
March 22, 2023

LWV's Criminal Justice Position: Overview and Advocacy Considerations

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Housekeeping



All trainings will be recorded to keep accurate notes to share with attendees and others after the call.



If you are not speaking, please mute yourself to minimize sound issues.



Make sure you identify yourself (name, League, State & pronouns) when asking questions



Staff will be monitoring the chat box. If you have any questions or thoughts throughout the call, please feel free to drop them in the chat box.

Community Norms



Bring your full self and limit distractions



Use the chat box to add thoughts, experiences, and/or questions



What is learned here, leaves here



No one knows everything, together we know a lot



Don't yuck my yum



Oops, ouch, and educate



Assume best intentions

Presenters



Rebecca Goldman
(she/her)
Justice Reform
Legislative and Policy Specialist
rgoldman@lww.org



Carolina Goodman
(she/her)
Co-chair
LWV California Criminal Justice
Interest Group



Maxine Anderson
(she/her)
Co-chair
LWV California Criminal Justice
Interest Group

POLL

Part I: The Position



Position Background

- 2018: LWVCA formed LWVCA Task Force on Criminal Justice Reform
- 2019: LWVCA Convention
 - LWVCA adopted criminal justice position
- 2020: National Convention
 - LWVCA presented caucus
 - Delegates passed [resolution on racial justice](#)
- 2022: National Convention
 - Delegates [adopted](#) Criminal Justice position by concurrence

Before and After Position Adoption

LWVUS' adoption of the Criminal Justice position...

- Facilitates advocacy at all levels of government
- Reaffirms the League's commitment to:
 - The eradication of systemic racism in the justice system
 - Diversity, equity, and inclusion (DEI)

Position Development

Sources

- LWV positions
 - Citizen's Right to Know
 - Equality of Opportunity
 - Individual Liberties
 - Sentencing
 - Violence Prevention
- State and local League positions
- Research (e.g. use of force)

Design and Process

- Position statements written with general language
- Communicated with local Leagues to:
 - Introduce position
 - Answer questions
 - Include criminal justice in program planning



Position in Brief

- A criminal justice system that is just, effective, equitable, transparent, and 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.
- Reliance on evidence-based research in decision-making about law enforcement programs and policies (including scheduled, periodic audits of program and policy effectiveness).

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.



Policing Practices Contd.

- 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 that 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 health care 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 that apply to some or all of the above categories.

- Standardize data and set 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.

Part II: Advocacy



Opportunities

Your League's Level of Government

- Public education
- Sign-on letters
- Letters to your elected officials
- Legislative testimony
- Legislative solution recommendations
- Action alerts or Outreach Circle

Federal

- [Federal Action Request](#)
- Litigation



Preliminary Considerations

- Who are the key stakeholders?
- Who has the power to shape reform?
- Who is responsible for system oversight?
- How are system actors held accountable?
- Is this process transparent?



Issue Areas

Leagues have worked on...

- Police bias, misconduct, and accountability
- Officer self-identification
- Use of force
- Qualified immunity
- Bail reform and fine/fee burden
- School-to-prison pipeline
- Juvenile justice
- Non-violent offenders and addiction
- Private prisons
- Voting rights restoration
- Death penalty abolition
- Language translation and immigration

Legislative Examples

- *California Racial Justice Act I (AB 2542) and II (AB 256)*
 - Prevents state from seeking or obtaining criminal sentence or conviction based on race, ethnicity, national origin; and retroactivity
- Officer Decertification (SB 2)
- Sheriff Oversight Boards (AB 1185)
- Use of Deadly Force (AB 392)
- Pretextual Stops (SB 50) and Consent Searches (AB93)

LWVUS Support

LMS Resource

[Here](#)

Legislative Office Hours

[Sign Up Here](#)

Position Interpretation

Legislative Tracking

Legislative and Policy Analysis

Legislative Testimony Writing

Advocacy Strategy Development

Advocacy Email

advocacy@lw.org



Litigation Support: litigation@lwv.org or [Federal Action Request](#)

Applying a Diversity, Equity, and Inclusion (DEI) Lens

Examining a program, process, product, etc. with an eye toward how it will be perceived by a variety of communities, voices, and perspectives, and what barriers may exist that prevent it from being equitable or inclusive to everyone.

- Who is involved in the process?
- Who will be impacted?
- What are the likely intended and unintended outcomes?
- Does this align with our vision for an equitable and inclusive organization?
- What changes could we make to improve equity?

Partner Note

What

Join coalitions and partner with groups that have been working to root out racism in the justice system, or community organizations focused on individuals with lived expertise.

Why

Help uplift the voices of individuals, families, and communities directly impacted by the criminal justice system.



Questions?