

The Sentencing Project

Criminal Justice Issues and Prisoners' Rights

<https://www.sentencingproject.org/publications/sentencing-reform-amid-mass-incarcerations-guarded-optimism/>

Policy Issue Resources

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While the fiscal crisis is clearly driving much of this rethinking, it would be shortsighted to attribute this momentum entirely to one factor. The fiscal crisis came about at a time when other dynamics were also opening up the possibility of an altered political climate, one in which we can identify changes that in some respects had already been significant.

First, a significant decline in crime has prevailed across the country since the early 1990s. Although there is continued debate as to the causes of this decline, it is quite clear that the decline is real. This means both that the average person is less likely to be victimized today than 20 years ago, and that he or she also *feels* safer. The latter point is important in that much of what has been driving the politics of crime has been a culture of fear, one in which policy makers have exploited such emotion for political gain. The declining saliency of crime as a political issue can be seen, for example, in the presidential campaigns of 2000 through 2008 three national elections in which issues of public safety received remarkably little attention. Thus, as crime becomes less of a political and emotional issue, there is less perceived advantage for political leaders to promote new iterations of get tough policies.

A second key factor is that we now have a generation of reforms and alternatives to incarceration that have been implemented in jurisdictions nationwide. These include community service programs, victim restitution, restorative justice, and a host of treatment and community supervision programs. Leaving aside for the moment the question of how effective one believes these initiatives have been, their broad presence is a clear statement that they have become virtually institutionalized in many court systems and communities. By doing so, they have contributed to changing the public climate in which get tough rhetoric is now less prevalent and where advocates for alternatives have modest room for dialogue.

As a result of these shifts in the public dialogue, and certainly preceding the fiscal crisis, a number of measures can be identified that indicate developing trends in policy and practice.

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

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