

EBDM Decision Point: Sentencing

Why this Decision Point is Important:

- Sentencing decisions have significant impact on the lives of the individuals involved, as well as their families, victims, and the community as a whole.
- Decisions at this point have the potential for harm reduction.
- Sentencing decisions have the potential to increase harm and can produce collateral consequences (e.g., racial, socio-economic and other disparities; financial consequences; licensing, employment, and other restrictions with short and/or long-term consequences).
- Sentencing can result in dispositions that have significant resource implications, including evidence-based programming capacity, community-based resources, and most notably the use of the state's most costly resource, prison.

What Should Happen at this Decision Point:

1. There is an opportunity for the victim, state, defense, and community to be heard.
2. Clear information is provided about the crime, victim, defendant and his/her needs, and restitution.
3. Proper legal standards are followed when making sentencing decisions.
4. Judges have knowledge of, and apply as appropriate, evidence-based principles.
5. Decisions provide the best opportunity for the defendant to change their behavior (i.e., reduce the likelihood of recidivism).
6. Decisions provide the best outcome for the limited resources available and are grounded in evidence-based sentencing practices.
7. Sentencing decisions are fair and equitable, regardless of defendants' race and socio-economic status.
8. Sufficient options are available to judges at sentencing.
9. Sentence conditions are based on risk/needs and tailored to achieve the best outcomes for the individual and the community.
10. Offenders are not sent to prison just to receive treatment. Sufficient treatment resources are available in the community.

Selected Research:

- The use of prison does not appear to produce a specific deterrence effect. *Primary Citation:* Jonson (2011)
- Lengthier sentences do not have an appreciable effect on recidivism. *Primary Citation:* Meade, Steiner, Makarios, & Travis (2012)
- Offenders sentenced to a term of imprisonment were significantly more likely to recidivate than those referred to a community-based diversion program. *Primary Citation:* Bales & Piquero (2012)
- Sanctions on their own do not change offender behavior or reduce recidivism. More severe sanctions (i.e., longer prison sentences) may increase recidivism. *Primary Citation:* Smith, Goggin, & Gendreau (2002); Gendreau & Goggin (1996)
- Stringent supervision conditions tend to produce more technical violations and more incarceration and do not reduce recidivism by themselves. *Primary Citation:* Petersilia & Turner (1993)
- Treatment programming should be targeted to higher risk offenders and their criminogenic needs, and preferably (though not exclusively) be community-based. *Primary Citation:* McGuire (2002)
- Even among first-time violent offenders, the most effective (and economical) sentencing alternative lies in the least restrictive option (i.e., community supervision). *Primary Citation:* Ryan, Abrams, & Huang (2014)

Resources:

Further resources on the topic

