

Criminal Justice Reform

The inequities people of color suffer at the hands of the justice system constitute one of the most pressing civil rights crises the United States faces today. Beginning in the 1970s, the U.S. launched a “War on Drugs” that produced “tough on crime” policies and harsh mandatory minimum sentences that lengthened prison terms across the board. As a result, the U.S. prison population exploded, a phenomenon referred to as mass incarceration. Today, we incarcerate roughly 25% of the world’s prison population despite representing just 5% of the world’s population.

Studies show that mass incarceration contributes to poverty, income inequality, and family instability. Mass incarceration, compounded with the erosion of the Voting Rights Act and the prevalence of police violence, perpetuates structural inequality that harms communities of color.

It is no coincidence that the Hebrew word for justice, *tzedek*, also means compassion, mercy, and grace. Rooted in the belief that justice must be tempered by compassion, the Jewish Council for Public Affairs has been advocating against the injustice of mass incarceration and mass criminalization, particularly of people of color.

Cosponsor and Pass Meaningful, Bipartisan Sentencing Reform

On February 15, 2018, the Senate Judiciary Committee approved the bipartisan Sentencing Reform and Corrections Act (S. 1917), which would reform several of the most egregious drug and gun-related mandatory minimum sentencing laws, some of which would be allowed to apply retroactively based on a judge’s review of individual sentences. The bill would also implement prison reform by directing the Bureau of Prisons to expand prison programming and allow prisoners who successfully complete programs to earn more time in a halfway house, home confinement, or community custody.

This legislation would also give judges discretion to reduce juvenile life without parole sentences after 20 years, allow compassionate release of more people over the age of 60, and essentially ban juvenile solitary confinement in the federal system.

- **Any meaningful reform legislation must include robust sentencing reform that reduces harsh mandatory minimums and grants judges greater discretion to sentence below prescribed mandatory minimums.** While prison reform is certainly necessary, it alone cannot make the system more just. Long sentences and mandatory incarceration for minor drug offenses, which make up about half of all arrests, have not deterred drug use or reduced addiction rates. Mandatory minimums are the single largest factor contributing to the explosion of our prison population. As long as we continue to feed broad swaths of the American public into our prison system, any legislation that lacks sentencing reform will continue to be a band aid solution to a major hemorrhage.
- **Studies suggest that the disproportionate percentage of people of color enmeshed in the criminal justice process reflects disparities in police enforcement of criminal laws, rather than any difference in the rates at which whites and minorities commit crimes.** For example, despite similar or higher usage rates among whites, drug arrests and prosecutions fall disproportionately on black and Latino people, who are also more likely

to be convicted and sentenced to longer terms than white defendants. Mandatory minimums for drug offenses also drove harsher sentences for other crimes, as well. Once a drug offense merited a 10-year sentence, more serious crimes required longer terms to keep pace, further contributing to the growth of mass incarceration.

- **Mandatory minimum sentences for low-level drug offenses that deemed disproportionately lengthy should apply retroactively.** People unjustly languishing in jail based on the prior mandatory minimum requirements should have the opportunity to challenge their imprisonment under the new laws. Several of the bill's provisions would allow some current prisoners to petition a judge for retroactive relief, including 3,100 people incarcerated under the old 100 to 1 powder cocaine to crack disparity.
- **The leadership of the House Judiciary Committee should reintroduce the Sentencing Reform Act (H.R. 3713) from last Congress and move it forward with other reform legislation.** We urge the Committee to pass this legislation along with the Prison Reform and Redemption Act (H.R.3356) and the Second Chance Reauthorization Act (H.R. 2899) through Committee as a package. H.R. 3356 and H.R. 2899 need to be paired with sentencing reform to constitute real criminal justice reform. Prison reform without sentencing legislation, or with pared down sentencing components, would be both incomplete and very difficult to reconcile with the Senate's Sentencing Reform and Corrections Act (S. 1917).

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