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# *ICCA Policy Position on Offender Sentencing*

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## **I. INTRODUCTION**

Community corrections is a vital component of the criminal justice system and is an important and effective sentencing option. Community corrections refers to correctional activities that occur outside of prison or jail, and includes supervision and monitoring, treatment programs, and community-based punishments imposed by the court.

Community corrections holds offenders accountable for their behavior and promotes long term changes that will reduce the behaviors that lead to criminal behavior. ICCA is committed to a proven, research-based combination of monitoring, sanctions, and treatment leading to a sentencing option that has the greatest possible impact on recidivism.

## **II. BACKGROUND**

The cost of criminal justice in the U.S. now exceeds \$97 billion a year and continues to rise, shifting funding from other important government services such as schools and health care. 650,000 inmates return home from prison every year, and their recidivism rate averages 67% nationwide (defined as being re-arrested within three years of release). This rate of incarceration and associated costs differentiates the United States from all other western democracies.

Community corrections sanctions and interventions provide meaningful responses to crime which are cost-effective. In addition, they can address the causes of criminal behavior and reduce the risk of future criminal behavior.

## **III. STATEMENT OF PRINCIPLES**

The goals of a system of sentencing are appropriate punishment along with short-term and long-term crime control.

- Punishment should be proportional to the severity of the offense, along with individual culpability and circumstances.
- Within the upper and lower bounds of a proportional sanction, crime control considerations such as incapacitation should inform the sentencing decision.
- Long-term crime control to reduce the risk of ongoing criminal behavior through correctional programs should be considered in the sentence.

A sentencing system should treat similarly situated defendants similarly while retaining the flexibility to account for relevant differences among particular offenders.

Structured sentencing systems should be designed to support proportional yet flexible sentencing and a continuum of sentencing options from prison to community corrections sanctions.

Victims of crime should have the opportunity to make an impact statement at sentencing and should be treated fairly in the sentencing process.

Policy makers should understand the fiscal impact of any proposed sentencing change.

#### **IV. RECOMMENDATIONS**

- Support appropriate efforts to structure the discretion of judicial sentencing, but not eliminating it, as mandatory minimums and "three strikes" laws have done.
- Promote the use of the most effective criminal sanctions to protect public safety, administer punishment to the offender and rehabilitate the offender.
- Provide a range of appropriate sentencing and sanctioning options including incarceration, community supervision, community-based punishments, and correctional programs.
- Steer offenders convicted of less serious crimes into community corrections programs and proven treatment services, rather than simply confining them in jail or prison.

- Provide alternatives to incarceration and conviction for less serious and appropriate offenders, such as deferred prosecution programs and therapeutic courts (drug courts, mental health courts, etc.).
- Provide an opportunity to inmates approaching the end of their confinement sentence to serve the remainder of that sentence in community residential reentry programs.
- Implement a range of accountability responses for probation or parole violations; technical violations should not routinely result in imprisonment.
- Youth should be adjudicated in the juvenile justice system, except in the rare case of a chronic and violent offender and then only at the discretion of a juvenile court judge. An individual does not possess the capacity for mature judgment until at least age 16. Trying youth as adults denies them access to rehabilitative and educational programs, as well as future education and employment opportunities because of a criminal record.
- Conduct rigorous research to evaluate the effects of various sanctions on offenders, the corrections system, and crime reduction.

*Reviewed and adopted by the ICCA Board of Directors*

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*International Community Corrections Association*

*8701 Georgia Avenue, Suite 402*

*Silver Spring, Maryland 20910*

*<http://www.iccaweb.org>*