

Winnable criminal justice reforms

A January 2014 Prison Policy Initiative briefing on promising state reform issues

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Ending prison gerrymandering

Problem: The Census Bureau's practice of tabulating incarcerated people at correctional facility locations, rather than at their home addresses, leads state and local governments to draw skewed electoral districts that grant undue political clout to voters who live near large prisons and dilute the votes cast everywhere else.

Solution: States can pass legislation to count incarcerated people at home for redistricting purposes, as California, Delaware, Maryland, and New York have done. States can also urge the Census Bureau to implement a national solution by tabulating incarcerated people at home. Massachusetts is currently considering such a resolution (S309).

Model bill: <http://www.prisonersofthecensus.org/models/example.html>

More information: Prison Gerrymandering Project website <http://www.prisonersofthecensus.org>

Lowering the cost of a call home from prison or jail

Problem: The prison and jail telephone industry gives correctional facilities hefty kickbacks in exchange for exclusive contracts, charging the families of incarcerated people up to \$17 for a single 15-minute phone call.

Solution: The Federal Communications Commission has begun to regulate this industry, but states, including California, Nebraska, New Mexico, New York, Michigan, Missouri, Rhode Island, and South Carolina, as well as the District of Columbia, are taking action on their own.

Example bill: New York Corrections Law § 623 bans commissions and requires that contracts be based on the lowest possible cost to consumers. (Note: this New York law only applies to contracts with state prisons. The ideal solution would apply to both state prison and local jail contracts.)

More information: "Regulating the prison phone industry" <http://www.prisonpolicy.org/phones/>

Reforming ineffective and harmful sentencing enhancement zones

Problem: Most states have laws that are intended to keep children safe by creating enhanced penalties for various drug crimes committed within a certain distance of schools. These laws sound like a common sense approach, but our research has shown that these laws do not work and exacerbate harmful racial disparities in the criminal justice system.

Solution: The size of large sentencing enhancement zones should be reduced and the laws should be reformed to more effectively meet the intended goal of protecting children. Massachusetts and New Jersey have recently reduced the size of their sentencing enhancement zones.

More information: "Sentencing enhancement zones' fail to protect children and worsen racial disparity in incarceration" <http://www.prisonpolicy.org/zones.html>

Protecting letters from home in local jails

Problem: Sheriffs in at least 13 states — Arizona, California, Colorado, Florida, Georgia, Kentucky, Kansas, Michigan, Missouri, Oregon, Tennessee, Utah, and Washington — have been experimenting with a harmful policy: banning letters from home.

Solution: States can send a clear message about the importance of family communication by passing a bill or administrative rule requiring correctional facilities to allow personal letter correspondence.

(over)

Example rule: “Inmates shall be permitted to send as many letters of as many pages as they desire, to whomever they desire... [and] may receive correspondence in any quantity, amount, and number of pages.” (Texas Commission on Jail Standards, Inmate Correspondence Plan (Rule §291.2))

More information: *Return to Sender: Postcard-only Mail Policies in Jails* <http://www.prisonpolicy.org/postcards/report.html>

Requiring racial impact statements

Problem: Some criminal justice bills would unnecessarily and unintentionally exacerbate racial and ethnic disparities in arrest, sentencing, and incarceration rates.

Solution: Connecticut, Iowa, and Oregon have passed legislation to provide for racial impact statements that prospectively evaluate whether or not proposed criminal justice legislation is likely to have a racially or ethnically disparate impact.

Example bills: Iowa House File 2393 (2008), Connecticut Public Act 08-143 (2008), Oregon Senate Bill 463 B (2013).

More information: “Oregon passes legislation to rein in racial disparities in criminal law; which state will be next?” <http://www.prisonpolicy.org/blog/2013/07/09/or-sb463/>

Repealing “Truth in Sentencing”

Problem: Many states increased prison capacity in the 1990s when the federal government created a short-lived financial incentive to enact so-called “Truth in Sentencing” laws that would unnecessarily increase time spent in prison. Now that the federal subsidy is over, there are many financial benefits — and no financial downsides — to repealing these changes and bringing back the full range of administrative options to manage a prison population.

Solution: States can choose to repeal their dramatic “Truth In Sentencing” requirements that restrict management tools like good time credits and parole. These changes would use taxpayer resources more efficiently by downsizing prison populations.