



A MATTER OF TIME

The Causes and Consequences of Rising Time Served in America's Prisons

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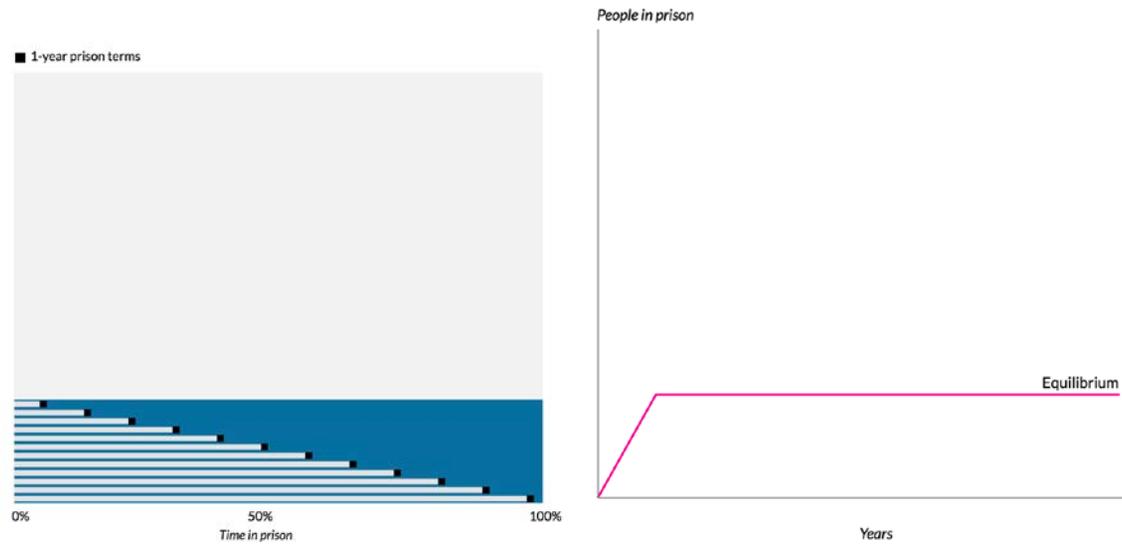
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INTRODUCTION

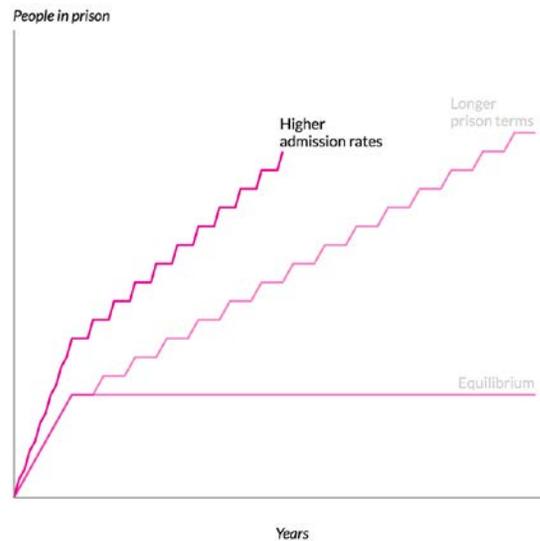
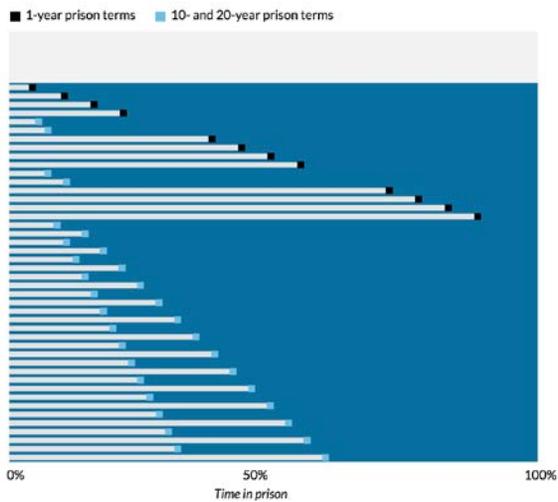
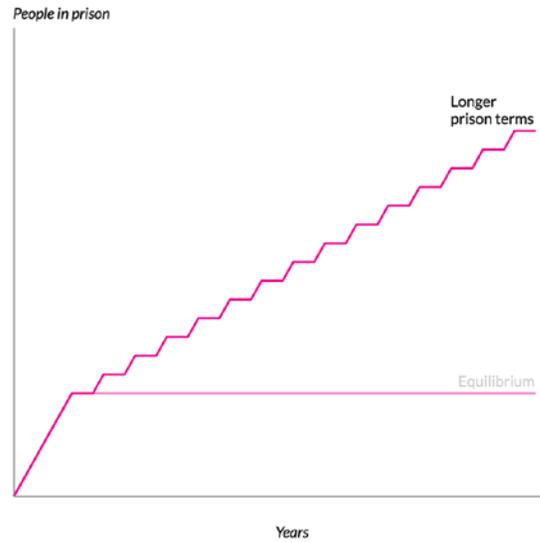
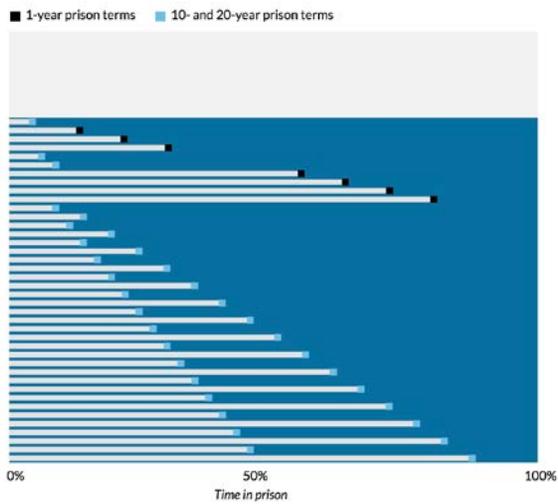
The US incarceration rate has more than quadrupled since the 1970s.

Attempts to end mass incarceration have largely focused on reforms for nonviolent and less serious convictions, but that won't be enough.

Here's why.



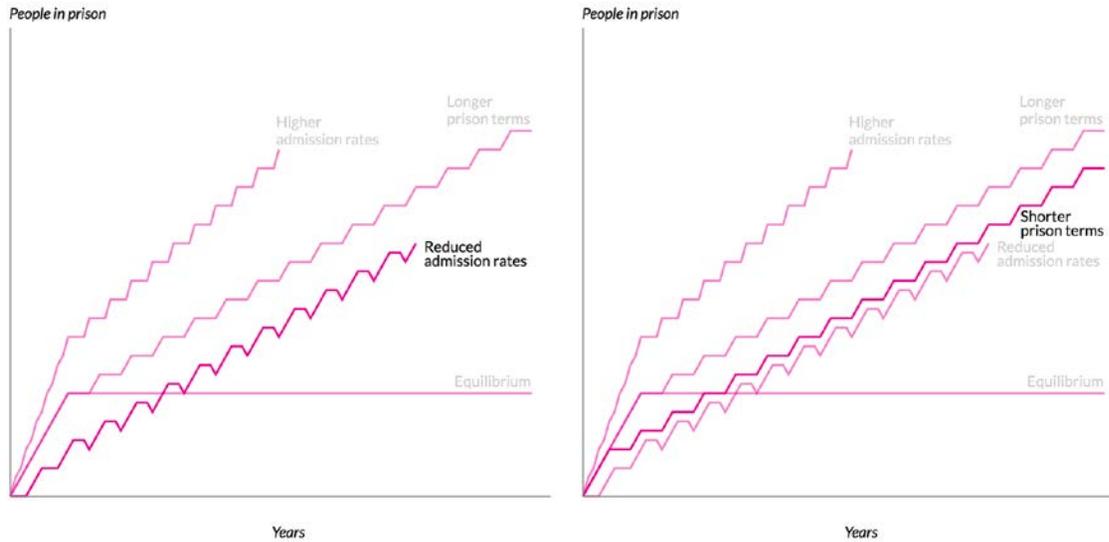
Imagine if everyone in prison stayed there for one year. If the rate of people going to prison stays the same, then as new people enter, others leave—and the prison population stays stable.



Now imagine that some of these people begin to stay longer—say, 10 or 20 years. At first, this doesn't have a large effect on the prison population. But over time, it does. **When people stay longer, they start to stack up.**

And when more people start serving more time, the combined effect is huge.

Our example here is fictional, but these trends are real for roughly 2.2 million people behind bars. In the United States, more people have been going to prison and staying there longer, mostly because of “tough-on-crime” policies that swept the country in the 1980s and '90s. The prison population boomed as sentences got longer and release policies got more restrictive.



Recent efforts to reduce the number of people who are sent to prison in the first place, like alternatives to incarceration for drug offenses, have helped stem the flow in some states and prisons. But these efforts typically only affect people who wouldn't be in prison for very long anyway.

Other reforms limit how long people can stay in prison for low-level crimes, but that also doesn't affect people with the longest prison terms.

This is a problem. So, what can be done?

To start, we looked at prison term trends in a new way and found that the longest terms are getting longer, particularly for violent offenses. But how long is too long? What is long enough? And do longer prison terms really translate into justice, rehabilitation, and public safety?

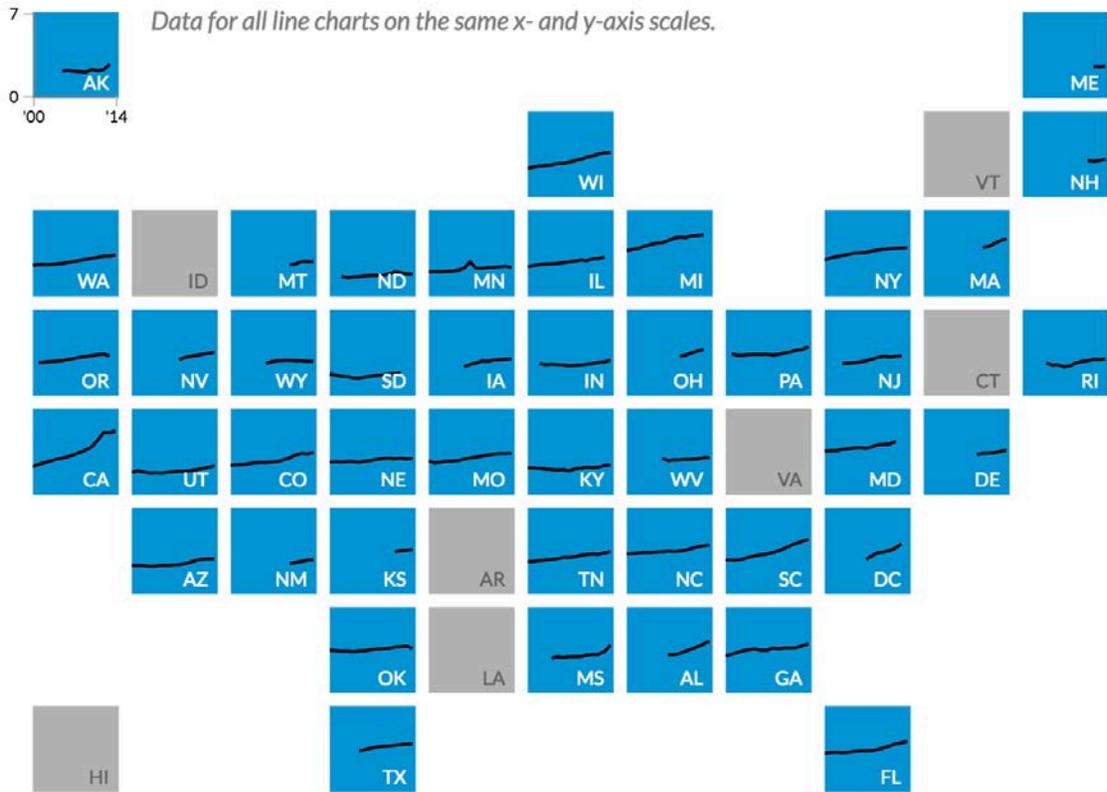
Efforts to meaningfully reduce the prison population must consider these questions, which may mean rethinking how we treat people convicted of serious crimes.

People are spending more time in prison, and the longest prison terms are getting longer.

To better understand long prison terms, we took a new approach to measuring how much time people spend in US prisons. We looked at annual snapshots of prison populations to see how long people had been in prison so far and compared those snapshots over time. This allowed us to include time served by people who are usually overlooked by more traditional methods.

Any amount of time spent in prison can feel long, but some terms are truly extreme. Because state policies greatly influence sentencing and release, we looked at the top 10 percent of people serving the longest prison terms in each state. We also tracked changes among people serving terms of 10 years or more. By either measure, the longest prison terms have been growing in both length and number.

Average Time Served for All Offense Categories



States shown in gray did not report complete data.

