

# League of Women Voter of Delaware Position SOCIAL POLICY

## JUSTICE SYSTEM/CRIMINAL JUSTICE

**Justice System - Continuing Study:** A re-evaluation of Delaware's criminal justice system and the impact of the current policies and practices on society. (*Action will continue to be taken under LWVDE current position.*) (*Readopted at convention 6/2021*)

*The study is intentionally worded broadly so that the study committee can start where it sees the most effective effort and timeliness. (Adopted May 2013 at Convention, re-adopted since then through 2019)*

Support for the adoption of consistent policies which, within budgetary constraints, will permit the disposition of offenders in the best interests of society, the victims, and the offenders and their families.

- We oppose mandatory sentencing.
- We support the expansion of drug courts and mental health courts for all nonviolent offenders and the appropriate science-based health, mental health and addiction evaluation and treatment of all offenders. (*adopted by Convention 5/2005*)
- We support of uniformity in the operation of the Family Court system; automatic expungement of certain juvenile records; state provided diagnostic services, care, education and treatment to age 21 for youths and young adults who have mental or physical illness or who are developmentally delayed or are substance abusers or abused/neglected; strong educational programs on the rights of victims of family violence. (*Amended by Convention 5/2005: more detail under the Family Court position*)

### Courts:

While recognizing the need for budget limitations, the League supports:

- Provision of all necessary tools to facilitate sound decision-making by the judiciary;
- Employment of independent professional evaluators to assess the costs, benefits and long-range effects of current sentencing practices.
- Use of such evaluation results as guidelines for executive and legislative branches of state government in developing legislation and by the judiciary in exercising sentencing responsibilities.
- Use in the courts of a range of sentencing alternatives where such alternatives do not create a danger to society or jeopardize rehabilitation of the offender. Alternatives should include but not be limited to restitution, work service, work referral, and other programs of a constructive nature.
- Judicial discretion in making sentencing decisions rather than mandatory sentences imposed in statute. (*Adopted by Convention, 2003*)
- Expansion of drug courts and mental health courts for all non-violent offenders and appropriate science based health, mental health and addiction treatment for all offenders. (*Adopted by Convention, 2005*)

## **Corrections:**

While recognizing the need for budget limitations, the League supports:

- Continuation by the Department of Corrections of programs and policies to improve screening and classification for both detainees and convicted offenders;
- Opportunities for offenders to acquire training and skills and to receive mental health treatment and treatment for addictions so that they may function as responsible citizens and be integrated into the law-abiding community. (*Psychological treatment and treatment for substance abuse added by Convention, 1999*)

## **GUN CONTROL**

**Protect the health and safety of citizens through limiting the accessibility and regulating the ownership of handguns and semiautomatic weapons. Support regulation of firearms for consumer protection.** (*LWVUS position applies*)

## **FAMILY COURT, RELATED STATE PROGRAMS FOR CHILDREN, DOMESTIC VIOLENCE**

**Support of uniformity in the operation of the Family Court system; automatic expungement of certain juvenile records; state provided diagnostic services, care, education and treatment to age 21 for youths and young adults who have mental or physical illness or who are developmentally delayed or are substance abusers or abused/neglected; strong educational programs on the rights of victims of family violence.** (*Amended 5/2005 Convention*)

There should be:

- Adequate staffing with Deputy Attorneys General and Public Defenders;
- Development and implementation of more specific guidelines for screening cases for arbitration and for the arbitration process;
- Adequate training for court staff, judges and police in handling domestic violence cases.

The court records of juveniles who have been involved in only one arbitration case and have no further criminal charges should be automatically expunged at age 18 when all conditions of arbitration have been fulfilled. Until such time as this can become the practice, we believe all juveniles and their parents/guardians should be notified automatically, at the time of arbitration, that they are to apply for expungement at age 18 and that such notification be part of the contract.

The state should provide diagnostic services, care, education and treatment to age 21, for youths and young adults who have mental or physical illness or who are developmentally delayed or are substance abusers, or are abused/neglected. Both inpatient and outpatient care should be provided. Facilities should be within a reasonable distance to enable families of patients to be included in treatment. Cost to the patient and family for such care should be based on ability to pay and in accordance with the state policies in similar situations. In addition, the state has the responsibility to provide care for abused/neglected youths. Such care might include group homes and a system for the recruitment, training and retention of foster parents.

There should be a strong education program statewide on women's and children's rights to raise the level

of awareness and to convince the public, police, judges and court staff that domestic violence is a serious matter. We believe that all victims of family violence, including children, are entitled to equal protection under the law.