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To:kupfer\_doris@yahoo.com

Wed, Feb 15 at 9:07 AM

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| Google Forms |

Thanks for filling in [Criminal Justice Reform Position Statements](https://docs.google.com/forms/d/e/1FAIpQLSd9CMeLlyKkuetgYk8eb86I8ghlG72oxlhul74Y6SmWXi1Pdw/viewform?usp=mail_form_link)

Here's what was received.

Criminal Justice Reform Position Statements

Please fill out your contact information below.

Email \*

kupfer\_doris@yahoo.com

Which local Oklahoma League do you represent? \*

Norman

What is your name? \*

Doris Kupfer

**Criminal Justice Reform Position Statements**

**INSTRUCTIONS:**

For each statement, select whether you approve, reject, or would like to provide comments/suggestions.

Where position statements have been previously adopted by LWVOK, select whether you would like to keep, remove, or provide comments/suggestions.

Where the Study Committee recommends revisions or additions to previously adopted positions by LWVOK, select whether you approve, reject, or would like to provide comments/suggestions on the recommendation.

Select "Next" at the bottom of each page to move to the next section until your responses are complete.

If you would like to print these statements, please refer to the Word document titled "Printable Consensus Response Form" provided on our Criminal Justice Reform Study webpage: https://my.lwv.org/oklahoma/studies

**Position in Brief**

*You can provide comment on the Position in Brief in the comment box below.*

LWVOK believes that our justice system should be fair to all and that every person who becomes a part of the system should be treated with dignity. The system should be effective, cost efficient, and data driven and should foster public trust at all stages, including pre-trial procedures, sentencing, incarceration and re-entry.

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. The system should remove systemic racial, ethnic, and gender bias, including the disproportionate incarceration of people from marginalized communities.

Minimize barriers to successful rehabilitation and reintegration into the community, including damaging conditions in jails and prison, restrictions and requirements of reentrants, and legal financial obligations that realistically cannot be paid**.**

Each section of the Criminal Justice Position adopted by the LWVOK should be reviewed regularly through the lens of eliminating systemic discrimination.

line 11 add sexual orientation and lingustic

**Discrimination in the Criminal Justice System**

The unjust or prejudicial treatment of different categories of people.

The LWVOK recognizes the pervasiveness of racial, ethnic, gender, and economic discrimination throughout the Oklahoma criminal justice system and emphasizes that elimination of systemic discrimination must be considered in all criminal justice reform actions.

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|  |  | Other:   |  |

**Pre-Trial Procedures**

Actions taken after an individual has been arrested, which embody the constitutional presumption of innocence.

The LWVOK supports providing high-quality, consistent, and uniform pre-trial services to every county in Oklahoma.

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The LWVOK recognizes the right of the accused to adequate representation and supports funding of all public defenders' offices at a level that will permit them to fully discharge their obligations.

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|  |  | Other:   | line 26, supports funding "from the state" of all public defenders... |

The LWVOK supports a program of continuous education for all public defenders and judges to ensure that they are aware of alternatives to prison.

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|  |  | Other:   | line 28, add prosecutors |

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

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**Bail & Bonding**

A bail bond is an agreement by a criminal defendant to appear for trial or pay a sum of money (bond) set by the court. In Oklahoma, the bail bond is cosigned by a bail bondsman, who charges the defendant a fee in return for guaranteeing the payment.

To avoid pretrial detention, ability to pay should be a required factor in setting bail.

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Judges should have access to a risk-assessment recommendation to allow consideration of pre-trial release rather than bail.

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For-profit bail companies should be eliminated in Oklahoma.

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**Sentencing:** Alternatives to Incarceration

Judgment made after an individual has been declared to be guilty.

*The following are current positions of LWVOK. Bolded text are recommended additions and revisions to current positions.*

The LWVOK believes sentencing other than imprisonment should play a major role in the criminal justicesystem. A wide variety of alternative sentences closely tied to community resources and involvement should be used.  Because they are most effective in economic and human terms for the protection of society, alternatives to incarceration must be an integral part of thesentencing process.