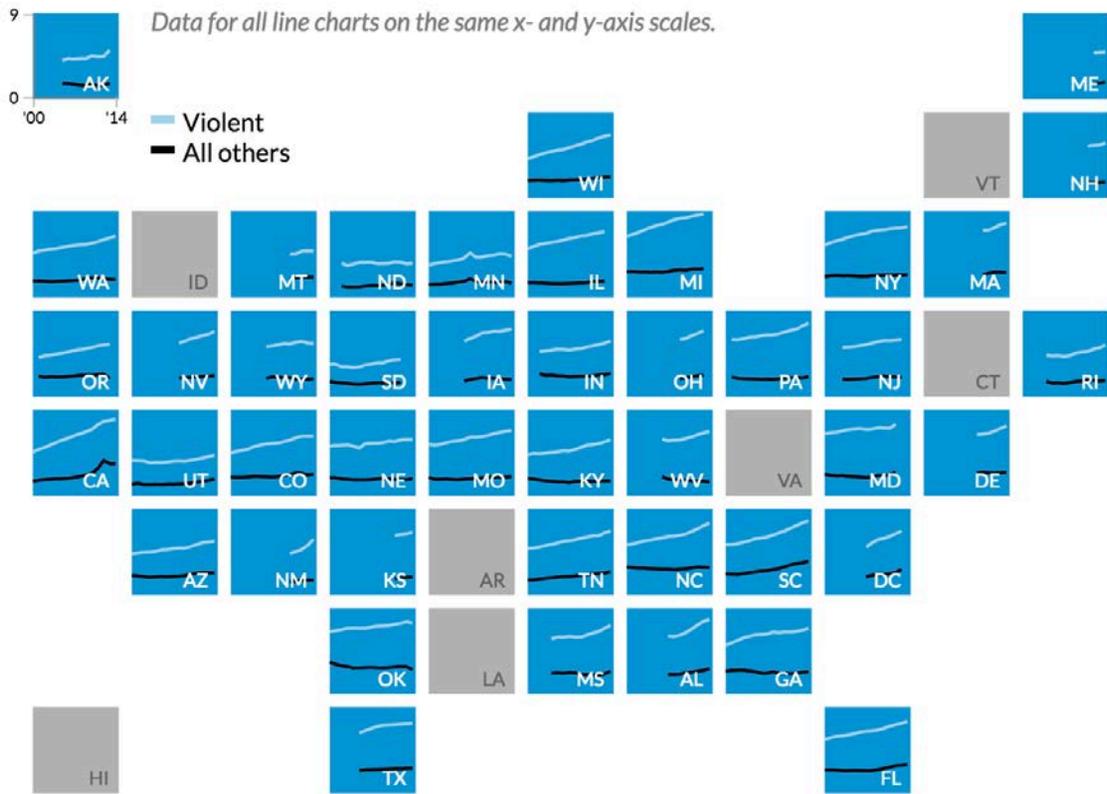
On average, people are spending more time in prison.

These graphs represent a year-end snapshot of the average number of years that people in state prisons have been incarcerated so far. Many will go on to serve considerably more time.

Each state's story is unique, but we found a consistent upward trend in the amount of time people spend in state prisons. Since 2000, the average time served has risen in all 44 states (including the District of Columbia) that reported complete data to the National Corrections Reporting Program.

In some states, this rise began years earlier. But these recent trends suggest that most states are still feeling the effects of policy decisions from the 1980s and '90s that were designed to keep people in prison longer.

Average Time Served by Offense Type

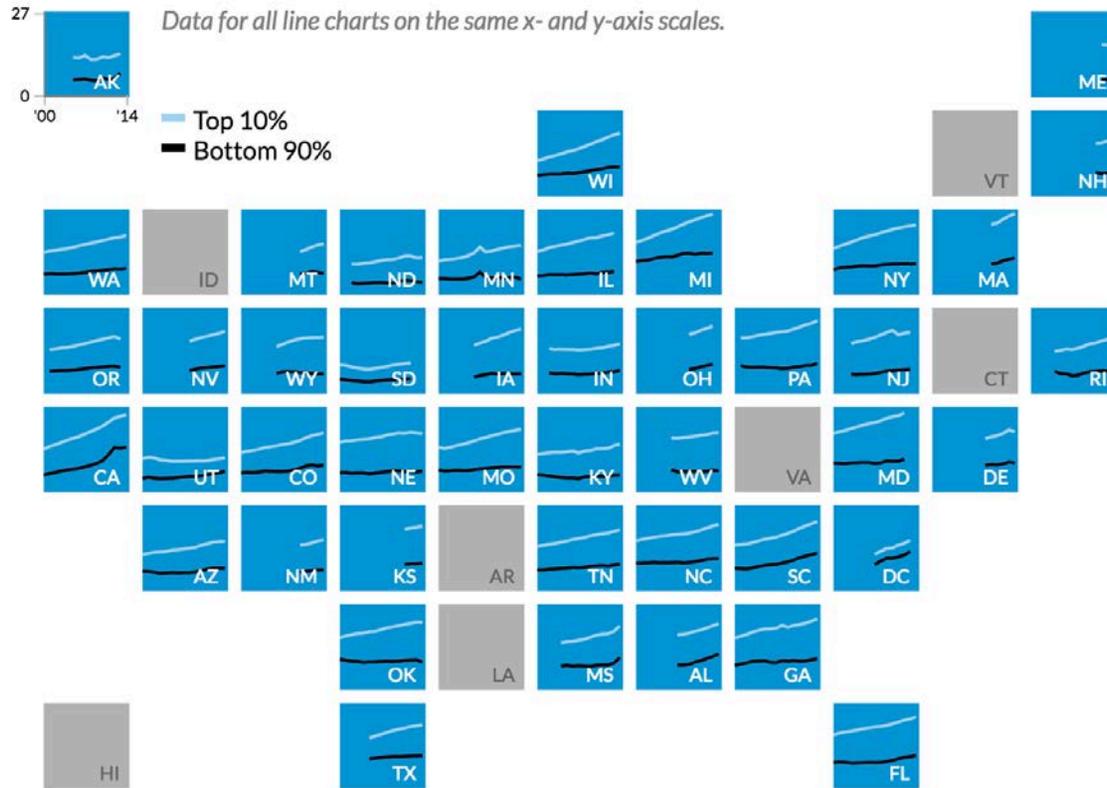


The increase has been sharpest among people convicted of violent offenses.

In most states, this trend is mostly—if not entirely—driven by an increase in time served for violent crimes. These changes have an outsized effect on the prison population, because people convicted of violent offenses make up more than half the people in state prisons and the majority of people with long prison terms.

Reforms tend to focus on low-level crimes. And though some have helped reduce prison time for minor offenses, the narrow focus of these reforms has intentionally excluded those who stay in prison the longest.

Average Time Served



The longest prison terms are getting longer.

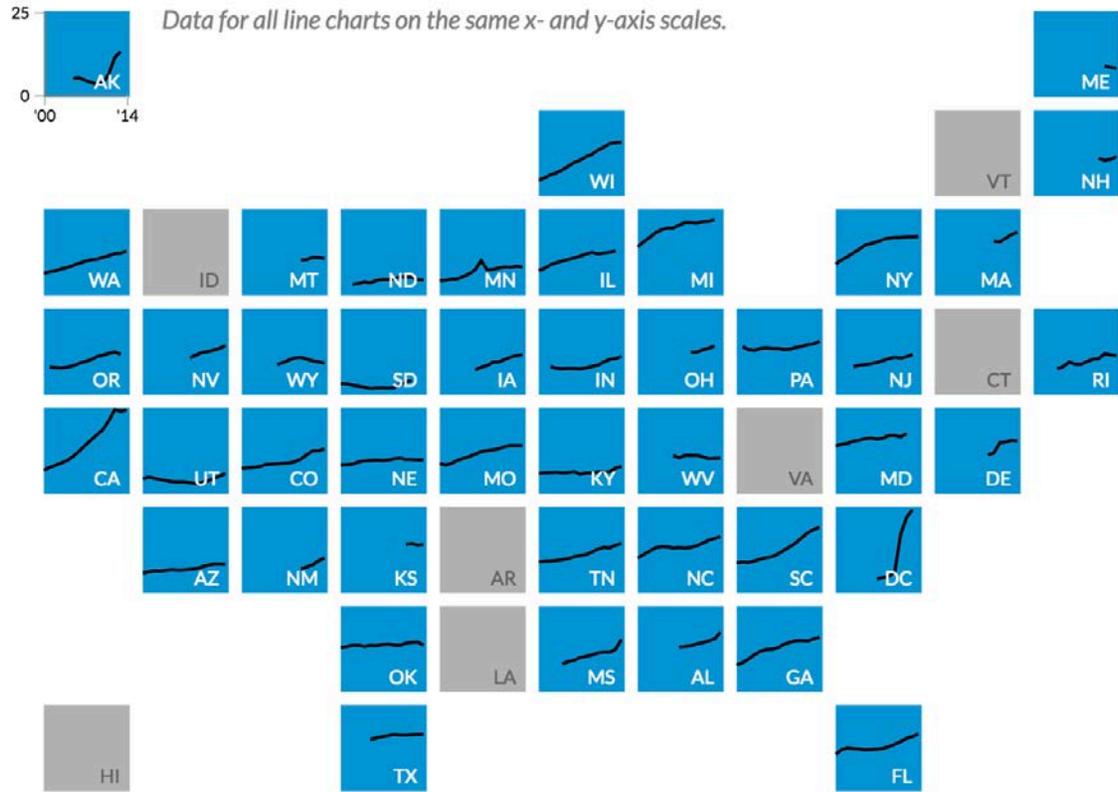
We looked at the 10 percent of the prison population in each state serving the longest terms, a measure that reflects each state's unique population and policy environment. In most states, the average time served by the top 10 percent rose much more sharply relative to the rest of the prison population.

The average time served by this group, according to the most recent state data available, ranged widely from 9.5 years in South Dakota to 26.1 years in Massachusetts. In most states, the top 10 percent have spent an average of 15–25 years in prison so far.

For many states, this represents a staggering increase. In Michigan, for example, the average time served among the top 10 percent was 10 years in 1989. In 2013, the top 10 percent had served 26 years—a 160 percent increase. California saw its average among this group rise from 9.7 years to 24.9 between 1992 and 2014. In nearly half the states we looked at, the average time served by this group has risen by more than 5 years since 2000.

These steep increases over time and the variation across states points to the power of state-specific policy decisions.

Share of Population Serving 10 or More Years



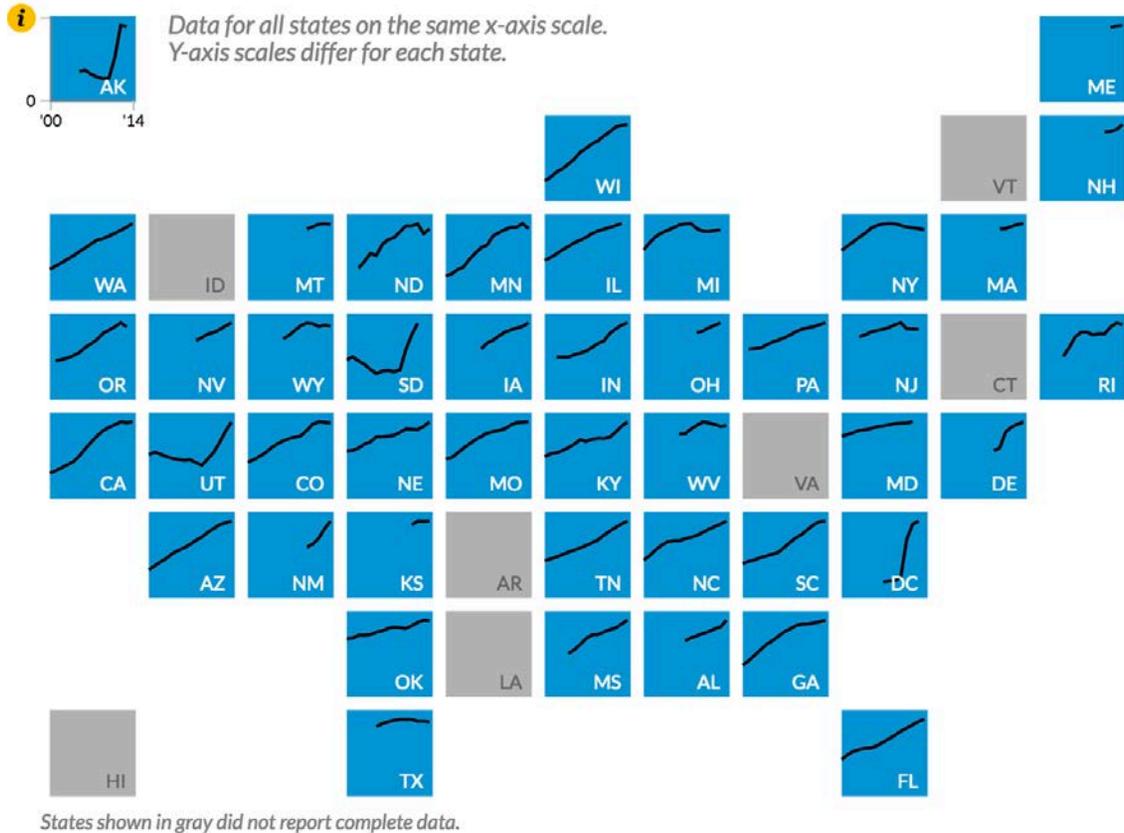
States shown in gray did not report complete data.

A growing share of the prison population has served at least 10 years.

In 35 states, at least 1 in 10 people in prison have been there for a decade or more, according to the most recent data available. In California and Michigan, nearly 1 in 4 people have served at least 10 years.

In some states, this group may be growing mainly because fewer people are serving short terms. This trend is to be expected in states that have cut admissions and/or prison time for low-level offenses. For example, California's Public Safety Realignment Act of 2011 sentenced thousands of people convicted of lesser offenses to county jails and probation, radically shifting the makeup of its prisons toward people with more serious convictions.

People Serving 10 or More Years



Meanwhile, the *number* of people who have served at least 10 years is also **growing**.

The shifting makeup of state prison populations doesn't tell the entire story, as the absolute number of people serving 10 years or more has also increased. In at least 11 states, this number has more than doubled since 2000.

Tens of thousands of people nationwide are serving these long sentences, and many will stay much longer.

We can't tackle mass incarceration without addressing long prison terms.

These trends have consequences. As more people spend more time in prison, states spend millions housing an aging prison population despite evidence that many of these people could be safely released. People serving long prison terms leave families behind, a cost that communities of color disproportionately bear. Many who finally return after a lifetime in prison find they are wholly unprepared to live in a world so different from the one they knew.

