

Criminal Justice Study Consensus Questions

Questions correspond to the sections of the study materials.

Each question should be answered on the Likert scale of

1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree.

At the end of each section is a space for remarks if your League wants to add an explanation.

Introduction

1. Pennsylvania's justice system should be fair.

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2. Pennsylvania's justice system should treat everyone with dignity.

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Remarks:

Bail/Bonding

3. Pennsylvania should ban for-profit commercial bail companies.

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4. Pennsylvania should use a research-based assessment protocol to determine whether an accused poses a danger to society or might fail to appear for a trial.

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5. Ability to pay should be a factor in setting bail.

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6. Magistrates or bond courts setting bail should be required to track and report monthly and yearly rates or percent statistics on such categories as type of bail, amount of monetary bail, cost to arrestee of bail, cost to county of those retained in jail, appearance rates (the percent of offenders that show up at court), the re-arrest rates of offenders released to the community, and conviction rates.

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Remarks:

Effective Counsel

7. Pennsylvania should provide state funding for public defenders' offices throughout the Commonwealth at a level that would provide resources to adequately defend indigent accused and to assure consistency from judicial district to judicial district.

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8. Pennsylvania should enact the American Bar Association recommendations for public defenders' offices.

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9. Pennsylvania should provide training, continuing education, and state oversight of public defenders' offices, collecting and collating all relevant data on case loads and outcomes.

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10. Public defenders should have a limited case load which if exceeded would enable the office to hire more lawyers or to contract with lawyers outside the office.

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11. Prosecutors and judges should ensure that all professionally recommended procedures for reliability of witnesses, testimony, and evidence are adhered to.

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12. Where professionally recommended procedures (as opposed to past practice) have not been adhered to, defense counsel should be provided with state funding for investigators and expert witnesses to challenge reliability.

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13. Prosecutors should not be allowed to consider testimony and evidence that derives from practices other than best or recommended procedures during either plea bargaining or trials.

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Remarks:

Alternatives to Incarceration

14. Pennsylvania judges should receive ongoing training in alternatives to incarceration.

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15. Pennsylvania should encourage alternatives to incarceration for non-violent offenders.

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16. Pennsylvania should develop problem solving courts accessible to all judicial districts.

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17. Pennsylvania should eliminate the use of prison for technical parole violations.

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18a. Pennsylvania should bear the cost of the prison/jail system and not charge prisoners.

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18b. Costs of being incarcerated should be based on a sliding scale according to an individual's ability to pay.

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19. Pennsylvania should divert people with medical conditions, such as mental health or drug abuse away from the criminal justice system altogether and provide treatment programs.

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20. Pennsylvania should implement programs proven to reduce the rate of recidivism.

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21a. Pennsylvania should pay for the costs of alternatives to incarceration, including electronic monitoring, supervision, etc. rather than asking the individual to pay.

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21b. Pennsylvania should charge the individual for the cost of alternatives to incarceration based on his/her ability to pay.

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22. Pennsylvania should explore the use of restorative justice.

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23. Pennsylvania should use the money saved from fewer incarcerations to increase funding for alternatives.

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Remarks:

Appropriate Sentencing

24. Plea bargaining should be monitored by a judge.

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25. To enable judicial oversight of the plea bargaining process, public defenders and prosecutors should file summaries of each meeting, conversations and correspondence in which negotiations for a plea bargain take place.

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26. Pennsylvania should not have mandatory minimum sentences.

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27. Pennsylvania should not have mandatory minimum sentences for non-violent offenses.

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28. Pennsylvania should review sentencing guidelines to achieve fairer sentences.

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29. Pennsylvania should eliminate its “three strikes” law.

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30. Pennsylvania should eliminate “life without parole” sentences.

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31. Any sentencing reforms should be made retroactive.

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32. Those who have been imprisoned and subsequently found innocent should have recourse to compensation.

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33. The pardons and commutations program should be revitalized and depoliticized so that prisoners who have served at least 10 years with good behavior have a real chance of being released.

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Remarks:

Prison Conditions

34. Pennsylvania should track use of solitary confinement by prisoner characteristics, length of confinement, and purpose of confinement.

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35. Policies and procedures should be developed by DOC to assure transparency and accountability related to assignment of inmates to administrative segregation, including those offenses which will result in the use of solitary confinement, reasonable notification and opportunity for administrative hearing.

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36. All inmates, even those without previously diagnosed mental illness, should have frequent and regular psychological evaluations throughout their incarceration in solitary confinement.

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37. Pennsylvania should not place a prisoner in solitary confinement for more than 15 consecutive days.

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38. Pennsylvania should not put juveniles or mentally ill prisoners in solitary confinement.

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39. Corrections officers working with mentally ill prisoners should be supervised by mental health professionals.

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40. All inmates should have access to good quality medical care and should be monitored to assure good health.

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41. The PA Department of Corrections should continue to fully implement PREA directives without regard for the availability of incentive funding to do so.

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42. All prospective employees of the criminal justice system should be screened to determine a history of prior sexual abuse or harassment, attitudes and understanding of the dynamics of sexual abuse or harassment.

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43. Counseling for victims of sexual violence and harassment should be confidential and conducted by an independent organization with experience and expertise in the field of sexual violence.

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44. Pennsylvania should create an office of ombudsman to investigate abuses within prison/jail walls.

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45. Pennsylvania should create a state commission, independent of the Department of Corrections, to oversee prison/jail conditions.

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46. Inmates should be paid for their labor at least 25% of minimum wage with earnings kept in prisoners' accounts.

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Remarks:

Re-entry of former prisoners

47. Pennsylvania should enact "ban the box" legislation, removing the conviction question from job applications, following the recommendations of the U.S. EEOC best practice guidelines.

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48. The Pennsylvania Department of Labor and Industry should actively promote awareness and participation by PA businesses in the Federal Bonding Program.

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49. The PA Department of Labor and Industry should actively promote awareness and participation by PA businesses in the Work Opportunity Tax Credit (WOTC) Program.

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50. Pennsylvania should enact "ban the box" legislation removing the conviction question from public housing applications, with the exception of registered sex offenders and individuals who were convicted of manufacturing or processing controlled substances in a public housing facility.

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51. Pennsylvania should prioritize funding for appropriate transition and reentry programs for former inmates.

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52. Pennsylvania should provide tax incentives or development money for low-income housing that reserves a percentage of units for ex-prisoners under close supervision.

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53. State and local governments should work with the private sector to create holistic community approaches toward reintegrating former prisoners.

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Remarks:

Economic Issues

54. Pennsylvania should require fiscal impact statements, prepared by an independent group, to be attached to every bill that proposes to alter sentencing or corrections law.

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55. Programs that are effective in reducing recidivism and initial criminal behavior should receive financial support from the state.

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56. Pennsylvania should provide for economic development in areas where prisons close to offset job loss.

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