, rather than a strict period of time.
- The rules for MSR should be clearly explained to the offender along with the expected consequences for any violation of rules.
- The League believes Parole Officer caseloads should be manageable so that the officers are able to provide more ongoing support to the offenders.

#### **Post Incarceration and Sentence Completion: From Recidivism To Successful Re-Entry**

- The League believes the removal of unnecessary barriers encountered by people with criminal records would enable a successful return to society.
- People with criminal records should have access to the same income-based support opportunities and services that are available to others.

#### **Citizen Involvement**

- The criminal justice system should make use of professionally directed volunteers who have been carefully screened and trained.
- The League supports citizen involvement in monitoring court proceedings and assessing the needs for improved court facilities.
- An independent citizen's committee should monitor Illinois correctional facilities.

#### **Funding**

- The League believes that the criminal justice system must be adequately funded in order to carry out its goals.
- Funding of specialized programs for offenders, such as mental health services, programs for female offenders and substance abuse treatment, is essential.

- The League supports funding to guarantee humane prison conditions and provide programs and services that offer the opportunity for self-improvement.
- The League believes that state funds should emphasize community sanctions and treatment instead of incarceration. All program funding should be periodically evaluated to determine its effectiveness and to ensure that proper offender populations are being served.

***Background:***

- Delegates to the 1995 LWVIL Convention adopted by concurrence a revised position following a review by a statewide committee. The revision pulled together the following positions:
- Bail bond, pretrial release and victimless crimes (1972)
- Probation and parole; inmate rights and services (1973)
- Handgun (1976) and Assault Weapons (1989) Control
- Improved courtroom procedures based on recommendations of the Illinois Court Watching Project after monitoring some 82,000 criminal court proceedings (1979)
- Sentencing laws (1982)
- Alternatives to incarceration and state funding role (1983)
- In 2021 all sections except for Jail Standards, and Citizen Involvement were updated. Investing in Communities, Bias, Equitable treatment, Data Collection, and Policing were added. *The 2016 Final Report of the Illinois State Commission on Criminal Justice and Sentencing Reform* and the *2015 Final Report of the President's Task Force on 21<sup>st</sup> Century Policing* were major resources informing the study.