These trends aren't accidental. Most can be traced back to specific policy decisions made decades ago that still influence our criminal justice system. That these trends vary so much across states suggests that the growth in time served is driven by state-level decisionmaking. States grappling with expanding prison populations will see their efforts to curb mass incarceration fall short unless reforms include those serving the longest prison terms.

Incarceration affects some people and communities more than others, and these patterns are often more pronounced among those who spend the most time in prison.

Here, we take a closer look at patterns of long-term incarceration by race, age, gender, and other characteristics.

Racial disparities in prisons are starkest among those serving the longest terms.

Black people are incarcerated at a rate over five times that of white people nationwide (and significantly higher in many states). Other racial and ethnic groups face disparities in imprisonment, but major data gaps make it difficult to measure the extent of these disparities. These same gaps prevented us from looking at the full picture of racial and ethnic inequalities in long prison terms.

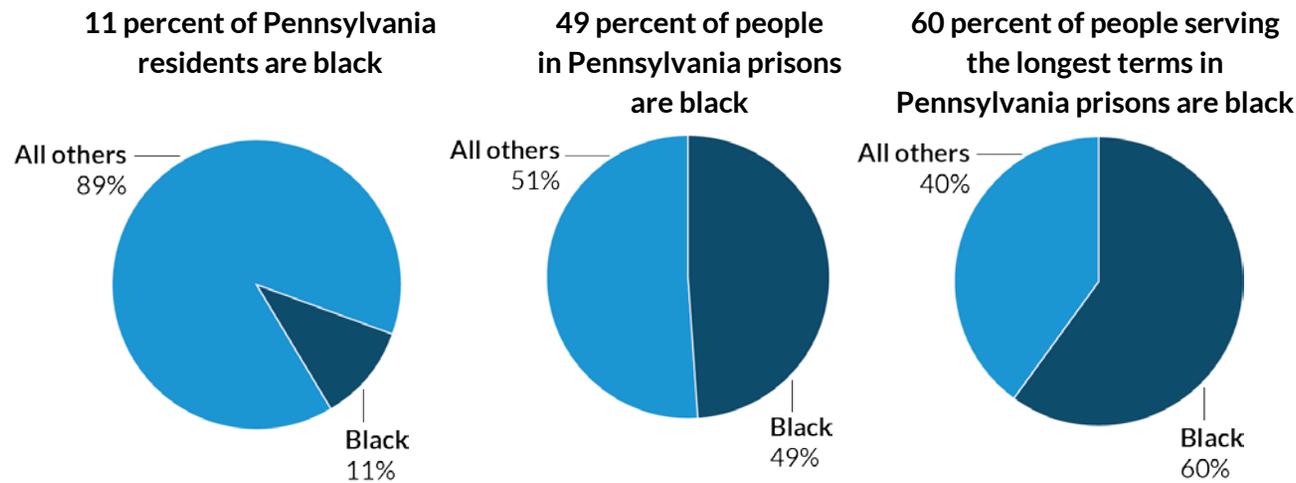
The black incarceration rate has decreased over the past decade, likely as a result of reforms for less serious drug offenses. But people serving the longest terms remain untouched by such policy changes.

In 35 of the 44 states with complete data, racial disparities among people serving the longest 10 percent of prison terms are larger than disparities in the overall prison population. In Pennsylvania, for example, black people make up 49 percent of the state prison population but 60 percent of those serving the longest prison terms.

“The disparity in sentencing...based on the pigmentation of your skin, it’s quite obvious and evident. ...During the crack epidemic, the sentences [were greater] if you got caught with 10 grams of crack, for example, then if you got caught with 10 grams of cocaine. What’s the difference? It’s cocaine. One is cooked, one is not. Who is affected mostly by them harsh drug sentencing laws? The minority communities. Blacks and Hispanics. That’s the reality of it.”

ELVIN GARCIA

Served a total of 32 years in prison



Though most states have seen a decline in racial disparities among people serving shorter prison terms, the story is less consistent among those in prison the longest. In recent years, racial disparities have decreased in at least 42 states for people serving less than 10 years. But in at least 18 states, disparities actually grew among people serving 10 or more years. Current reforms fail to address these glaring disparities because they largely leave out those serving the longest terms.

Nearly 40 percent of people serving the longest prison terms were incarcerated before age 25.

Looking at the top 10 percent of people serving the longest prison terms in each state, we found that many people were sentenced for crimes committed in their youth. Some have been incarcerated for more than half their lives. In California, this is true for more than 5,500 people; in Florida, nearly 3,000.

Recent Supreme Court rulings have upheld that youth under age 18 are fundamentally different from adults—that because their brains have not fully developed, they are less capable of self-control and responsible decisionmaking—and cannot be sentenced to death or mandatory life without parole. These rulings offer hope to thousands of people serving life sentences for crimes they committed before age 18.

“When I got incarcerated, we probably had 400 women. There was only three white females in the facility at that time. ...You start seeing those different agendas and wondering why there’s not that many [white people].”

MONICA JAHNER
Served 28 years in prison

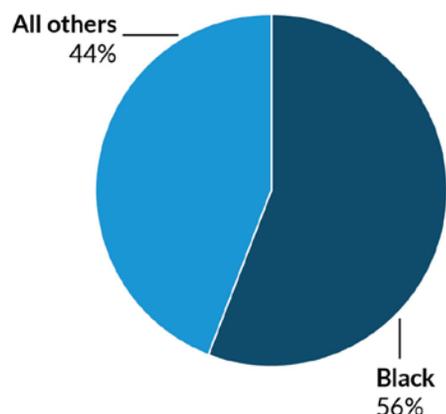
Though youth ages 18 to 24 are considered adults in the eyes of the law, a growing body of scientific research suggests that a person's brain is still developing well into his or her twenties. This means that 18- to 24-year-olds are particularly amenable to change and likely to age out of criminal behavior but do not receive the same protections as youth under 18.

These young people are still given extremely long sentences, including life without parole. And even those given a chance at parole are often blocked by parole boards that, decades later, continue to judge them solely by their original offense.

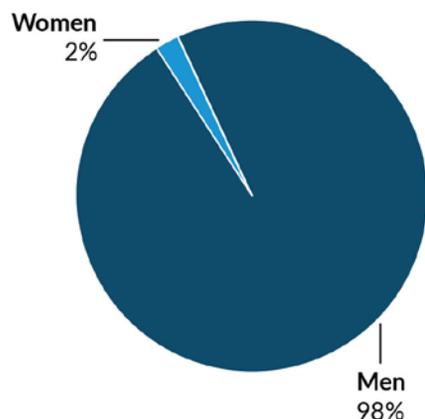
Young adults, like adolescents, are more amenable to change. ...Often, people who engage in risky behavior or in crime as adolescents or young adults...naturally age out of that. It's a period in which people are undergoing legal socialization, making that transition from teen or adolescent into fully independent adulthood. So I think it's an important time period for addressing and rethinking our response to young adults both for their benefit [and] society at large.

Samantha Harvell, Urban Institute

Among people sentenced before age 25 serving the longest prison terms...
56 percent are black



98 percent are men

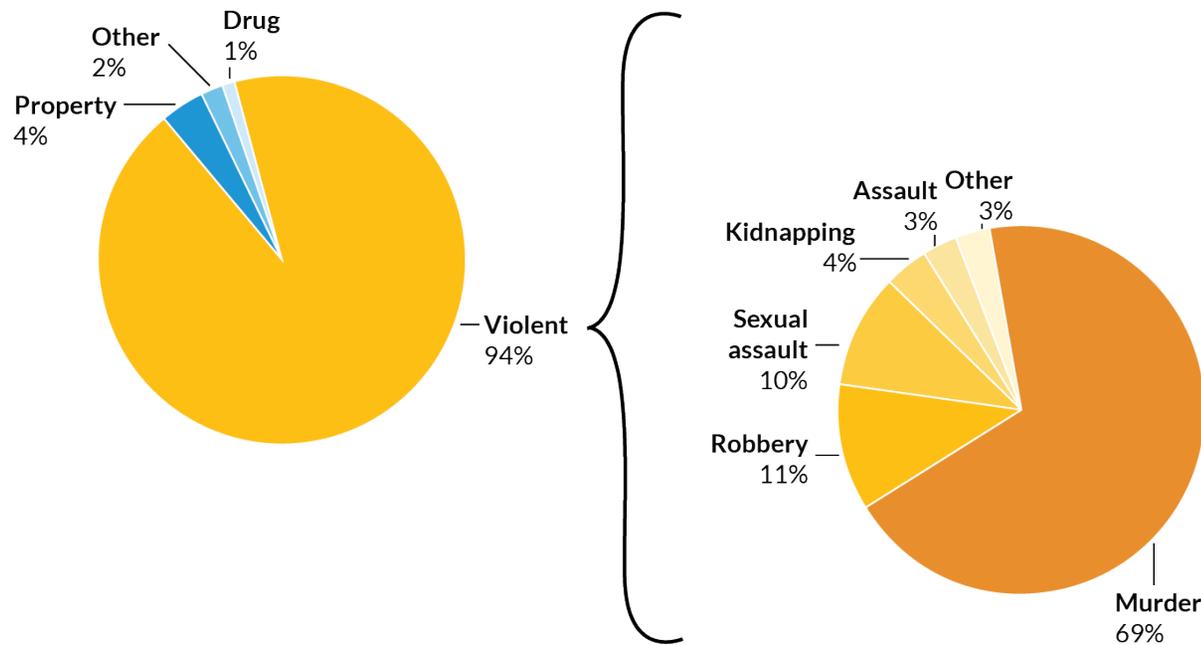


“If you go in as a young person, you’re just—you’re stunted. Your growth and your maturing and everything else. You’re just neutral in prison. You don’t really...progress. You don’t get anywhere. That’s dangerous for the community because you’re really no different than when you went in.”

STANLEY BAILEY

Served a total of 36 years in prison

Of those convicted of violent offenses, 69 percent were convicted of murder



“It wasn’t easy. I spent all my youth—my teen years, my youth. I went away at 15. I didn’t get out ‘till I was almost—I was 42.”

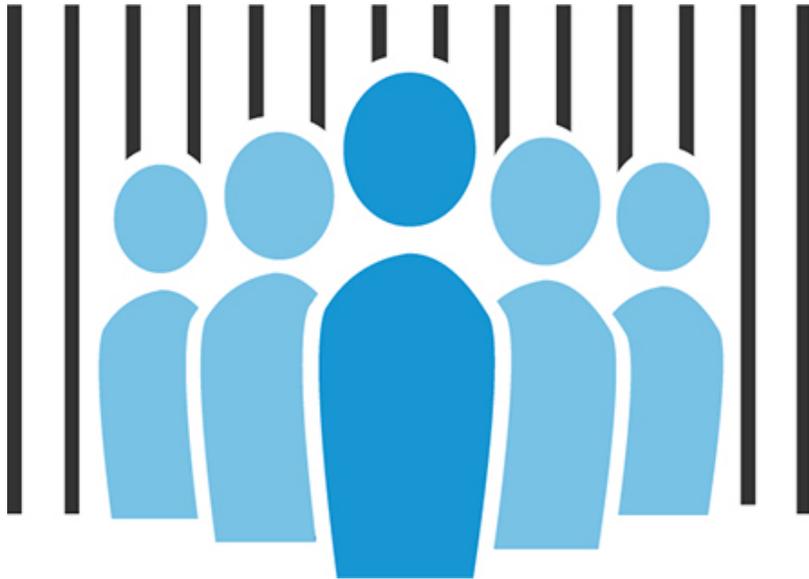
“At 15...your mind is not fully developed where you can make the appropriate decision. Your decisionmaking process hasn’t fully grown as an individual.”

ELVIN GARCIA

Note: Values do not sum to 100 percent because of rounding.

Race and age disparities combine, with devastating results.

One in five people in prison for at least 10 years is a black man incarcerated before age 25. Comparatively, just over one in eight in the general prison population is a black man incarcerated as a youth. This staggering disparity reflects and perpetuates social inequalities, keeping a disproportionate number of young black men in prison and out of their communities for long periods.



One in five people in prison for at least 10 years is a black man incarcerated before age 25.

A growing share of women in prison are serving long prison terms.

Women in prison are a rapidly growing group—and in most states, a growing share have served more than 10 years. In Michigan, 8 percent of women in prison had served at least a decade as of 2000; by 2013, that number was 13 percent. In Wisconsin, this figure rose from 1.8 to 6.5 percent over the same period. Across the 44 states we looked at, over 5,500 women had been in prison for at least 10 years.

Overall, women are more likely to be sent to prison for a property or drug conviction than a violent conviction. In the most recent year of data available, only 37 percent of women in prison had a violent conviction, compared with 55 percent of men. But among people serving the longest terms, a full 92 percent of women had been convicted of a violent offense, roughly on par with men (91 percent).

Because they are a relatively small group, little is known about women serving long prison terms. But ample research shows that women's experiences before, during, and after prison often differ greatly from those of men. Incarcerated women are much more likely to have experienced abuse before entering prison, and those serving life sentences have reported some of the highest rates of prior abuse.

“It’s a man’s world. This is a man’s world overall, but more so in prison.”

RAMONA BRANT

Served 21 years in prison

Some women serving long sentences for drug offenses may have been charged as accomplices in drug conspiracies because of their relationships with men engaged in criminal activity. In some sentencing schemes, especially at the federal level, women may be held equally accountable for crimes committed by their partners despite having little or no intentional involvement.

Women are also more susceptible to the challenges that come with being an incarcerated parent. As of 2010, 62 percent of women in state prison had children, compared with 51 percent of men.

As the number of women serving long prison terms continues to grow, more research is needed to understand how they are uniquely affected by incarceration.

People incarcerated the longest tend to be older than the average person in state prison.