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|  |  | Other:   | Strike sentence 3, editorializing |

*The following statement is a current position held by LWVOK. The Study Committee recommends revising the statement as follows:*

*Original:*The LWVOK supports utilization of community rehabilitation measures as effective means to decrease the present system of centralized imprisonment**.**

*Revised:*The LWVOK supports utilization of community rehabilitation measures, **including for mental health and addiction**, as effective means to decrease the present system of centralized imprisonment**.**

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|  |  | Approve the revision |
|  |  | Reject the revision |

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|  |  | Other:   | Revise: The LWVOK supports utilization of community rehabilittion measures, including in- and out- patient mental health services and addition rehabilitiative services. |

*The following statement is an addition to the current position held by LWVOK. The Study Committee recommends adding the following position statement:*

**The Oklahoma Department of Corrections should bear the cost of alternatives to incarceration, not the individual.**

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|  |  | Other:   | Change Oklahoma Dept of Corrections to State of Oklahoma |

**Sentencing:** Appropriate Sentencing

Judgment made after an individual has been declared to be guilty.

*The following are current positions of LWVOK. Bolded text are recommended additions and revisions to current positions.*

The LWVOK believes that the primary purpose of imposing criminal sanctions is for the protection of the public. Rehabilitation is one means of achieving this purpose. Sentences should be uniform throughout the state; there should be no gross disparity between sentences imposed for the same kind of crime, and should be fair, provide certainty for the convicted, and be tied in a reasonable way to the crime.

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|  |  | Other:   | Line 18 Delete first sentence. Change to: Criminal sanctions are for the protecton of the public. Sentences should be uniform throughout the state. |

Sentencing for criminal acts should be determined by judges instead of by juries. Sentences imposed should be within specific guidelines established by the legislature or by a sentencing commission. Judges should be accountable for imposing sentences within the guidelines.

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|  |  | Other:   | DELETE first sentence. COMMENT this will allow both judge and jury but under specific guidelines. |

The LWVOK believes that any felony limits established should be reviewed and updated periodically.

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The community has the responsibility to be involved at all stages of the criminal justice system -- study, planning, education, and policy-making -- and should provide support for a sound restitution program, reintegration of violators into community life, and prevention programs.

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*The following statement is an addition to the current position held by LWVOK. The Study Committee recommends adding the following position statement:*

**Adding to an individual’s sentence due to previous convictions, also known as sentencing enhancements, should be minimized or avoided.**

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**Incarceration**

*The following are current positions of LWVOK. Bolded text are recommended additions and revisions to current positions.*

A centrally located diagnostic facility, staffed with professionally qualified personnel, should be established near a metropolitan area. The proper placement or assignment of convicted felons based on professional evaluation should be made from this facility.

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|  |  | Other:   | Change to: A centrally located diagnostic facility, staffed with professionally qualified personnel, should "determine" the proper placement of convicted felons.' And add as last sentence: "Evaluation is to be paid for by the state of Oklahoma." |

A centralized prisoner record system should be established, either at the diagnosticcenter or the Department of Corrections. The record system should be transparent enough to be judged in terms of accuracy and fairness and should provide the data necessary for annual reports to the public on general trends and statistics.

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|  |  | Other:   | Remove "A centralized" Replace with "An accessible electronic prisoner......" |

All administrative officers in the Department of Corrections should be required to haveat least a degree in the behavioral sciences and experience in corrections. The “experienceequivalent” clause should be deleted from the present statutes that establish the OklahomaDepartment of Corrections.

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The Division of Inspection should be implemented under the Department of Corrections.

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*The following statement is an addition to the current position held by LWVOK. The Study Committee recommends adding the following position statement:*

**The Oklahoma Department of Corrections should provide sufficient training and evaluation for corrections officers, including psychological services.**

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A pre-sentence investigation, ordered and paid for by the court, should be required forevery convicted felon.

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**Health and Welfare**

The Oklahoma Department of Corrections should ensure that all correctional facilities provide humane, non-discriminatory treatment of incarcerated individuals including appropriate healthcare, access to community-based rehabilitation programs focused on rehabilitation, education, mental health treatment, substance abuse recovery, and transitional programs.

