

FAIR SENTENCING AND FAIR CHANCES CAMPAIGN

The campaign supports fair sentencing, fair and appropriate use of incarceration and fair opportunities when returning home.

FAIR SENTENCING: *Let the punishment fit the crime committed.*

The U.S. has five percent of the world's population, but 25 percent of the world's prison population; since 1980, the federal prison population has increased by almost tenfold, and the state prison population has quadrupled.

American taxpayers spend \$80 billion each year for jails and prisons to keep this bloated and inefficient system afloat.

Currently, roughly 2.3 million American adults are incarcerated in prisons nationwide. At the local level, jails process nearly 12 million people per year, and have a disproportionate impact on communities of color. That means more than 1 in 100 adults is now behind bars in America, by far the highest rate of any nation. Based on most recent statistics, nearly half of the population behind bars in state prisons is serving time for non-violent offenses.

In a 2014 study, the National Academy of Sciences – an independent, nonpartisan research body – found that mandatory minimum sentences went too far, concluding, “The incremental deterrent effect of increases in lengthy prison sentences is modest at best. Because recidivism rates decline markedly with age, lengthy prison sentences, unless they specifically target very high-rate or extremely dangerous offenders, are an inefficient approach.”

Without jeopardizing public safety, reduced prison sentences for drug offenses can achieve cost savings. We need to significantly and urgently reduce the use of incarceration. Current costs are unsustainable at both the federal and state level. In the federal system — where drug offenders make up half the population — costs have nearly doubled over the last two decades. The current federal prison budget is close to \$7 billion, eclipsing other budget priorities. State corrections budgets have grown by 400 percent since 1980.

In Texas, for example, funding alternatives to incarceration have allowed the state to produce over \$3 billion in savings over the last decade, including the closure of three prisons, all while keeping crime at the lowest rate since 1968.

Data and research have indicated that alternatives to incarceration not only produce cost savings, but also permit correctional agencies to focus scarce resources on the most serious offenders, where there is a far greater public safety benefit for each dollar spent on those types of offenders.

Our nation must end its systemic problems of over-criminalization and over-incarceration, which have a disproportionate impact on low-income communities and communities of color.

Federal Goals

Fair Sentencing

Reduce the length of federal mandatory minimum sentences for non-violent offenses so that the punishment fits the crime, with the goal of cutting costs, reducing recidivism, and safely reducing the federal prison population.

Expand the existing federal “safety valve,” which applies to people who commit drug offenses, and give judges the ability to impose a sentence informed by specific factual circumstances.

Expand the use of alternatives to incarceration, such as community supervision and residential re-entry centers, both pre-trial and post-sentencing.

Support policies allowing federal prisoners to return to court to seek fairer sentences in line with the Fair Sentencing Act, unanimously passed in 2010, which reduced the disparity between crack and powder cocaine sentences.

Reduce life without parole sentences.

Consolidate crimes into a unified criminal code to eliminate redundancy and to ensure the criminal code is relevant.

Address the over-criminalization of federal statutes and regulations by restoring the common law mens rea requirement to ensure no one can be criminally punished for an act that had no criminal intent.

Fair and appropriate use of incarceration

Expand access to mental health care, effective substance abuse treatment, education, and job training for people in prison and for formerly incarcerated individuals, which expansion can be paid for with the cost savings generated by sentencing reforms, including reductions in mandatory minimums.

Extend programs that allow more inmates to reduce their sentences through credit for good behavior and participation in intensive recidivism reduction programs designed to rehabilitate incarcerated individuals and ensure success after release.

Expand the use of early release programs (i.e., compassionate release or good time credits) where appropriate, such as for elderly and terminally ill inmates.

Support greater transparency and better data collection on prison programming.

State Goals

Fair sentencing

Reform state sentencing practices and mandatory minimums and expand effective correctional alternatives with the goal of cutting costs, reducing recidivism, safely reducing jail and prison populations, and reserving the beds for the most violent, chronic, and career offenders.

Consolidate state crimes into a unified criminal code to eliminate redundancy and to ensure the criminal code is relevant.

Reduce the rates of incarceration resulting from failure to pay fines and fees, and limit the use of jail or prison for technical violations of probation or parole.

Reduce the number of people in the system in order to reduce jail and prison overcrowding, which jeopardizes the safety of incarcerated individuals and staff.

Reduce incarceration rates among young people, including addressing school discipline practices and the disproportionate use of punitive policies.

Support review and reform of state laws on petty crimes, including those that disproportionately affect low-income communities.

Promote policies that reduce pretrial incarceration.

Fair and appropriate use of incarceration

Expand effective substance abuse treatment in prison and jail as well as family-based substance abuse treatment options, mentoring opportunities, and reentry courts proven to reduce the rate of rearrests and reconvictions.

Support family members and children of incarcerated individuals, and, when appropriate, help to establish, re-establish, expand, and strengthen relationships between incarcerated individuals and their families.

Expand access to mental health care for people in prison or jail and for formerly incarcerated individuals, and access to stable housing upon reentry to the community.

Encourage the establishment of one-stop job centers for employment and training services.

Support meaningful educational programs and job opportunities.

Expand access to education, including higher education, and job training for people in prison and for formerly incarcerated individuals, which expansion can be paid for with the cost savings generated by sentencing reforms.

In states where new child support payments accrue based on current income, incarceration should be a permissible ground for tolling child support payments.

FAIR CHANCES: *Addressing the lifelong consequences of a criminal record.*

One in three American adults – as many as 100 million – has a criminal record. Further, 2.7 million children in America have a parent behind bars.

Educate and inform the public and policymakers on the critical need to reduce the impact of collateral consequences have on people with records, expand employment and education opportunities for people with records, and seal records when appropriate to encourage rehabilitation and reformation.

Work to break down the barriers faced by those returning home after detention or incarceration so that they may become productive citizens. Support federal, state, and voluntary private business efforts to “ban the box” to prevent automatic or categorical disqualification for a job based on a person’s record.

Federal Goals

Address certain statutory barriers to education, housing, and employment.

Encourage efforts by public and private sector employers to postpone criminal background checks until the conditional offer stage of the hiring process, excluding “sensitive” positions.

Support efforts by public and private sector employers to implement fair hiring practices in accordance with the EEOC’s guidance on the use of background checks in employment.

Expand fair-chance hiring at the federal level to people with criminal records.

Improve accuracy of background records, especially those sold to private entities.

Utilize individualized assessment tools to allow family reunification to remove housing barriers for people with records.

Ensure that individuals exit prison or jail with appropriate forms of identification.

State Goals

Support state and voluntary private business efforts to “ban the box” to prevent automatic or categorical disqualification for a job based on a person’s record.

Amplify the efforts of the 17 states (California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New Mexico, Ohio, Rhode Island, Vermont, and Virginia), which have put into place policies that remove questions about criminal convictions on state or public employer job applications or at the initial stage of consideration.

Allow certain offenders to obtain a clean slate through nondisclosure provisions to seal records; issuance of certificates of relief; and when appropriate, expungement of records after a reasonable period of good conduct and demonstration of rehabilitation.

Support state and local policies that reduce barriers to housing for people with records.