More than 30 percent of people who have spent the most time in prison are at least 55 years old, compared with just over 10 percent of the overall prison population.

More people serving longer prison terms means that more people are growing old in prison. Between 1993 and 2013, the share of people 55 or older in state prisons increased by 400 percent. This was caused in part by an influx of older people, but it also reflects a greater proportion of people serving longer prison terms.

Prisons are typically ill-equipped to address the needs of the elderly and disabled, and prison staff may not be prepared to treat age-related conditions. Many of the stresses of prison, such as victimization, discipline, and poor conditions, are even harder on older people.

Health care in prison is also extremely expensive, and people require more support as they grow older. The annual cost of incarcerating someone over age 50 is twice the cost for the average person.

An aging prison population is one of the clearest signs of a prison system designed to punish people rather than ensure public safety. Keeping elderly people in prison, especially after they have lost their physical or mental capacities, serves no practical purpose, as demonstrated by the extremely low rates of recidivism among older people who are eventually released.

“There are a lot of women that are actually [in prison] because of their relationship with a man in one shape, form, or fashion. Women that knew and women that didn’t know. Women that were there similar to mine with the abuse. ...I thought my situation was bad, but I really heard some very horrific situations that women went through.”

RAMONA BRANT

“Everything that you would normally do in your twenties, I have to do in my fifties. I wanna start a little business. I wanna buy a home.

“It’s a heavy burden on men when you’re reaching your fifties and you’re not financially secure. ...To still be struggling to get what you need or what you think you want in life. Yeah. That comes into your thought a little bit as you start getting older in prison, definitely.”

STANLEY BAILEY

Reform efforts must consider those who are most affected by long prison terms.

Shortening long prison terms won't be enough to fix the criminal justice system. Reforms must increase racial and ethnic equity, not aggravate disparities. Women and their experiences must be included in policy conversations. Policymakers will need to reconsider whether it is sensible or fair to condemn people in their teens or early twenties to long sentences or to hold people in prison well into old age. To fully address these issues, we must take a hard look at the systemic inequalities driving these patterns.

“I was in prison for 28 years. A lot of my people...that were there when I came in the door are dead. They were older women. ...If they don't die from some type of cancer or something, serious disease, they're becoming mentally ill and...their minds are gone.

“I still stay in touch with my people that I believe deserve the second chance just like I was given, but because they're serving first-degree life and they're not eligible for parole, they're just dying in there.”

MONICA JAHNER

NARRATIVES | THE PERSONAL COSTS OF LONG-TERM INCARCERATION

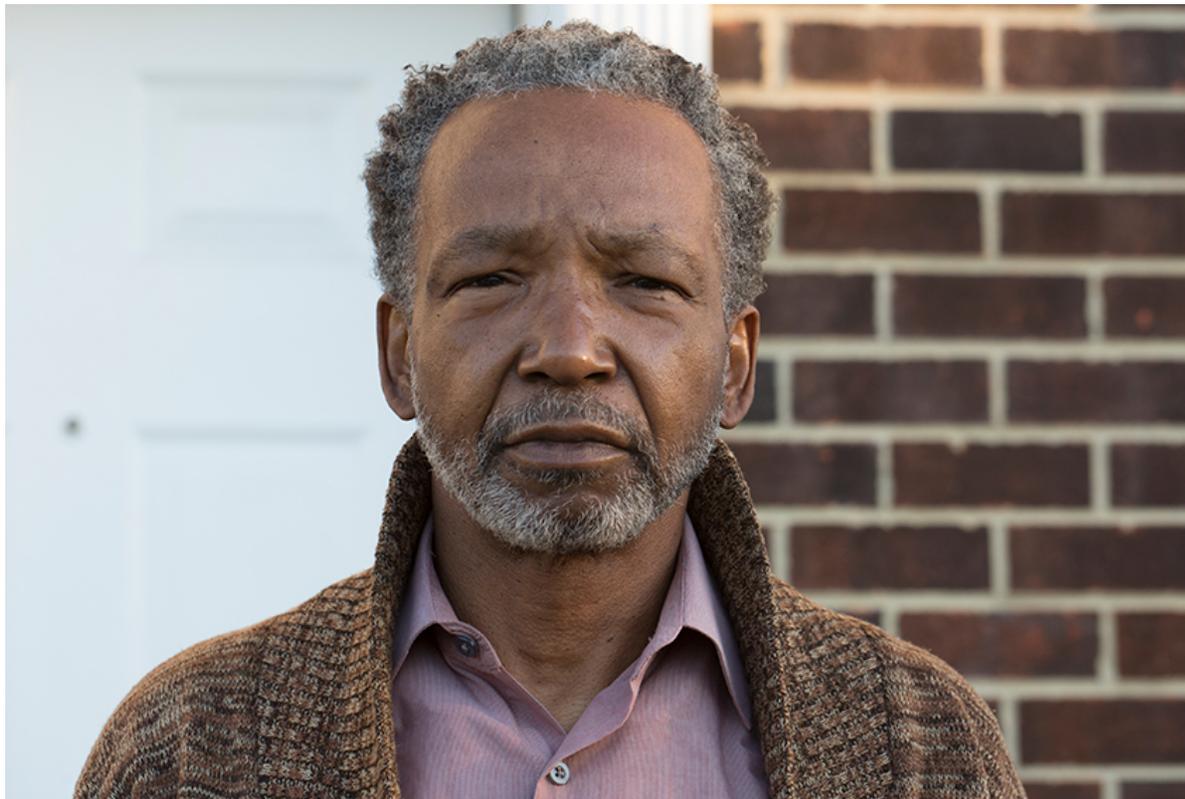
“I’m a human being. ...Each one of us has a story to tell, and if you would just take the time to listen, you would be amazed at how similar I am to you.”

Ramona Brant
Served 21 years in prison

Home now, Stanley Mitchell often asks about old friends he hasn't seen in a while, only to be reminded that they died while he was in prison. But those 35 years behind bars felt separate from the real world, he said, and so those losses—once intangible and distant—are now taking their toll.

“In 35 years, can you imagine the relatives that I've lost?” Mitchell said. “It's not real. What's real is that you're confined to a cell at night. The other stuff is out there.”

Even after his wife died, Mitchell said he couldn't mourn because he had to stay alert in prison. He couldn't afford to walk around in a daze. He had seen others succumb to depression, addiction, and violence, and he was determined not to lose himself to grief.



Stanley Mitchell. Photo credit: Matthew Johnson.

“You know it's never no good news when the chaplain wants to see you in the middle of the week. ...You go up there and you sit out in the hallway, and the chaplain calls you in and says, ‘Who is Beatrice Mitchell?’

“I said, ‘That's my wife.’

“He said, ‘Well, she passed yesterday. Here's a number. You got 15 minutes to call your family.’”

STANLEY MITCHELL

Served 35 years in a Maryland state prison

Sentenced to life with the possibility of parole

Released in 2013 at age 63

Being in prison for 20, 30, or 40 years means that loss is inevitable. Elvin Garcia lost his younger brother while in prison. Nelson Rivera lost his mom. Ramona Brant watched as her children were raised by strangers after her parents died.

And when those incarcerated for a long time are released, they're sent back into a world that seems foreign and strange in small ways and insurmountable in big ones. Cell phones are ubiquitous. Parking meters have changed. Subway tokens are a thing of the past. But those changes pale in comparison to the challenges of finding a job, reconnecting with now-grown children, and trying to reconcile with so much lost time.

Surviving prison

Prison stays aren't meant to be easy, but long stays that span decades or that have no end date in sight can exact devastating costs.

When you don't have no hope and you think this is just going to be it for you, it obviously affects you mentally and, in some cases, physically. I've seen individuals stop taking care of themselves, and they develop all kinds of crazy diseases, diabetic, high blood pressure. And after a while, they just die. A lot of people that have life sentences die before they make parole.

Stanley Mitchell

When Monica Jahner first saw the prison where she would be housed, she thought it looked like a college campus. She was 22 and had been sentenced to life. The reality of her situation—and the fear—didn't set in, she said, until she was put in solitary confinement (the only space available) and the door shut behind her.



“I had to figure out, mentally, how I was going to get myself through this situation. I don’t think one time during my 28 years did I ever think that I would do life in prison.”

MONICA JAHNER

Served 28 years in a Michigan state prison

Sentenced to life in prison

Released in 2007 at age 52

Monica Jahner. Photo provided by Monica Jahner.

Over 28 years of incarceration, Jahner’s health deteriorated.

“The fear of what was going to happen to you day to day based on who didn’t like you and who did and not having any options in making my own choices was traumatizing for me,” Jahner said. “That was the hardest part of doing time.”

The constant stress gave her ulcers, high blood pressure, and tachycardia. Jahner said she had to be rushed to the hospital regularly when her heart would beat dangerously fast.

“I could never relax,” she said. “You didn’t know when the dogs were coming in...to sniff for drugs. You never knew when the police were coming in to raid your room. ...You were always living on the edge of fear.”

Withdrawal and violence as coping mechanisms

For some, shutting out the outside world is a way to survive, as Mitchell did when his wife died.

Prison is its own microcosm. Your world exists inside your walls. Yeah, you're concerned if you have children: "How's my daughter doing in school?" or "I'd like to meet my son's new fiancée." Of course, you're concerned—"How's Grandma?"—but you try to, for the most part, keep your world [to] what goes on inside there, especially if you're a life prisoner. You know you're not going home in seven months.

Stanley Bailey

Of course, I missed my family, but it was easier for me to lock my family out of my life and not have them come see me. ...It was easier for me...to live on the inside than on the outside. ...After a while, I just stopped doing visitation 'cause it was easier for me not to have my family suffer.

Monica Jahner

Many of the people that we interviewed for this story said that the culture in men's prisons in particular reinforced violent behavior and bred bitterness. They had to embrace that violence to survive—but in doing so, they risked racking up disciplinary sanctions that could keep them in prison longer. Some felt they transformed into people they no longer recognized.

Just to survive in there, you have to continue to indulge in violence. ...I really wanted to start veering and fading away from that kind of lifestyle [of] always finding resolution through violence. I knew it wasn't the answer, but in that environment, sometimes you have no choice.

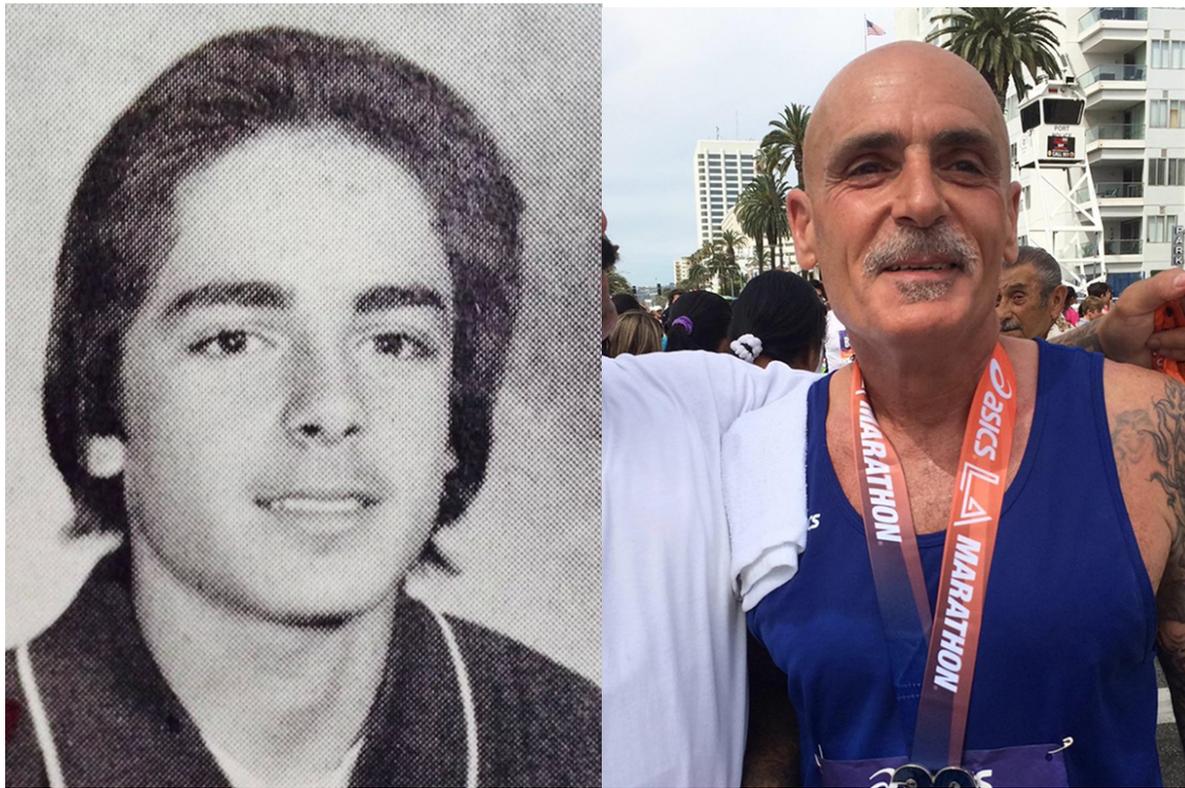
Elvin Garcia

Does prison, long-term incarceration, change people? Sure it does. Does it change them for the better? Sometimes it does, sometimes it doesn't. More times than not, it doesn't. It makes a person more bitter, more hateful, especially when...the rules are not applied fairly.

Stanley Mitchell

"Everybody has some kind of activity to do to try to maintain their sanity. Some of them are negative. Some of them are positive."

STANLEY MITCHELL



If you're in a maximum-security prison, you have to keep your wits about you and be concerned with what's going on right there."

