

People Age Out of Crime. Prison Sentences Should Reflect That



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IDEAS

BY **AMY FETTIG AND STEVEN ZEIDMAN** SEPTEMBER 9, 2022 7:30 AM EDT

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There's no question: Our legal system loves long prison sentences. From

2000 to 2019, the number of people serving sentences of 10 years or longer exploded from 587,000 to 773,000, according to a new report from The Sentencing Project. Those 773,000 people account for more than half of the U.S. prison population.

Extreme sentences have become so commonplace in the U.S. that 10 years can seem like a relatively minor punishment, perhaps woefully inadequate for serious offenses. But 10 years is an enormously long period of time – one in which people can experience profound growth, especially in their younger years.



That's why we believe incarcerated people should have the opportunity to have their sentence re-evaluated after 10 years. In fact, the American Bar Association just passed a resolution recommending precisely that.

Make no mistake. This does not mean opening the prison doors for everyone after a decade. It just means giving incarcerated people the chance to show how they've changed and why they deserve a second look. An external body (a judge, for example) would then determine whether to reduce the sentence.

From a scientific perspective, this model makes a lot of sense. Everyone may know that young people are more likely to commit crimes than older people. But it's important to know why. It's largely because the prefrontal cortex – the part of the brain responsible for reasoning, problem-solving, and impulse control – does not fully develop until the mid-20s. So young people often exhibit immaturity, irresponsibility, recklessness, and susceptibility to negative influences and outside pressure – which the Supreme Court has recognized in cases involving extreme sentencing of youth. In 2010 in *Graham v. Florida*, for example, the Court wrote that because young people “have lessened culpability they are less deserving of the most serious forms of punishment.”

Think about it this way: Many people in their 30s would never dream of repeating the choices they made a decade earlier.

An overwhelming amount of research confirms that people age out of crime. It's also clear that people released after decades of imprisonment rarely commit new crimes upon release, even those who had been convicted of the most serious crimes.

Revisiting sentences is not just about showing mercy; the entire community stands to benefit from the abundance of talent wasted behind bars. Many incarcerated people take classes, learn new skills, and earn degrees while in prison. Returning citizens often serve as credible messengers to guide at-risk youth, work as violence interrupters, and help promote public safety. They're hard-working, tax-paying community members.

They also heal communities. Many incarcerated people have been separated from their children and aging parents for years or decades. Second looks can return fathers and mothers to support their sons and daughters, and sons and daughters to act as caregivers to aging parents.

Consider just one example of an incarcerated person who we know is truly deserving of a second chance. RC was 17 years old when an older man assaulted his friend during a dice game in New York. RC reacted by getting a gun and firing a shot that killed the man. At sentencing, the judge referred to RC as an irredeemable menace and in sentencing him to 25 years to life stated that RC should never again walk free. Ten years later, RC became a prison hospice worker, mobility aide, and sign language interpreter, revered by prisoners and staff alike. He languishes in prison with no mechanism for anyone to see the man he has become, one of many people we have met who would be an upstanding citizen outside prison bars.

Fortunately, momentum is growing to make that possible. In 2019, Sen. Cory Booker and Rep. Karen Bass introduced the Second Look Act to permit people who have served 10 years in federal prison to petition a court for resentencing. In the meantime, federal court judges are utilizing the First Step Act of 2018 – which made changes to compassionate release that enabled an unprecedented number of people serving long sentences to be re-sentenced during the pandemic. Washington, DC, allows those who committed crimes as emerging adults—under age 25—to petition for resentencing after 15 years of imprisonment. And states such as Oregon, Illinois, and California allow individuals serving lengthy sentences to demonstrate that they’ve earned an opportunity for another review.

We’ve changed an enormous amount as a society over the past decade. And yet, our legal system assumes that people can’t do the same. That needs to change. Let’s build on the momentum and ensure all incarcerated people get a second look after 10 years.

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