

Pennsylvania League
Criminal Justice Position
Adopted June 2016

Position in Brief:

LWVPA believes that our justice system should be fair to all and that everyone who becomes a part of the system should be treated with dignity. The system should be effective, cost efficient, and data driven. Persons should not be deprived of constitutional rights to reasonable bail or effective counsel because they are poor, because they live in a poor community or because it is politically or economically expedient. Barriers to successful reintegration into society, including damaging conditions in jails and prison, restrictions and requirements of reentrants, and legal financial obligations that realistically cannot be paid, should be minimized.

Position in Detail:

Bail/Bonding. LWVPA believes

- Judges should use a research--based assessment protocol to determine whether an accused poses a danger to society or might fail to appear for trial.
- Uniform records should be kept and results reported on categories of 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.
- Ability to pay should be a required factor in setting bail.
- Alternatives to commercial for--profit bail companies should be explored. If commercial bail companies operate, they should be regulated and their role in the criminal justice system carefully overseen.

Effective Counsel. LWVPA believes

- The American Bar Association 2011 recommendations for public defenders' offices should be enacted. (See attached.)
- The state should provide 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.
- Training, continuing education, and state oversight of public defenders' offices, collecting and collating all relevant data on case loads and outcomes should be provided.
- Public defenders should have case loads which would enable them to provide adequate representation for their clients. If these are exceeded, resources to hire more lawyers or to contract with lawyers outside the office should be provided.
- 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.
- Prosecutors and judges should ensure that all professionally recommended procedures for reliability of witnesses, testimony, and evidence are used. If these are

not adhered to, defense counsel should be provided with state funding for investigators and expert witnesses to challenge reliability.

Alternatives to Incarceration. LWVPA believes

- Judges should receive ongoing training in alternatives to incarceration.
- Problem--solving courts accessible to all judicial districts should be developed.
- People with medical conditions, such as mental health or drug abuse should be diverted away from prisons and provided with treatment programs.
- Alternatives to incarceration should be encouraged for non--violent offenders.
- Solely technical violations of parole should not result in a return to prison.
- Programs that have been proven to reduce the rate of recidivism should be implemented.
- Restorative Justice as an alternative to incarceration should be explored.
- The state should bear the cost of alternatives to incarceration and the prison/ jail system and not charge offenders.
- Money saved from fewer incarcerations should be used to support alternatives to incarceration.

Appropriate Sentencing. LWVPA believes

- Pennsylvania should eliminate its “three strikes” law.
- There should not be mandatory minimum sentences.
- Plea bargaining should be monitored to avoid unnecessary pressure on accused.
- Sentencing guidelines should be reviewed for fairness.
- Those who have been imprisoned and subsequently found innocent should have recourse to compensation.
- The pardons and commutations programs should be depoliticized and revitalized.

Prison Conditions. LWVPA believes

- An office of ombudsman, independent of the Department of Corrections, should be established to investigate abuses within prison/jail walls.
- A state commission, independent of the Department of Corrections, should be established to oversee prison/jail conditions.
- Inmates should be paid for their labor at least 25% of minimum wage.

Prison Conditions – Health. LWVPA believes

- Corrections officers working with mentally ill prisoners should be trained and supervised by mental health professionals.
- All inmates should have access to good quality medical care and should be monitored to assure good health.
- The Prison Rape Elimination Act (PREA) directives should be fully implemented.
- 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.
- 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.

Prison Conditions – Solitary Confinement. LWVPA believes

- Prisoners should not be placed in solitary for more than 15 consecutive days.

- Juveniles and mentally ill prisoners should not be placed in solitary confinement.
- Use of solitary confinement should be tracked by prisoner characteristics, length of confinement and purpose of confinement.
- All inmates, even those without previously diagnosed mental illness, should have frequent and regular psychological evaluations throughout their incarceration in solitary confinement.
- Policies and procedures should be developed by the Department of Corrections to assure transparency and accountability related to assignment of inmates to solitary confinement, including those offenses which will result in the use of solitary confinement, reasonable notification and opportunity for administrative hearing.

Re--Entry. LWVPA believes

- “Ban the box” legislation should be enacted, removing the conviction question from job applications, following the recommendations of the U.S. Equal Employment Opportunity Commission (EEOC) best practices guidelines.
- “Ban the box” legislation should be enacted to remove 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.
- The Department of Labor and Industry should actively promote awareness and participation by businesses in the Federal Bonding Program.
- The Department of Labor and Industry should actively promote awareness and participation by businesses in the Work Opportunity Tax Credit (WOTC) program.
- Funding for appropriate transition and reentry programs should be prioritized.
- State and local governments should work with the non--profit private sector to create holistic community approaches toward reintegrating former prisoners.

Economic Issues. LWVPA believes

- Fiscal impact statements, prepared by an independent group, and attached to every bill that proposes to alter sentencing or correction law should be required.
- Programs that are effective in reducing recidivism and initial criminal behavior should receive financial support from the state.

League of Women Voters of Pennsylvania,
June, 2016