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|  |  | Other:   | Move Health & Welfare Section to before Sentencing. Change ODC to State of Oklahoma. REMOVE:first use of "rehabilitation" |

**Health and Welfare:** Mental Health

The LWVOK acknowledges the under-recognized and poorly addressed impact of mental health and addiction in the criminal justice system. Incarceration without treatment endangers the immediate and long-term well-being of individuals facing mental illness and addiction, whether developed before or during incarceration.

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The LWVOK believes mental health and addiction should be recognized and treated anytime an individual is involved with the criminal justice system.

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|  |  | Other:   | Remove "the LWVOK believes" |

Staff should be trained to address these conditions in a safe manner that protects both incarcerated individuals and staff.

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|  |  | Other:   | Merge with previous statement (line 26) |

**Impact on Families and Children**

The LWVOK acknowledges the damage done to children and other family members when an individual is incarcerated and supports all programs that help strengthen the bond between children and incarcerated parents.

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|  |  | Other:   | Delete "acknowedges the damage done to children and other family members when an individual is incarcerated and" |

Alternatives to incarceration should be made available, especially in the case of nonviolent offenses.

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The system of corrections should consider families when incarcerating parents, specifically to find a facility as close to the children as possible.

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**Transition Programs to Prepare for Release**

*The following are current positions of LWVOK. Bolded text are recommended additions and revisions to current positions.*

More minimum-security facilities, limited in size and near metropolitan areas, that can also serve as drug treatment and education centers that provide drug, alcohol, and mental health diagnosis and care.

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|  |  | Other:   | Change to: Minimum-security facilities should also serve as drug treatment...........  |

More training and education programs for medium and minimum-security inmates,

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|  |  | Other:   | add to end "are needed." |

The LWVOK supports utilization of community rehabilitation measures as effective means to decrease the present system of centralized imprisonment.

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|  |  | Other:   |  |

*The following statement is an addition to the current position held by LWVOK. The Study Committee recommends adding the following position statement:*

**Education, training, and rehabilitation programs should be available to individuals for the entire duration of their incarceration.**

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|  |  | Other:   | change "available" to "accessible" |

**Re-Entry:** Programs

*The following are current positions of LWVOK. Bolded text are recommended additions and revisions to current positions.*

*The following statement is an addition to the current position held by LWVOK. The Study Committee recommends adding the following position statement:*

**Availability of appropriate transition and reentry programs should be a priority. The programs should be provided pre- and post-release, inclusive of probation services, to prepare and assist the needs of people re-entering the community. This continuity and access to community is imperative for successful entry and reduced recidivism.**

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|  |  | Other:   | delete last sentence. |

The LWVOK believes that addressing the basic needs of individuals who are released from prison can reduce the rate of recidivism and contribute to restoring these individuals to productive citizenship. These needs include the restoration of voting rights, housing, medical care, and employment.

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|  |  | Other:   |  |

Voting rights should be restored as soon as an individual leaves prison. The current system of restoring voting rights only after the full original judgment and sentence is completed is confusing. As soon as someone leaves prison, that person should be eligible to vote.

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|  |  | Other:   | Keep first sentence only. |

Title VIII public housing requires that tenants who have had a conviction for either drugs or violent behavior within the preceding three years show evidence of completion of a course in either substance abuse or anger management. The Department of Corrections needs to ensure that such courses are available to all incarcerated individuals before they are released.

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|  |  | Other:   | Remove, dated |

The Department of Corrections should assist all offenders in obtaining information necessary to get housing, health care, and employment before they are released.

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|  |  | Other:   | Replace "should" with "must" |

*The following statement is a current position held by LWVOK. The Study Committee recommends revising the statement as follows, as health care is now covered in its own section:*

*Original:*All individuals should have access to adequate health care while they are incarcerated. They should be provided with a clear record of all medical treatment they have received when they are released. The Department of Corrections should assist prisoners to be released with information that will help them to continue receiving health care after they have been released and should require prisoners to apply for healthcare via Oklahoma’s Heath Care Authority before emancipation.  As access to dental care is the most difficult to obtain upon release, the Department of Corrections should provide a list of free and low-cost dental clinics in Oklahoma.

