



REFORM SENTENCING LAWS

by Nicole D. Porter, director of advocacy for the Sentencing Project

If the United States is to succeed in scaling back the prison population, our country must revise its sentencing schemes. Congress and legislative bodies in almost every state have enacted laws—mandatory minimums, three-strikes policies that lead to life sentences, and truth-in-sentencing provisions that deny parole—that send more people to prison and incarcerate them for longer periods of time. In addition, the share of prison admissions for persons who violate parole—many for technical violations, not new crimes—has doubled in recent decades, from one in six in the 1980s to one in three today. Those interested in reform must demand new public safety priorities that diminish excessive prison sentences, prioritize evidence-based interventions that reduce the involvement of legal authorities, and establish community-based initiatives in high-incarceration neighborhoods that many defendants of color call home.

There is reason to be cautiously optimistic, as some states have seen modest reductions due to changes in sentencing laws and practices. In recent years, California rolled back its three-strike statutes, allowing certain prisoners to be resentenced; New Jersey reduced sentencing enhancements for drug offenses; and New York diverted certain people convicted of drug crimes away from prison. These states have seen prison populations drop by about 25 percent, while experiencing greater declines in both property and violent crimes than other states. In New York the reduction in those sentenced for drug offenses also contributed to less racial disparity among incarcerated women, 90 percent of whom were African American or Latino. Cutting down on prison admissions for persons sentenced for drug offenses will inevitably lead to a decline in racial disparity overall.

In order to address the cumulative disadvantage experienced by defendants of color, in particular, there must be a broader approach to public safety that centers on sentencing reform and targeted interventions to reduce contact with the criminal justice system. First, learning from California, New Jersey, and New York, we must continue scaling back lengthy prison terms,

even for more serious crimes. The 21-year-old former gang member convicted of robbery may be a very different person at age 30. Second, we must prioritize initiatives like the Nurse Family Partnership, a visitation program that has shown that home visits can significantly reduce arrest rates for children and their mothers. Finally, we must focus resources to strengthen effective remedies in high-incarceration communities. Evidence shows that counseling offered to at-risk youth can greatly reduce future entanglements with the law.

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