



THE NEED FOR SENTENCING REFORM: The Human and Fiscal Costs of Mass Incarceration



Panelists at the legislative briefing on mass incarceration: **Marc Mauer**, Executive Director of the Sentencing Project; **Jesselyn McCurdy**, Deputy Director, ACLU Washington Legislative Office; **Khalil A. Cumberbatch**, Associate Vice President of Policy, Fortune Society; **Daniel Cooper**, Executive Director, Adler University Center for Equitable Cities; **Matt Epperson**, Associate Professor, University of Chicago School of Social Service Administration

On June 28, 2018, Associate Professor **Matt Epperson** of the University of Chicago School of Social Service Administration, with support from UChicago's Office of Federal Relations, organized a panel discussion on the importance of sentencing reform on Capitol Hill in Washington, D.C. for legislative staff and advocacy organizations.

In light of the Sentencing Reform and Corrections Act (SRCA) and the First Step Act,* both currently being considered in Congress, this timely discussion sought to increase understanding about the need to substantially reduce mass incarceration in the U.S. and to highlight sentencing reform as a key element of smart decarceration. "A smart decarceration focus views sentencing reform as a key strategy to achieve two key drivers of decarceration: reducing admissions to prison and also reducing the length of prison sentences," Epperson said.

*The *Sentencing Reform and Corrections Act of 2017* (S. 1917), introduced on October 4, 2017, is a bipartisan bill sponsored by Senators Chuck Grassley (R-IA) and Dick Durbin (D-IL). Details at www.judiciary.senate.gov. The *First Step Act* (HR 5682) was introduced on September 26, 2017, by Rep. Doug Collins (R-GA). Details at www.congress.gov.

Daniel Cooper opened the briefing by speaking to the human and fiscal cost of mass incarceration at a neighborhood level. Research from his Million Dollar Blocks Study shows the huge financial impacts of forced removal in predominately African American neighborhoods in Chicago. For example, \$550 million was spent on incarceration in Chicago's Austin neighborhood in just a five-year span. Cooper explained that incarcerating parents and family members destroys children and families and puts neighborhoods in a downward spiral.

According to Cooper, there is a "flawed logic of punishment," based on the perception that forced removal improves neighborhoods. In fact, it actually takes a great human and financial toll, increasing poverty and other social problems. Considering these devastating effects, Cooper believes that neighborhoods highly impacted by incarceration must receive investments that address root causes of poverty and disorder, and that this logic focusing on "root causes" should drive sentencing reform efforts.

"Giving someone (with lived experience) access to a seat at the table, giving them access to an opportunity is one thing and is needed. That's the first step.

But truly empowering someone is giving them access to power and resources to effect change. That's the harder part."

Khalil A. Cumberbatch
Associate Vice President
of Policy
Fortune Society

Next, **Khalil A. Cumberbatch**, as a person with lived experience of the criminal justice system, focused on the importance of including formerly incarcerated people into conversations about decarceration. He cautioned against exceptionalizing some formerly incarcerated people while ignoring the many more people who are denied opportunities to overcome barriers to having a criminal history.

People working on decarceration in any capacity must ensure that formerly incarcerated people have a voice at the table and must share resources and power that will empower them to make an impact.

Jesselyn McCurdy provided context to the current crisis, noting that federal sentencing reform has been a key strategy in lowering the federal prison population by 35,000 people over the past five years and emphasizing the importance of additional policy changes.

She highlighted various elements of the SRCA, including: elimination of the federal equivalent of the three strikes rule for people with non-violent drug felonies; retroactive application of the Fair Sentencing Act of 2010, which reduced disparities in sentences between crack and powder cocaine; enhancement of the current “safety valve” so nonviolent drug offenders receive sentences below the mandatory minimum; and elimination of the 924(c) “stacking” problem created by excessively long 25-year mandatory minimum sentences for certain gun possession offenses.

“(Focusing on back end reform) is not going to do enough to address mass incarceration unless we change the policies that have led us to a situation where...today 185,000 people are in federal prison.”

Jesselyn McCurdy
Deputy Director, ACLU Washington Legislative Office

Marc Mauer closed the briefing by emphasizing sentencing reform as a key aspect to decarceration and sharing how sentencing strategies around drug policy have played a fundamental role in the increase in incarceration. Federal efforts to incarcerate drug crime “king pins” or leaders through longer sentencing have only been counterproductive. Wrongly assuming that longer sentences deter crime led to targeting and incarcerating more lower street level workers. But, drug-related crime never decreases as long as the demand for drugs stays constant.

Mauer also drew attention to how mandatory sentencing is not applied equally and actually has exacerbated racial disparities in the federal system. He raised important points about how people are sent to federal prisons across the country and become disconnected from their social networks and public safety isn’t

really being improved considering how much of a financial investment it takes to sustain the federal system. He argued that sentencing policies got us to this overuse of incarceration and we will need strong sentencing reforms to reverse this trend.

“The SRCA would make a difference to many individuals in the federal system, would reduce the flow in and increase the flow out of the system. It’s a much wiser way to go and is consistent with promoting public safety.”

Marc Mauer
Executive Director, The Sentencing Project

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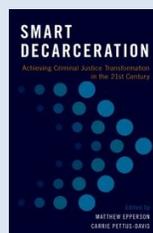
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