*Revised:***Upon release, individuals** should be provided with a clear record of all medical treatment they have received. The Department of Corrections should assist prisoners to be released with information that will help them to continue receiving health care after they have been released and should require prisoners to apply for healthcare via Oklahoma’s Heath Care Authority before emancipation.  As access to dental care is the most difficult to obtain upon release, the Department of Corrections should provide a list of free and low-cost dental clinics in Oklahoma.

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|  |  | Other:   | Additional revisions: Upon release, individuals "must" be provided with a clear record of all medical treatment. DELETE "they have received" The DOC should assist prisoners to be released with information that will help them DELETE "to continue receiving" ADD "receive" health care. DELETE "after they have been released and should require" Prisoners should apply for healthcare via Oklahoma's Health Care Authority before emancipation. DELETE "As access to dental care is the most difficult to obtain upon release" The Depart of Corrections should provide a list.......... |

The Department of Corrections should provide programs that improve prisoners’ job skills. The legislature should be educated in the importance of such programs to ensure that they are properly funded. Prior to their release from prison, individuals should be guided toward viable job possibilities and assisted in finding solutions to problems such as transportation to a job.

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Upon release from prison, transportation to work becomes an issue, and the LWVOK should work in the community to create innovative ways to meet these needs. Where community resources are available, the LWVOK advocates for the provision of public transportation opportunities for released offenders.

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*The following statement is an addition to the current position held by LWVOK. The Study Committee recommends adding the following position statement:*

**The LWVOK believes Ban-the Box legislation should be enacted, removing the conviction question from job and housing applications.**

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**Parole**

The release of a prisoner temporarily (for a special purpose) or permanently before the completion of a sentence, on the promise of good behavior.

*The following are current positions of LWVOK. Bolded text are recommended additions and revisions to current positions.*

The LWVOK supports the creation of a State Pardon and Parole Board composed of three to five full time members.

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The LWVOK believes the Board should be the sole authority for the granting of paroles with the governor removed from any involvement in the parole granting process.

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|  |  | Other:   | The OWVOK supports a constitutional amendment removing the Governor from the parole granting process. |

Qualification requirements for Board members should include personal qualifications and integrity consistent with those expected of high judicial officers who command the trust and respect of the public. Educational requirements should be those that qualify the individual for professional status in such fields as criminology, education, psychology, and other social sciences. Board members should also have experience in many fields of corrections that enable them to understand intimately the problems confronting both offenders and correctional officials.

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|  |  | Other:   | line 19 Parole: DELETE "and integrity consistent with those" DELETE "who command the trust and respect of the public DELETE: "such fields as criminology, education, psychology, and other social sciences" REPLACE WITH: fields such as law, medicine and behavioral sciences" DELETE "should also have experience" REPLACE WITH "be experienced" REPLACE "that enable" WITH "enabling" DELETE "intimately" |

No member of the Pardon and Parole Board should be an officer of any political party or seek to hold elective office while a member of the Board.

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Members should serve staggered terms.

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The LWVOK believes that the method of appointing members of the Pardon and Parole Board should minimize partisan politics in the parole process.

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**Parole:** Parole Policies

The release of a prisoner temporarily (for a special purpose) or permanently before the completion of a sentence, on the promise of good behavior.

The LWVOK supports the development of an individualized and realistic parole plan based on uniform criteria for eachinmate entering the prison system. The criteria should be clearly defined. A standard procedure should be developed for a systematic review of each inmate, andinmates should be provided with counseling periodically on their progress toward meetingthe requirements of the parole plan.

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All parole investigations and reports should be done by professionally qualified personnel.

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Prison rules and regulations should be clear, reasonable, and well defined. Every effort needs to be made to ensure prisoners understand the rules.

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Good time should be vested with maximum limits set on the amount lost per infraction. In disciplinary action, due process must be protected.

