

REGULAR CALENDAR

February 23, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 1512-FN,

AN ACT relative to the parole of certain prisoners.

Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Terry Roy

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1512-FN
Title:	relative to the parole of certain prisoners.
Date:	February 23, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be found inexpedient to legislate. The majority found that the changes to the parole system proposed in the bill would have a detrimental effect on both the Courts and the Parole Board, possibly causing an extended backlog and delays in parole hearings which would achieve the very opposite effect of the bill's goal. Further, the bill does not contemplate the negative impact on victims and their families, who would for all intents and purposes, be required to re-live the original trial of the convicted, even though they were sentenced to life without parole.

Vote 12-8.

Rep. Terry Roy
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1512-FN, relative to the parole of certain prisoners. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be found inexpedient to legislate. The majority found that the changes to the parole system proposed in the bill would have a detrimental effect on both the Courts and the Parole Board, possibly causing an extended backlog and delays in parole hearings which would achieve the very opposite effect of the bill's goal. Further, the bill does not contemplate the negative impact on victims and their families, who would for all intents and purposes, be required to re-live the original trial of the convicted, even though they were sentenced to life without parole. **Vote 12-8.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

February 23, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 1512-FN,

AN ACT relative to the parole of certain prisoners.

Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Linda Harriott-Gathright

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1512-FN
Title:	relative to the parole of certain prisoners.
Date:	February 23, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The minority of the committee, believe that this is a good bill. It adds a paragraph in RSA 651-A:6 inserting after paragraph IV: V.(a) "The commissioner shall grant a parole hearing to any person who has been incarcerated in a state correctional facility for at least 25 years. The commissioner shall schedule such hearings as soon as practicable after the prisoner reaches his or her 25th year of incarceration." It is not retroactive to capital murder or those convicted of murder. For far too long we have ignored the facts listed in the bill in section one paragraphs one through ten. We must begin to repeal laws that imprison with the old mentality of "lock them up and throw away the key," and that men and women are incapable of rehabilitation. Statistics show persons convicted of violent offenses are among those with the lowest recidivism rates. It also shows that nearly 40% of people serving the longest prison terms were incarcerated prior to age 25 and that people age out of violence. It also shows that a significant proportion of people who have committed violent crimes have been victims of crime or serious trauma themselves. As a state we must start to address the total person. Yes punishment, however, we must invest in prevention and rehabilitation rather than incarceration. Today in NH it costs \$54,386 a year to house an inmate, that does not include medical.

Rep. Linda Harriott-Gathright
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1512-FN, relative to the parole of certain prisoners. **OUGHT TO PASS.**

Rep. Linda Harriott-Gathright for the **Minority** of Criminal Justice and Public Safety. The minority of the committee, believe that this is a good bill. It adds a paragraph in RSA 651-A:6 inserting after paragraph IV: V.(a) "The commissioner shall grant a parole hearing to any person who has been incarcerated in a state correctional facility for at least 25 years. The commissioner shall schedule such hearings as soon as practicable after the prisoner reaches his or her 25th year of incarceration." It is not retroactive to capital murder or those convicted of murder. For far too long we have ignored the facts listed in the bill in section one paragraphs one through ten. We must begin to repeal laws that imprison with the old mentality of "lock them up and throw away the key," and that men and women are incapable of rehabilitation. Statistics show persons convicted of violent offenses are among those with the lowest recidivism rates. It also shows that nearly 40% of people serving the longest prison terms were incarcerated prior to age 25 and that people age out of violence. It also shows that a significant proportion of people who have committed violent crimes have been victims of crime or serious trauma themselves. As a state we must start to address the total person. Yes punishment, however, we must invest in prevention and rehabilitation rather than incarceration. Today in NH it costs \$54,386 a year to house an inmate, that does not include medical.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1512-FN

BILL TITLE: relative to the parole of certain prisoners.

DATE: February 23, 2022

LOB ROOM: 202-204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Roy

Seconded by Rep. Conley

Vote: 12-8

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Scott Wallace, Clerk

OFFICE OF THE HOUSE CLERK



2/8/2022 3:07:34 PM
Roll Call Committee Registers
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB 512 Motion: ITC AM #: N/A Exec Session Date: 2.23.22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	12		
Roy, Terry Vice Chairman	1		
Welch, David A.	2		
Burt, John A.	3		
Hopper, Gary S. <u>RHODES</u>	4		
Green, Dennis E.	5		
Wallace, Scott Clerk	6		
Testerman, Dave	7		
True, Chris	8		
Pratt, Kevin M.	9		
Marston, Dick	10		
Harriott-Gathright, Linda C.		1	
Pantelakos, Laura C. <u>S. NEWMAN</u>		2	
O'Hearne, Andrew S. <u>JACK</u>		3	
Bordenet, John		4	
Meuse, David		5	
Newman, Ray E.		6	
Bouldin, Amanda C.		7	
Conley, Casey M.	11		
Bradley, Amy			1
Espitia, Manny		8	



2/8/2022 3:07:34 PM
Roll Call Committee Registers
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB1512 Motion: FTC AM #: _____ Exec Session Date: 2-23-22

TOTAL VOTE:

	12		8		2
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2022 SESSION

Criminal Justice and Public Safety

Bill #: HB1572-FN Motion: FTL AM #: Exec Session Date: 2-9-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman			
Roy, Terry Vice Chairman			
Welch, David A.			
Burt, John A.			
Hopper, Gary S. <u>LYNN</u>			
Green, Dennis E.			
Wallace, Scott Clerk			
Testerman, Dave			
True, Chris			
Pratt, Kevin M.			
Marston, Dick			
Harriott-Gathright, Linda C. <u>SCHULTZ</u>			
Pantelakos, Laura C.			
O'Hearne, Andrew S.			
Bordenet, John			
Meuse, David			
Newman, Ray E.			
Bouldin, Amanda C.			
Conley, Casey M.			
Bradley, Amy			
Espitia, Manny <u>S. NEWMAN</u>			

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1512-FN

BILL TITLE: relative to the parole of certain prisoners.

DATE: February 9, 2022

LOB ROOM: 202-204 **Time Public Hearing Called to Order:** 4:05 p.m.

Time Adjourned: 4:47 p.m.

Committee Members: Reps. Abbas, Roy, Wallace, Welch, Burt, Green, Testerman, True, Pratt, Marston, Pantelakos, O'Hearne, Bordenet, Meuse, R. Newman, Amanda Bouldin, Conley and Bradley, Lynn, Schultz, S.Newman

Bill Sponsors:

Rep. Abramson

Rep. Adjutant

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Theberge- Introduces Bill - supports

Jeff Strelzin, Attorney General Office - opposes

Jennifer Sargent, NH Adult Parole Board - opposes

Helen Hanks, NH DOC - opposes

Jean Fye, Self - supports

*Russell Roy, Self - supports

Respectfully submitted,

Scott Wallace, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB1512 on 2022-02-09

Support: 4 Oppose: 3 Neutral: 1 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Karamanoogian, Kori	Bedford, NH knkaramanoogian@gmail.com	A Member of the Public	Myself	Support	No	No	2/4/2022 10:39 AM
Taber, Stephanie	Argos, IN Staber8@gmail.com	A Member of the Public	A resident of New Hampshire	Support	No	No	2/4/2022 10:44 AM
smith, jennifer	Pembroke, NH jaycmd7699@gmail.com	A Member of the Public	Myself	Support	No	No	2/5/2022 5:48 PM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Neutral	No	No	2/7/2022 7:21 AM
Bryfonski, John	Bedford, NH jbryfonski@bedfordnh.org	A Member of the Public	Myself and Bedford Police	Oppose	No	No	2/8/2022 6:13 PM
Lord, Brian	Deering, NH blord@antrimpolice.com	A Member of the Public	Myself	Oppose	No	No	2/9/2022 9:13 AM
Goldstein, David	Auburn, NH dgoldstein@franklinnh.org	A Member of the Public	Myself	Oppose	No	No	2/9/2022 11:38 AM
Roy, Russell	Manchester, NH russ.roy1@gmail.com	A Member of the Public	Myself	Support	No	No	2/9/2022 8:58 PM

PROPONENT TESTIMONY: NH HB1512 2022

- relative to the parole of certain prisoners

Thank you, Mr Chairman and committee members. My name is Russell Roy. I am a private citizen residing in The Queen City of Manchester. I represent no group or organization, only myself.

I appear before you today to register my support for HB1512 regarding the opportunity of a parole hearing for those serving 25 or more years. I should also state at the outset that I am not personally impacted by the proposed legislation as neither I or any family member has been incarcerated, nor have I, or any other family member, been the victim of a violent crime.

One thing which is patently clear to me is that the lengthy sentencing we have engaged in since the 70's has not made us safer. If that were true, the US today would be the safest society in the history of the world—sadly, we know that not to be the case.

By conservative estimates, each year

- more than 3000 young people are murdered before their twenty-fifth birthday
- 57,000 children survive sexual violence
- half a million women are victims of domestic abuse

And on and on.

In all the world, in all of recorded time, no country has locked up more people than we do today, but that has yet to curb the roots of violence. Instead, we must begin to re-envision how we get to safety and justice. The road to repair serious violent crime in our NH communities calls for a more careful, thoughtful, and nuanced approach than we have previously brought to bear.

I am here today, as you sit in consideration of this bill, to ask your indulgence in doing just that,

This bill seeks to provide some means of redress to those serving extreme sentences, those who've committed the most serious sorts of violence, those serving life without parole. This bill is about how we talk about and treat people who cause great harm, and begin to unwind an unsustainable and unwise policy of extreme sentencing.

I want to quote briefly from a recent (April 2021) public letter signed by 64 Attorneys' General from across the nation and across the political spectrum. They said:

“Although the role of incarceration is primarily to protect public safety, our criminal legal system currently has few mechanisms to ensure that *only* those who still pose a serious safety risk remain behind bars. Indeed, many jurisdictions have severely restricted or entirely eliminated parole or other opportunities for early release, preventing even those who have demonstrated strong evidence of their rehabilitation from returning to their

Testimony of

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Manchester, NH

family and community. This failed starting point has produced massively overcrowded prisons and bloated corrections budgets. It has robbed our communities of resources needed to fund schools, parks, after-school programs, treatment and prevention programs, health care, and housing. Money that we spend on incarceration is money taken from initiatives that could enhance community safety and wellbeing.”

The “Tough on Crime” appellation is the sole property of no one. All of us - with leanings on both sides of prison reform issues—need to feel safe in our homes and in our neighborhoods. No one wants to feel threatened,

My intent is not to engage in excuse making on behalf of the incarcerated. Ultimately, each of us must be responsible for our own actions, regardless of the circumstances. It is, however, important that we recognize that violence occurs within a context and that understanding that context is a piece of the puzzle in ending it.

I would like to emphasize, this legislation is not so much about mercy as it is about accountability. And what does accountability consist of? It consists of:

- accepting complete responsibility for grievous harm caused
- acknowledging the impact of pain and suffering on victims and their survivors
- expressing genuine remorse
- engaging in concrete action to make amends to the greatest extent possible
- personal transformation as a demonstration of commitment to never causing similar harm again

I trust in the professionalism of our parole board to be able to discern who has truly been accountable.

I would like to talk about victims. In any legislation such as this, our first thoughts go to victims—as well they should. I, for one, believe that seeds of a way forward to a sustainable and lasting safety in our communities lies in them. Victims are not a monolith. At one end of the spectrum is the angry victim, the one who wants the maximum penalty possible—no second chances. We must have great compassion for those who feel this way, even as we recognize that it almost never delivers them from pain in the way they deserve. At the opposite end are the stories we sometimes hear of instances of extreme mercy.

But the truth is, most survivors live in the vast space between complete hatred and full forgiveness. Perhaps to the surprise of some, victims overwhelmingly prefer criminal justice

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approaches that prioritize rehabilitation over punishment and strongly prefer investments in crime prevention and treatment to more spending on prison facilities and jails.

I would point you to this 2016 report from the Alliance for Safety and Justice (based on data from the US Dept of Justice Bureau of Statistics and interviews of more than 4000 survivors of crime including violent crime.)

- Do you prefer holding people that commit crimes accountable by putting them in prison, OR through different options beyond just prison?
 - 25% PUT THEM IN PRISON
 - 69% DIFFERENT OPTIONS

- Do you prefer prison sentences that keep people in prison for as long as possible, OR shorter prison sentences and spending more on prevention and rehabilitation programs?
 - 27% LONGER SENTENCES
 - 61% SHORTER SENTENCES

Justice for victims and perpetrators is not a zero-sum game – or at least it doesn't have to be. In fact, they want what we all want: safety, healing, justice, and accountability so that no one is hurt the way some have been hurt.

I want to say a word about empathy. The act of empathy is one of linkage. If we can persuade ourselves that the people we seek to punish are fundamentally different from us, that they are "the other", even inhuman, then we are lost. Perhaps some of you will have seen a recent installment of the "60 Minutes" show in which Leslie Stahl interviewed Ben Ferencz, a Jewish man, now in his late 90s, who was the chief prosecutor of Nazi war crimes during the Nuremberg Trials. I was struck by the response of Mr Ferencz when, during the course of the interview, Leslie referred to the perpetrators of the holocaust as "savages". He replied, "Now I will tell you something very profound which I have learned after many years: War makes murderers out of otherwise decent people – all wars, *all* people;" Leslie pressed him on it, but he declined. "Was the man who dropped an atomic bomb on Hiroshima a savage?" he asked.