STANLEY BAILEY

Served a total of 36 years in prison for three separate convictions

Sentenced to life for his third conviction under California's Three Strikes policy

Released in 2015 after the passage of Proposition 36

Stanley Bailey: 1976 and now. Photos provided by Stanley Bailey.

I wasn't a thug. I wasn't a really rough kid. I was a drug addict. When I first entered prison, I just pretended to be a tough guy 'cause I was in no way a tough guy. After pretending for a little while, it became natural and it became real. I just ran with that for about 25 years. I was [thinking], "Man, I'd much rather be a shark than chum."

The first 25 years, I was just rotten. And the last 10 years, I got myself out of it. ...I just got tired of everybody hating me. ...I got tired of just being that guy. It was nice to get back to the person that I recognized as a kid.

A lot of people, like, "Wow. I remember you from in there. Man, you've changed from what you were." I tell 'em, "No, not really. I just went back to what I was before I went into [prison]."

Stanley Bailey

The collateral cost to families

You're not the only one doing time. Your family is. Your loved one is.

Elvin Garcia

Served 27 years in a New York state prison

It was a three-hour drive for Nelson Rivera's family to visit him in prison. Rivera considers himself fortunate that he wasn't that far from home, at least compared with others in prison with him.

"Knowing that some families can't afford to come stay or see [you]," Rivera said, "it's just a mind-breaking thing. It will break you in ways that you never understood."

Relationships are hard to maintain over long prison terms. Though Rivera tried to stay close to his family, he and his wife divorced.



"When I went away, I was married. I was married to the mother of my two sons. She was with me as much as she could, but then it got hard. I mean, you're going to Pennsylvania all the time, you're seeing me, but it's not enough.

"Within that time, I made the conscious decision that we should not continue the marriage. I said, 'I'm gonna be here a while longer. I think that you should do something else.'

"We both understood where I was at. We both understood what the situation was, and that's what happened. We got a divorce."

NELSON RIVERA

Nelson Rivera. Photo credit: Matthew Johnson

You get 300 minutes on the phone for a month. How much time is that a day? Ten minutes a day if you use it correctly. Then you're talking about people coming to see you. ...It's anywhere from \$200–300 a day just to come see you. It becomes a burden. ...It destroys families. It destroys wives. It destroys husbands. It destroys relationships with children. I have four children, and there were times where I felt like I was going to lose my family—my children mainly—and thank God, we stood strong.

Nelson Rivera

My parents, they were there for me. They were there for me, and I felt bad. When they needed me the most, I failed them. I wasn't there for them. I wasn't there to see about their health needs or even preparing for their burial. I was not there. I was not there when it was most important. That's something that I don't beat myself up for, but it remains with me. Because I feel like I failed them.

Ramona Brant

I've seen individuals do long sentences...[and] by the time they're released, both parents died. They have no immediate family left. No one.

Elvin Garcia

In 1995, Ramona Brant was sentenced to life without parole for a drug conspiracy charge—her first offense—when her two sons were ages 3 and 4. Their father received the same sentence, leaving the boys with Brant's parents.

Brant's life sentence was a penalty, required by law, that even the sentencing judge said was too severe. When Brant first heard the sentence, she refused to accept it. She left it behind in the courtroom and would not carry it with her. She assured her boys that she would be home again, and she was right—but it would take 21 years and a pardon from the president. And, by that time, her boys were no longer boys.

“Three years prior to me being released, my mom passed away, and I knew I had to change my life.”

NELSON RIVERA

Served a total of 17 years in prison for two separate convictions

Released in 2015 at age 45



“When we lost my mom, that was like—that was hard, especially on my youngest son. ...He felt like everyone left him. He felt deserted by everyone he loved. It was nothing that I could do. It didn’t matter what I said. I was not there. He could not hold on to me. ...I couldn’t reassure him that it was going to be all right. Only thing I ever did was promise them that I was coming home.”

RAMONA BRANT

Served 21 years in prison

Sentenced to life without parole

Released at age 51, granted clemency
by President Obama

Ramona Brant. Photo credit: Logan Cyrus.

From prison, Brant tried to stay connected to her kids. She sent money home from her commissary job to pay for their haircuts. At the start of every school year, she wrote to her sons’ teachers, asking them to understand the situation her kids were in, with both parents in prison.

“They were just suffering. ...They didn’t have their parents to come to PTA. They didn’t have their parents to drop them off in the morning and pick them up at night. They didn’t have their parents to come and have lunch with them at school and show their parents off. They didn’t have that,” Brant said. “[I] just wanted [the teachers] to understand I’m absent...physically, but I’m there if you allow me to be there.”

Brant’s father died five years after she went to prison. Another five years later, her mom passed away and the children went to a group home. A man working at the group home later

took the boys in through foster care, a kindness that Brant remains grateful for. But the time with her kids that she missed out on continues to haunt her.

“My arms would ache from not being able to pick them up and hold them. ...I didn’t have children until late, and so I was excited to have these little ones, these babies...to give birth and to hold my child for the first time and protect them as best as I could,” she said. “Then I woke up one day and I was stripped of all of that.”

“I missed out on their first day of school. ...I missed out on being able to encourage them to persevere. I missed out on being a mother—period. I feel like I was robbed of that opportunity because they were babies. And when I came home, they had babies. ...It’s even hard now to know that I can never get those days back.”

Life after prison

It’s been over two years since Ramona Brant was granted clemency. Supporters and news cameras greeted her outside the prison gates when she was released. But after the celebration, she struggled adjusting to life outside.

Brant moved to a halfway house in Charlotte, North Carolina. She’d spend hours downtown just sitting on a bench, fascinated by people walking by with their eyes glued to their cell phones.

“Everything surprised me,” Brant said. “Everything was new. Everything was different. Flat-screen TVs. Laptops. Going to the bank with a card. Trying to ride the train. Filling out paperless applications. Going to the grocery store and scanning my own food, checking my own self out. Getting in a car and watching it have a camera to see how you’re backing up. Everything. I felt like I just landed here and I had to learn everything all over again.”

But her surprise and curiosity were often overwhelmed by the fear that she would be sent back to prison for the smallest infractions, like getting back to the halfway house past her curfew or not knowing she needed a ticket instead of a token for the train.

“I was at the halfway house. They gave me a folder. They gave me a bag of tokens and told me to go look for a job. No one considered the fact that I’ve been away for 21 years. I went out. I came back, I had a meltdown.”

RAMONA BRANT

Returning home after decades in prison often means starting over at an age when most people are already established in life. It can mean looking for a job in your fifties with no work experience and the stigma of a criminal record. It can mean not having stable housing or a support system because you've outlived your parents or lost your partner. Many struggle with mental and physical health problems, drug addiction, and the shock of reentering society after prison has been their only home for years.

Even after I got home and had been in the house, I still went through a lot of different changes. Every time somebody knocked at the door, I would assume it was the police coming to get me, that they made a mistake. I was having these terrible dreams. I'd wake up in the middle of the night soaking wet, screaming.

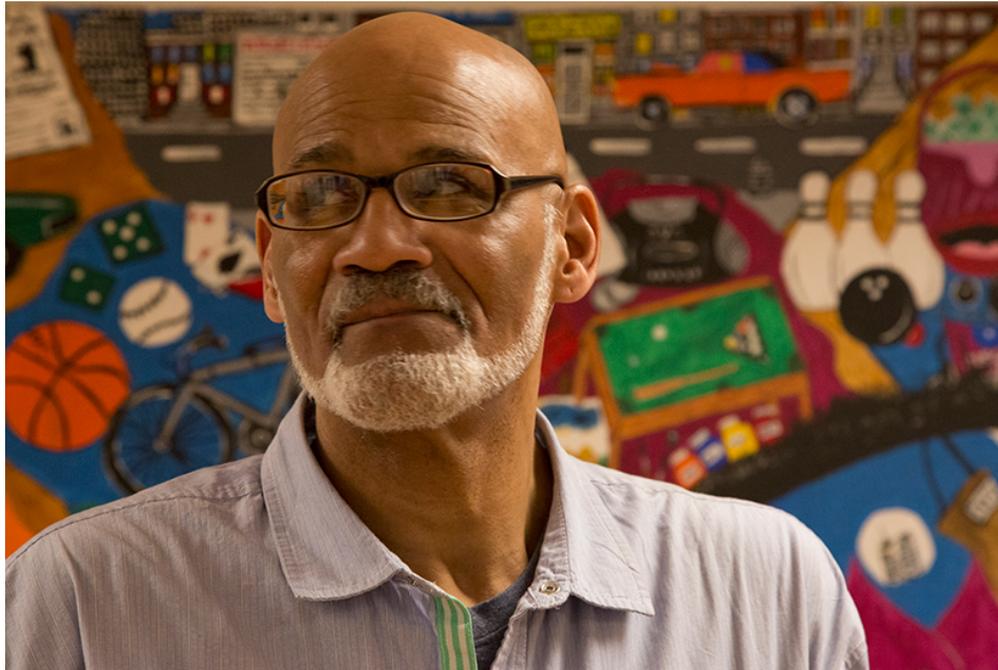
Stanley Mitchell

I wasn't scared of addiction. I wasn't scared of prison. ...But that tent underneath the bridge that smells like urine in those homeless camps—that's what scared me. ...I would think, 'You're either successful or this is your option. You're a man in your fifties with no family, coming out—to be honest, a fifth-grade education and no employable skills. ...You're either going to make it or that's your next option.'

Stanley Bailey

I pay taxes, but I can't vote. I have taxation without representation. ...The things that they say they want to help us do in terms of my transition back in society, the restrictions and the biases that are placed on us—if a person isn't strong internally and doesn't have a good social network, they're bound to go back to what led 'em to the criminal justice system in the first place. I've seen it.

Howard Harris



I mean, not to be able to know how to swipe a card or use the teller machine. ...It was embarrassing. It was overwhelming, and at times it was really frightening. ...Before, it was always, 'I could do it by myself. I'm a big guy, don't show no weakness. I'm a big, brawling guy. I can do it myself.' I'm not afraid to admit today that I can't do it by myself. ...There's so much I'm still learning. So much.

HOWARD HARRIS

Served a total of 40 years in prison

First incarcerated as a teenager

Released in 2016 at age 59

Howard Harris. Photo credit: Matthew Johnson.

Elvin Garcia was convicted as an adult when he was only 15 years old. By the time he was released, he had spent nearly twice as many years in prison as he had in the outside world.

"I just felt there was a point, like after 15, 20 years...that I was ready to be released back out to society," Garcia said. "Not just only for me, for any individual at such a young age that, mentally, they haven't fully grown to their potential to make rational, logical decisions. I don't think the way to go is just incarcerate them for 30 years."

"I think about so much I could've contributed to society," Garcia said. "Just a lot of lost years. But them years, once they're lost, they're lost. You can't take 'em back. You don't get 'em back. You think about a lot of things that you could've done, what you wanted to do, but that's not my reality. You deal with the present and now. Try to look towards the future."



“As a society, if we’re going to give up on individuals when they commit a crime...then we’re in trouble as a whole.”

ELVIN GARCIA

Served 27 years in a New York state prison,
followed by 5 years in federal prison

Convicted at age 15

Sentenced to 7.5 years to life in New York

*Elvin Garcia: early 1980s and now. Photos provided
by Elvin Garcia.*



The steady increase in long prison terms is the result of deliberate policy decisions.

The 1970s were marked by rising crime and a growing skepticism that prison could rehabilitate people. Policymakers shifted their priorities, reimagining prison as a way to achieve the twin goals of punishing people who commit crimes and removing them from society.

At the same time, there was emerging concern that indeterminate sentencing systems, which gave judges and parole boards a great deal of discretion, were contributing to leniency and racially disparate outcomes. These forces paved the way for a wave of “tough-on-crime” policies that favored rigid, certain, and severe punishment. Capitalizing on the public’s growing fear of violent crime and on tensions caused by social change, policymakers campaigned on platforms that highlighted crime and public safety as a major political issue nationwide. In the 1980s and ’90s, lawmakers on both sides of the aisle enacted policies that swept more people into the criminal justice system and held them there longer despite scarce evidence that this would help control crime.

The pursuit of increasingly harsh sentencing policies eclipsed other goals of the justice system, like proportionality and parsimony—in other words, that the punishment should fit the crime and should be no stricter than necessary. The modern era of sentencing may have been born of a desire for greater consistency and certainty, but it came to be defined by its severity.

The strategy of trying to get crime prevention by locking people up for very long periods of time is not well-founded. It never was. Never had any empirical basis, but it had an intuitive basis at a time when many people felt that we were facing a zombie apocalypse of crime where unchangingly scary, bad, high-rate offenders would be in our midst unless we did something about it.

Jonathan Simon, UC Berkeley School of Law

“The rules change...every month, every year. One year, they’re for rehabilitation. And then the next year, they’re [saying] ‘lock ‘em up.’”

STANLEY MITCHELL
Served 35 years in prison

“I did 35 years. I did 35 years, 10 months, 19 days, and 11 hours to be exact. Straight through. No prerelease, no work release, nothing. Straight through.”

“There’s a lot of people that I’ve come in contact with that didn’t believe that they would keep somebody in prison 35 years. There’s people that got out with me that had 40 years in. The public is so unaware of what actually goes on.”

STANLEY MITCHELL

States drove up the time people spend in prison by lengthening sentences and restricting release.

States enacted these punitive changes at the front and back ends of the criminal justice system. At the front end—when people first enter the system—policy changes made sentences longer for a variety of crimes. Many states adopted determinate sentencing schemes that established fixed penalties and left judges powerless to consider the circumstances of each case. Tougher sentences undermined the important goals of proportionality and parsimony, allowing people to be punished severely for even low-level crimes.

At the back end are release policies that affect people already in prison and how long they'll stay. Many states increased the minimum amount of a sentence people must serve and removed or restricted release options like parole. By erasing opportunities to earn an earlier release, these policies removed incentives for people to undergo the transformative personal growth that prevents reoffending.

