

LWVIL GOVERNMENT POSITION: CRIMINAL JUSTICE

Support for improved criminal justice procedures and alternatives to incarceration.

Position in Brief: The League supports the increased use of intermediate sanctions in the community. Judges should retain discretion to choose between imprisonment and probation for most offenses. The League supports a sufficient number of trained probation officers and other court personnel, prompt trials, enforcement of jail standards and a system of bail that does not rely on financial ability as a criterion for pretrial release. Correctional services should conform to national professional standards, with programs and services that offer the opportunity for self-improvement. The League believes that the justice system must be adequately funded to carry out its goals. State funds should emphasize community sanctions over the construction of prisons. The League supports the expansion of prevention and treatment programs in order to ease the burden on the criminal justice system.

CRIMINAL JUSTICE (1972, 1973, 1976, 1979, 1982, 1983, 1989, revised 1995): The League supports the expansion of prevention and treatment programs to ease the burden on the criminal justice system.

Pretrial Release The League supports a bail bond system to ensure court appearances, but opposes a system of bondsmen who provide bail monies for fee. Financial ability should not be a criterion for pretrial release. Thorough evaluation and investigation should precede the use of release on recognizance (R.O.R.).

Jail Standards The League supports the development and enforcement of standards for local jails and detention facilities. The Illinois Department of Corrections is an appropriate agency to carry out this function.

Courtroom Procedures The League supports improvements in courtroom procedures that serve to minimize confusion and delay and increase fairness and efficiency. Trials should be prompt, with a limit on the time the accused can be held in jail prior to trial.

Sufficient numbers of well-paid and well-trained judges, assistant state's attorneys, public defenders and other court personnel are essential. Uniform standards should be used for appointing public defenders.

Sentencing Laws and Procedures The League believes that judges should retain the discretion to choose between imprisonment and probation for most offenses and opposes the proliferation of non-probationable offenses.

The League believes that there should be strict penalties and enforcement for all crimes committed with a handgun or an assault weapon (see LWVIL Gun Violence Prevention position, pg. 25).

The League supports reduction in time served as an incentive for good conduct by inmates. Such credits should be incorporated into the sentencing structure and should not be revoked without due process.

The League believes that a body, free from political influence, should make recommendations that promote certainty and fairness in sentencing, develop guidelines that provide greater uniformity and monitor the fiscal impact and effect on prison populations.

Alternatives to Incarceration The League supports the concept of pretrial diversion. The League supports the increased use of a range of intermediate sanctions in the community and the development of screening and supervision standards to ensure their appropriate use. The community must be educated regarding these alternatives.

The League supports a statewide probation system. Probation, the underlying element of most alternatives, must be professionally staffed and removed from political influence. Probation officers should be required to meet uniform professional standards and receive pre-service and in-service training. The number of probation officers should be adequate to make comprehensive investigative reports to the court, supervise categorized, manageable caseloads and provide social services.

Illinois Department of Corrections The League supports correctional services that conform to national professional standards.

The League believes that offenders are entitled to mail, telephone calls, visits from relatives, extended family visits, furloughs, the opportunity to voice grievances, and access to information in their case records.

Education and job training for inmates should be provided in conjunction with the boards of education, private industry and unions.

The League supports pre-release planning to bridge the gap between prison and the community.

The League supports mandatory supervised release and the provision of community services to offenders, particularly when first released. Technical violations of mandatory supervised release need to be carefully defined and uniformly reported.

Citizen Involvement The criminal justice system should make use of professionally directed volunteers who have been carefully screened and trained. The League supports citizen involvement in monitoring court proceedings and assessing the needs for improved court facilities. An independent citizen's committee should monitor Illinois correctional facilities.

Funding The League believes that the criminal justice system must be adequately funded in order to carry out its goals.

Funding of specialized programs for offenders, such as mental health services, programs for female offenders and substance abuse treatment, is essential.

The League supports funding to guarantee humane prison conditions and to provide programs and services that offer the opportunity for self-improvement.

The League believes that state funds should emphasize community sanctions over the construction of more prisons.

Background Delegates to the 1995 LWVIL Convention adopted by concurrence a revised position following a review by a statewide committee. The revision pulled together the following positions:

- Bail bond, pretrial release and victimless crimes (1972)
- Probation and parole; inmate rights and services (1973)
- Handgun (1976) and Assault Weapons (1989) Control
- Improved courtroom procedures based on recommendations of the Illinois Court Watching Project after monitoring some 82,000 criminal court proceedings (1979)
- Sentencing laws (1982)
- Alternatives to incarceration and state funding role (1983)

See also LWVIL Gun Violence Prevention position, pg. 25, which became a separate position in 1989. See also LWVIL Death Penalty Abolition position, pg. 22, which was separated in 2005.

LWVIL action The League participated in the following Governor's Task Forces: Prison Crowding; Detention Standards; Mentally Retarded/Mentally Ill Offenders; and Crime and Corrections. The League opposed an amendment to the Illinois Constitution that limits the right to bail.

In other action, the League:

- Co-sponsored educational forums on the principles of restorative justice, an approach that balances healing for the victim, offender accountability and community safety.
- Supported efforts to revise criminal laws and to establish the Illinois Sentencing Policy Advisory Council.
- Called for community supervision and treatment of non-violent offenders; supported the creation of Drug Schools and Mental Health Courts.
- Worked to create a system of probation with state standards and funding; advocated for resources to enable probation to carry out its mission; helped establish an array of intermediate sanctions for probation violators and worked with the Administrative Office of the Illinois Courts on evidence-based practices.
- Opposed legislation that expanded the use of mandatory prison sentences; opposed attempts to establish chain gangs.
- Supported measures that prohibit sexual conduct between staff and offenders; supported legislation that prohibits shackling inmates when giving birth.
- Promoted the development and funding of specialized services that meet the needs of female offenders and their children, substance abusers and mentally ill offenders.
- Advocated for educational and vocational programs as a means to reduce recidivism.

- Joined with others to address the needs of offenders returning to the community and made a special effort to remove barriers to employment for persons with criminal records.

The League is a member of the Collaborative on Reentry. The League collaborates with Treatment Alternatives for Safe Communities (TASC), Chicago Metropolis 2020 and Safer Foundation. The League monitors meetings of the Illinois Criminal Justice Information Authority and co-sponsors the annual Mothers in Prison/Children in Custody Rally.

(See LWWIL Mental Health position, pg. 74; see LWWIL State Election Laws position, pg. 35, for action on securing voting rights for detainees)
(See LWWUS Social Policy position, pg. 61)