"Each of us is more than the worst thing we have ever done." — these the words of Bryan Stevenson, a noted lawyer and activist who have successfully argued before the Supreme Court on criminal justice matters. To say that each of us is more than the worst thing we have ever done is not to diminish the harm caused, but to recognize that the humanity of the perpetrator is larger still. Large enough for mercy, large enough for accountability.

I ask that you give this some thought to these ideas, and hope that you will find your way to vote favorably for this bill.

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I am happy to respond to any questions you may have.



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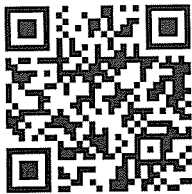
References

Testimony of Russell Roy (russ.roy1@gmail.com) in support of HB1512 - relative to a parole hearing for certain prisoners.

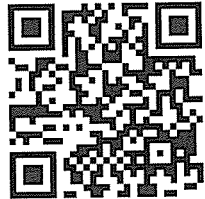
1. Alliance for Safety and Justice - Crime Survivors Speak

The 2016 National Survey of Victims' Views is the first-of-its-kind research on crime survivors' experiences with the criminal justice system and their preferences for safety and justice policy.

a. Overview



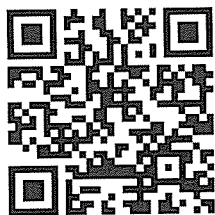
b. Combined Executive Summary and Full Report



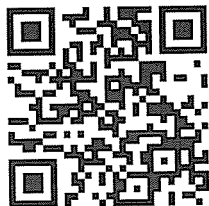
2. Fair and Just Prosecution

Over 70 AG's, prosecutors, and law enforcement leaders across the political spectrum embrace mechanisms to provide alternatives to those serving lengthy prison terms.

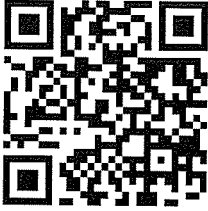
a. Joint Statement April 8, 2021



b. Press Release April 8, 2021



3. Danielle Sered, "Until We Reckon: Violence, Mass Incarceration, and a Road to Repair" The New Press, New York, 2021 ★★★★★



4. Vera Institute - "Reimagining Prison"

- a. Executive Summary



- b. Full Report



5. United States Courts, "Listening to Victims: A Critique of Restorative Justice Policy and Practice in the United States"



JOINT STATEMENT
ON SENTENCING SECOND CHANCES AND
ADDRESSING PAST EXTREME SENTENCES
April 2021

As current and former elected prosecutors and law enforcement leaders from across the country, we know that we will not end mass incarceration until we address the substantial number of individuals serving lengthy sentences who pose little or no risk to public safety. We call on all other leaders, lawmakers, and policymakers to take action and address our nation's bloated prison populations. And we urge our state legislatures and the federal government to adopt measures permitting prosecutors and judges to review and reduce extreme prison sentences imposed decades ago and in cases where returning the individual to the community is consistent with public safety and the interests of justice. Finally, we call on our colleagues to join us in adopting more humane and evidence-based sentencing and release policies and practices. Sentencing review and compassionate release mechanisms allow us to put into practice forty years of empirical research underscoring the wisdom of a second look, acknowledge that all individuals are capable of growth and change, and are sound fiscal policies.

Over the past forty years, America's criminal legal system has strayed from sound public safety and fiscally prudent objectives. We continue to incarcerate hundreds of thousands of individuals who currently pose little to no risk to community safety, including many elderly people who cost the United States over \$16 billion a year for care. Mandatory sentences that require people to serve a set minimum number of years for a given crime, notwithstanding their unique circumstances or safety risk, have also needlessly incarcerated people past the point of any public safety benefit. Our country currently has more people serving life sentences than the *total number* of people who were incarcerated in 1970. And we have the dubious distinction of an incarceration rate second to no other country.

Although the role of incarceration is primarily to protect public safety, our criminal legal system currently has few mechanisms to ensure that *only* those who still pose a serious safety risk remain behind bars. Indeed, many jurisdictions have severely restricted or entirely eliminated parole or other opportunities for early release, preventing even those who have demonstrated strong evidence of their rehabilitation from returning to their family and community. This failed starting point has produced massively overcrowded prisons and bloated corrections budgets. It has robbed our communities of resources needed to fund schools, parks, after-school programs, treatment and prevention programs, health care, and housing. Money that we spend on incarceration is money taken from initiatives that could *enhance* community safety and well-being. This tradeoff is particularly stark amid the current COVID-19 pandemic, which has strained already-tight local budgets, created significant individual trauma and economic pressures, and devastated families' resources.

Empirical research has found that harsh sentences are *not* effective at promoting public safety. While legislatures, politicians, and prosecutors in the 1990s generally claimed that severe,

lengthy sentences would both deter crime and promote public safety, a robust body of research conducted over the past several decades has disproven those assumptions. Thirty years of deterrence studies have shown no evidence that the threat or imposition of harsher sentences deters crime. Moreover, research shows it is often unnecessary to incarcerate individuals who commit harm in their youth into and past middle age. Data confirms that the majority of individuals, including those who commit serious crimes, do so only within a 5 to 10 year window of the original offense, and even those with the highest rates of reoffending have recidivism rates approaching zero by the time they reach the age of 40.

These studies and lessons must inform not simply how we address the cases of the many individuals who have been behind bars for decades, but also our proactive approach to *future* sentencing. Many of us have taken concrete steps to end the use of needlessly lengthy sentences in our offices, including by limiting the use of mandatory minimum or other excessive sentencing enhancements, or by creating internal policies requiring prosecutors who pursue sentences over a certain length (such as 15 or 20 years) to seek high-level review and approval. But without adequate mechanisms to address prior lengthy sentences—which were imposed in the context of less robust empirical research and corresponding flawed assumptions—we cannot meaningfully utilize these lessons to address our current mass incarceration crisis.

The long-term imprisonment of people whose freedom poses little or no danger to our communities is also a humanitarian concern. While prosecutors and judges of decades past may have pursued and imposed harsh sentences with the misguided belief that certain individuals were incapable of rehabilitation, there is simply no justification for maintaining those sentences when a person demonstrates that the opposite is, in fact, true. There are countless examples of individuals who have transformed their lives while behind bars, including some who committed serious offenses in their youth. There is no reason to conclude that the commission of a crime—no matter the offense—must define a person forever. Furthermore, states throughout the country have enacted sentencing reforms that apply prospectively, but have resulted in individuals continuing to serve previously imposed sentences that have since been repudiated by elected state leaders. By creating avenues for prosecutors and judges to address and redress the now-disproportionate sentences of those who have dramatically changed while incarcerated, lawmakers can take a dramatic step towards making our states, and indeed our society, more humane.

With all of these considerations in mind, *now* is the time when change is needed, and achievable. After a tumultuous year when our nation has been struggling with the consequences of a global pandemic and is grappling with the dire need to reckon with systemic racism, and with new federal leadership in place, we must come together as criminal justice leaders and experts to address these issues and chart a new pathway forward.

Therefore, we are committing to supporting, promoting and implementing the changes noted below, and calling on others to join us in this critical moment in time in advancing the following reforms:

1. **Vehicles for Sentencing Review:** We call on lawmakers to create vehicles for sentencing review (in those states where no mechanisms exist) that recognize people can grow and change. These processes should enable the many middle aged and elderly individuals who have served a significant period of time behind bars (perhaps 15 years or more) to be considered for sentence modification.

The vast majority of individuals who meet these criteria are extremely unlikely to pose a danger to public safety if released and will have been held accountable through an already lengthy period of incarceration. As such, these individuals should have the ability to petition the court for a new sentence when research, societal norms, the laws, and their demonstrated rehabilitation while incarcerated show that they pose no danger to others and a sentence reduction would serve the interests of justice. We do not ask that all such persons be automatically released from custody. We ask only that there be an *opportunity*, where justice requires it, to modify sentences that no longer promote justice or public safety.

2. Creating Sentencing Review Units and Processes: We also urge our prosecutor colleagues to add their voices to this call for change and to create sentencing review units or other processes within their offices whereby cases can be identified for reconsideration and modification of past decades-long sentences.

3. Expanded Use of Compassionate Release: We urge elected officials, criminal justice leaders (including judges, prosecutors and corrections leaders), and others to pursue and promote pathways to compassionate release for incarcerated individuals who are eligible for such relief, including people who are elderly or terminally ill, have a disability, or who have qualifying family circumstances. Even where these mechanisms exist, few people are granted compassionate release due to obstacles and barriers that permeate the process. We recommend states expand compassionate release and work to eliminate barriers built into the application process and encourage prosecutors, judges and others to support these vehicles for individuals who no longer pose a risk to the community to return home.

4. High Level Approval Before Prosecutors Recommend Decades-Long Sentences: Finally, we urge our prosecutor colleagues to create policies in their offices whereby no prosecutor is permitted to seek a lengthy sentence above a certain number of years (for example 15 or 20 years) absent permission from a supervisor or the elected prosecutor. Changing presumptions in this way and making clear that these sentences should be reserved for the *unusual and extraordinary* case can have a significant impact moving forward by aligning the U.S. with the starting point around sentence length in place in other countries, and also move us away from the ramp up of mass incarceration seen over past decades.

Prosecutors and law enforcement leaders have all been elected or sworn to pursue justice in their communities. Daily, they endeavor to do so in all cases they handle. But they cannot fulfill this mandate without the capacity to also address extreme and disproportionate sentences that were sought and imposed in past decades, but are now recognized as excessive and counterproductive to public safety.

We have come together to urge an end, once and for all, to these failed practices. And we also urge other leaders, lawmakers, and policymakers to join us in this quest for just approaches and solutions.

Respectfully,

Diana Becton

District Attorney, Contra Costa County, California

Wesley Bell
Prosecuting Attorney, St. Louis County, Missouri

Buta Biberaj
Commonwealth's Attorney, Loudoun County, Virginia

Sherry Boston
District Attorney, DeKalb County, Georgia

Chesa Boudin
District Attorney, City and County of San Francisco, California

Aisha Braveboy
State's Attorney, Prince George's County, Maryland

RaShall M. Brackney, Ph.D.
Police Chief, Charlottesville Police Department, Virginia

Chris Burbank
Former Chief, Salt Lake City Police Department, Utah
Vice President of Law Enforcement Strategy, Center for Policing Equity

John Choi
County Attorney, Ramsey County, Minnesota

Darcel Clark
District Attorney, Bronx County, New York

Jerry L. Clayton
Sheriff, Washtenaw County, Michigan

David Clegg
District Attorney, Ulster County, New York

Scott Colom
District Attorney, 16th Judicial District, Mississippi

Brendan Cox
Former Police Chief, Albany, New York

John Creuzot
District Attorney, Dallas County, Texas

Satana Deberry
District Attorney, Durham County, North Carolina

Parisa Dehghani-Tafti

Commonwealth's Attorney, Arlington County and the City of Falls Church, Virginia

Thomas J. Donovan, Jr.

Attorney General, Vermont

Mark Dupree

District Attorney, Wyandotte County, Kansas

Matthew Ellis

District Attorney, Wasco County, Oregon

Keith Ellison

Attorney General, Minnesota

Kimberly M. Foxx

State's Attorney, Cook County, Illinois

Gil Garcetti

Former District Attorney, Los Angeles County, California

Kimberly Gardner

Circuit Attorney, City of St. Louis, Missouri

Stan Garnett

Former District Attorney, 20th Judicial District, Colorado

Jose Garza

District Attorney, Travis County, Texas

George Gascón

District Attorney, Los Angeles County, California

Former District Attorney, City and County of San Francisco, California

Former Chief, San Francisco Police Department, California

Former Chief, Mesa Police Department, Arizona

Sarah George

State's Attorney, Chittenden County, Vermont

Sim Gill

District Attorney, Salt Lake County, Utah

Joe Gonzales

District Attorney, Bexar County, Texas

Deborah Gonzalez

District Attorney, Western Judicial Circuit, Georgia

Eric Gonzalez
District Attorney, Kings County, New York

Mark Gonzalez
District Attorney, Nueces County, Texas

Christian Gossett
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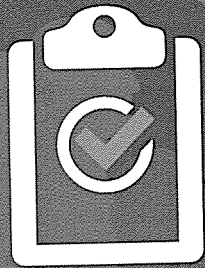
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CRIME SURVIVORS SPEAK



THE FIRST-EVER NATIONAL SURVEY
OF VICTIMS' VIEWS ON SAFETY AND JUSTICE

ALLIANCE FOR
SAFETY AND JUSTICE



ABOUT ALLIANCE FOR SAFETY AND JUSTICE



Alliance for Safety and Justice (ASJ), a project of the Tides Center, is a national organization that aims to win new safety priorities in states across the country.

ASJ partners with leaders and advocates to advance state reform through networking, coalition building, research, education and advocacy. ASJ also brings together diverse crime survivors to advance policies that help communities most harmed by crime and violence. ASJ is the sister organization of Californians for Safety and Justice, also a project of Tides Center.

ACKNOWLEDGEMENTS

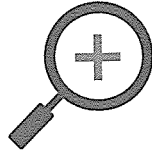
This report is made possible through the philanthropic support provided to Alliance for Safety and Justice by: Ford Foundation, Future Justice Fund, Open Philanthropy Project, Public Welfare Foundation, Open Society Foundations, and Rosenberg Foundation. Thank you for making our work possible.

