

07/02/18. From: Don. To: MOGP CC, Chapters & Members. Version 4.

[Approved June 27, 2018 by MOGP Criminal Justice Subcommittee. Please send suggested additions with underlines and deletions with ~~strikethroughs~~ to fitzdon@aol.com and put “MOGP Criminal Justice Platform suggested changes” in the subject line and indicate who it is from.]

**Crime Prevention and Overhauling the Criminal Injustice System
Missouri Green Party Platform -- 2018**

Overview:

Building strong communities with engaged citizenry is the best means of achieving crime prevention. Unfortunately, the mid-1970s were a pivotal point for US incarceration. A focus on rehabilitation and successful societal reintegration was changed to emphasizing punishment. Mandatory “Three Strikes” sentencing and other “Get tough on crime” laws resulted in a prison population approaching three million.

Consequently, some areas have become economically dependent on prisons. In several rural parts of Missouri, prisons and the outsourced private economy sustaining them provide a major source of income.

The current criminal justice system in America is unjust. Intentionally cruel laws are overwhelmingly the product of cynical, racist politicians appealing to a base that ranges from indifference to advocacy of inhumane treatment toward people of color.

Within prison walls, policies such as the use of involuntary solitary confinement to force prisoners to accept slave wages falls disproportionately on blacks and Hispanics. Discrimination makes the criminal justice system a breeding ground for racist behavior on the part of police officers, prison guards and judges. At the same time the criminal justice system is vastly underfunded in terms of programs needed to achieve rehabilitation and successful, lasting re-entry into society.

In America, unlike any other developed country, recidivism is excessive, not rare. The criminal justice system has become the depository for a million or more prisoners whose crimes are the result of mental health and/or addiction issues.

What follows is the Missouri Green Party plan for a better approach to criminal justice.

Green Party Crime Prevention and Criminal Justice Reform Platform - 2018:

Section 1. Develop and implement a new criminal justice system. It’s goal is to:

1a. Restructure and convert Missouri’s urban and rural economies, with focus on prison closures, full employment and a livable wage as centerpiece.

1b. Divert several hundred million dollars annually from our bloated prison system to community development and public health programs that promote education/skills training to end the school-to-prison pipeline, provide adequate low income housing, invest in public transportation, and achieve successful prisoner reintegration.

Section 2. Overhaul policing and strengthen Missourians’ civil and human rights.

2a. Demilitarize the police by prohibiting supplies from the pentagon, abolishing SWAT actions/ no-knock raids, and ending police brutality, institutional racism, and profiling against minorities and immigrants.

2b. Introduce tolerance/de-escalation training for police officers, enforce start-to-finish use of body cameras, and hold police officers accountable for their actions. All police body camera footage will be archived and made publicly available for review.

- 2c. Prohibit infringement on civilian assembly and peaceful protest, educate the public on their rights under the first amendment.
- 2d. Establish local independent review boards, with subpoena powers, to investigate shootings, injuries, and excessive use of force by police incident to an arrest or confrontation with police. Provide independent attorneys to assist a board. Police officials and prosecutors will not serve on the boards. A board can terminate an officer and impose other civil penalties. The findings of a board will be admissible evidence in a criminal or civil trial of an officer, and on motion of the board, the findings must be admitted at the trial.
- 2e. Limit police use of weapons and excessive force.
- i. Impose stricter standards for police use of weapons and excessive force in making arrests and in other confrontations. Withdrawal or allowing the person to flee rather than confrontation must be the rule even if person confronted is not arrested and taken into custody.
 - ii. Police shooting, injuring, or using excessive force on persons being arrested or detained is illegal unless police have exhausted less harmful alternatives. An officer's fear of death or injury is not a defense if alternate methods have not been exhausted. Allowing the person to flee or withdrawal by the police are examples of allowable alternatives, under certain circumstances. Police cannot use "shoot to kill" procedures.
- 2f. Prohibit police stops for minor traffic offenses (such as no lights or improper tags). Give warning and not arrest for minor moving violations.
- 2g. Create statewide database enabling citizen access to police officer discipline records. This will allow the tracking of police officers with a history of unprofessional behaviors/actions.
- Section 3. Overhaul the court system. The goal is to keep mentally ill/developmentally disabled persons and juveniles out of prison and to support non-prison sanctions/alternative sentencing with avenues to high school diplomas, job training and/or college for non-violent offenders.
- 3a. Appoint dedicated special prosecutors to investigate/prosecute every death, serious injury, misconduct/abuse or hate crimes against African-Americans/other minorities at the hands of the police.
- 3b. Courts may not use extortion to fund municipal budgets. Persons will not be jailed for inability to pay fines. Court costs will be paid by state and municipalities and not by defendants. Defendants will not have to pay for probation, community services, and cost for court ordered mental health and addiction evaluation and treatment.
- 3c. Ensure that all accused be tried in court by a jury of their peers and not coerced to plea bargain.
- 3d. Eliminate mandatory minimum sentences and "three strikes." Sentences for most-serious violent crimes shall not exceed 15 years. Sentences, for crimes that do not allow a 15 year sentence, shall not exceed 5 years.
- 3e. Prohibit plea agreements without engaged, competent legal representation. Refusal of a plea must not lead to a longer sentence than offered in the bargain.
- 3f. Remove all racially biased prosecutors and probation/parole officers and enforce racial bias testing/training prior to hiring.
- 3g. Provide sufficient funding for public defenders to reduce their caseloads. For indigents,

provide counsel in all cases in state and municipal courts.

3h. No shackles, restraints, or jail “uniform” in court.

3i. Ensure that the criminal prosecution system will consider evidence of someone’s innocence, regardless of time elapsed and circumstances.

