

# Playbook for Change? States Reconsider Mandatory Sentences

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REPORT SUMMARY

## For More Information

The Vera Institute of Justice is an independent nonprofit organization that combines research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety. For more information about Vera's Center on Sentencing and Corrections, please contact Peggy McGarry at (212) 376-3131 or [pmcgarry@vera.org](mailto:pmcgarry@vera.org).

This year marks the 20th anniversary of the 1994 Crime Bill. To examine the legacy of this landmark legislation, the lessons learned, and the path ahead, Vera is convening a series of conversations with experts and policymakers in Washington, DC, as well as issuing a series of reports on sentencing trends—where the states stand on mandatory minimums and other sentencing practices and the resulting collateral consequences.

This report is the first in that series. Look for updates on our website at [www.vera.org](http://www.vera.org).

Sentencing reform has become a matter of significant bipartisan interest at the federal level, with two reform bills under consideration in the current legislative session, and strong endorsements for reform by both President Barack Obama and Attorney General Eric Holder. Mandatory sentencing policies have been under scrutiny and revision at the state level for some time. In this policy report, Vera's Center on Sentencing and Corrections summarizes state-level mandatory sentencing reforms since 2000, raises questions about their impact, and offers recommendations to jurisdictions considering similar efforts in the future.

### NEW APPROACHES TO MANDATORY SENTENCES

Since 2000, at least 29 states have taken steps to roll back mandatory sentences, with 32 bills passed in just the last five years. Legislative activity largely has focused on adjusting penalties for nonviolent drug offenses through the use of one or a combination of the following reform approaches:

1. Expanding judicial discretion by creating so-called "safety valve" provisions
2. Limiting automatic sentence enhancements
3. Repealing or revising mandatory minimum sentences

### RESEARCH AND POLICY CONSIDERATIONS

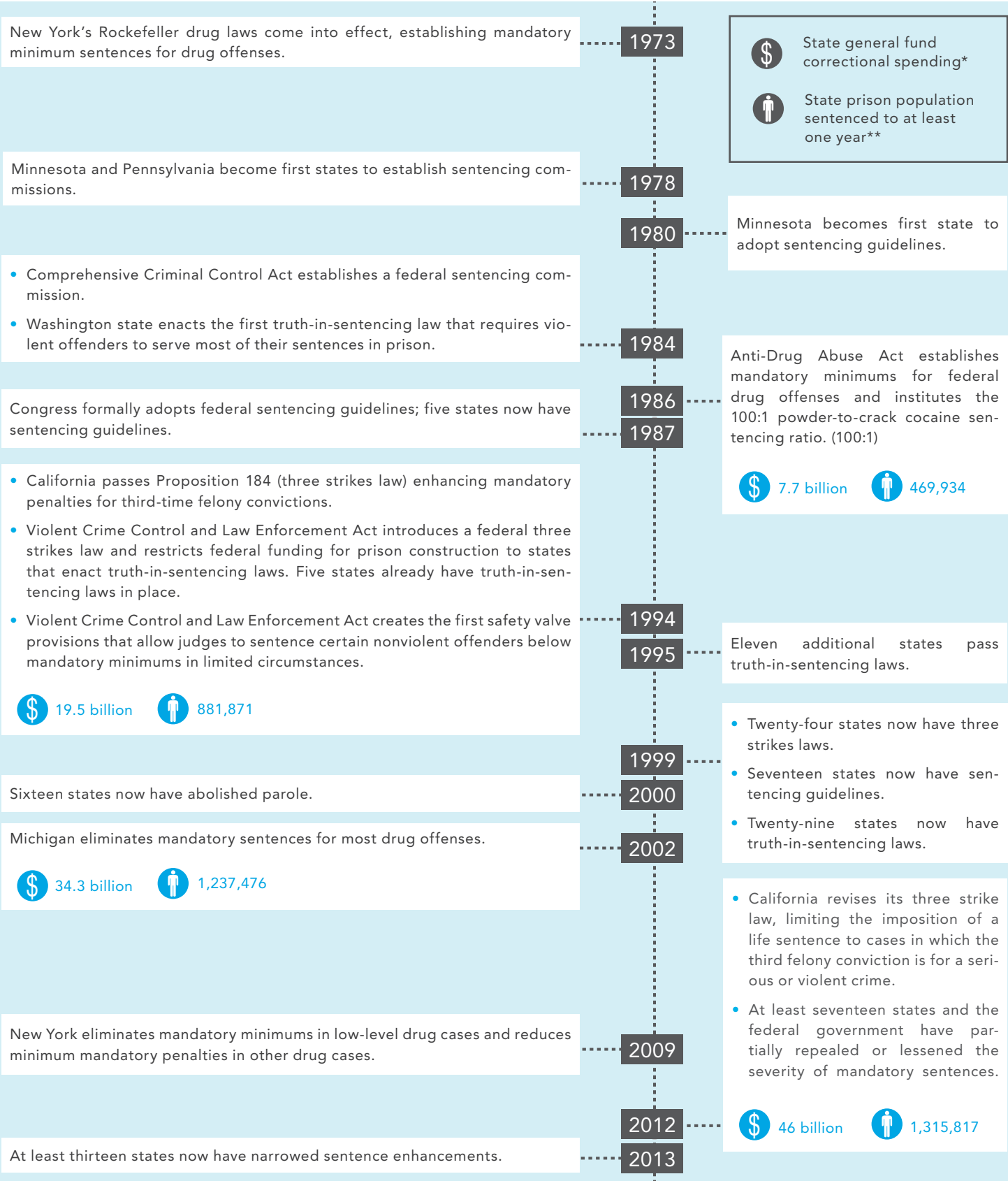
To date, there has been little research into the impact of recent state reforms on incarcerated populations, recidivism rates, or cost. In addition, the restrictive scope and application of recent reforms—including narrow eligibility criteria and the discretionary nature of some of the policies—suggest that the impact of reform may be limited. As states increasingly look to each other for sentencing reform strategies, deliberate, data-driven policy development and outcomes research are ever more critical. Moving forward, there are a number of steps policymakers can take to ensure that reform efforts fulfill their promise, are sustainable, and protect public safety:

- > Link proposed policies to research
- > Include stakeholders in policy development
- > Match proposed policies with available resources in the community
- > Define eligibility requirements clearly and match these to the policy goal
- > Consider whether a proposed reform should apply retroactively
- > Track and analyze the impact on system outcomes
- > Examine the impact on system dynamics

### READ THE COMPLETE REPORT:

[www.vera.org/mandatory-sentences-playbook-for-change](http://www.vera.org/mandatory-sentences-playbook-for-change)

# Mandatory Sentences: How We Got Here



\* National Association of State Budget Officers, *The State Expenditure Report* (Washington, DC: 1986–2012).

\*\* Patrick A. Langan, John V. Fundis, and Lawrence A. Greenfield, *Historical Statistics on Prisoners in State and Federal Institutions, Yearend 1925-86* (Washington, DC: Bureau of Justice Statistics, 1988), 11-13; George Hill and Paige Harrison, *Sentenced Prisoners in Custody of State or Federal Correctional Authorities, 1977-98* (Washington, DC: Bureau of Justice Statistics, 2000); E. Ann Carson and Daniela Golinelli, *Prisoners in 2012—Advance Counts* (Washington, DC: Bureau of Justice Statistics, 2013), 6; and E. Ann Carson and William J. Sabol, *Prisoners in 2011* (Washington, DC: Bureau of Justice Statistics, 2012), 6.