ASJ also leaned on the experience of its sister organization, Californians for Safety and Justice (CSJ), in producing this report. Many thanks are owed to CSJ staff and team for their dedication and ongoing work to elevate the voices of crime survivors in policy debates on criminal justice and safety. Similarly, ASJ was able to learn from CSJ's extensive network of crime survivors and victims, Crime Survivors for Safety and Justice and the Crime Survivors for Safety and Justice Leadership Team. Thank you for your leadership. Additionally, ASJ has learned tremendously from our partners in VOCA advocacy, Equal Justice USA and Common Justice. Thank you for your partnership.

Many people played a role in developing and executing this work. ASJ would like to especially thank Seiji Carpenter at David Binder Research for his invaluable contributions. ASJ would also like to thank attorney and victims' issues expert Heather Warnken for her thoughtful feedback and constant support.

Finally, and most importantly, we would like to thank all of the people who have told us their stories and allowed us to learn from their experiences as survivors of crime. We owe a great deal to those who have allowed themselves to be profiled in this report and who speak out with great courage and conviction. Thank you deeply.

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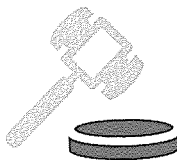
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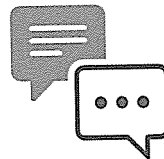
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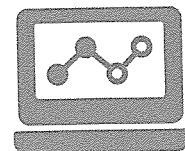
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EXECUTIVE SUMMARY

There is no more important function of our safety and justice systems than protecting crime victims and those who are at-risk of becoming a victim of crime.

Despite this foundational goal, few safety and justice policy debates are informed by a comprehensive examination of the experiences and views of the nation's diverse crime survivors.

The United States is in the midst of a significant shift in criminal justice policy. For the first time in decades, criminal justice practitioners, lawmakers, and the general public are rethinking sentencing laws, prison spending, and the best ways to address crime and violence.

There has never been a more important time to investigate and elevate the perspectives of those most commonly victimized by violence and crime. If new approaches to safety and justice do not incorporate the voices of crime survivors, this new era of reform risks failing to deliver on the breakthrough the country needs.

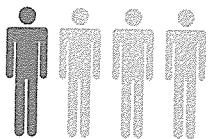
This changing landscape presents an important opportunity to correct misperceptions that have driven public policy in the past, and gather new information that can help shape smarter approaches to safety and justice.

To begin filling the gap in available and representative data on who crime victims are and their policy priorities, in April of 2016, Alliance for Safety and Justice commissioned the first-of-its-kind National Survey of Victims' Views. This report describes the findings from this survey and points to opportunities for further research and reform to advance policies that align with the needs and perspectives of victims.

Perhaps to the surprise of some, victims overwhelmingly prefer criminal justice approaches that prioritize rehabilitation over punishment and strongly prefer investments in crime prevention and treatment to more spending on prisons and jails. These views are not always accurately reflected in the media or in state capitols and should be considered in policy debates.

KEY FINDINGS

VICTIMS' EXPERIENCES



One in four people have been a victim of crime in the past 10 years, and roughly half of those have been the victim of a violent crime

- ✓ Victims of crime are more likely to be: low-income, young, people of color
- ✓ Violent crime victims are four times as likely to be repeat crime victims of four or more crimes



Victims of crime experience significant challenges in recovery and healing — eight in 10 report experiencing at least one symptom of trauma

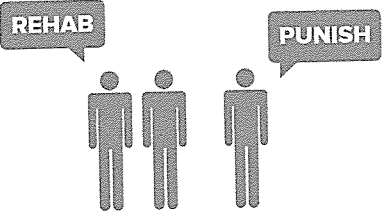


More than four in 10 victims have worried for their safety due to witnessing violence or another crime



Two out of three victims did not receive help following the incident, and those who did were far more likely to receive it from family and friends than the criminal justice system

VICTIMS' VIEWS ON PUBLIC POLICY



By a 2 to 1 margin, victims prefer that the criminal justice system focus more on rehabilitating people who commit crimes than punishing them


- ✓ By a margin of nearly 3 to 1, victims believe that prison makes people more likely to commit crimes than to rehabilitate them
- ✓ By a margin of 7 to 1, victims prefer increased investments in crime prevention and programs for at-risk youth over more investments in prisons and jails

BY A MARGIN OF

3 TO 1

victims prefer holding people accountable through options **beyond prison**, such as rehabilitation, mental health treatment, drug treatment, community supervision, or community service

- ✓ By a margin of 15 to 1, victims prefer increased investments in schools and education over more investments in prisons and jails
- ✓ By a margin of 10 to 1, victims prefer increased investments in job creation over more investments in prisons and jails
- ✓ By a margin of 7 to 1, victims prefer increased investments in mental health treatment over more investments in prisons and jails




6 IN 10

victims prefer shorter prison sentences and more spending on prevention and rehabilitation to prison sentences that keep people incarcerated for as long as possible

- ✓ By a margin of 4 to 1, victims prefer increased investments in drug treatment over more investments in prisons and jails
- ✓ By a margin of 2 to 1, victims prefer increased investments in community supervision, such as probation and parole, over more investments in prisons and jails

VICTIMS' VIEWS ON THE ROLE OF PROSECUTORS




Seven in 10 victims prefer that prosecutors focus on solving neighborhood problems and stopping repeat crimes through rehabilitation, even if it means fewer convictions and prison sentences

- ✓ Six in 10 victims prefer that prosecutors consider victims' opinions on what would help them recover from the crime, even when victims do not want long prison sentences

VICTIMS' VIEWS CONSISTENT ACROSS DEMOGRAPHICS

- ✓ For each of the questions above, there is **majority or plurality support across demographic** groups, including age, gender, race and ethnicity, and political party affiliation



For each of the questions above, there is **majority or plurality support among both crime victims overall and victims of violent crimes**, including the most serious crimes such as rape or murder of a family member

The following report includes more findings and supplemental data from national sources to illuminate who is impacted by crime, how they are experiencing the criminal justice system, and what their views are on safety and justice policy.

INTRODUCTION AND BACKGROUND



Advancing safety and justice for crime victims involves holding individuals who commit crimes accountable, as well as stopping cycles of crime and repeat victimization. Victims also need pathways to recovery, including support to overcome the physical, emotional and financial consequences of crime.

Currently, the most comprehensive information available about crime victims is the National Crime Victimization Survey (NCVS) conducted by the U.S. Census Bureau and the U.S. Department of Justice's Bureau of Justice Statistics.

The NCVS is an annual data collection from a nationally representative sample of more than 90,000 U.S. households and nearly 160,000 people age 12 and older. The annual NCVS report is invaluable for understanding many facets of victimization, including unreported crime.

The April 2016 National Survey of Victims' Views helps fill some of the gaps in knowledge that remain, in particular, victims' views on safety and justice policy and the ways in which victims experience the criminal justice system.

We also hope this survey contributes to a greater understanding of crime victim issues and perspectives. None of the nation's 50 states regularly conduct state-level analyses of victimization or victims' experiences and perspectives. This is a profound gap, particularly considering that the majority of criminal justice policy-making occurs at the state level.¹

The National Survey of Victims' Views was conducted by David Binder Research², which contacted a nationally representative sample of 3,165 people across the country, and, from that pool, identified and interviewed over 800 victims. Unless otherwise cited, the data contained in this report reflect findings from the survey and the responses of this broad cross section of crime survivors from around the country.

WHO ARE



CRIME VICTIMS?

Crime in the United States impacts large numbers of people every year.

In 2014 alone, there were more than 20 million victimizations affecting more than 13 million people in the United States.³ In other words, eight percent of all households experienced a property crime and more than 3 million people were the victim of at least one violent crime.⁴

To go beyond a one-year snapshot, our National Survey of Victims' Views utilized a longer 10-year reference period to incorporate people who are repeatedly victimized, as well as a broader cross-section of those who occasionally experience crime.

Survey findings indicate that **ONE IN FOUR** people have been crime victims in the past 10 years, and half of those were victims of a violent crime.

Survivors of violent crime are the most likely to experience repeat victimization

The group of people that experiences crime is as diverse as the United States itself, and violence impacts people of all walks of life.

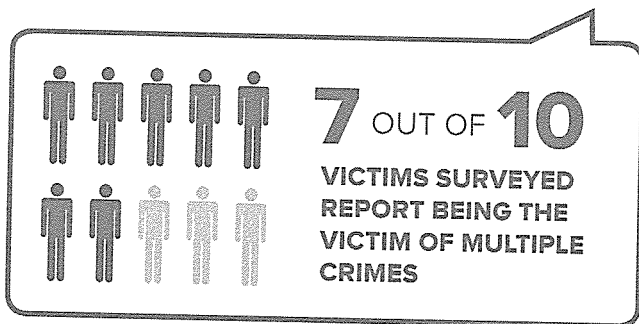
However, according to national data, the strongest predictor of victimization is having previously been a victim of crime.⁵ This is known as repeat victimization.

According to the survey, repeat crime victims bear a sharply disproportionate share of the impact of crime and violence. People who have been the victim of a violent crime are more than four times as likely to have been victimized four or more times. More than one-third (35%) of victims of a violent crime have been repeatedly victimized.

VICTIMS OF
VIOLENT CRIME
ARE

AS LIKELY TO EXPERIENCE
REPEAT
VICTIMIZATION

Nearly everyone who reports being the victim of a violent crime also reports being the victim of a property crime. Fewer than four percent of victims report experiencing only violent crime.



People of color experience the most crime

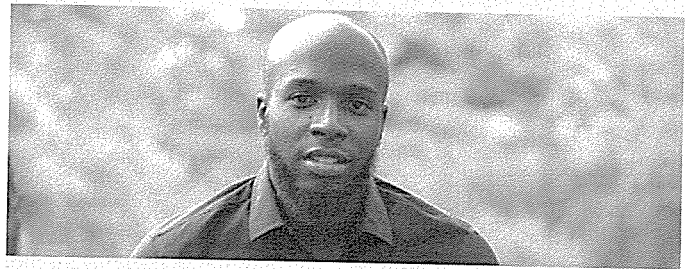
Both the NCVS and our survey show higher rates of victimization for people of color. The survey results indicate that people of color⁶ are 15 percent more likely to be victims of crime. This finding is supported by the NCVS — in 2014, black people were nearly one-third more likely to have been victims of violent crime than white people.⁷

Young people experience the most crime

The largest disparities in victimization relate to a person's age. According to NCVS, young people are the most common victims, with 18–24 year-olds experiencing crime at nearly twice the rate of any other age group.⁸ These young people are also most likely to live in an urban area, where residents are 50 percent more likely to experience crime than their peers in rural or suburban areas.⁹ These findings align with survey results showing that people under the age of 40 and people living in urban areas are more likely to be victims of crime.

People in low-income communities experience the most crime

There are also large disparities across economic groups. The results of one study found that the rate of victimization among individuals with family incomes of less than \$15,000 was over three times the rate of those with family incomes of \$75,000 or more.¹⁰ This study aligns with survey findings that people who report making less than \$50,000 or describe themselves as poor are more likely to be victims of crime.



ASWAD, CALIFORNIA

On Aug. 24, 2009, I had finished college and was offered a contract to play professional basketball in Europe. My dreams were coming true. That evening, as I was leaving a convenience store, two men tried to rob me. Before I knew it, I was lying on the ground, shot twice in my back. I nearly died. Weeks in the hospital turned into months of rehabilitation. Those bullets ended my basketball career.

I didn't know what I needed to heal from the trauma: how to access the physical and emotional support necessary to fully recover. It was overwhelming just to pay medical bills, handle inquiries from law enforcement and return to work.

At times, I have asked, "Why me?" But five out of 10 men in my family had been shot, and I've lost 40 friends to gun violence, including my best friend when we were only 10.

While recovering, I decided to replace despair and resentment with action. I made a commitment to stop cycles of violence that for decades have plagued too many communities of color, even while spending on prisons skyrocketed.

There's no shortage of resources; it's that too little is invested in helping victims or our hardest hit communities. I'm committed to changing that. I went back to school for my masters in social work and now work to ensure that community groups best positioned to serve our most vulnerable communities can access the resources they need.

When I see the scars on my body from that night in 2009, I often think I should not be here. But when I look at the faces of survivors I now work with, I am reminded of what I am here to do.

WHAT IS THE IMPACT OF CRIME ON VICTIMS?



Crime affects feelings of safety for victims

Survey findings reveal that victims are more likely than non-victims to feel unsafe in their communities. While five in 10 people who have not experienced crime feel very safe in the area where they live, only three in 10 victims of crime report feeling very safe in their community. For victims of violent crime, the rate of feeling unsafe is even higher. One in four victims of violent crime feel unsafe in their neighborhood — nearly 2.5 times the number of non-victims.

In addition to feeling less safe, victims also experience a diminished quality of life as a result of crime. Four in 10 victims report that their lives are affected by crime in the area where they live. Among those who have been victims of a violent crime, more than half feel the impact of neighborhood crime on their lives.

Women, people of color, and residents of urban areas feel most impacted by crime

There are notable differences in individuals' experience of safety among people of different racial backgrounds or income levels. Low-income people are nearly half as likely

(38%) than high-income people (71%) to feel very safe. Black and Latino people are less likely than white people to feel very safe (38 and 40%, respectively, compared to 50%), and people from urban areas are less likely (37%) than people living in suburban (45%) or rural (56%) areas.

These differences are magnified for women, who across the board feel less safe than their male counterparts. For example, whereas only 34 percent of Latina women and 35 percent of black women feel very safe in their community, more than half (54%) of white men feel very safe. Men from rural areas are the most likely to feel very safe (60%) and women from urban areas are the least likely to feel very safe (31%).

