

Study Pages – April 2023

LWVO Recommended Positions on Criminal Justice

At the 2021 Ohio League of Women Voters Convention, members voted to conduct a major study of Criminal Justice with the hope of adopting a position that would allow them to speak up on current Ohio policy issues. 54 LWV members volunteered to work on the study, 25 of whom continued working over the two year study, doing research and conducting interviews. These Study Pages present the recommendations of this 2-year study which will be voted on at the June 2023 LWVO Convention. The recommended positions are backed by detailed research reports. We provide links to these reports in the footnotes for members who want to dig deeper.

The desire to be able to advocate on criminal justice issues arose from an increasing public awareness of problems with justice in the U.S. Best-selling books like Michelle Alexander's "The New Jim Crow" and Bryan Stephenson's "Just Mercies" told of vast over-incarceration at rates unknown anywhere else in the world. They also brought home huge racial disparities in U.S. criminal justice. With media focus on continuing cases of police violence against unarmed Black men and the shock of watching the police murder George Floyd, League members wanted to advocate as an organization.

The desire for a strong LWV position on Criminal Justice that motivated the 2021 Ohio LWV Convention also was seen at the national LWV Convention in 2022. Several states had Criminal Justice positions that were presented and approved by concurrence as a new LWVUS Criminal Justice position. The Ohio study committees, which were well along in their research, gratefully incorporated the new national position, adding detail based on their study of the situation in Ohio. The resulting proposed Ohio position statements are what is recommended for approval at the LWVO convention in June.

In summary, the recommended LWVO position would state

LWVO supports:

- *A criminal justice system that is, at all stages of the process including lawmaking, just, effective, equitable, humane, transparent, non-discriminatory and that fosters public trust and the life and dignity of each person.*
- *A criminal justice system whose primary focus is on rehabilitation with the goal of facilitating the successful reentry into communities of those who have been incarcerated.*
- *The elimination of systemic biases, including the disproportionate policing, prosecution, sentencing, and incarceration of marginalized communities and vulnerable individuals and groups.*
- *Criminal justice policies and practices that promote safety for all-- including the law enforcement officers, the communities they serve, the victims of crime, and also the people accused of crime and their families.*
- *Community oversight will be a transparent, measurable, productive, and proactive collaboration between government and community throughout every stage of the criminal justice system.*

- *Reliance on evidence-based research in decision-making about all aspects of the criminal justice system, including systematic collection and sharing of data and reports, regularly scheduled audits of program and policy effectiveness, and outreach to collect public input regarding the process and the outcomes; movement toward central collection of data across all areas of criminal justice.*
- *Wide-spread availability of, and sufficient funding for supportive care services across all phases of the criminal justice system;*
- *Fairness in the application of justice across the state such that one's access to justice is not dependent on one's county or municipality, or on the court or the judge assigned to the case.*

The LWVO study committee was divided into 5 groups to research specific aspects of criminal justice in Ohio: Policing, Pretrial, Sentencing, Incarceration and Re-entry. Below are the summary position statements from each group.

Policing¹

1. LWVO supports legislative efforts to reduce over criminalization.
2. LWVO supports communities self-determining the form of civilian oversight that is appropriate for their needs and resources.
3. LWVO supports law enforcement agencies adopting a code of conduct, policies, and practices that seek to protect life, promote human dignity, and uphold the human rights of all persons, ensuring equal protection of the law to all without discrimination on any grounds, and being especially vigilant to protect potentially vulnerable groups.
4. LWVO supports law enforcement agencies ensuring that their personnel receive proper basic and ongoing training, equipment, and promoting officer wellness to mitigate police fatigue, stress, danger, PTSD, and injury in ways that are nonthreatening and respectful of officer privacy.
5. LWVO supports local communities ensuring their law enforcement agencies receive the financial support to adequately attract, retain, and equip law enforcement personnel; and federal and state governments making resources available to support small agencies.
6. LWVO supports law enforcement agencies providing transparency to promote trust.
7. LWVO supports holding law enforcement personnel accountable if they violate law enforcement codes of conduct, policies, or the law.

Pretrial²

1. **Funding:** LWVO supports adequate and equitable annual funding by the General Assembly, rather than at the local or county level, for courts throughout the State of Ohio, including for pretrial services, indigent defense, and specialized dockets, taking into consideration the unique and varied needs of those courts.

¹ Report of LWVO Policing Subcommittee, Feb. 2023.

² LWVO Final Pretrial Procedures Research Paper, Feb. 2023.

2. **Grand Juries:** LWVO supports adequate training of grand jurors by a neutral party to ensure the independence of the grand jury from prosecutors.
3. **Bail and Pretrial Detention:** LWVO supports bail and pretrial detention decisions being made without regard to race, ethnicity, sexual orientation, gender identity, gender expression, age, disability, religion, nationality, or socioeconomic status. All persons should be accorded the presumption of innocence and the privileges consistent with that assumption.
4. **Indigent Defense:** The constitutional right to indigent defense is fundamental. Unstable, inadequate, inequitable, or unreliable funding of indigent defense jeopardizes the right of indigent criminal defendants to competent, effective counsel.
5. **Plea Bargaining:** LWVO supports Plea bargaining as a useful tool in the judicial process, one that should be controlled and formalized. Plea bargaining allows an overwhelming percentage of criminal cases to be disposed of quickly. Because so many cases are disposed of through the bargained guilty plea, plea bargaining must be conducted in accordance with a fair, standardized, and transparent process.
6. **Specialized Dockets:** LWVO acknowledges that mental health conditions and substance abuse/addictions are public health issues, not crimes. LWVO supports the implementation and expansion of community-based treatment programs, such as specialized dockets (e.g. mental health courts, drug courts, veteran's treatment, re-entry courts) for all nonviolent offenders and the appropriate science-based health, mental health and addiction evaluation and treatment of all offenders.