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|  |  | Other:   | During disciplinary action, due process must be protected. Good time, credit-based early release for good behavior, should be vested. Maximum limits should be set on the amount of good time lost. |

An ombudsman system should be established.

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Parole officers should be professionally qualified and have reasonable caseloads.

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*The following statement is a current position held by LWVOK. The Study Committee recommends removing the statement, as re-entry programs and services are covered in their own section:*

*Original:*Services need to be offered to bridge the gap between the institution and society.

*Revised:* ***[removed from Position]***

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|  |  | Approve the revision |
|  |  | Reject the revision |

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The LWVOK believes that procedures for revoking parole should ensure that parolees are entitled to minimum requirements of due process. Parolees should have legal counsel and the right to subpoena witnesses.

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|  |  | Keep |
|  |  | Remove |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Other:   | DELETE "The LWVOK believes that" DELETE last sentence. |

*The following statement is an addition to the current position held by LWVOK. The Study Committee recommends adding the following position statement:*

**The practice of returning individuals to prison for mere technical violations of parole and probation should be ended.**

|  |  |  |
| --- | --- | --- |
|  |  | Approve |
|  |  | Reject |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Other:   | REPLACE "ended" w "reviewed" |

**Fines, Fees, and Funding**

Fines and fees include the punitive charges (fines) often imposed for low-level offenses. The fees are charged for court costs, incarceration, and drug tests, and the surcharges and penalties that can accumulate when legal debt goes unpaid.

The state of Oklahoma should eliminate court-imposed fees at all judicial levels.  Courts need to be funded adequately. The legislature should allocateappropriate funding to courts from their general funds and repeal any legislation requiring courts to raise their own revenue by imposing fees.

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| --- | --- | --- |
|  |  | Accept |
|  |  | Reject |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Other:   | ADD: "Since" courts need to funded adequately, the legislature should.... |

Fines should be assessed based on ability to pay. The purpose of fines is to deter people from violating the law and punish those who do.  The legislature should mandate that fines are calibrated according to ability to pay, ending the disproportionate punishments given to the poor.

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| --- | --- | --- |
|  |  | Accept |
|  |  | Reject |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Other:   | DELETE second sentence |

Courts should eliminate the practice of jailing for failure to pay fines and fees.

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|  |  | Accept |
|  |  | Reject |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Other:   |  |

Driver’s license suspension for non-payment of criminal fees and fines should be eliminated.

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|  |  | Accept |
|  |  | Reject |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Other:   |  |

The courts and related agen­cies should improve data auto­ma­tion prac­tices. Given the risk of arrest and other consequences for nonpay­ment of crim­inal fees and fines, courts are under an oblig­a­tion to ensure that relev­ant data is easily retriev­able and regu­larly updated to reflect actual amounts waived, cred­ited, paid, and owed.

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|  |  | Accept |
|  |  | Reject |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Other:   |  |

The legislature should, without depending on fines and fees, ensure appropriate funding for adequate staffing, availability of programs, and comprehensive, continuously upgraded information technology that allows optimal communication among all levels of the criminal justice system.

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|  |  | Accept |
|  |  | Reject |

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|  |  | Other:   |  |

**Expungement**

To remove a criminal record from public view. Law enforcement continues to have access to arrest records.

The LWVOK believes that expungement of a criminal record, either a misdemeanor or felony, is important for successful reentry of a formerly incarcerated individual into society. This allows them to take advantage of housing, job, school, and other opportunities that previously were unavailable because records of an arrest and charges appear in a criminal background check.

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|  |  | Accept |
|  |  | Reject |

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| --- | --- | --- | --- |
|  |  | Other:   | Criminal records, for either a misdemeanor or a felony, should be exppunged once the incarcerated individual has completed the sentence and are ready to reenter society. Expungement should be accessible regardless of ability to pay.  |

**Conclusion**

Thank you for taking the time to complete your Position Statements responses.

You may review your responses to ensure you've answered each question by using the "Back" button below, or when you are satisfied with your responses, click "Submit" below.

|  |
| --- |
|  |
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