White victims surveyed are less likely to report that their lives are impacted by crime (23%) than Latino victims (38%) or African American victims (43%). People from urban areas, people in low-income communities and people with less educational attainment are all also more likely to report feeling affected by crime than their rural or higher-income or higher-educational-attainment peers.

ONLY

IN
VICTIMS
OF CRIME
**REPORT FEELING
VERY SAFE**
IN THEIR COMMUNITY.

4 IN **10**

ARE AFFECTED
IN THE AREA
WHERE THEY LIVE.

Crime is a traumatic experience for victims

Crime is a traumatic experience for nearly everyone who has been a victim. Sixty-three percent of crime survivors overall and eight out of 10 victims of violent crime describe their experience as traumatic.

8 IN 10 EXPERIENCED AT LEAST ONE SYMPTOM OF TRAUMA.

Below are some of the ways in which crime harms the physical and mental well-being of those surveyed:

- 8 in 10 experienced at least one symptom of trauma
- 2 in 10 victims were injured or experienced medical problems from the incident
- 6 in 10 experienced stress (65%)
- More than half experienced anxiety (51%) or feelings of fear (51%)
- 4 in 10 experienced difficulty sleeping (41%) after the incident

This is especially true for repeat crime victims. According to national data, people who are repeatedly victimized are more likely than other crime victims to suffer mental health problems, such as higher levels of depression, anxiety and symptoms related to Post Traumatic Stress Disorder (PTSD).¹¹

Victims experience additional trauma from witnessing other crime incidents

For many victims, the harmful impacts of crime and violence are compounded by experiences they have witnessing crime and violence against others. The majority of crime victims, in particular victims of violent crime, have witnessed other crime incidents, beyond their own victimization.

Six out of 10 victims surveyed have witnessed someone else being hit or assaulted in the past 10 years. For victims of violent crime, three out of four victims surveyed have witnessed someone else being hit or assaulted.

6 IN 10 HAVE WITNESSED SOMEONE ELSE BEING HIT OR ASSAULTED IN THE PAST 10 YEARS.

The compounded traumatic impacts of both being a direct victim of crime and being exposed to crime and violence against others indicates that victims living in communities experiencing concentrated crime suffer greater levels of chronic trauma than victims who do not. Four in 10 crime victims who have witnessed violence have feared for their safety as a result.



JOHN, CONNECTICUT

Over the course of three years, I was robbed once and burglarized twice at my apartment. I was physically assaulted during the robbery. The physical wounds didn't take long to heal, but the mental and emotional scars stayed with me for many years. I avoided using the front door where I was accosted, and I was skittish of people hanging out in my neighborhood.

The police never caught the men who robbed me. They drove me around and tried to pin the crime on an innocent person. I refused to identify the wrong person. Instead, I channeled my feeling of helplessness into creating an environment of safety where I lived. I formed a safety committee in my building. We installed handlebars to quickly close the doors behind us, trimmed the bushes and built community among each other.

Other than talking with friends and family, I didn't receive support to deal with the aftermath. These incidents occurred more than a dozen years ago, but when I think about them, they still trigger traumatic memories and feelings. I don't wish for retribution, but I do want to help come up with solutions that can provide support services for victims to help them heal.

IS THE CRIMINAL JUSTICE SYSTEM MEETING VICTIMS' NEEDS?



The traumatic impacts of being a victim of violence and crime extend to individuals' personal, familial and professional lives, and, left unaddressed, can have severe and long-term impacts on the well-being and stability of victims.

When crime is reported to law enforcement, the criminal justice system plays a critical role in facilitating medical, economic, and emotional recovery for the crime victim.

Despite this important role, few crime survivors indicate that the criminal justice system provided assistance in addressing their victimization.

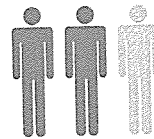
Most victims do not receive help to recover from crime

Two out of three victims surveyed received no help following the incident.

Of those that receive help, it is not through the criminal justice system

Of the victims that do report receiving help, the majority received it from family and friends or the hospital, not the criminal justice system.

- 40 percent received recovery help from family and friends
- 35 percent received recovery help from hospitals



Two out of three victims surveyed received no help following the incident

Only one in 10 victims received assistance from a district attorney or prosecutor's office, and one in four received help from a law enforcement agency.

National data indicates that victims frequently do not report crime to the authorities. According to NCVS, more than half of violent crimes go unreported (54%). Other research suggests that bystanders, relatives or acquaintances, not the victims, report a substantial portion of reported violent crime.¹²

People are even less likely to report certain property crimes (e.g., motor vehicle theft, burglary and theft), and nationally about three-fifths (63%) of these crimes go unreported.¹³

The survey indicates that many of these crimes are unreported due to a belief that the criminal justice system won't help. The number one and two reasons for not reporting cited by respondents, respectively, were feeling that the police wouldn't do anything and prosecution and courts wouldn't do anything.



LUZ, NEW YORK

I am an adult survivor of multiple sexual assaults as a child and adolescent, incest and rape, by a family member and family friend, with the first assault taking place when I was six. At 10 years old, I began to engage in risky behavior that lasted for more than a decade as a way to cope. I became a truant, ran away from home and turned to drugs and sex to disassociate myself from my traumatic experiences.

Fortunately, at the same time, I had some people who loved, cared for and protected me. One brother mothered me in a way our own mother couldn't. A cousin mentored me and helped me get summer jobs and introduced me to a program where I developed youth leadership skills with other young people throughout NYC.

After leaving my hometown of Harlem, New York, at 19, I began my road to healing and stopped taking drugs. Several years later, through working with an agency that advocates an end to sexual violence, I began to realize that I was a survivor. This motivated me to seek support for my experiences. I received culturally appropriate therapy for about 15 years, which helped me become the person I am today at 49 - a mom of three, a wife, an advocate to end violence against women, especially child sexual abuse, and a movement leader.

As a youth, I never called Child Protective Services or law enforcement to deal with the perpetrators. I don't think knowing the perpetrators are in prison would have helped me heal and it might have added more trauma in my life because I would have had to testify against them, leaving me with the burden of breaking up my family unit. What I do want is for them to receive the help they need to see the impact of their actions and to value women and children, and to learn to love and be loved in healthy and appropriate ways.

For young people, a lack of support can have particularly acute impacts

The lack of access to recovery supports has a negative impact on victims' future stability, and this is particularly acute for those at most risk of being a victim of crime: young people.

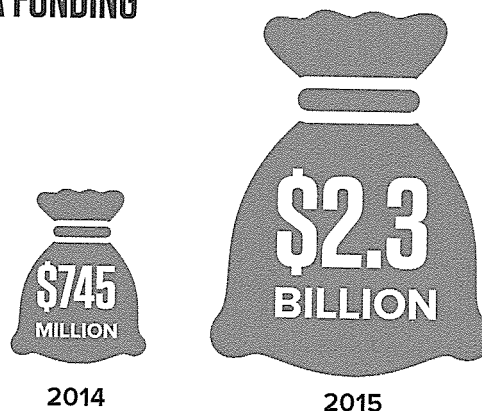
Youth and young adults between the ages of 18–24 are particularly vulnerable following victimization and can suffer from the long-term impacts of unaddressed trauma, such as difficulty with school, work, relationships and poor physical health. They are also the most at-risk for later becoming involved in criminal activity if their needs go unmet.¹⁴

HOW ARE MOST VICTIM SERVICES FUNDED?

The largest source of funding for victim services is a federal block grant program authorized by the Victims of Crime Act (VOCA). VOCA funding, which states allocate to programs that provide direct services for victims, increased from \$745 million in 2014 to \$2.3 billion in 2015.¹⁵

Other programs that help victims recover from the physical and emotional toll of crime — grief counseling, clinical therapy, trauma support — are provided by state and local governments, but no reliable data on the scale of those investments is readily available for analysis.

VOCA FUNDING



WHAT ARE THE PERSPECTIVES OF VICTIMS

ON THE CRIMINAL JUSTICE SYSTEM AND PUBLIC SAFETY POLICIES?



In addition to interviewing crime victims about their experiences with crime and the criminal justice system, the National Survey on Victims' Views also collected data about victims' views on criminal justice and public safety policy.

After decades of unprecedented growth in incarceration rates and prison spending across the United States, the nation is in the midst of a transition. For the first time, lawmakers of all stripes and the general public agree that the nation needs a new direction. Concerns about waste in the justice system, depleted state budgets, the racially disparate impacts of incarceration and the lack of effectiveness of over-incarceration have led many to seek new approaches to safety and justice.

In this era of change, it is important to re-examine the underlying assumptions that contributed to unprecedented growth in incarceration and prison spending. Many of the shifts toward increased incarceration were accompanied by a highly politicized debate about the best way to protect public safety. In many state capitols and in the media, victims of crime are at times portrayed as strongly favoring tough sentencing policies and maintaining high prison rates.

Given the large impact of anecdotal representations of victims' views on public safety debates, this survey sought to discern the perspectives of a more comprehensive and representative group of crime victims.

Perhaps to the surprise of some, the National Survey on Victims' Views found that the **OVERWHELMING MAJORITY** of crime victims believe that the criminal justice system relies too heavily on incarceration, and strongly **PREFER INVESTMENTS IN PREVENTION AND TREATMENT** to more spending on prisons and jails.

These findings, described in more detail below, hold true across all demographic groups, including race, gender, age, income and political party affiliation.¹⁶ They also hold true for victims of violent crime as well as nonviolent crime.¹⁷

BY A MARGIN OF NEARLY

== 3 TO 1 ==

victims believe that prison is more likely to make people commit crimes than to rehabilitate them. Victims are also more likely to believe that the U.S. sends too many people to prison (38%) than too few (29%).

GROWTH IN U.S. INCARCERATION AND PRISON SPENDING

The U.S. prison population grew nearly 700% between 1972 and 2014. More than 2.2 million people are now incarcerated at a cost to taxpayers of more than \$80 billion each year.¹⁸ Over the last three decades, lawmakers in all 50 states have adopted stringent mandatory sentencing laws and policies that limit parole eligibility. These changes have increased the number of people sent to prison and the length of time they spend there.

But criminal justice experts now agree that today's levels of incarceration are not making us safer.¹⁹ In 2014, the National Academies of Sciences summarized the research on the causes and consequences of mass incarceration and found that "long prison sentences are ineffective as a crime control measure."²⁰ Changes to justice policy are starting to emerge. The state prison population has declined slightly in recent years. Many states took steps toward revising their sentencing or corrections laws in 2014 and 2015, and voters have even gone to the ballot to reverse some of the harshest policies adopted in the 1980s and '90s.²¹



LINDSEY, TEXAS

It took days before my family and I found out that my sister was killed by her husband. At first, we thought she died in a car accident. It took even longer — throughout the trial — to get the full picture of what happened that day.

We now know that my sister and her husband were arguing. In the heat of the moment, he shot and killed her.

My family received no information, support, or a sense of collaboration with officials handling my sister's case. In the immediate aftermath of her death, we had to struggle just to get custody of my nephew. We didn't know who to go to for information or how to get help. To this day, no one in my family, except my nephew, has received counseling. But the trauma has affected us all.

Victims and families need help recovering from crime. I've also come to realize that focusing too much on punishment can cause us to lose sight of the big picture. Initially, I was very angry at my brother-in-law and wanted retribution. But with time, I began to think about how the system had failed us all. My brother-in-law had substance abuse addiction issues and had been incarcerated. Did his drug addiction and experience in prison play a role in his loss of control? He's not a bad person.

Public safety must be the top priority. But I believe we can best achieve that by helping those with substance abuse and mental health problems. Our criminal justice system should do more to help rehabilitate people like my brother-in-law instead of making them worse off and more likely to commit crimes.

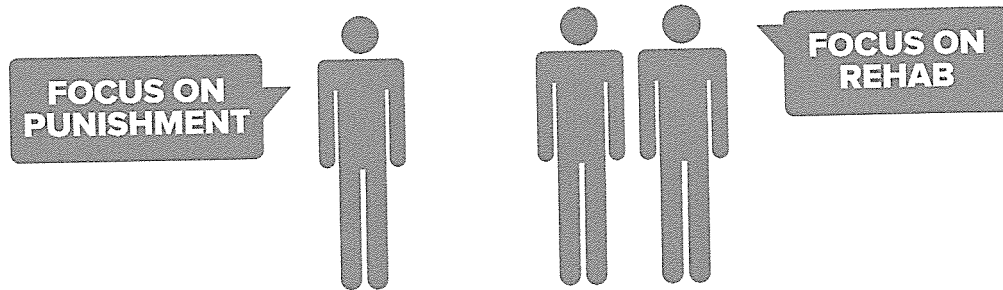
VICTIMS PREFER A JUSTICE SYSTEM THAT FOCUSES MORE ON REHABILITATION THAN PUNISHMENT

By a **2 to 1** margin, victims prefer that the criminal justice system focus more on rehabilitating people who commit crimes than punishing them.

For every victim who prefers the criminal justice system focus on punishment...

