

# Proposed

## The League of Women Voters of Oklahoma Criminal Justice Position

(Line numbers are for ease of review and will be removed in final version)

### **LWVOK Criminal Justice Position in Brief:**

The League of Women Voters of Oklahoma 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 marginalized communities.

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, should be minimized.

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

### **Proposed Positions:**

#### **Discrimination in the Criminal Justice System**

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.

#### **Pre-Trial Procedures**

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

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.

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

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

1    **Bail and Bonding**

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

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

5    For-profit bail companies should be eliminated in Oklahoma.

6    **Sentencing** *(The following are current positions of LWVOK. Bolded portions are suggested additions or*  
7    *revisions to current positions.)*

8    *Alternatives to Incarceration*

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

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

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

17    *Appropriate Sentencing*

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

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

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

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

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

31    **Incarceration** *(The following are current positions of LWVOK. Bolded portions are suggested additions*  
32    *or revisions to current positions.)*

- 1 A centrally located diagnostic facility, staffed with professionally qualified personnel, should be  
2 established near a metropolitan area. The proper placement or assignment of convicted felons based on  
3 professional evaluation should be made from this facility.
- 4 A centralized prisoner record system should be established, either at the diagnostic center or the  
5 Department of Corrections. The record system should be transparent enough to be judged in terms of  
6 accuracy and fairness and should provide the data necessary for annual reports to the public on general  
7 trends and statistics.
- 8 All administrative officers in the Department of Corrections should be required to have at least a degree in  
9 the behavioral sciences and experience in corrections. The “experience equivalent” clause should be  
10 deleted from the present statutes that establish the Oklahoma Department of Corrections.
- 11 The Division of Inspection should be implemented under the Department of Corrections.
- 12 **The Oklahoma Department of Corrections should provide sufficient training and evaluation for**  
13 **corrections officers, including psychological services.**
- 14 A pre-sentence investigation, ordered and paid for by the court, should be required for every convicted  
15 felon.

## 16 **Health and Welfare**

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

### 21 *Mental Health*

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

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

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

## 30 **Impact on Families and Children**

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

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

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

3 **Transition Programs to Prepare for Release** *(The following are current positions of LWVOK.*  
4 *Bolded portions are suggested additions or revisions to current positions.)*

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

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

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

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

12 **Re-Entry** *(The following are current positions of LWVOK. Bolded portions are suggested additions or*  
13 *revisions to current positions.)*

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

18 *Re-Entry Programs*

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

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

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

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

31 ~~All individuals should have access to adequate health care while they are incarcerated. They~~ Upon  
32 ~~release, individuals~~ should be provided with a clear record of all medical treatment they have received  
33 ~~when they are released.~~ The Department of Corrections should assist prisoners to be released with  
34 information that will help them to continue receiving health care after they have been released and should  
35 require prisoners to apply for healthcare via Oklahoma's Health Care Authority before emancipation. As

1 access to dental care is the most difficult to obtain upon release, the Department of Corrections should  
2 provide a list of free and low-cost dental clinics in Oklahoma.

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

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

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

12 **Parole** *(The following are current positions of LWVOK. Bolded portions are suggested additions or*  
13 *revisions to current positions.)*

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

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

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

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

26 Members should serve staggered terms.

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

29 *Parole Policies*  
30

31 The LWVOK supports the development of an individualized and realistic parole plan based on uniform  
32 criteria for each inmate entering the prison system. The criteria should be clearly defined. A standard  
33 procedure should be developed for a systematic review of each inmate, and inmates should be provided  
34 with counseling periodically on their progress toward meeting the requirements of the parole plan.  
35

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

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

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

5 An ombudsman system should be established.

6 Parole officers should be professionally qualified and have reasonable caseloads.

7 ~~Services need to be offered to bridge the gap between the institution and society.~~

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

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

### 13 **Fines, Fees, and Funding**

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

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

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

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

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

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

### 29 **Expungement**

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