

The Sentencing Project

Criminal Justice Issues and Prisoners' Rights

<https://www.sentencingproject.org/publications/a-second-look-at-injustice/>

Campaign and Advocacy

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Over 200,000 people in U.S. prisons were serving life sentences in 2020 more people than were in prison with any sentence in 1970.¹ Nellis, A. (2021). No end in sight: Americas enduring reliance on life imprisonment. The Sentencing Project. <https://www.sentencingproject.org/publications/no-end-in-sight-americas-enduring-reliance-on-life-imprisonment/> Nearly half of the life-sentenced population is African American. Nearly one-third is age 55 or older.

There comes a point, Senator Cory Booker has explained, where you really have to ask yourself if we have achieved the societal end in keeping these people in prison for so long.² Lopez, G. (2016, May 17). Cory Booker: Senate bill is in my lifetime the first reversal of mass incarceration. Vox. <https://www.vox.com/2016/5/17/11661858/cory-booker-criminal-justice-reform> He and Representative Karen Bass introduced the Second Look Act in 2019 to enable people who have spent at least 10 years in federal prison to petition a court for resentencing.

Legislators in 25 states, including Minnesota, Vermont, West Virginia, and Florida, have recently introduced second look bills. A federal bill allowing resentencing for youth crimes has bipartisan support.³ United States Senate Committee on the Judiciary. (2021, March 26). Durbin, Grassley introduce bipartisan legislation to advance the First Step Acts goals [Press release]. <https://www.judiciary.senate.gov/press/dem/releases/durbingrassley-introduce-bipartisan-legislation-to-advance-the-first-step-acts-goals> And, over 60 elected prosecutors and law enforcement leaders have called for second look legislation.⁴ Fair and Justice Prosecution. (2021, April). Joint statement on sentencing second chances and addressing past extreme sentences [Press release]. <https://fairandjustprosecution.org/wp-content/uploads/2021/04/FJP-Extreme-Sentences-and-Second-Chances-Joint-Statement.pdf> with several prosecutors offices having launched sentence review units.

This report begins by examining the evidence supporting these reforms. Specifically:

The report presents in-depth accounts of three reform efforts that can be models for the nation:

Elected prosecutors across the state have begun using the law to undo excessively long sentences. Los Angeles County District Attorney George Gascon announced a sentence review unit for all who have served over 15 years. Lawmakers have also advanced legislation to enable all who have served at least 15 years to directly petition for resentencing. Californias experience demonstrates the potential of reaching a bipartisan consensus among prosecutors on the principle that some are serving unjust prison sentences. California also underscores the need for dedicating resources and educating the courts to achieve broad application of sentence modifications.

Supported by a coalition of advocates and local leaders, the law builds on an earlier reform for youth crimes and makes up to 29% of people imprisoned with DC convictions eventually eligible for resentencing. Local media coverage of the success of those resentenced for youth crimes helped generate broad public support to overcome opposition from the U.S. Attorneys Office. DC Attorney General Karl Racine, Council Judiciary Chair Charles Allen, and Corrections Director Quincy Booth have recommended expanding the reform to all who have served over 10 years in prison.

This ongoing campaign, led by Release Aging People in Prison and allies, became especially urgent amidst the states reluctance to use medical parole or commutations to release people at risk of COVID-19. Brooklyn District Attorney Eric Gonzalez supports the bill, explaining: If someone has gone through the process of changing themselves there should be a mechanism for them to then appear before a parole board that will fully vet them.⁵ Dorn, S. (2019, April 27). Outrageous bill may release murderers, rapists back on city streets. New York Post. <https://nypost.com/2019/04/27/outrageous-bill-may-release-murderers-rapists-back-on-city-streets/>; Goldberg, N. (2019, April 29). A bill to increase parole for elder inmates now has the Brooklyn DAs support. Brooklyn Eagle. <https://brooklyneagle.com/articles/2019/04/29/a-bill-to-increase-parole-for-elder-inmates-now-has-the-brooklyn-das-support/>

To end mass incarceration and invest more effectively in public safety, The Sentencing Project recommends limiting maximum prison terms to 20 years, except in unusual circumstances.⁶⁾The Sentencing Project. Campaign to End Life Imprisonment. <https://endlifeimprisonment.org> Achieving this goal requires abolishing mandatory minimum sentences and applying reforms retroactively. To implement a second look policy that can effectively correct sentencing excesses of the past, The Sentencing Project recommends instituting an automatic sentence review process within a maximum of 10 years of imprisonment, with a rebuttable presumption of resentencing, and intentionally addressing anticipated racial disparities.

[Click here to read the full report.](#)

Footnotes[+]

Increase in U.S. jail & prison population in the last 40 years

Sentencing Policy

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