

Criminal Justice Reform in America: Shifting Attitudes on Incarceration

Proskauer For Good Blog on December 3, 2019

Last month, [the U.S. state with the highest rate of incarceration](#) (in [the country with the largest prison population](#)) took steps to reduce its incarceration of non-violent offenders.

Oklahoma's Governor Kevin Stitt (Republican) [commuted the sentences of over 500 inmates](#). All of these individuals were non-violent offenders with an average age of less than 40. This decision points to a larger shift in conventional wisdom concerning mass incarceration and its effect on public safety.

A [2017 study by the Vera Institute of Justice](#) demonstrates the weak correlation over the past 40 years between incarceration and public safety. Out of concern for the [skyrocketing cost of overcrowded prisons](#), cost-conscious public officials have joined with those desiring a less punitive, equitable system to rethink criminal justice in America. A consensus is building around the need to start directing resources to rehabilitation as opposed to incarceration. According to Governor Stitt, "[the goal] has been about changing the culture and process as we prepare to release individuals and to help set them up for success upon reentry into society."

The Governor's point is well-taken: although a prison sentence may carry a fixed term, the effects of incarceration are often carried throughout an individual's life. Not only do formerly incarcerated people find it extremely [difficult to get a job](#) or housing – the time spent in prison often exacerbates problems that arose prior to conviction.

Underlying mental health and wellness concerns, including drug addiction, often go unaddressed by the prison system. Upon release, those issues return, fueling recidivism. Through such actions as increasing drug treatment and re-classifying certain "violent" crimes as non-violent (e.g. [purse snatching](#)) while decriminalizing other conduct entirely (e.g. drug use), states can better prevent the indigent, addicted, and homeless to become locked in a cycle of incarceration and destitution.

Additionally, it is critically important for prosecutors [to review convictions](#) where appropriate in order to address the harm of wrongful imprisonment and its consequences.

It is also incumbent upon the private bar to get involved. At Proskauer, we have taken on clemency petitions and applications to seal and expunge old convictions. We are also helping to address the great unmet need for legal services regarding a host of issues that recently incarcerated individuals face. Whether it is securing benefits that would allow an individual to make ends meet, dealing with unpaid traffic tickets in order to reinstate a suspended license, applying for affordable housing, or an adjustment in child support payments, a pro bono lawyer can play a critical role in offering someone a second chance, and thus help bend the arc of the moral universe ever closer to justice.

[View Original](#)

[Related Professionals](#)

- **William C. Silverman**
Pro Bono Partner