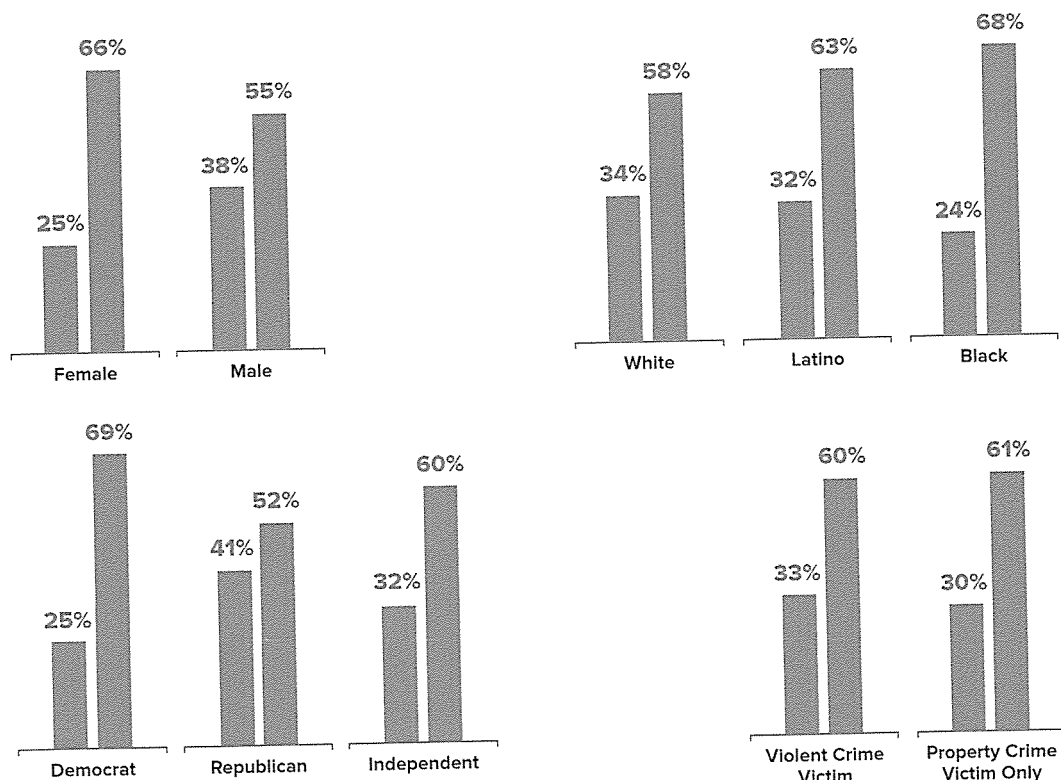


...there are two victims who prefer it focus on rehabilitation.



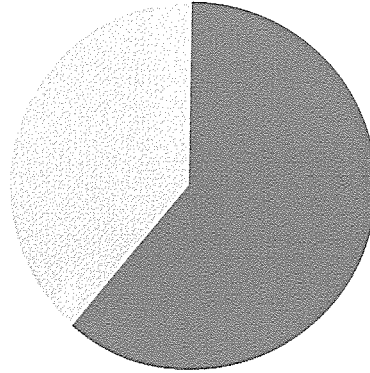
DO YOU THINK WE SHOULD BE MORE FOCUSED ON...

- Punishing people who commit crimes
- Rehabilitating people who commit crimes



VICTIMS PREFER SHORTER PRISON SENTENCES AND MORE SPENDING ON PREVENTION TO LONGER PRISON SENTENCES

Six in 10 victims prefer shorter prison sentences and more spending on prevention and rehabilitation to prison sentences that keep people in prison for as long as possible.



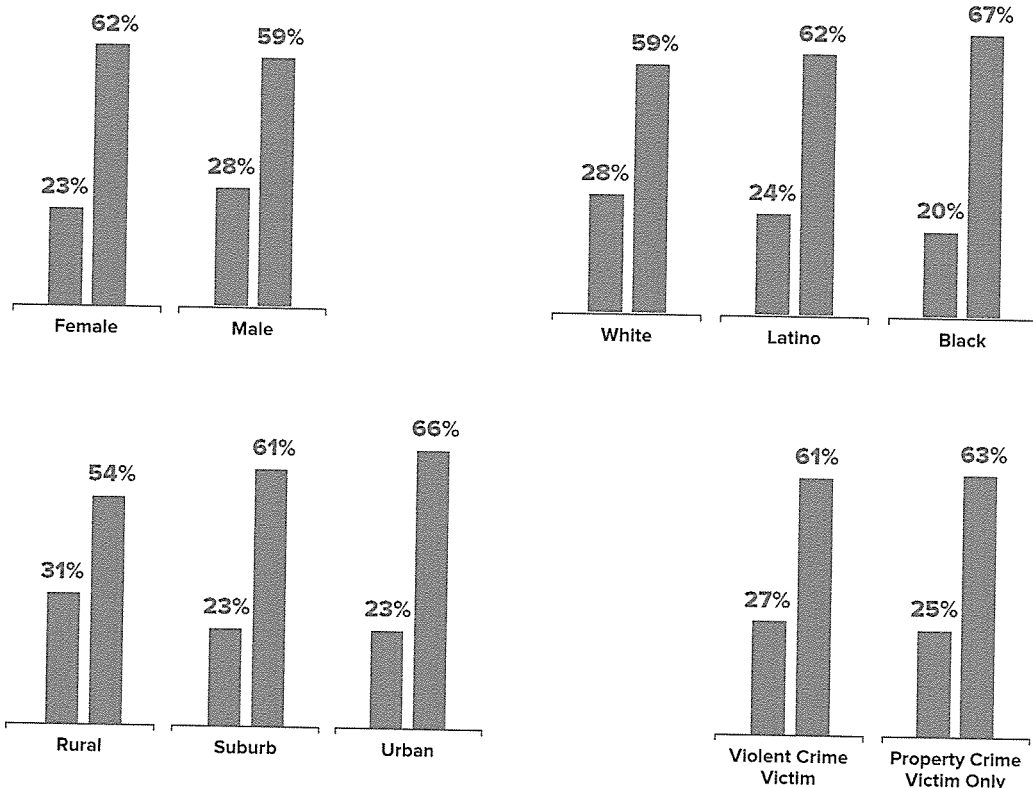
61%

- ✓ SHORTER SENTENCES
- ✓ SPENDING ON PREVENTION



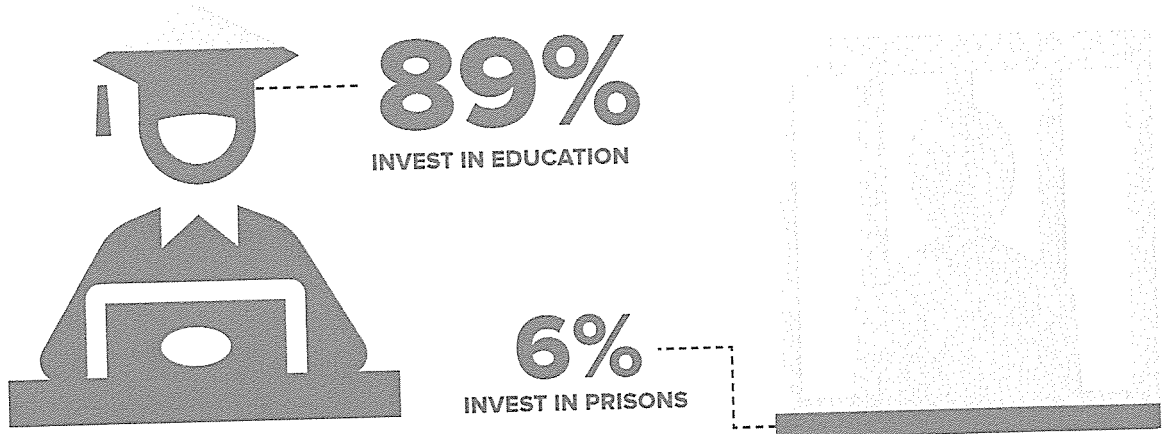
WHICH DO YOU PREFER...

- Prison sentences that keep people in prison for as long as possible
- Shorter prison sentences and spending more on prevention and rehabilitation programs



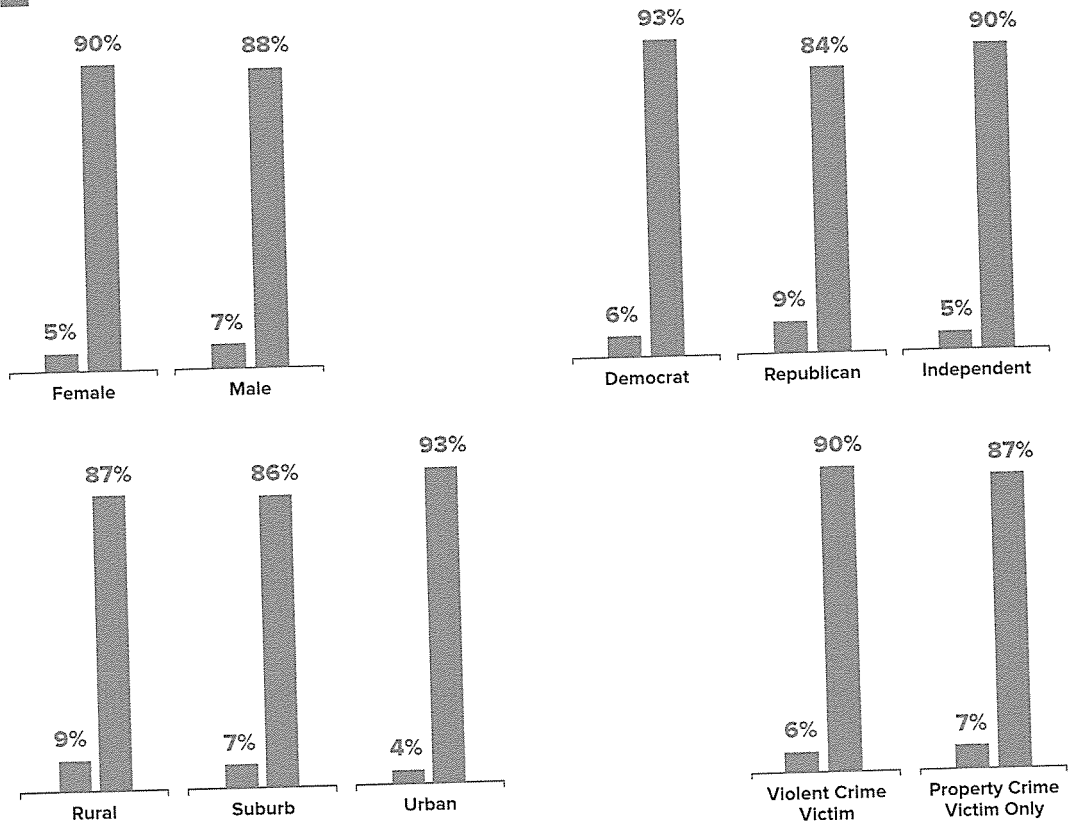
VICTIMS PREFER INVESTMENTS IN SCHOOLS AND EDUCATION TO PRISONS AND JAILS

By a margin of **15 to 1**, victims prefer more investment in schools and education to more investments in prisons and jails.



DO YOU THINK WE SHOULD...

- Invest more in prisons and jails
- Invest more in schools and education



VICTIMS PREFER INCREASED INVESTMENTS IN JOB CREATION AND CRIME PREVENTION TO PRISONS AND JAILS

By a margin of **10 to 1**, victims prefer more investment in job creation to more investment in prisons and jails.



JOB CREATION



PRISONS AND JAILS



CRIME PREVENTION

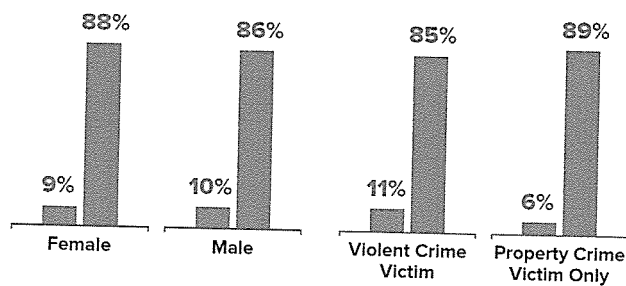


PRISONS AND JAILS

By a margin of **7 to 1**, victims prefer more investment in crime prevention and programs for at-risk youth to more investment in prisons and jails.

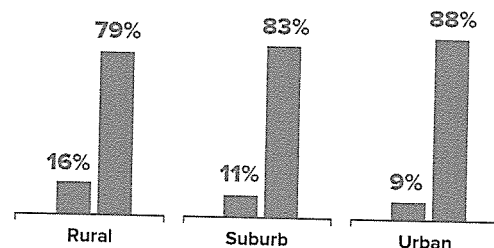
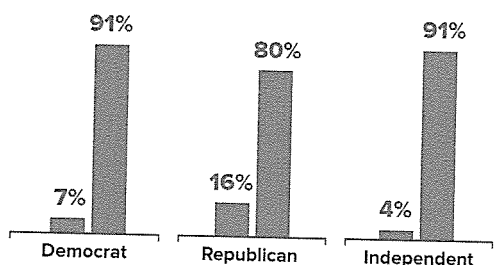
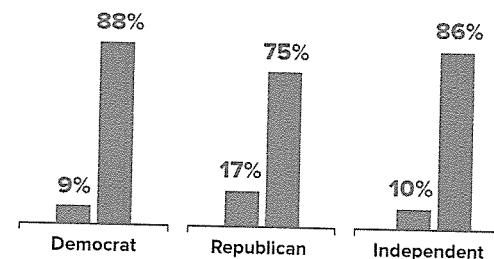
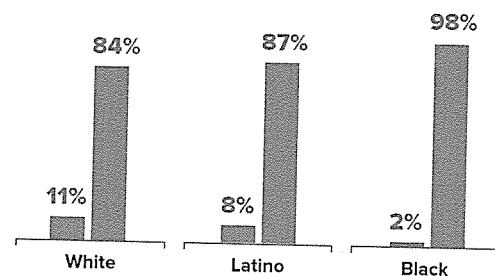
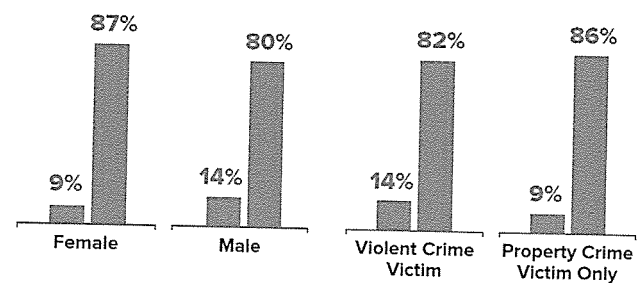
DO YOU THINK WE SHOULD...