States began to impose disproportionately long sentences.

Policymakers pursued their tough-on-crime agenda by enacting laws—many still on the books today—that handed down long sentences for a wide range of offenses. Some states changed their laws to make offenses eligible for prison time that had previously been punished with community supervision. Others changed sentencing thresholds to lower the quantity of drugs or value of stolen property required to trigger longer sentences.

Often, the sentences allowed under these new laws were disproportionately long compared to the severity of the crime. In some states, broad sentencing ranges put into effect for certain offenses gave judges considerable freedom to hand out harsh punishments. In Utah, for instance, first-degree felonies now carry a minimum sentence of 5 years with a maximum of life. In Louisiana, the penalty for armed robbery ranges from 5 to 99 years.

Experts suggest that longer sentences became the norm for all types of offenses partly because of a growing acceptance of severe sentences for the most serious crimes. These sentences have set an unprecedented standard of punishment in the modern era and normalized harsh penalties for other offenses.

“One guy had stolen some sandpaper from Home Depot. ...He had got 25 to life. I think another guy stole a bike, and another guy bought a stolen car radio.

“I don't believe the three-strikes law was fair in any way for anybody involved. Any nonviolent offense...shouldn't trigger a life sentence. ...It seemed like they capitalized on the emotions of that time and a couple of really sensational crimes, and they got the voters in California to push it.”

STANLEY BAILEY

Sentenced to life for his third conviction under California's Three Strikes policy

Popular “bumper-sticker” crime policies increased time served for certain crimes.

Certain crimes or circumstances can automatically trigger mandatory sentence increases (for example, if an offense is gang-related or committed near a school). These rules can require judges to hand out a longer sentence even if they don’t think one is warranted. Further, these sentencing enhancements tend to disproportionately affect communities of color, exacerbating racial disparities.

As crime and public safety became more of a kitchen-table issue, lawmakers promoted “tough-on-crime” policies directly to voters with memorable slogans like “three strikes and you’re out,” “seven deadly sins,” or “truth in sentencing.”

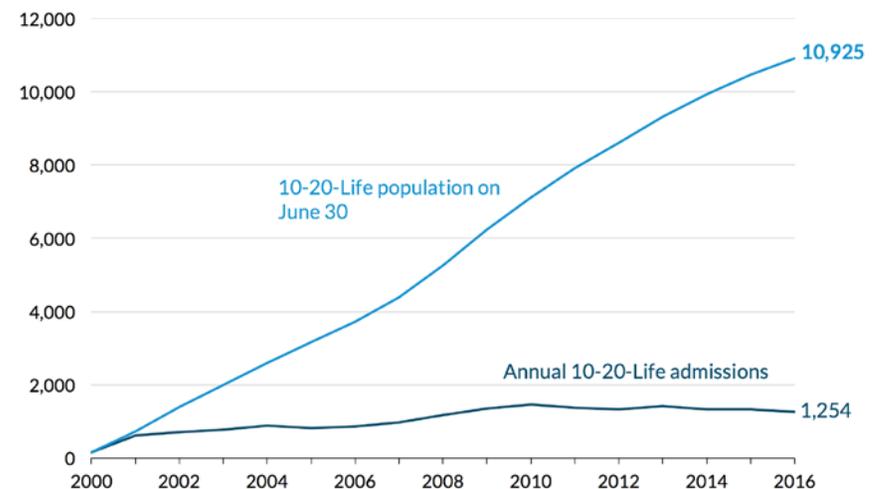
Case Study: Florida

Florida enacted a 10-20-Life law in 1999 that triggered long mandatory sentences for people convicted of certain crimes involving a firearm. Simply pulling out a gun could earn someone 10 years; firing it, even as a warning shot, could earn them 20. Judges were not allowed to make exceptions.

Even though the number of people sentenced each year under this enhancement stayed fairly steady, the total number of people in prison serving 10-20-Life sentences skyrocketed because so few are released each year. As new people enter, this group continues to stack up.

Though policymakers reformed the 10-20-Life law in 2016 to eliminate the mandatory minimum sentence for aggravated assault, about 1 in 10 people in Florida prisons today—nearly 11,000 people—was sentenced under this law.

Florida Prison Admissions under the 10-20-Life Law



Many states adopted mandatory minimum sentences for people with prior convictions.

Spurred by high-profile crimes committed by people who had been released from prison, calls for harsher punishments for repeat offending [ushered in a wave of legislation](#), such as California's Three Strikes law, that ratcheted up penalties for subsequent convictions. The public, convinced that dangerous people were cycling in and out of prison, embraced these laws despite a lack of evidence that they would help reduce crime.

California was not the only state to adopt this type of mandatory minimum sentencing. States like Georgia, Tennessee, and South Carolina also have extreme two-strikes policies that require mandatory life sentences without parole for certain second offenses.

Case Study: California

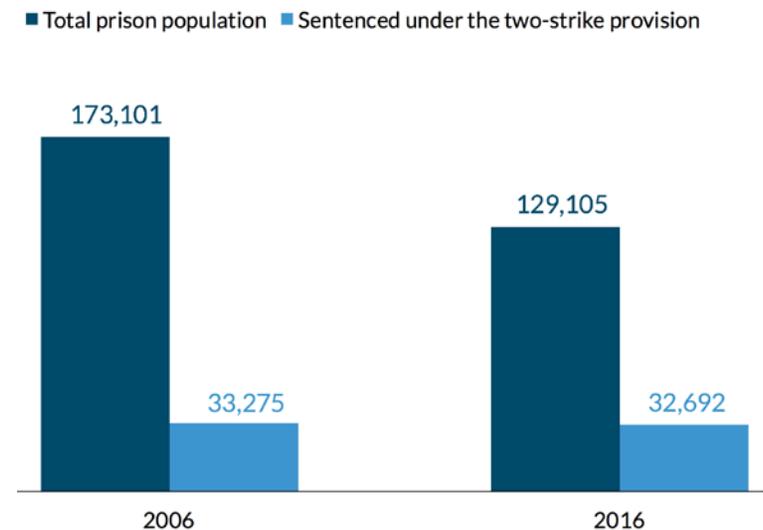
Though it was not the first state to adopt such a policy, California's notorious Three Strikes law stands out as one of the most extreme examples. Enacted in 1994, the law doubled the penalty for a second felony if the first was violent and triggered a sentence of 25 years to life for any third felony, even petty theft.

A 2012 ballot initiative (Proposition 36) reformed the law to prevent less serious crimes from triggering a third-strike life sentence and included a retroactivity clause that allowed more than 3,000 people in California prisons to petition for reduced sentences. It did not, however, reform the law for people with more serious third-strike offenses, including some drug crimes, nor did it change the second-strike provision.

Today, "second strikers" continue to receive long sentences. Even as reforms to reduce overcrowding caused California's total prison population to drop by 25 percent from 2006 to 2016, the number of people serving a second-strike sentence has held steady.

These mandatory sentencing laws have caused a major shift in the makeup of California's prison population. In 2006, a fifth had been sentenced for a second strike. Today, second strikers make up a full quarter of the state's prison population.

California's Two-Strike Policy Has Been Immune to Reform



Time-served requirements limited or removed opportunities for early release.

Historically, people in prison could get time off their sentences by maintaining clean disciplinary records or participating in programs. Parole boards traditionally weighed these factors and other signs of personal transformation when deciding who to release. Early release credits were so integral to state sentencing structures that judges made sentencing decisions knowing that people could earn time off.

A wave of legislation in the 1980s and '90s, however, limited or eliminated these “good time” or “earned time” credits. Many states adopted determinate sentencing structures and truth-in-sentencing laws that required people to serve a set percentage of their minimum sentence, regardless of their behavior in prison. In these states, the amount of time people spent in prison was dictated at the moment of sentencing, leaving little flexibility to account for a person’s personal growth over the years spent in prison. By the turn of the century, 41 states and the District of Columbia had adopted some form of truth-in-sentencing law.

Stripped of the opportunity to work toward early release, people serving long sentences were given little structural incentive to take part in programming, develop skills, or otherwise try to transform their lives. Instead of serving as rehabilitation centers, prisons became warehouses where people serve time with few opportunities to redeem themselves and little hope for the future.

“If you said ‘yes, ma’am,’ the wrong way, they could write you up for insolence. ...You had to live in fear that somebody would write you up for one of these things and then you’d have to go another seven years [in prison]. ...I worried on a regular basis about what I did, what I said, how I moved.”

MONICA JAHNER

Served 28 years in prison

Case study: Michigan

Michigan’s truth-in-sentencing law is one of the nation’s most extreme, requiring people to serve 100 percent of their minimum sentences in prison. The 1998 law barred people convicted of certain serious offenses from earning credits to reduce their time served. By 2000, that rule applied to everyone entering Michigan prisons.

These changes drove up the time served by people who might otherwise have earned credits for good conduct. Michigan’s stringent release policies have helped make it one of the states with the longest average time served.

Many states abolished or radically restricted parole.

By the turn of the century, [21 states](#) had abolished or seriously restricted parole eligibility for many offenses. Parole boards, in the states where they were retained, became less likely to release people who had served their minimum sentences. Newly punitive attitudes and widespread skepticism about the possibility of rehabilitating people in prison meant that many people, especially [those with the most serious convictions](#), found parole beyond their reach no matter what they did.

Even the opportunity to appear before a parole board for consideration became less likely, as statutory changes in some states made people wait longer for their next hearing after being denied. As the size and makeup of parole boards changed, so did the prospects for parole-eligible people to have their cases heard. Because most board members are [selected by state governors and legislatures](#), the composition and behavior of a board can shift quickly based on state politics, leading to sudden and marked changes in parole rates that have nothing to do with the people being considered for parole.

“At one time when you were incarcerated, they would tell you, like, on a life sentence, you do 15 years. They would say that, during the course of that 15 years before you’re eligible, we want certain things from you. We want you to get a GED if you didn’t have it. If you had a drug problem, we want you to get some drug, alcohol counseling. It was a contract. ...They would tell what they wanted from you, and you—if you did that—you worked your way out of the system. But politics got involved, and they did away with that. And then it was just no matter what you did, they wasn’t letting you go.”

STANLEY BAILEY

“I was given a 6 to life and I wound up doing 25 years. I went to the parole board after that first 6 years, and thereafter, I went another eight times before they finally released me.”

HOWARD HARRIS

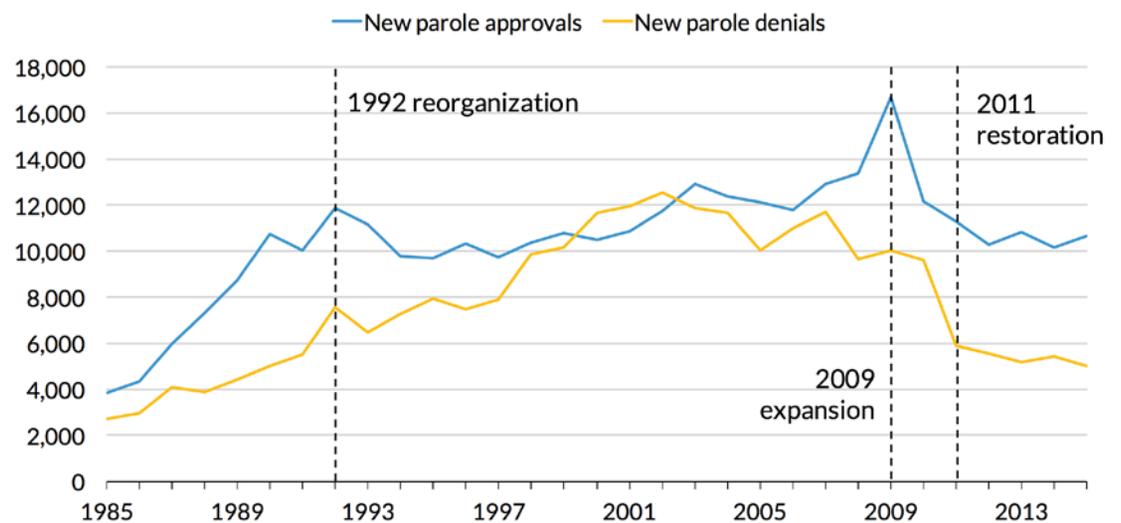
Served a total of 40 years in prison

Case Study: Michigan

Michigan's recent history demonstrates just how dramatically parole practices can fluctuate in response to political decisions. In 1992, the state overhauled its parole system and changed the makeup of its board from civil servants to political appointees. In just five years, parole approvals dropped by 10 percent and the number of people who stayed in prison longer than their court-imposed sentence nearly doubled.

In 2009, Governor Jennifer Granholm signed an executive order expanding the parole board to increase its capacity to review cases that were being continually deferred. Within the year, the number of paroles granted sky-rocketed. When Governor Rick Snyder took office in 2011, he reinstated the former parole board.

Michigan Parole Decisions, 1985–2015



In some states, a single crime catalyzed major changes in parole policy and caused a spike in the prison population.

Parole policies and practices are often extremely reactive, responding quickly to incidents that grab the public's attention. High-profile crimes committed by people on parole raise the perceived political stakes of granting parole to others. Risk-averse parole boards may simply prefer not to grant parole rather than take a chance that someone they release will reoffend.

There was a real fear of rising levels of violence, sometimes crystallized in very spectacular and highly publicized incidents that weren't necessarily normative in any sense but captured for people a sense that they were living in a society that had lost its basic control over violence.

Jonathan Simon

Case study: Pennsylvania and Arkansas

Pennsylvania's decline in commutations for life-sentenced people in the 1990s was prompted in part by headline-grabbing crimes committed by one person released on parole. In Arkansas, similar circumstances led to a sharp rise in parole revocations and a spike in the prison population.

