EARNED DISCRETIONARY REENTRY: SENTENCING REVIEW AFTER 20 YEAR MAKES MORAL, FINANCIAL, AND SAFETY SENSE

Long sentences were pushed through in the 80s and 90s with claims that they would deter crime and incapacitate dangerous people.

We now know that longer sentences do NOT deter crime and that crime rates begin to drop drastically after young adulthood, so that longer sentences have little value for public safety. ¹

- Long sentences keep people incarcerated far past the time that they pose any significant risk to public safety. According to the Brennan Center for Justice:

  “212,000 prisoners (14 percent of the total population) have already served sufficiently long prison terms and could likely be released within the next year with little risk to public safety. These [people] are serving time for the more serious crimes.” ²

HARMS OF LONG SENTENCES

- Prison populations explode out of proportion to crime rates. According to the National Research Council, the 3-fold increase in prison population since the 1980s is due to policy changes (not crime rates), including policies that increase sentences for the same crimes. ³
- Overcrowded prisons breed disease threatening the health of incarcerated people, prison staff, and surrounding communities.
- Court systems incur cost increases from increased challenges to convictions and sentences.

LONG SENTENCES DRAIN BUDGETS AND DISRUPT COMMUNITIES

- State budgets are strained by the needless incarceration of elderly people, most of whom pose little risk to public safety but who cost approximately $70,000 per person annually to incarcerate. ³
- State resources are diverted from programs that could better protect community health and safety.

NOTES

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WHY 20 YEARS?

- In 20 years, most young adults age out of crime.\(^5\)
- 20 years is ample time for people to change. Even the best judges do not have crystal balls and cannot predict how a person will mature in 2 decades.
- 20 years is a significant portion of someone’s life, but can still leave years to be productive and care for one’s family.

Review after 20 years gives people with long sentences and their loved ones hope of one day being back together and incentive to maintain relationships, all of which enhances rehabilitation and successful re-entry.

- 20 years is almost twice the length of time (11 years) after which people with violent convictions were reviewed under Illinois’ previous parole system
- 20 years adds a conservative 5 years to the 15 years recommended by the Model Penal Code of the American Law Institute as the time after which people should be reviewed\(^6\)
- 20 years is recommended by The Sentencing Project as the maximum length of time to wait before reviewing people’s sentences.\(^7\)

According to the American Law Institute: “[T]erms for single offenses in excess of twenty years are rarely justified... and are too long to serve most utilitarian purposes.”\(^6\)

Maximum Time Served Without Parole Eligibility or Sentence Review

Notes

5 Ashley Nellis, Still Life: America’s Increasing Use of Life and Long-Term Sentences, SENTENCING PROJECT (May 3, 2017); Criminal activity peaks in people’s late-teens. It begins declining when people reach their mid-20s and continues to decline sharply with age.