- Invest more in prisons and jails
- Invest more in creating jobs



DO YOU THINK WE SHOULD...

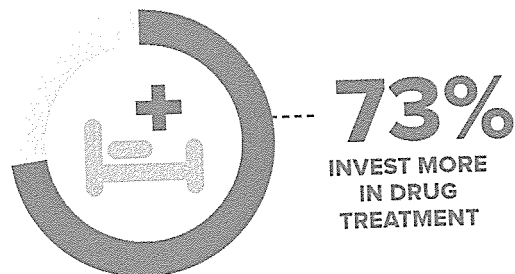
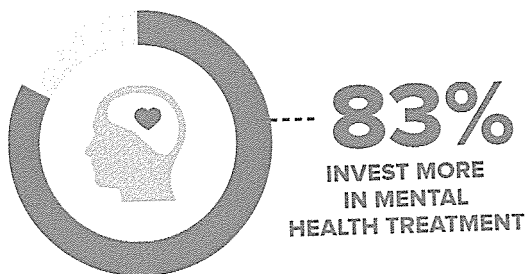
- Invest more in prisons and jails
- Invest more in programs for at-risk youth and other crime prevention programs



VICTIMS PREFER INCREASED INVESTMENTS IN TREATMENT TO PRISONS AND JAILS

By a margin of **7 to 1**, victims prefer more investment in mental health treatment to more investment in prisons and jails.

By a margin of nearly **4 to 1**, victims prefer more investment in drug treatment to more investment in prisons and jails.

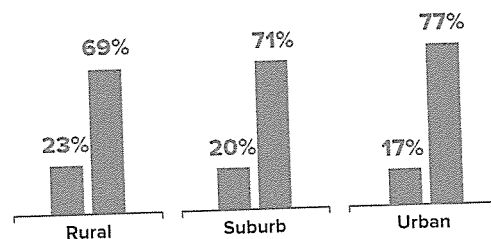
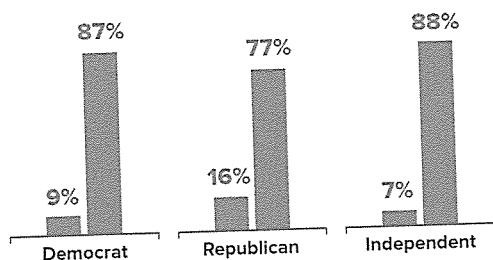
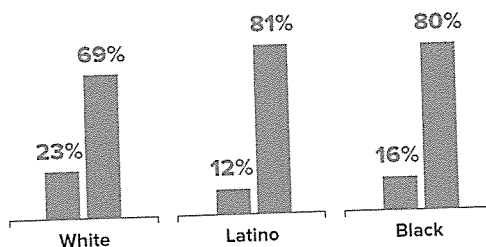
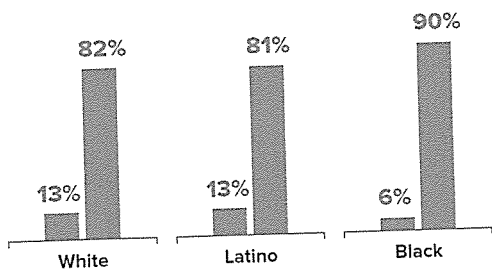
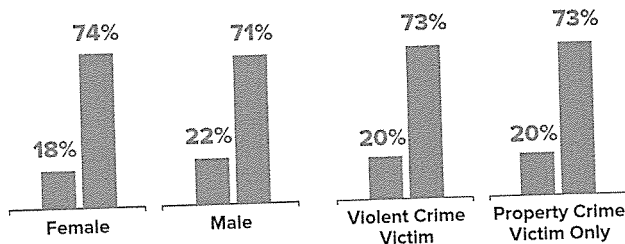
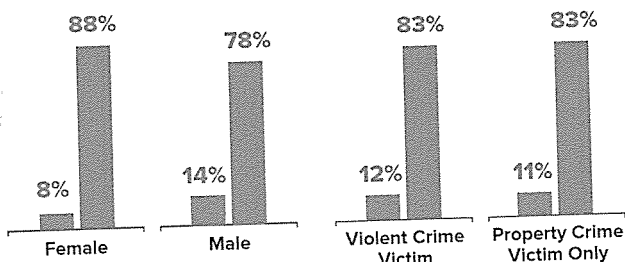


DO YOU THINK WE SHOULD...

- Invest more in prisons and jails
- Invest more in mental health treatment

DO YOU THINK WE SHOULD...

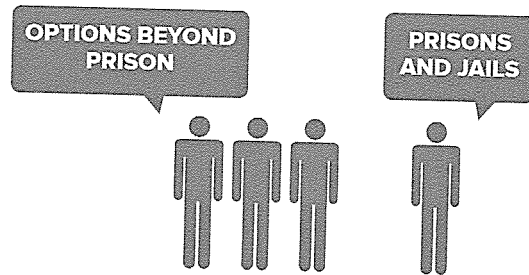
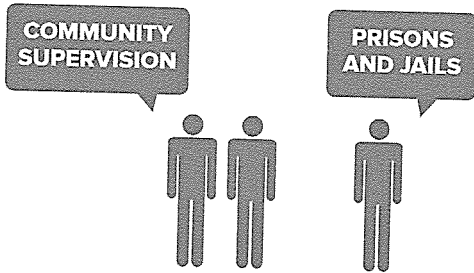
- Invest more in prisons and jails
- Invest more in drug treatment



VICTIMS PREFER ALTERNATIVES TO INCARCERATION AND OPTIONS BEYOND PRISON TO HOLD PEOPLE ACCOUNTABLE

By a margin of **2 to 1**, victims prefer more investment in community supervision, such as probation and parole, to more investment in prisons and jails.

By a margin of **3 to 1**, victims prefer holding people accountable through options beyond just prison, such as rehabilitation, mental health treatment, drug treatment, community supervision, or community service.

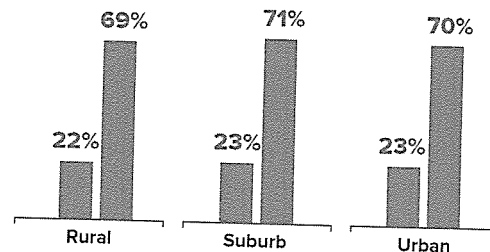
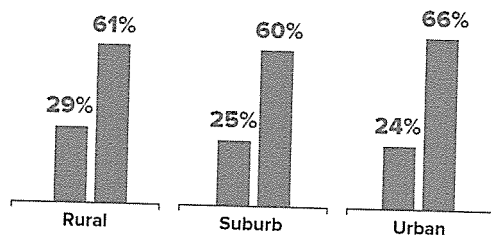
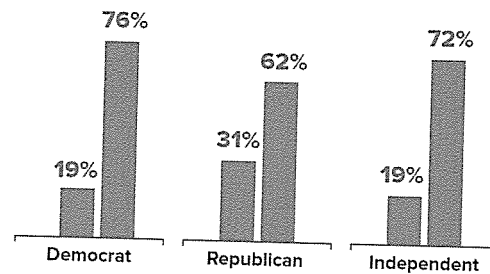
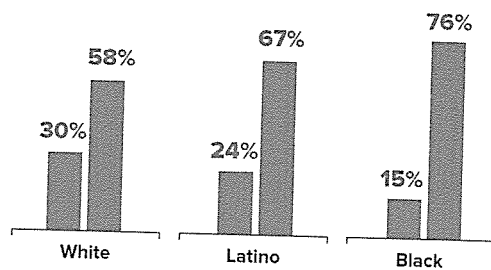
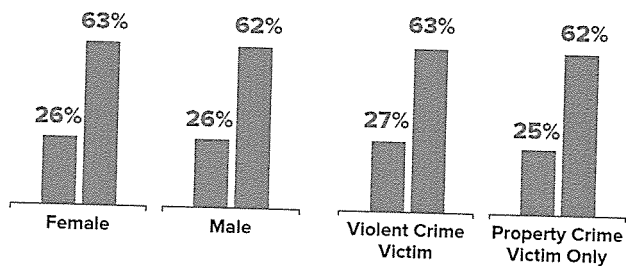


DO YOU THINK WE SHOULD...

- Invest more in prisons and jails
- Invest more in community supervision such as probation and parole

WHICH DO YOU PREFER...

- Holding people who commit crimes accountable by putting them in prison
- Holding people who commit crimes accountable through different options beyond just prison

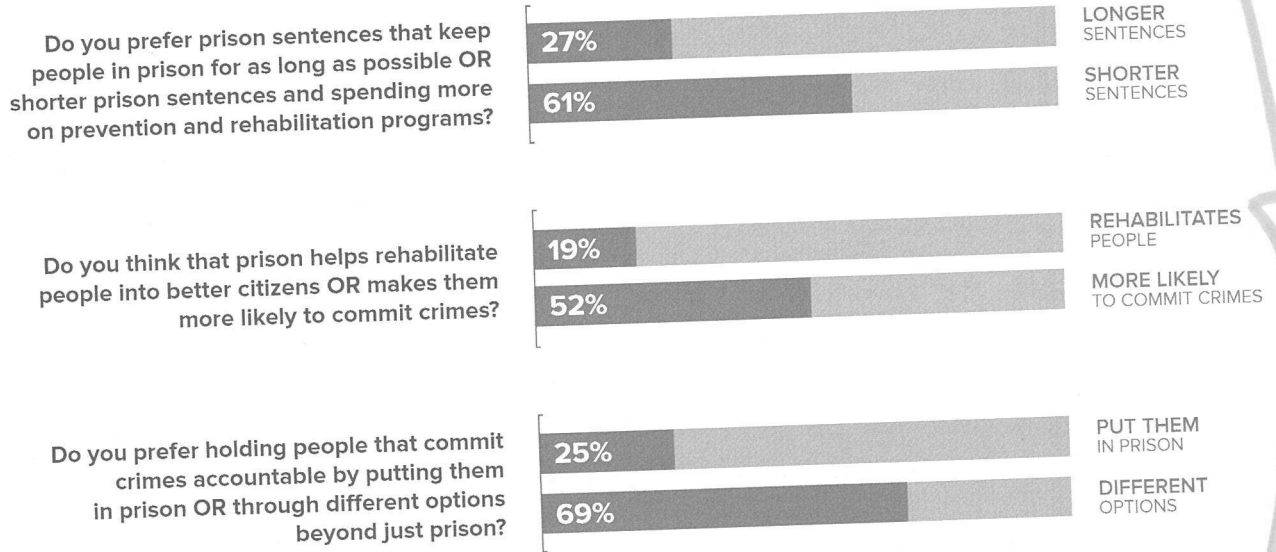


Victims of Violent Crime Share the Views of Crime Victims Overall

The vast majority of crime survivors believe we rely too heavily on incarceration and want policymakers to invest in new safety priorities that better protect victims and help them recover from the crimes committed against them. Victims of property and violent crime alike share these views, and the nature of the crime incident matters less than one might expect.

Survivors of violent crime — including victims of the most serious crimes such as rape or murder of a family member — widely support reducing incarceration to invest in prevention and rehabilitation and strongly believe that prison does more harm than good.

VICTIMS OF VIOLENT CRIME WIDELY SUPPORT REDUCING INCARCERATION TO INVEST IN PREVENTION AND REHABILITATION





MOTHERS OF MURDER VICTIMS ORGANIZING FOR NEW SAFETY PRIORITIES



DORIS, ILLINOIS

Three days after my son was killed, I publicly forgave the perpetrator. I didn't know who did it, but I knew many of my son's friends would be at the vigil where I declared my forgiveness, young people who were angry and in pain. I did not want to provoke vengeance or retribution. More violence would not bring my beloved son back. I also thought about the mother of the person who killed my son. She was suffering, too; her child took someone's life. I didn't want to add to that pain.

There isn't a lot of support for mothers who've lost their kids to violence. So, in 2013, I decided to form an organization to meet that need. Padres Angeles (Parents of Angels) conducts street outreach, supports parents who've lost their children, and holds workshops to strengthen family communication and relationships. We also organize vigils and marches to respond to community violence. By helping other families, I found healing for myself.

I believe that violence is a complex issue that requires a varied and coordinated response — much like treating a cancer patient with surgery, chemotherapy and radiation. The current criminal justice system's one-size-fits-all approach doesn't work for low-income communities of color. Instead of jails and prisons, we need more emphasis on rehabilitation to help people turn their lives around.



DOROTHY, PENNSYLVANIA

On December 6, 2001, at 2 a.m., I got a call. My 24-year-old son, Khaaliq, was in the hospital — shot seven times by a neighbor over an argument about a parking spot. By the time I arrived at the hospital, he was already gone.

After Khaaliq died, I didn't want to live. I was overwhelmed by the pain, despair and anger. Eventually, I received counseling to deal with my grief. Two years after Khaaliq's death, I formed Mothers in Charge as another vehicle to channel my pain and find healing. It is a lifeline for me and for others who have lost loved ones.

