



AMERICAN CORRECTIONAL ASSOCIATION

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PUBLIC CORRECTIONAL POLICY ON SENTENCING

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Introduction:

Changes in U.S. sentencing policies have been a major cause of an unprecedented increase in the prison population. The sentencing process should attempt to control crime as much as possible, at the lowest cost to taxpayers and in the least restrictive environment consistent with public safety. There should be a balanced consideration of all sentencing objectives.

Sentencing policy today takes many forms. In some venues, legislatures have taken authority over that policy, leaving little discretion in the sentencing of individual offenders to the judiciary. Under these circumstances "sentencing" discretion is shifted to the prosecutors and takes the form of plea bargaining and charge selection. In others, judges and parole boards retain wide discretion on a case-by-case basis. In still others, sentencing commissions have been given responsibility for defining how offenders are punished. Regardless of the form, sentencing policy directly affects what the correctional practitioner does on a daily basis, and to the extent that this policy fails in fairness and rationality, then correctional practice is adversely affected.

As implementors of sentencing policies, corrections professionals have a unique vantage point from which to provide input on their effectiveness and consequences. If corrections does not voice its collective experience on this matter, then sentencing practices nationwide will fail to be as soundly based as they should be in this important public policy area.

Policy Statement:

The American Correctional Association actively promotes the development of sentencing policies that should:

- A. Be based on the principle of proportionality. The sentence imposed should be commensurate with the seriousness of the crime and the harm done;
- B. Be impartial with regard to race, ethnicity and economic status as to the discretion exercised in sentencing;

- C. Include a broad range of options for custody, supervision and rehabilitation of offenders;
- D. Be purpose-driven. Policies must be based on clearly articulated purposes. They should be grounded in knowledge of the relative effectiveness of the various sanctions imposed in attempts to achieve these purposes;
- E. Encourage the evaluation of sentencing policy on an ongoing basis. The various sanctions should be monitored to determine their relative effectiveness based on the purpose(s) they are intended to have. Likewise, monitoring should take place to ensure that the sanctions are not applied based on race, ethnicity or economic status;
- F. Recognize that the criminal sentence must be based on multiple criteria, including the harm done to the victim, past criminal history, the need to protect the public and the opportunity to provide programs for offenders as a means of reducing the risk for future crime;
- G. Provide the framework to guide and control discretion according to established criteria and within appropriate limits and allow for recognition of individual needs;
- H. Have as a major purpose restorative justice — righting the harm done to the victim and the community. The restorative focus should be both process and substantively oriented. The victim or his or her representative should be included in the “justice” process. The sentencing procedure should address the needs of the victim, including his or her need to be heard and, as much as possible, to be and feel restored to whole again;
- I. Promote the use of community-based programs whenever consistent with public safety; and
- J. Be linked to the resources needed to implement the policy. The consequential cost of various sanctions should be assessed. Sentencing policy should not be enacted without the benefit of a fiscal-impact analysis. Resource allocations should be linked to sentencing policy so as to ensure adequate funding of all sanctions, including total confinement and the broad range of intermediate sanction and community-based programs needed to implement those policies.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in St. Louis, Aug. 10, 1994. It was reviewed and amended Jan. 20, 1999, at the Winter Conference in Nashville, Tenn. It was reviewed and amended at the Winter Conference in New Orleans, Jan. 14, 2004. It was reviewed and amended at the Winter Conference in Kissimmee, Fla., Jan. 14, 2009.