



Policy Proposal: Instate 15-Year Maximum Wait for Parole Eligibility

Nazgol Ghandnoosh, The Sentencing Project

Policy Challenge: Excessive Prison Terms are Costly and Imprisoned People are Paroled Later Than in the Past

While hard-won reforms have begun to curb incarceration for low-level offenses, they have yet to scale back punishment for violent crimes, for which half of the U.S. prison population is sentenced. Currently one in seven imprisoned people in the United States is serving a life sentence (206,000 “lifers”) and people are paroled from life sentences much later than in the past. Most serving life sentences were convicted of serious violent crimes. But three facts make prolonged prison terms ineffective. First, incarcerating those who have “aged out” of their crime-prone years produces little public safety benefit. Second, long sentences are limited in deterring crimes since most who commit crimes do not expect to be caught, are not familiar with legal penalties, or have their judgment compromised by substance abuse or mental illness. Third, excessive prison terms are costly and impede public investments in effective crime prevention and drug treatment programs. Long sentences also place upward pressure on penalties for less serious crimes.

Policy Solution: Restore Dignity in Sentencing by Considering Release Eligibility No Later Than 15 Years into a Sentence

To empower paroling authorities to release individuals when they no longer pose an unreasonable risk to public safety, state legislatures and Congress should reinstate parole eligibility for all sentences and expedite parole consideration. Such a reform would undo the delays and restrictions that legislatures created for parole eligibility beginning in the 1990s. This reform would also adhere to the recommendation of national parole experts Edward Rhine, Joan Petersilia, and Kevin Reitz, who have written: “For extremely long sentences, release eligibility should occur no later than 15 years.” This proposal is echoed by the American Law Institute and serves as a major pillar of a forthcoming campaign by The Sentencing Project.

After peaking in the 1990s, crime rates have plummeted in the United States and in many peer countries. But the United States is unique in dramatically increasing imprisonment during this period, in part by lengthening prison terms. Recognizing the excesses of incarceration for serious crimes, federal and state courts and state legislatures—including in California, Nevada, West Virginia and the District of Columbia—have begun scaling back extreme penalties for serious crimes committed by youth and young adults. Virtually all industrialized nations other than the United States have repealed capital punishment and impose life imprisonment only sparingly. “A just and necessary punishment must never exclude the dimension of hope and the goal of rehabilitation,” Pope Francis told Congress in 2015. It is time for the U.S. criminal justice system to restore dignity in sentencing for all. Eliminating delays and restrictions for parole eligibility for all incarcerated individuals would be a critical step towards this goal.

Read more in “Minimizing the Maximum: The Case for Shortening All Prison Sentences” in *Smart Decarceration: Achieving Criminal Justice Transformation in the 21st Century*, edited by Carrie Pettus-Davis and Matthew Epperson (Oxford University Press, 2017); and “Delaying a Second Chance: The Declining Prospects for Parole on Life Sentences,” The Sentencing Project (2017).