Sentencing³

In the interest of justice for all, in support of optimal public safety, and for the wise and effective use of society's limited resources, Criminal Sentencing Statutes, policies and practices should work together to minimize the overall length of time that people convicted of crimes are incarcerated.

Incarceration⁴

1. LWVO supports funding the Ohio Department of Rehabilitation and Correction to provide medical care for all incarcerated people. Such care includes treating physical medical issues, mental health conditions, and treatment for substance abuse. Practices should work together to minimize the overall length of time that people convicted of crimes are incarcerated.
2. LWVO supports funding education and job training programs for incarcerated individuals and increasing access to those programs.
3. LWVO supports programs that provide each incarcerated person with opportunities to maintain family and community ties.

Re-entry⁵

³ LWVO Final Sentencing Research Paper, Feb. 2023.

⁴ LWVO Final Incarceration Research Paper, Feb. 2023.

1. LWV of Ohio supports the principle that a successful re-entry should be the goal for each inmate, starting with conviction. A plan should be developed in cooperation with the inmate and, when relevant, family, for a successful re-entry.
2. LWV of Ohio supports the state investing sufficient resources in the re-entry process as a means of increasing successes and reducing recidivism. Over time, extra funds spent on re-entry are predicted to result in the state saving the expenses of further years of incarceration while significantly benefiting individuals' lives.
3. LWV of Ohio supports developing a database that includes each inmate's characteristics and the re-entry support s/he receives and needs to facilitate formulation of a successful re-entry process.
4. LWV of Ohio supports establishing more uniformity across regions in the level of support received by returning citizens throughout the state.
5. LWV of Ohio supports policies that reduce the likelihood of a restored citizen's return to prison while on parole.

Criminal Justice Database Management and Analysis Platforms (Adopted March 2022)⁶

1. LWV Ohio supports the principle that all organizations operate more effectively and efficiently when appropriate operational data is consistently and accurately collected, systematically analyzed by that organization, and frequently and regularly reviewed to identify areas for improvement.
2. LWV Ohio supports the principle that it is the duty of the Ohio criminal justice system and of all of its legal actors to maintain and continually improve Ohio's legal system. In particular Ohio should seek to provide uniformity in sentencing such that similar defendants with similar charges and other similarities should be sentenced similarly.
3. LWV Ohio supports the principle that all individuals have the right to unbiased treatment regardless of race, ethnicity, sexual orientation, gender identity, gender expression, age, disability, religion, nationality or socio-economic status.
4. LWV Ohio supports the principle that comprehensive data collection, methodical and unbiased analysis, and frequent reporting of governmental/public sector 1 operations—including the Ohio criminal justice system-- should be fully transparent and available to the public-- except as mandated by law.
5. LWV Ohio supports the principle that criminal justice data collection, analysis and reporting should always be conducted in a manner that is nonpartisan and apolitical.

Therefore, the LWV Ohio supports the need to implement a statewide Sentencing Database Management and Analysis platform. In addition, LWVO supports the need to continually evaluate, update and improve the Sentencing Database Management and Analysis platform. Furthermore, LWVO supports expanding the Database Management and Analysis platform beyond sentencing to include all aspects and all levels of the criminal justice system in Ohio.

⁵ LWVO Final Re-entry Research Paper, Feb. 2023.

⁶ LWVO Background paper on Criminal Justice Database Management and Analysis, March 2022



Those interested in further information may send a request for a zip file of the reference documents to info@lwvcincinnati.org, or go to the Members Only section of the LWV Ohio website.

Discussion Questions

We are not seeking member consensus on the position statements. The decision will be made by vote of the delegates at the Convention. Unit responses will inform our Convention delegates.

1. Is Criminal Justice an appropriate area for the League of Women Voters to have a detailed position and to take action on? Why or why not?
2. Does anyone in the group have experience with the justice system, e.g. lawyer, law enforcement employee, Court Watch volunteer, personal or family experience? Based on your experience, what is your reaction to the proposed position statement?
3. The rate of incarceration is huge in the U.S. compared to other countries. In addition to the financial burden of maintaining large prison systems, what are the community and family costs of sending so many people to prison with long sentences? What are the long-term societal and personal costs when so many citizens have criminal records?
4. In Ohio judges are elected, from the state Supreme Court to Municipal Courts. To what extent do you think long sentences and over incarceration are the result of political attempts to look “tough on crime” to impress voters?
5. The proposed position statement is long. Is there a section that you feel is particularly important? Perhaps each person could tell which section they feel is most important or that resonated with them as being particularly needed.



6. Is there a statement in the proposed position that you believe is not good policy and should be deleted? Why?

7. What do you think the Next Steps should be for acting on the general position or any of its specific parts?