3j. Increase protections for whistleblowers.

3k. Eliminate bail in all but most serious cases, and in those cases, state must prove it is necessary by clear and convincing evidence.

3l. Bail reform. For minor felonies, misdemeanors, and traffic stop and after arrest. police must release the offender on his or her own recognizance with a date to appear in court. No bail should be required and the person should not be taken to jail.

Section 4. The Missouri Green Party calls for overhauling “Corrections” and calling it “Department of Rehabilitation.” “DOR” offices will be de-politicized through election of its public servants. Detention must be justified by a *legitimate* public safety concern and comply with the UN Protocol to the Convention Against Torture (OPCAT). A genuine “justice” system is *restorative* rather than *retributive*.

4a. Establish an independent ombudsperson with sufficient resources who will review all prisoner complaints and intervene in cases of institutional abuse/neglect/medical malpractice, to increase accountability.

4b. Establish an independent appeals board with the power to review for possible exoneration of any person who has not received a fair, impartial trial and/or was coerced into a plea bargain.

4c. Close down all prisons where fair, racially unbiased, trauma-informed institutional and medical staffing cannot be guaranteed.

4d. Release all non-violent drug offenders, provide access to programs of their choice without charge, expunge drug offenses from prisoner records.

4e. Transform “correctional” drug and sex offender treatment into *culturally sensitive* rehabilitation programs, provided through community based agencies.

4f. Parole Board and institutional probation officers shall mirror the ethnic composition of the prison population, have cultural competency and trauma awareness.

4g. Prisoner health/mental health care shall be provided through qualified, culturally diverse and culturally competent community based professionals and free of charge.

4h. Solitary confinement shall never be used as punishment or retribution towards a prisoner.

4i. End outsourcing of prison phone services. Prisoners shall have free calls to stay connected with their families.

4j. Abolish the death penalty.

4k. DNA testing for all criminal cases will be paid for by the state.

4l. Decriminalize the sale and possession of drugs. At government expense, provide programs that reduce addiction, harm caused by drugs, and promote health.

4m. Decriminalize prostitution and solicitation.

4n. Employment of those working in law enforcement. Perhaps a third of law enforcement is

related to drugs and prostitution. In order to ensure employment for those who would be affected by decriminalizing both,

- i. Expand investigation, arrest, prosecution and imprisonment of corporate criminals who violate law by abusing workers and/or poisoning communities; and,
- ii. Guarantee income and quality of life at least as high as currently earned (or a living wage, whichever is more) to all those who currently earn income working in law enforcement (including including jails, prisons and related industries).

4o. Eliminate privately owned and operated prisons and jails and abolish for-profit commissaries.

Section 5. Prisoners rights.

5a. Prisoners shall receive all resources needed to utilize their talents and maintain their social networks; including HiSet (GED), vocational training and Pell grants/college education.

5b. Prisoners shall not be forced to work. Prisoners shall be paid at least a minimum wage, and be guaranteed right to organize as equal union members.

5c. Prisoners will be treated with dignity, have their human rights preserved under all conditions, be given responsibilities and decision-making opportunities, and not involuntarily transferred.

5d. Prisoners shall receive a wholesome, nutritious diet and access to subsidized healthy food choices in the canteen without taxation.

5e. Prisoners shall not be given medicine without consent nor shall medication be taken away without consent. Access to a doctor should be provided free of charge.

Section 6. Support re-entry and preventing preventing recidivism. Permanently physically or mentally incapacitated prisoners shall be released regardless of the length of sentence. Parole shall be granted at the earliest release date. There shall be no denial of release due to pending appeal or for lack of a home placement.

6a. Immediate access to a re-entry program for assistance with housing, transportation, job search, health care, and other needs.

6b. Place parolees under community supervision, without charge.

6c. Reform sex offender registration and community notification laws, including eliminating residency restrictions, because they violate basic rights of former offenders.

6d. Provide transitional financial support to the person leaving the prison system.

6e. Persons should not lose the right to vote, hold office and other civil rights because of a conviction. Prisoners have the right to vote in elections relevant to last permanent residence prior to incarceration.

6f. Prohibit employers from asking about arrests and conviction when hiring.

Section 7. Restorative justice is a cooperative effort by stakeholders to find ways to resolve the harm of a crime. Victims, criminals, and others affected meet face to face with the goal of encountering, repairing, and transforming all parties. Restorative justice will be implemented in policing, the court system, incarceration, and re-entry into the community. Sufficient funding will be allocated, and analytical measurements used to guide the program.

Subject: MOGP **Criminal Justice** Platform for review by chapters and members

July 2, 2018

MOGP CC, chapters and members,

ATTACHED is mogpPlatCrim180702v4 as a DOC and PDF file which is proposed by the MOGP **Criminal Justice** Platform Subcommittee.

Please send suggested additions and deletions to me at fitzdon@aol.com by August 2, which should allow 30 days for review.

It would be good to look at it soon rather than just before the MOGP convention.

We will have six platform planks to review on Aug 18 and should do everything we can during the next 30 days to facilitate discussion and propose modifications.

Each platform subcommittee should receive all suggested changes.

They should then have another call in early Aug to decide which changes to accept and which to send to the convention for discussion.

The majority of changes are likely to be minor wording edits which we can deal with before Aug 18.

This would leave substantive changes to the convention, which would improve it discussions.

IMPORTANT: Comments like "This sentence is vague" or "I don't want all drugs made legal" are not helpful because they do not indicate to the subcommittee what it should do.

Proposals should have specific language: additions with underlines and deletions with ~~strikethroughs~~.

Best,

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