What started as two dozen women meeting in our homes has turned into a national support network of more than 1,000 in cities in Pennsylvania, Delaware, New York, New Jersey, Missouri, and California. Today, we have expanded our work to advocate for safe communities and prevent violence, and we go into jails and prisons to work with children and women, many of whom are survivors themselves.

We know hurt people hurt people. To truly stem violent behavior, we have to address the root problems facing people who commit crimes so they can come back into our communities ready to make positive contributions. We need to revamp the current criminal justice system to provide treatment, education and other alternatives.



JUDY, OHIO

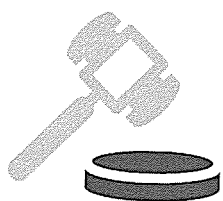
My son, Chris, was sitting with his friend in the parking lot of a gym when he was shot and killed. He was only 24 years old. It was all for some car rims.

Three years after Chris's murder, I formed Survivors/Victims of Tragedy. I needed to be around a group of people who intimately understood my struggles. We regularly share meals together and hold meetings. We organize memorial remembrances, vigils, and rallies for those who have lost a loved one to violence. Members of our group have also spoken at schools and prisons about their experiences, which I believe has helped people steer away from violence themselves.

On the 13th anniversary of Chris's death, I went to prison to visit the man who murdered my son. He told me that he wished he listened to the inner voice that told him not to do it that day. He was recently denied parole, but I do believe he should have a chance to come out, be with his child and change his life.

The way our criminal justice system is set up currently doesn't allow for redemption. People in prison should have access to education, anger management and other programs so they have a real chance to heal themselves and contribute to society when they're released. We must treat each other, even those among us who have made serious mistakes, with more humanity. It's the only way forward.

WHAT ARE



VICTIMS' VIEWS ON THE ROLE OF PROSECUTORS?

In addition to supporting rehabilitation over punishment, shorter sentences and more spending on prevention, and alternative options beyond prison, victims also support prosecution approaches that emphasize stopping the cycle of crime over a focus on tough sentences.

Victims prefer prosecutors focus on solving neighborhood problems

Seven in 10 victims prefer that prosecutors focus on solving neighborhood problems and stopping repeat crimes through rehabilitation, even if it means fewer convictions and prison sentences.

Victims prefer prosecutors consider victims' opinions even when victims do not support long prison sentences

Six in 10 victims prefer that prosecutors consider victims' opinions on what would help them recover from the crime, even when victims do not want long prison sentences.

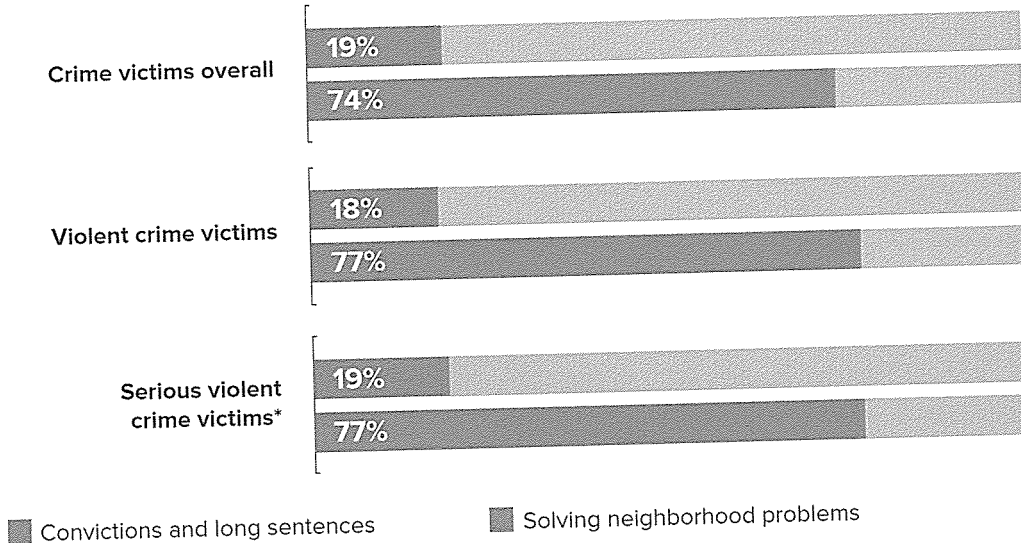
For each of the findings on the role of prosecutors, victims of violent crime demonstrate equal or stronger support for reform than crime victims overall. These are especially noteworthy findings given the experiences of violent crime victims, who often have more contact with law enforcement and prosecutors' offices than those who have been victims of property crime.

7 in **10**

victims prefer that prosecutors focus on solving neighborhood problems and stopping repeat crimes through rehabilitation, even if it means fewer convictions and prison sentences

WHICH SHOULD BE PROSECUTORS' PRIMARY GOAL?

Getting as many convictions and prison sentences as possible OR solving neighborhood problems and stopping repeat crimes through rehabilitation, even if it means fewer convictions?



* Serious violent crimes include rape, assault, sexual assault, or murder of a family member

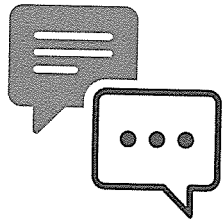
HOW DO WE MEASURE AND DEFINE VIOLENT CRIME

To better understand the ways in which people are most commonly victimized, the survey asked interviewees whether they had been the victim of rape, assault, sexual assault, stalking, robbery, burglary, theft, vandalism, identity theft, or the murder of a family member.

These crimes represent the vast majority of crimes reported to law enforcement and collected by the FBI for the UCR.²² Crimes defined as violent for the purposes of this survey include rape, assault, sexual assault, stalking, robbery, and the murder of a family member.

PERCENT OF CRIME SURVIVORS VICTIMIZED BY OFFENSE

VIOLENT CRIMES	
Robbery	25%
Assault	25%
Rape	9%
Sexual assault	11%
Stalking	29%
Murder of a family member	12%
At least one violent crime	52%
PROPERTY CRIMES	
Theft	79%
Burglary	38%
Vandalism	50%
Identity theft	53%
At least one property crime	93%



CONCLUSION AND RECOMMENDATIONS:

NEW SAFETY
PRIORITIES
TO SUPPORT

CRIME SURVIVORS

AND STOP THE CYCLE OF CRIME

The National Survey of Victims' Views is an important step forward in understanding who victims are and what they need to recover from the crimes committed against them.

These results paint a different picture than some common assumptions about victims, their views and what they want from the criminal justice system.

One in four people have been a victim of crime in the past 10 years. While crime impacts people from all walks of life, the impact of crime is not evenly felt across demographic groups. Young, low-income people of color are more likely to experience victimization. Victims of violent crime are nearly always also victims of property crime and experience much higher rates of repeat victimization.

Crime is a traumatic experience for most crime victims, yet few are supported by the criminal justice system. Two out of three victims received no help following

the incident and those who did were far more likely to receive it from family and friends than law enforcement or prosecutor offices.

Victims believe we send too many people to prison, for too long, and that our current incarceration policies make people more — not less — likely to commit another crime. Instead of more spending on prisons and jails, victims prefer a wide range of investments and new safety priorities including more spending on education, job creation programs, and mental health treatment. Importantly, victims support reducing sentence lengths to pay for these investments.

These beliefs cut across demographic groups, with a majority of Republicans and Democrats supporting reform regardless of how the question is asked. Perhaps to the surprise of some, victims of violent crime also share these views and demonstrate strong support for shifting the focus of the criminal justice system from punishment to rehabilitation.

Collectively, these findings point to several policy recommendations:

1

CONDUCT ANNUAL VICTIMIZATION STUDIES AT THE STATE LEVEL.

Use this information to inform justice policy and develop solutions to crime that are responsive to victims' experiences and reflect their safety priorities. More research and data are critical to identify the policies and practices that best protect victims, stop the cycle of crime and help victims recover. States should invest in collecting more information on who crime victims are and their experiences with the justice system, crime reporting, the impact of repeat victimization and trauma, and access to services and treatment for victims.

2

TARGET VICTIM SERVICES FUNDING FOR THE COMMUNITIES THAT HAVE BEEN MOST HARMED BY REPEAT CRIME AND LEAST SUPPORTED BY THE CRIMINAL JUSTICE SYSTEM.

Last year, the U.S. Congress increased the funding cap of the 1984 Victims of Crime Act (VOCA) from \$745 million to \$2.3 billion.²³ The funding increase of over 200% provides an unprecedented opportunity for states to provide services to vulnerable victims and communities experiencing concentrated crime and violence.²⁴

3

INVEST IN EVIDENCE-BASED SERVICES THAT PROTECT CRIME SURVIVORS AND STOP THE CYCLE OF VICTIMIZATION, SUCH AS THOSE PROVIDED BY TRAUMA RECOVERY CENTERS.

One of the key elements to improving public safety and community health is helping victims recover from the long-lasting impacts of crime. A growing body of research demonstrates that untreated trauma, especially among those who experience repeat victimization, can contribute to substance abuse, mental health issues, housing instability, or other problems that increase the risk of being a victim again in the future or even engaging in crime.²⁵ Model programs to help survivors access trauma recovery support are developing across the country and should be brought to scale.

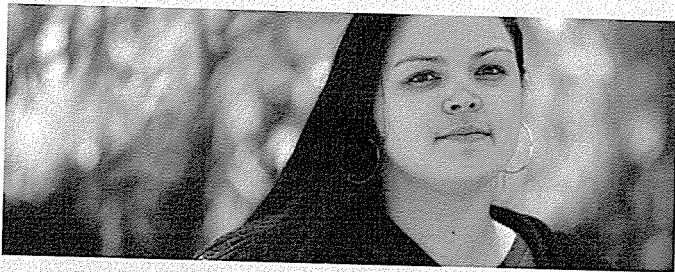
4

SUPPORT INNOVATIONS IN PROSECUTION.

Despite strong support among crime survivors for prosecution approaches that focus on neighborhood problem solving, rehabilitation and alternatives to incarceration, too few prosecutor offices focus on these strategies or have support to innovate and end the practice of over-incarceration. Prosecutor offices should expand new problem-solving approaches to stop the cycle of crime, and states should expand support for innovations in prosecution and elevate best practices and models to be replicated and brought to scale.

ADVANCE SENTENCING AND CORRECTIONS POLICIES THAT MORE CLOSELY ALIGN WITH SURVIVORS' PRIORITIES.

The “tough on crime era” was bolstered by a perception that mandatory sentencing and tough incarceration policies were both popular with the public and supported by crime victims. Across the country, prisons budgets have exploded and incarceration rates have skyrocketed. Now is the time for bold new approaches to sentencing and investments in new safety priorities. A diverse group of states from California to Georgia to Maryland have advanced sentencing reforms that have started to reduce incarceration rates and expand options beyond prison, including rehabilitation, restorative justice, community supervision, mental health and drug treatment and more. Victims support these types of reform. This report points to a strong new vision for safety. States should take action to rethink tough mandatory sentencing, reduce over-incarceration, and reallocate from costly prisons to crime prevention, education, job creation, treatment and alternatives, community health, and trauma recovery. Crime survivors across demographic groups widely support these approaches to stop the cycle of crime and protect future generations from falling through the cracks.



MICHELLE, CALIFORNIA

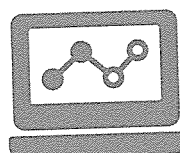
In my early 20s, someone I knew and trusted sexually assaulted me. To make matters worse, afterward, I was blamed and shamed on social media. The trauma was so overwhelming that I thought I would end up hospitalized. I had panic

attacks, had trouble focusing and concentrating and didn't go out in public. I ended up quitting college and losing my job.

I didn't know how to ask for support, what I even needed, and who I could trust. I felt like I had to support myself. So, I sought out classes on sexual violence and trauma, and found others who went through similar experiences. I found teachers who understood my situation and could help explain what I felt. And I found validation from others who suffered from PTSD and panic attacks.

But I needed more — I needed comfort. I didn't want to go anywhere, and, yet, I had to go search for help in all these different places. I wanted somewhere centralized where I could get the support I needed all in one place and also have an advocate who could help me work through the process. My mom, who works for the city, told me about Trauma Recovery Center in San Francisco, which provides wrap-around care to adult survivors of trauma and violence. They provided me with regular therapy, referred me to a peer support group and helped with transportation costs. I not only found support for myself, but I also got involved in educating others about sexual violence and sexual health. It was life changing. My involvement in this community and hearing others' stories of hope and healing helped with my own trauma.

So many victims suffer in silence, and it impacts everything from our health to our ability to hold jobs — trauma is like suffocating. If we can invest in trauma recovery, we can stop the cycle. I will always be in the process of healing, but I'm thankful to be where I am today. I'm optimistic that more people will grow aware of trauma and mental health issues, and that there will be more places to turn for women who go through similarly traumatic experiences.



DATA AND METHODOLOGY

Alliance for Safety and Justice commissioned the National Survey of Victims' Views to fill in gaps in knowledge about who crime victims are, what their experiences are with the criminal justice system, and their views on public policy.

Some of the questions were informed by the largest and most comprehensive source of data on victimization — the annual National Crime Victimization Survey, administered by the U.S. Census Bureau and the Department of Justice's Bureau of Justice Statistics. This survey expands on questions related to the prevalence of victimization by deeply exploring victims' experience with the criminal justice system, their views on sentencing and corrections policy, and their preferences related to law enforcement, prosecution, and incarceration.