In some cases, states have avoided these consequences by taking a more measured response to such incidents. Although Pennsylvania initially responded to a murder in 2008 by instating a moratorium on parole, it conducted a study of its parole policies and determined that they were still largely safe and effective. Pennsylvania reinstated parole the next year. During the brief moratorium, the state's prison population swelled.

The use of life sentences, especially life without parole, rose sharply.

The number of people serving life sentences has more than quadrupled since 1984 and has risen most sharply for those with no possibility of parole. As of 2016, one in nine people in prison was serving a life sentence. When virtual life sentences—those that exceed a person's likely lifespan—are included, that figure increases to one in seven.

Before the 1970s, few served the entirety of a "life" sentence, and life without parole existed in only seven states. It has since been adopted in every state except Alaska, and parole for life sentences has become much less common. And over the past few decades, more and more life sentences have been given to people convicted of crimes other than murder, including nonviolent offenses.

This rapid shift reflects a modern sentencing reality that favors indefinite imprisonment over rehabilitation. After the US Supreme Court temporarily banned the death penalty in 1972, the popularity of life without parole sentences exploded as states sought alternatives to capital punishment. Today, the United States remains one of a minority of countries that sentence people to life without parole.

"I was eligible for [parole] 10 years after I was incarcerated. Then a man came out that was paroled [and] raped and killed three or four women. They changed the entire parole process at that point, and they didn't release any lifers.

"I fell off the deep end. ...I became very destructive at that point. I was using drugs at that point 'cause I needed something at that point to cope with having to spend more time in prison. I really thought I was going home."

MONICA JAHNER

Life sentences are not only for the worst of the worst

Reflected in the views of many prosecutors, and eventually legislators and others...was an embrace of this simple idea that if prison can't do anything else—if it's a failure at all the other things we promised to do—its walls and its bars can certainly keep us safe from the people that we're most afraid of.

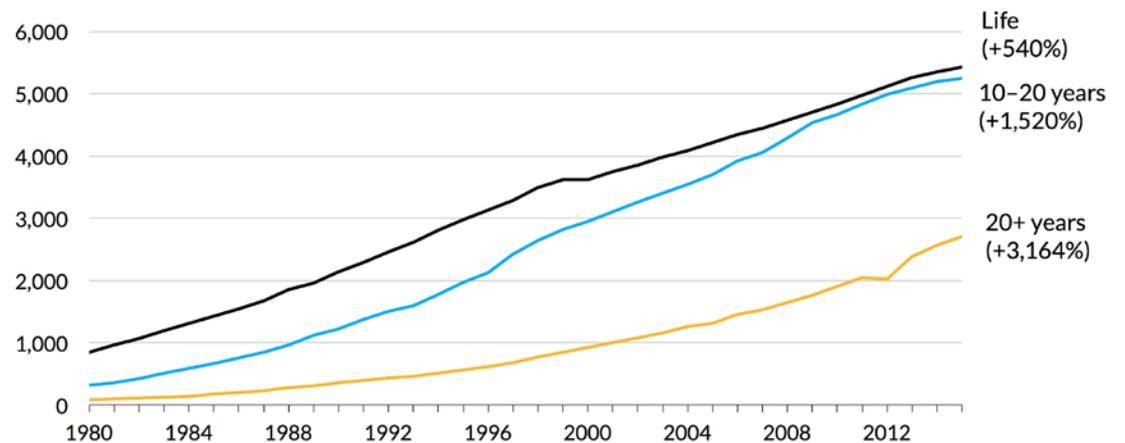
Jonathan Simon

Case Study: Pennsylvania

No one with a life sentence in Pennsylvania is eligible for parole. As one of the first states to adopt sentences of life without parole, Pennsylvania has the second-largest population serving such sentences in the country. One in 10 people serving life without parole in a state prison is incarcerated in Pennsylvania.

Before 1980, Pennsylvania governors often commuted life sentences to 20 years, but this practice has slowed nearly to a halt. In recent decades, the number of people serving sentences longer than 10 years has grown twice as quickly as the number of people serving sentences of 10 years or less. Over time, people with sentences longer than a decade steadily grew from 15 percent of Pennsylvania's prison population to 27 percent.

Pennsylvania Standing Prison Population by Minimum Sentence Length, 1980–2015



These policy decisions have had serious consequences for people, families, and communities.

Today, many states continue to uphold these policies and practices despite decades of evidence that tough-on-crime policies have been largely ineffective—and even counterproductive—in accomplishing public safety goals.

It has taken years for the consequences of these punitive policies to fully manifest, expanding prison populations and straining state budgets as people serving long prison terms stack up. But those personally affected by these policies felt the effects immediately and have lived with them for decades. People serving long prison terms have watched their lives pass by, while their families and communities have felt their absence.

“When [the judge] got to the sentencing phase, he said he felt that—and I can’t quote verbatim, but something to the effect that society would be dealt an injustice to have me sentenced to life in prison and that he wished the government would give me a downward departure. At that time, the government stood up and said, “Absolutely not, your honor.” [The judge] said he wanted the records to reflect the fact that he did not want the sentence made to life in prison, but he had to based on the law at that time.”

RAMONA BRANT

Sentenced to life without parole for a drug conspiracy charge

REFORM | CHARTING A NEW PATH

Our national reliance on long-term incarceration as a solution to violence has exacted a steep toll.

In the stories of people who have been incarcerated for much of their lives, the personal costs of long-term incarceration for themselves and their families are palpable. Communities have been fundamentally altered as more of their men and women have vanished into prisons for years, sometimes forever. States have channeled billions of dollars into their correctional systems for decades, with the growth in spending often outpacing other priorities like education.

At this high price, has our prison system delivered on its promises? As mass incarceration gained momentum, proponents of tough-on-crime policies argued that harsher punishments would ensure public safety and bring healing to victims of crime, particularly violent crimes. Today, that argument is echoed in our attorney general's call for tougher prosecutions and longer sentences.

Yet decades of experience have revealed long prison terms to be a weak antidote to the problems that cause violence and a painfully inadequate answer to victims' calls for resolution and healing.

HOW LONG PRISON TERMS FAIL US

Long prison terms don't necessarily help victims heal.

When the man who shot and killed her husband was sentenced to death, Dionne Wilson thought she would be free of the anger and fear that consumed her. Her husband, police officer Dan Niemi, was killed while on duty in 2005. Two years later, the man who shot Niemi was convicted, but the verdict did little to ease Wilson's pain.

"The promise that I would be somehow healed from that didn't happen, and I kind of spiraled out of control emotionally. I was just a wreck because I was supposed to feel better once he was on death row, and it just didn't happen that way," Wilson said. "What I was told about being healed and feeling better and all of these things—it didn't work. It was a lie."

For four and a half years, she struggled, searching for the healing that the conviction didn't bring. She chased any diversion that would make her feel better, she said, until she hit a brick wall. Through meditation and Buddhist practice, she found a sense of peace and compassion that led her to forgive the man who killed her husband and rethink her stance on the death penalty.

Although she once believed that people in prison were just bad people, perhaps irredeemably so, Wilson said her perspective was radically transformed after she visited a women's prison in Chowchilla, California, through an Insight Prison Project program.

"It was two of the most intensive, heartbreaking, healing, tear-filled days that I've ever experienced in my life," Wilson said. "When I went in there, I was just sitting with women—with women from all walks of life, all different races, all different backgrounds, levels of income, levels of education. Just women that reminded me of family members, of friends.

"That whole mental construct that I had around who was incarcerated began to crumble. As I listened to their story, I thought, 'Well, that could've been me.'"

Wilson is careful to say that her story is not a prescription for healing, nor is it universal for all crime survivors. People harmed by serious crimes have diverse needs, yet we typically offer them a single, one-size-fits-all solution: a long prison sentence for the person who committed the harm with very few opportunities for that person to work toward personal transformation.

"Probably 90 percent of the guys in prison, once they are convicted, they never have any reason to think about the harm they committed against their victim. ...They never take the time to think about how much harm they committed against their victim unless they're exposed to a program by which they can do it."

HOWARD HARRIS

Served a total of 40 years in prison

But not all survivors crave retribution immediately after suffering trauma, and victims' feelings may change over time, as Wilson's did. By then, they may not be able to change that outcome.

Some survivors may demand long sentences for those who have harmed them mainly because no alternatives are available. With no other way to seek justice, they know that the person who committed the crime will receive either a long prison sentence or nothing at all.

Most important, our current system doesn't ask victims what would serve them best. It fails to seek their input in a meaningful way, instead presuming that harsher punishments will mean more complete healing. But when asked, many people who have experienced the most serious crimes express a desire for restorative measures that might help them heal and prevent the violence they suffered from happening again. A 2016 survey showed that 61 percent of crime survivors are in favor of shorter prison sentences and increased investment in crime prevention and rehabilitation.

Long prison terms don't truly hold people accountable.

Proponents of tough sanctions often frame long prison terms as the only way to hold people accountable for committing serious crimes. But those who have personal experience with the prison system—formerly incarcerated people, crime survivors, and criminal justice professionals—are often quick to point out that punishment and accountability are not one and the same.

No one should mistake being incarcerated with being accountable. Those are two different things. When you're incarcerated, you've just lost your freedom. That does not mean in any way, shape, or form that you have taken responsibility for your crime. That is an internal process.

Dionne Wilson, Alliance for Safety and Justice

Accountability requires people to accept responsibility for their actions and commit to never causing that harm again. Yet many people in prison never understand or accept the full scope of the harm they have caused others because they are emotionally and physically separated from it. Few are given the opportunity to speak directly to the survivors of their crimes; in fact, this contact is often expressly prohibited. Our courts and prisons discourage people from discussing their crimes openly, so many spend years in prison without even talking about what they have done. Without reflection, they may never truly understand and accept their culpability, much less how they might begin to make amends.

Long prison terms don't help people change for the better.

Some assume that long prison terms encourage people to face their past, build skills, and achieve the personal awareness they need to transform themselves. But ample evidence suggests that longer prison terms are often inadequate or even counterproductive in motivating people to make positive change.

When people think they will be in prison for decades no matter what they do, they may be less motivated to take part in programming that might help them reenter society. In this sense, shorter prison terms can be a more powerful crime reduction strategy than long ones. By offering opportunities for earlier release, correctional systems can encourage people to undertake the hard work of self-improvement and leave prison more skilled and empowered to lead productive lives.

But people with the longest sentences are often last in line for programming. Without meaningful opportunities to change, people serving long prison terms are simply warehoused. Once released, they often find themselves ill-equipped to navigate the outside world.

When you realize how hard the struggle is, there's just no silver bullet. People are making up for a lot of lost years. They're working their way through a lot of trauma, and they're usually dealing with substance abuse or mental health issues—not always, but usually. Those things are not things that just vanish.

JoAnne Page, The Fortune Society

“Long-term prisoners are like the stepchildren of the facilities. ...You're not eligible for anything because all the programs are geared towards individuals who is coming back in the community shortly. In other words, there's no reason to let no guy who got life get a GED. There's no reason to let a guy that got life to get a work release or anything cause they're never getting out. ...That's what all the programs are for, people that have short-term sentences. ...Prison is not geared no more towards long-term offenders. They just house you. You're just housed.”

STANLEY MITCHELL

Served 35 years in prison

Long prison terms don't effectively prevent violence.

Communities that experience the most violence are often those with the highest rates of incarceration. People in these communities live with the damage that high incarceration rates can have on families and neighborhoods, and they see how prison fails to ensure community safety. It is often these communities that voice the strongest opposition to long-term incarceration and demand alternative ways of holding people accountable.

People in communities where we have enacted our experiment of mass incarceration witness the failure of incarceration to deliver on the promise of safety every single day. ...They have been promised a level of safety and a level of peace that would come out of our unprecedented investment in locking people up, and it has not delivered on that promise.

Danielle Sered

Effective violence prevention should acknowledge how trauma and exposure to violence can lead to more violence, perpetuating a cycle that weakens communities and can cause people victimized by crime to commit crimes themselves.

An enormous percentage of people who are in prison for violent crimes were victims and never got any kind of treatment or support. That doesn't give them a license to kill, but it also doesn't give us a license to have it turn out that the day you become a perpetrator, you cease being a victim. ...They had never ever received any kind of support or treatment. All that stuff we say that victims should get, they never got.

Liz Gaynes

Still, prisons are rarely equipped to assist people who have experienced trauma, and the prison environment itself often compounds this trauma and interferes with recovery.

Although many assume that long prison terms help deter crime, extensive evidence shows that the severity of punishment is not the key to changing people's behavior. Long-term incarceration only punishes past actions, it does not prevent new harm, and communities devastated by violence deserve solutions that truly work.

“When you're on the outside of it, you just go, ‘Well, some people...can't stay out of prison,’ or ‘They just want a free meal,’ or ‘All their gang friends are in there.’ ...All of our analysis around that—all of the armchair quarterbacking that goes on about who ends up in prison and why—it's completely wrong. A hundred percent wrong.”

DIONNE WILSON

Long prison terms contribute to mass incarceration and ballooning prison costs.

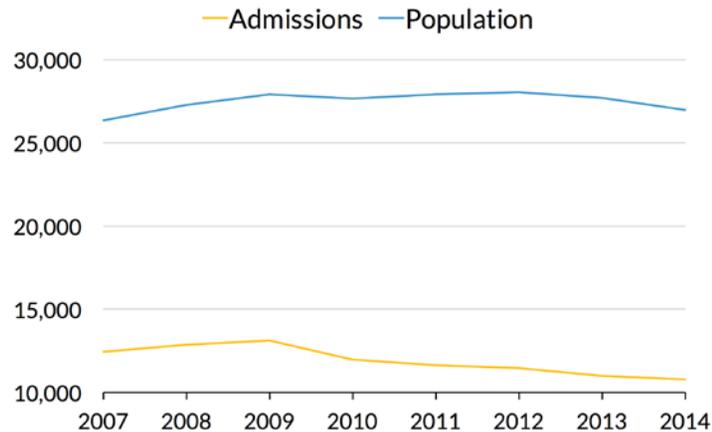
Policymakers on both sides of the aisle recognize that mass incarceration is a growing, costly, and dangerous problem. But we can't reverse mass incarceration without scaling back long prison terms, which will mean taking on the hard work of changing how we respond to violence and how we treat those who commit serious crimes.

