

# Principles of Effective State Sentencing and Corrections Policy

## A Report of the National Conference of State Legislatures Sentencing and Corrections Work Group

August 2011

Seven Principles:

### **1. Sentencing and corrections policies should embody fairness, consistency, proportionality and opportunity.**

- Establish sentences that are commensurate to the harm caused, the effects on the victim and on the community, and the rehabilitative needs of the offender.
- Strive to balance objectives of treating like offenders alike with allowing discretion to select correctional options that meet individual offender needs and contribute to crime reduction.
- Consider whether sentencing and corrections policies adversely or disproportionately affect citizens based on race, income, gender or geography, including, but not limited to, drug crimes.
- Review policies that affect long-term consequences of criminal convictions, including housing and employment opportunities.

### **2. Legislatures should convey a clear and purposeful sentencing and corrections rationale. The criminal code should articulate the purpose of sentencing, and related policies and practices should be logical, understandable, and transparent to stakeholders and the public.**

- Provide for agency mission statements that reflect the goal of recidivism reduction and the intended balance of surveillance, incapacitation, rehabilitation and victim restoration.
- Articulate corresponding requirements of agencies and expectations of courts.
- Include in stated objectives that programs and practices be research-based, and provide appropriate oversight.
- Encourage collaboration among criminal justice, health and human services, and other relevant government agencies with intersecting (not conflicting) missions and goals.
- Include criminal justice system stakeholders in planning and deliberations. Consider a coordinating council or other structured body to facilitate policy development that includes input from a broad array of stakeholders.
- Engage and educate the public by providing meaningful and accurate messages about issues and approaches.

**3. A continuum of sentencing and corrections options should be available, with prison space for the most serious offenders and adequate community programs for diversion and supervision of others.**

- Ensure assessment of offender risk, needs and assets in order to provide appropriate placement, services and requirements.
- Strengthen placement decisions and supervision by encouraging coordinated interbranch efforts among courts, corrections departments, and state and local supervision agencies.
- Establish policies that consider an offender's risk and criminal history as the basis for sentencing options and program eligibility.
- Provide clear policies for violations of community supervision. Consider administrative remedies and court options for technical violations, and offer incentives for compliance with conditions and requirements.
- Consider time-served requirements and ensure that release mechanisms and policies are clear and complete. Allow incentives for prisoners who complete prescribed programming, treatment or training.
- Provide appropriate levels of supervision and services for all offenders as they reenter the community.

**4. Sentencing and corrections policies should be resource-sensitive as they affect cost, correctional populations and public safety. States should be able to effectively measure costs and benefits.**

- Consider how state-level policies affect state and local correctional populations, costs, and state-local fiscal partnerships.
- Target resources to make the best use of incapacitation, interventions and community supervision.
- Partner with and consider incentives to local jurisdictions as part of adequately funded and accountable community programs and services.
- Take into account how funding reductions to prison services or to state or local supervision programs affect short-term operations and long-term program benefits.
- Consider the appropriate role of private industry in providing correctional services, and leverage re- sources and expertise of nonprofit, faith-based and other community organizations.

**5. Justice information should be a foundation for effective, data-driven state sentencing and corrections policies.**

- Build legislative and executive capacity to consider the fiscal impacts of policy actions (or inaction).

- Provide a framework for data collection, analysis and technology improvements that support and fulfill information needs.
- Facilitate and require research and evaluation of programs and practices. Use measurements and information to hold systems and offenders accountable, with a focus on and expectation of reducing recidivism and increasing public safety.
- Measure successes as well as failures, and use information and data to develop policy and make budget decisions.
- Build justice information systems that allow intergovernmental sharing of critical case and client information. Pair with policies that enable appropriate information exchange at key discretion points.

**6. Sentencing and corrections policies should reflect current circumstances and needs.**

- Review and consider whether policies of a different era should sunset or be modernized.
- Allow adaptations to the criminal code to reflect current needs, standards and values.
- Provide for policy updates that allow use of new technologies and ways to supervise offenders and protect the public.
- Consider whether some criminal offenses warrant redefinition or reclassification, and examine proposals for new crimes or sentences in the context of whether the current criminal code is adequate.
- Ensure that victims' rights are enforceable, and that services for victims are reviewed and refined in line with current policies, technologies and needs.

**7. Strategies to reduce crime and victimization should involve prevention, treatment, health, labor and other state policies; they also should tap federal, academic and private resources and expertise.**

- Consider investments in education and juvenile justice systems as part of efforts to reduce crime.
- Consider as part of crime prevention the needs of and the opportunity for services to children and families of incarcerated offenders.
- Connect health, employment and other related agencies to those providing correctional supervision, reentry services and prevention programs at state and local levels.
- Use assistance and resources provided by foundations and federal agencies that help advance the state's corrections mission and criminal justice initiatives.
- Call on NCSL or other state services organizations for objective information, assistance and connection to key national research.