



RESEARCH AND ADVOCACY FOR REFORM

February 18, 2020

Senator Richard Sears Jr.
Judiciary Committee
Vermont State House
115 State Street
Montpelier, VT 05633-5301

RE: S.261, An act relating to eliminating life without parole

Chairman Sears:

As the Judiciary Committee prepares to consider the Senate Bill 261, an act relating to life without parole sentences, The Sentencing Project writes to offer its endorsement of the bill's passage.

Vermont's prison system grew more than 259% between 1980 and 2016.¹ Currently, 121 persons are sentenced to life prison terms in the state's prisons.² To meaningfully address Vermont's incarceration growth, lawmakers should advance policies to reduce the population, invest in correctional and programming staff, and fully fund programming for all incarcerated people.

Senate Bill 261 would authorize parole after 25 years for persons sentenced to life without parole prison terms. This measure promotes transformative change in the state's criminal justice practices by expanding parole to all incarcerated persons, recognizing that their work at personal transformation helps make Vermont safer. Vermont cannot address mass incarceration without reducing excessive incarceration produced by overly long prison terms that divert resources from recidivism reduction efforts. We encourage Vermont policymakers to permit parole consideration for all persons sentenced to life without parole since there is no means of knowing on the day of sentencing which individuals will make significant life transformations while incarcerated.

Addressing life without parole sentences acknowledges the possibility of transformation for persons sentenced to lengthy prison terms. Senate Bill 261 offers an important step by allowing the Parole Board to consider the release of certain persons sentenced to parole-ineligible prison terms.

¹ Bureau of Justice Statistics, National Prisoner Statistics, 1980–2016; Federal Justice Statistics Program, 2016; Survey of Inmates in State Correctional Facilities, 1980; and Survey of Prison Inmates, 2016.

² Nellis, A. (2017). Still Life: America's Increasing Use of Life and Long-Term Sentences. The Sentencing Project.

Paroled lifers have very low recidivism rates, as do other older people released from prison after serving long sentences even for serious or violent offenses.³ For example, former California lifers with murder convictions have a “minuscule” recidivism rate for new crimes: among a group of 860 individuals convicted of murder who were paroled between 1995 and 2011, less than 1% were sentenced to jail or prison for new felonies, and none recidivated for life-term crimes.⁴ This compares to the approximately one-in-three rate of re-incarceration for new crimes within three years of release for all formerly imprisoned individuals in California.⁵ Despite historic crime lows and falling prison figures, the number of people serving life sentences—life without the possibility of parole sentences in particular—has continued to rise.⁶

The Sentencing Project is pleased by the growing consensus among lawmakers to prioritize change in Vermont’s criminal justice system. We congratulate the Senate Judiciary Committee for its thoughtful and collaborative work to advance this reform measure that addresses life without parole and excessive sentencing in Vermont.

The Sentencing Project urges you and your colleagues to support its passage through committee.

For questions, please contact Nicole D. Porter, The Sentencing Project’s Director of Advocacy, at nporter@sentencingproject.org or 202-628-0871.

Sincerely,



Marc Mauer
Executive Director

Cc: Vermont Senate Judiciary Committee

³ See: Ghandnoosh, N. (2017). Minimizing the Maximum: The Case for Shortening all Prison Sentences. In C. Pettus-Davis, & M. Epperson (Eds.), *Smart decarceration: Achieving criminal justice transformation in the 21st century*. New York: Oxford University Press.

⁴ Weisberg, R., Mukamal, D. A., & Segall, J. D. (2011, September). Life in limbo: An examination of parole release for prisoners serving life sentences with the possibility of parole in California. Retrieved from Stanford Criminal Justice Center website, p. 17.

⁵ Fischer, R. (2005). Are California’s recidivism rates really the highest in the nation? It depends on what measure of recidivism you use. Irvine, CA: UC Irvine Center for Evidence-Based Corrections.

⁶ *Supra* Nellis.