



## SOLUTIONS & ACTIONS TO

## Encourage Equitable Sentences

We all want a criminal justice system that treats people fairly, takes a pragmatic and responsible approach, and ultimately, keeps us safe. When we've reached the point of deciding to deprive someone of their liberty, we have to be particularly fair and responsible and consider all options. Sentences should consider a range of factors and reflect the severity of the crime. We owe it to ourselves, our justice system, and to those being imprisoned to ensure that our sentencing practices are thoughtful and fair. Nonetheless, the explosion of the American prison population is largely due to sentences that are disproportionate to the severity of crimes. Prisons and jails are filled by many people who pose no threat to their communities. Laws that impose mandatory minimums contribute to mass imprisonment. Sentencing laws should be reformed to require transparency and mandate equitable practices that ensure that sentences are appropriate to the particular circumstances of an offense.

### 1) Repeal "Truth-in-Sentencing" and "Three-Strikes" Law

Congress, and state and local legislatures, should repeal "truth-in-sentencing" laws, which limit access to parole and reductions in the amount of time that a person convicted of an offense serves, and eliminate habitual offender laws, including three-strikes laws that often result in overly harsh sentences.

### 2. Repeal Mandatory Minimums

Congress, and state and local legislatures, should repeal mandatory minimum sentences and shorten sentence lengths across the board.

### 3. Use Alternatives to Incarceration

Legislatures should pass laws that encourage the use of alternatives to incarceration such as diversion programs, community service, and/or probation, where incarceration would otherwise be required. Incarceration should generally be avoided for less serious offenses and alternatives to incarceration should be incorporated into sentencing.

### 4. Prohibit Incarceration for Failure to Appear

Congress, and state and local legislatures, should prohibit the imposition of jail or prison time for alleged failure to appear, or failure to pay fines, to ensure that individuals are not being incarcerated for missing a court date.

## 5. Revise Sentencing Guidelines

The United States Sentencing Commission should revise the Sentencing Guidelines to incorporate additional alternatives to incarceration and lower sentences. The Guidelines should require that judges review bench cards, which provide judges with short questions and guidelines to consider during judicial proceedings, particularly before sentencing individuals with appropriate alternatives to incarceration.

## 6. Commit to Cutting Incarceration in Half

Congress, and state and local legislatures, should publicly adopt a stated goal of cutting incarceration in half by 2030 to encourage smarter sentences, a goal of JustLeadership USA.

## 7. Collect Data

State governments, judicial ethics organizations, Congress, and state and local legislatures, should provide details on judicial sentencing determinations, disaggregated by race, religion, sex, gender, gender identity/ expression, age, housing status, sexual orientation, HIV status, ethnicity, sexuality, immigration status, national origin, and religious affiliation.

## 8. Train Judges on Implicit Bias

State governments, judicial ethics organizations, Congress, and state and local legislatures, should require regular and routine training programs for judges on implicit bias and educate judges on their role in reducing mass incarceration. This training should include tools to reduce bias such as bench cards, particularly before sentencing individuals.

## 9. Appoint Judges from Diverse Backgrounds

The administration should prioritize judicial appointments and focus on appointing judges who represent diverse sectors within the legal industry, particularly those with public defense and public interest backgrounds. Community members should support the election of judges who express a commitment to reversing mass incarceration and to adopting fair sentencing practices.

## 10. Evaluate Ability to Pay

Federal and state judges should refrain from placing individuals in contempt of court for civil fees or fines. In the event that courts do elect to place individuals in contempt for this conduct, it should only be done after the court has determined that the individual has the actual financial means to pay the fees or fines.