For example, Alabama offers evidence that simply sending fewer people to prison or cutting time served for less serious offenses may not be enough to end mass incarceration.

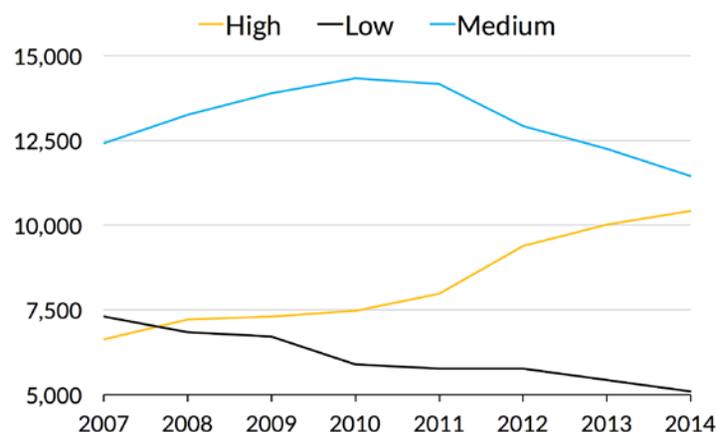
In recent years, the state has seen a decline in the number of people serving shorter prison terms. But while the share of its prison population serving shorter terms has dropped, the share serving long terms has steadily climbed. Even though fewer people are being admitted to Alabama prisons, the state's prison population has stayed fairly flat because those serving long prison terms remain behind bars.

Reformers looking to meaningfully reduce prison populations must not stop at low-level offenses. They will need to address this "stacking effect" with more ambitious changes to bend the curve.

Alabama Stock and Admissions, All Offense Types



Alabama Prison Population by Time Served Category



In addition, it is disproportionately expensive to house people serving long prison terms.

According to the most recent data available for each state, people in state prisons had spent a combined 5,898,950 years behind bars. **People who had served the longest 10 percent of prison terms accounted for 42 percent of that time—2,471,085 years—**requiring nearly half the resources spent so far on the incarcerated population.

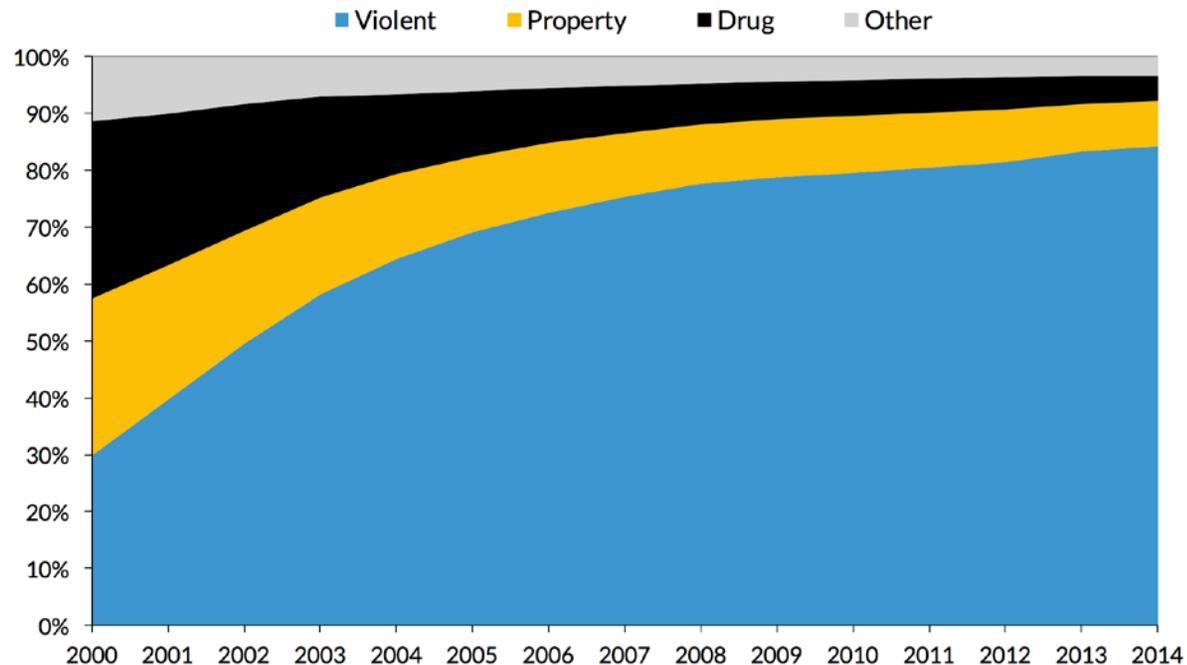
And because people serving the longest prison terms tend to be older than the rest of the prison population, they likely incur additional costs for health care—a dimension our analysis does not capture.

Long-term incarceration fails to hold people accountable for their crimes, motivate them to make positive change, address victims' needs, or even deter crime. We must develop more fair and effective responses to serious crime.

TRUE REFORM WILL REQUIRE US TO RETHINK OUR LONG-TERM RELIANCE ON INCARCERATION

Addressing long-term incarceration means grappling with the fact that 9 in 10 people serving the longest prison terms were convicted of a violent offense. Policy conversations about justice reform often focus on nonviolent drug or property crimes, but most people convicted of nonviolent offenses leave prison after a few years. Those convicted of violent crimes remain serving longer sentences. Of people who entered prison in 2000 (in states that provided data), **84 percent of those still incarcerated 14 years later were there for a violent offense.**

2000 Entry Cohort by Offense Type



“I don’t believe that longer sentences in general are the answer [to violence]. ...I think programming is the best answer—programming where people begin to confront the issues in their life that led to violence, to confront the damage that has been committed against them and the damage they’ve committed against others.”

HOWARD HARRIS

Note: Seventeen states reporting data from 2000 to 2014.

States have shown a growing commitment to invest in alternatives to incarceration for low-level crimes, like drug courts, mental health courts, and other problem-solving courts that address the underlying causes of crime. The juvenile justice system has also demonstrated remarkable success keeping many young people out of detention without compromising public safety. Yet there has been little investment in alternatives to incarceration for adults who commit serious offenses.

People with serious criminal histories are often ineligible to participate in alternative courts and restorative programs despite evidence that they work just as well, if not better, for people who have committed serious crimes. Instead, many states introducing sentencing reforms for low-level convictions have maintained or even raised their penalties for violent crimes. Since 2000, time served in prison has risen faster than average for those convicted of a violent crime and fastest for those convicted of homicide.

For the past 50 years, many lawmakers have asserted their commitment to curbing violence through increasingly harsh penalties on people who commit violent offenses. At the same time, they have failed to invest in strategies shown to proactively stop violence from occurring in the first place. Cities like Chicago that have soaring rates of violent crime continue to cut funding for proven violence prevention programs like CeaseFire. And programs that provide restorative and therapeutic services in prisons struggle to secure the funding they need to reach people serving the longest terms. Lawmakers should demonstrate their commitment to public safety by investing in prevention strategies that work, rather than doubling down on reactive, tough-on-crime solutions.

A WAY FORWARD

In seeking new solutions to the problems of violence and mass incarceration, we drew from the insights of people who have served long prison terms, survivors of violent crime, policy experts, and practitioners. We also considered the recommendations of the National Research Council and the Charles Colson Task Force on Federal Corrections. Our research and our conversations have led us to a set of core principles we believe should guide decisionmaking in the criminal justice system:

- **Sentences should be proportionate to the offense and the circumstances surrounding it.** Our justice system must be consistent and fair for people who commit similar crimes, but one-size-fits-all approaches too often encourage excessive punishment. Decisionmakers should take individual characteristics and unique circumstances into account when charging and sentencing people.
- **Punishments should be no more severe than necessary to achieve safety and justice.** Long prison terms should be imposed only when justified by evidence, not by default. Decisionmakers should prioritize solutions that encourage rehabilitation and reduce recidivism.
- **Victims must be offered more than one way of seeking justice.** Our justice system should empower victims by providing them with meaningful avenues to voice their needs. We must also invest in other responses to violent crime besides long-term incarceration that prioritize survivors' well-being by promoting true accountability and reducing recidivism.

- **Everyone deserves a meaningful chance of release.** People should not be forever judged solely based on their crime but should instead be evaluated based on who they are now. Those who demonstrate significant progress in personal transformation while in prison should be given an opportunity for review and release.
- **Reforms must seek to dismantle systemic disparities.** All solutions to mass incarceration must consciously seek to eliminate disparities along racial and ethnic lines so as not to inadvertently reinforce them.

“I just want to mow the grass and walk the dog. I tell people all the time [that] I just love being a square. ...I just think that it’s important that the general public know that we’re not all monsters, that the majority of us coming out just want to lead a normal, productive life and treat the people around us well and just get on with our lives and go on. ...Given half a chance and a little bit of support and direction—man, that’s all they want.”

STANLEY BAILEY

Served a total of 36 years in prison

Guided by these principles, we recommend the following **changes to policy and practice**:

- **Allow for individualized sentencing and release decisions.** States should repeal mandatory minimums and requirements that people serve a set amount of their sentence regardless of demonstrated personal progress while incarcerated.
- **Introduce or expand opportunities and incentives for early release.** In states with parole systems, policymakers should review eligibility requirements and parole decisionmaking protocols to assess whether these practices give people opportunities to take advantage of life-changing programming. For states lacking a parole release provision, the Model Penal Code recommends a “second look” provision that would allow a court to review an application for resentencing. This would introduce new flexibility to determinate systems, allowing decisionmakers to take individual circumstances into account after the fact and impose an appropriate level of punishment. Policymakers can also expand options for people to earn time off of their sentence for program participation and rules compliance. To address the unique needs of women serving long sentences, prisons must ensure that the programming they provide is gender-responsive.
- **Ensure that people convicted of serious crimes have the resources needed to understand their behavior and become truly accountable for their actions.** Therapy should be made available to people in prison who have experienced trauma, and people with similar experiences should be encouraged to mentor and learn from one another. Promising programs like the Osborne Association’s Longtermers Responsibility Project can help people serving long sentences understand the reasons they offended and the harm they caused, accept responsibility, and make amends.

- **Assess candidates for parole based on who they are now, not on the seriousness of the original offense.** Release decisions should be made based on what has happened since a person was incarcerated, not simply the circumstances of the criminal offense.
- **Establish a standard of presumptive parole.** Grant parole by default when candidates first become eligible unless there is clear evidence that their release poses a significant threat to public safety. Grant medical or geriatric parole to people with serious health challenges, especially the elderly.
- **Build more effective approaches to community supervision that allow people to return to their communities sooner without jeopardizing public safety.** Rather than having people simply “max out” their sentences in prison, states should allow them to serve the final portion in the community under supervised release, where they can receive transitional reentry support.
- **Provide specialized reentry programming for people serving long prison terms.** People who leave prison after a long time have unique reentry needs. Organizations like The Fortune Society offer a model for wraparound reentry programming that begins while people are still in prison and extends well beyond their release.
- **Invest in promising alternatives to long prison terms for people who commit serious crimes.** Restorative justice, for instance, has gained recognition as a powerful way to hold people accountable for the harm they cause and ensure that victims’ voices are heard. In practice, these programs are often limited to cases involving low-level crime. But programs like Common Justice in New York have shown that this approach works in cases of violent crime as well. Savings from shorter prison terms should be reallocated to support the development and expansion of restorative justice programs that more effectively achieve the goals of public safety and victim satisfaction.

“The real therapy there came from one guy helping another guy that was really serious about change.... For being in a maximum-security prison, believe it or not, it was a nurturing environment.

“I stayed in that program four and a half years, and that’s where I learned about myself. I learned that the violence that I had committed against people really was hideous.... By the time I left, the wall of denial had cracked, and I was on my way to changing my behaviors, my whole pattern of thinking.”

HOWARD HARRIS

- **Commit to policies and practices that reduce systemic disparities.** One strategy is to use racial and ethnic impact statements that help assess how proposed criminal justice legislation may affect racial disparities. Agencies must also commit to tracking race and ethnicity data at every point in the justice system to understand and address these disparities.
- **Invest in prevention.** In its broadest form, preventing serious crime means investing in priorities like economic development, affordable housing, early childhood education, and racial equity—all key factors in social stability that are undermined by an overly punitive justice system. In communities with high crime rates, prevention also means access to trauma-informed treatment for people who have experienced or witnessed violence. Efforts targeted specifically at reducing crime in high-risk areas include initiatives like Cure Violence.

It is important to address the root causes of crime, but we must also recognize that policy changes got us here—to a state of mass incarceration, dangerously overcrowded prisons, and a reliance on long prison sentences that fail victims, communities, and people in prison.

But policy changes can also help get us out. As states invest more seriously in preventing crime in innovative ways, they must first dismantle the disastrous policies that have inflicted so much damage while doing little to address the real problems of crime.

“I think transitional housing is just the deal-breaker or -maker for people that have been in 20 or 30 years. ...I think the most important component to success from transitioning to long-term incarceration to a successful life out here, it’s transitional housing.”

STANLEY BAILEY

This file is a static version of the Urban Institute's interactive web feature, "A Matter of Time: The Causes and Consequences of Rising Time Served in America's Prisons." For additional content, including audio files and underlying data, please visit <http://www.urbn.is/time>.



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