David Binder Research conducted the survey in English and Spanish in April 2016. The poll was administered both by telephone — landlines and mobile phones — and online. This research methodology was designed to ensure the inclusion of harder-to-reach demographic groups, such as young people and people with less housing stability.

Furthermore, David Binder Research oversampled people who identify as black or Latino to ensure that their voices would be adequately represented in the survey. As a

result, these findings reflect the opinions of a broad and diverse America: All ages 18+, all racial and ethnic groups, and all geographic locations are represented.

A common challenge in victimization research is the reluctance of people to discuss their victimization with a researcher. For reasons relating to the social stigma of being a crime victim and associated data collection challenges, it can be difficult to identify sufficient respondents in victimization research. For this reason, the National Survey of Victims' Views used a 10-year reference period. However, just as many crimes are not reported to the police, some crime is not reported to researchers. Like NCVS and other victim surveys, the National Survey of Victims Views likely does not capture the total number of crimes experienced by those surveyed. While David Binder Research informed people that their personal information is kept confidential and used for research purposes only, we anticipate that respondents may have under-reported their victimization in this survey.

The overall margin of error for the National Survey of Victims' Views is 1.7 percent, while the margin of error for crime victims is 3.5 percent.

ENDNOTES

- ¹ The Bureau of Justice Statistics (BJS) and Office for Victims of Crime (OVC) have recognized the need for additional data related to victimization and victim assistance. Under the leadership of BJS and OVC, the Department of Justice is currently engaged in a multi-year effort to fill long-standing gaps in information. This includes a redesign of the NCVS to expand the information collected about formal and informal help-seeking behavior; issues related to fear of crime, and perceptions of neighborhood disorder and police performance; the development of subnational estimates of victimization at the state and local level, and the first-ever national survey of victim service providers.
- ² David Binder Research is a public opinion research firm with more than 20 years of experience in all types of research, from focus groups to surveys to online research, on behalf of clients ranging from businesses to government agencies to nonprofit organizations.
- ³ Truman, Jennifer L., Ph.D.; Langton, Lynn. "Criminal Victimization, 2014," Bureau of Justice Statistics, U.S. Department of Justice, August 2015 (National Crime Victimization Survey).
- ⁴ Ibid.
- ⁵ Weisel, Deborah Lamm. "Analyzing Repeat Victimization," Center for Problem Oriented Policing, 2005.
- ⁶ Includes Black or African American; Latino, Hispanic, or Mexican American; Asian or Pacific Islander; Native American; and mixed race.
- ⁷ Truman and Langton, 2015.
- ⁸ Ibid.
- ⁹ Ibid.
- ¹⁰ Kearney, Melissa S.; Harris, Benjamin H.; Jácome, Elisa; Parker, Lucie. "Ten Economic Facts about Crime and Incarceration in the United States," The Hamilton Project, May 2014.
- ¹¹ Kilpatrick, Dean G.; Acierno, Ron. "Mental Health Needs of Crime Victims: Epidemiology and Outcomes." *Journal of Traumatic Stress*, Vol. 16, No. 2, 2003.
- ¹² Californians for Safety and Justice. "California Crime Victims' Voices: Findings from the First-Ever Survey of California Crime Victims and Survivors," June 2013.
- ¹³ Truman and Langton, 2015.
- ¹⁴ The Council of State Governments Justice Center. "Reducing Recidivism and Improving Other Outcomes for Young Adults in the Juvenile and Adult Criminal Justice Systems," November 2015.
- ¹⁵ Californians for Safety and Justice. "Victims of Crime Act and the Need for Advocacy," April 2016.
- ¹⁶ Due to a small sample size, data on the views and beliefs of Asian Americans are not reported in demographic breakdowns. Alliance for Safety and Justice is engaged in other methods of research to better understand the needs of Asian American victims.
- ¹⁷ Importantly, none of these questions distinguished between crime types (i.e., violent or nonviolent), indicating that victims are open to reconsidering long sentences for a wide range of crimes.

¹⁸ Kearney et al.

¹⁹ Roeder, Oliver; Eisen, Lauren-Brooke; Bowling, Julia. "What Caused the Crime Decline," Brennan Center for Justice at New York University School of Law, February 2015.

²⁰ National Research Council. *The Growth of Incarceration in the United States: Exploring Causes and Consequences*," Committee on Causes and Consequences of High Rates of Incarceration, J. Travis, B. Western, and S. Redburn, Committee on Law and Justice, Division of Behavioral and Social Sciences and Education, April 2014.

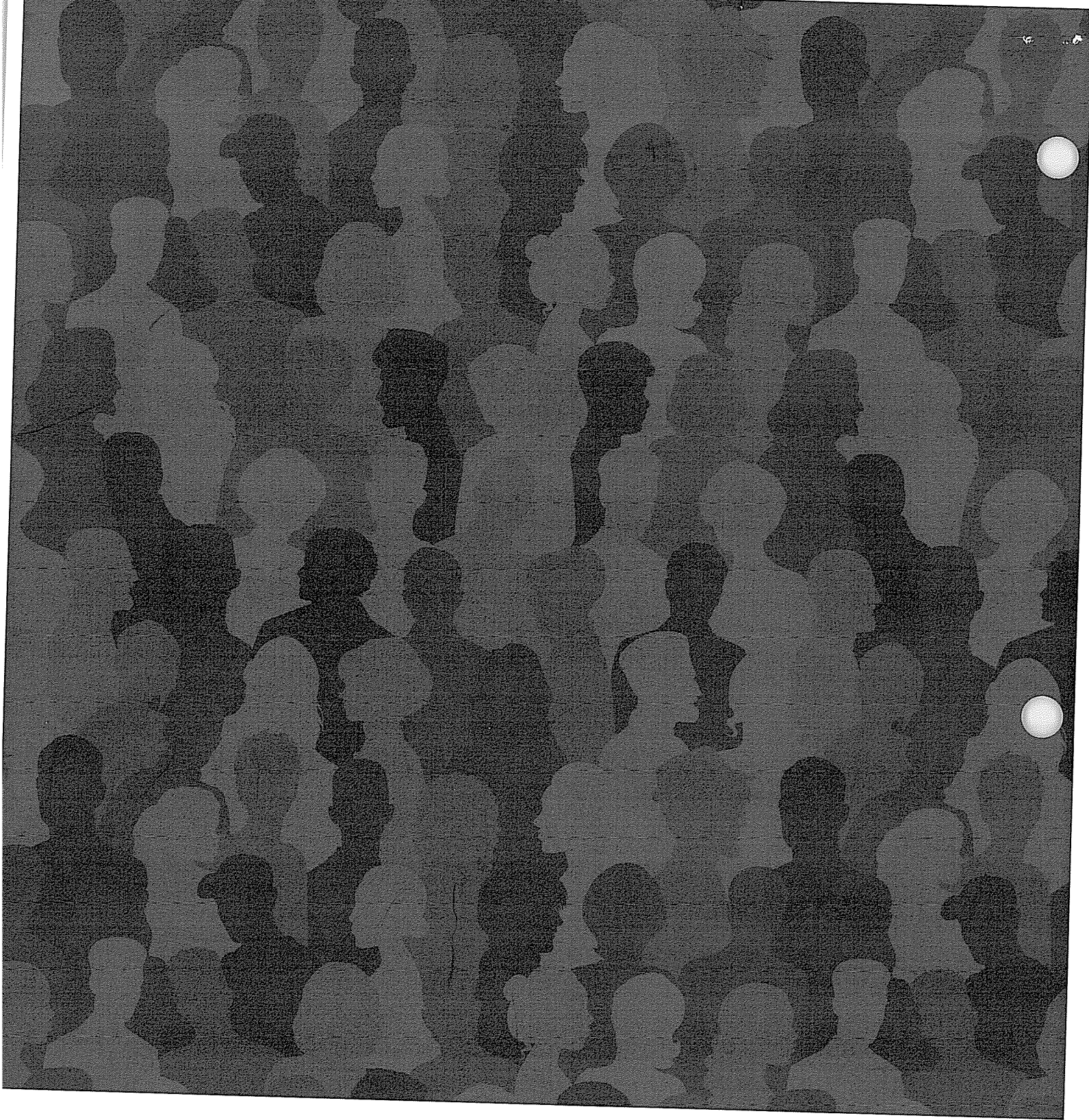
²¹ Silber, Rebecca; Subramanian, Ram; Spotts, Maia. "Justice in Review: New Trends in State Sentencing and Corrections 2014–2015," Vera Institute of Justice, May 2016.

²² We asked specifically about six of the eight "Part I" crimes reported by the Federal Bureau of Investigation as part of its Uniform Crime Reports. Instead of asking about motor vehicle thefts and arson, respondents were asked about their experience with sexual assault, stalking, vandalism, and identity theft.

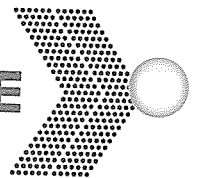
²³ Californians for Safety and Justice. "Victims of Crime Act and the Need for Advocacy," April 2016.

²⁴ Ibid.

²⁵ Warnken, Heather. "Untold Stories of California Crime Victims: Research and Recommendations on Repeat Victimization and Rebuilding Lives," Chief Justice Earl Warren Institute on Law and Social Policy, University of California, Berkeley School of Law, April 2014.



**ALLIANCE FOR
SAFETY AND JUSTICE**



HB 1512-FN - AS INTRODUCED

2022 SESSION

22-2070

04/11

HOUSE BILL ***1512-FN***

AN ACT relative to the parole of certain prisoners.

SPONSORS: Rep. Abramson, Rock. 37; Rep. Adjutant, Graf. 17

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill changes the eligibility for parole for certain prisoners.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the parole of certain prisoners.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Findings. The general court finds that:

2 I. The department of corrections states that there are 189 inmates serving life without
3 parole.

4 II. Prisoners who maintain their innocence face longer wait times for parole and are less
5 likely to be paroled.

6 III. Over 2,000 Americans have been released from prison in rare instances where new
7 forensic evidence proves them innocent, but they spend an average of 13 more years behind bars
8 after new evidence surfaces.

9 IV. Over 99 percent of all habeas corpus filings from inmates are rejected by the courts.

10 V. The average exoneree spends another 13 years in prison after new forensic evidence
11 shows that they are likely or certainly innocent.

12 VI. Many of these inmates are serving extended prison sentences because of the political
13 climate that existed 25 years ago that has led to mass incarceration over the years.

14 VII. By reviewing forensic evidence, Innocence Project has caught the real murderer in 148
15 different cases.

16 VIII. Recent studies have shown that Latinos are given 10 percent more prison time than
17 the average for a first time offense, while black convicts are given 15 percent more prison time for a
18 first time offense.

19 IX. Corrections officers must show up for work each day with the stress of working among
20 inmates already serving life in prison with no additional legal repercussions for killing a corrections
21 officer.

22 X. It is good public policy to offer a parole hearing for all prisoners who have served 25 years
23 or more of their sentence to ensure that they have not been wrongly convicted, over-charged, or over-
24 sentenced.

25 2 New Paragraph; Parole of Prisoners; Terms of Release. Amend RSA 651-A:6 by inserting after
26 paragraph IV the following new paragraph:

27 V.(a) The commissioner shall grant a parole hearing to any person who has been
28 incarcerated in a state correctional facility for at least 25 years. The commissioner shall schedule
29 such hearings as soon as practicable after the prisoner reaches his or her 25th year of incarceration.

30 (b) This paragraph shall not apply to:

HB 1512-FN - AS INTRODUCED

- Page 2 -

1 (1) A prisoner convicted of capital murder and sentenced to death before the effective
2 date of this paragraph; or

3 (2) A prisoner who is convicted of murder while serving a sentence in a correctional
4 facility.

5 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1512-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the parole of certain prisoners.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

The New Hampshire Parole Board indicates this bill would allow inmates convicted of 2nd degree murder and 1st degree murder and sentenced to life in prison, with or without the possibility of parole, to receive a parole hearing after serving 25 years of their sentences. There are currently 60 inmates for whom the Board would have to provide immediate hearings. The Board states it would need an additional case manager and an additional Board member in order to provide the additional hearings. The Board assumes 60 additional hearings would overwork the current 5 member board, resulting in resignations from the Board. The Board indicates inmates who have served 25 years of a sentence, and especially those serving life without parole, have been significantly institutionalized and have engaged in little or no reentry programming. The Board also states that hearings involving homicides are arduous to prepare and hold as they have many stakeholders and 25 or more years of records for parole office staff to prepare and for board members to read. The Board states it would need an extra day of hearings each week and this could not occur with current resources. The Board estimated the costs for a new case manager and an additional Board Member would be as follows:

	FY 2023	FY 2024	FY 2025
Case Manager LG 20 (includes \$1,300 hazard pay)	\$43,600	\$45,400	\$47,200
Benefits	\$29,200	\$30,700	\$32,200
Hardware & Equipment	\$3,500	\$0	\$0
Additional Board Member	\$20,000	\$20,000	\$20,000
Mileage Reimbursement	\$2,100	\$2,100	\$2,100
Laptop Computer	\$1,000	\$0	\$0

Total (rounded):	\$99,400	\$98,200	\$101,500
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The Department of Corrections states it is not able to determine the fiscal impact of this bill because it does not have sufficient detail to predict the number of individuals who would be subject to this legislation. The Department states the average annual cost of incarcerating an individual in the general population for the fiscal year ending June 30, 2021 was \$54,386. The average cost to supervise an individual by the Department's Division of Field Services for the fiscal year ending June 30, 2021 was \$603.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

New Hampshire Adult Parole Board and Department of Corrections