

A large, stylized hourglass is the background of the entire page. The top bulb is mostly empty, while the bottom bulb is filled with a dark, granular substance, likely sand. The hourglass is oriented vertically, with the narrow neck in the center. The overall color scheme is dark purple and black.

# Reflections on Long Prison Sentences:

## A Conversation with Crime Survivors, Formerly Incarcerated People, and Family Members

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Justice Research and Statistics Association

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# Introduction

In Spring 2022, the Council on Criminal Justice (CCJ) launched the Task Force on Long Sentences, a group of 16 experts representing a broad range of experience and perspectives, including crime victims and survivors, formerly incarcerated people, prosecutors, defense attorneys, law enforcement, courts, and corrections. Its mission is to examine how prison sentences of 10 years or more affect public safety, crime victims and survivors, incarcerated individuals and their families, communities, and correctional staff, and to develop recommendations to strengthen public safety and advance justice. As part of this effort, the Task Force convened nine listening sessions. The sessions were designed to gather input from victims and survivors of crime, including family members of homicide victims, close relatives of people serving long sentences, and individuals who served long prison sentences themselves.

The purpose of this analysis is to elevate the perspectives of those individuals closest to long sentences – victims and survivors of serious crime and individuals who served long sentences and their loved ones. The views expressed by participants should be interpreted as direct reflections of their thoughts and feelings rather than as a blueprint for policy reform. Please also note that the opinions presented are not representative of all victims and survivors of serious crime, or all individuals who have served long prison sentences.

Two overarching themes emerged from the listening sessions. First, while the sessions were designed to address victims and survivors and formerly incarcerated individuals and their loved ones separately, there was significant overlap in the experiences of participants. Many victims and survivors expressed having experienced the impact of incarceration through a family member and many formerly incarcerated people and their loved ones discussed having experienced serious violence. Although every effort was made to recruit diverse participants, the overlap in experience may be an artifact of how individuals were identified for participation in the listening sessions or may be evidence that there is significant overlap between “victims” and “offenders.” Second, there was broad agreement between victims and survivors and formerly incarcerated people and their loved ones on most of the topics explored in the listening sessions and presented below. This brief highlights where the perspectives of listening session participants were in sync—and where they diverged.

# Key Takeaways

While participants shared their experiences with long sentences from different perspectives, the views expressed reflected numerous common themes. These included:

- + Prison sentences—including long sentences—**should serve the purpose of rehabilitation**, a goal that many participants said was often impeded by a lack of programming in prisons.
- + Long sentences are **not synonymous with accountability**; rather, accountability comes from taking responsibility for the harm caused and making amends through personal changes.
- + People serving long sentences should have the **opportunity to seek reconsideration of that sentence** after a period of time through a process that bases release decisions, in part, on the cognitive, behavioral, and/or emotional growth individuals make while incarcerated.
- + **Victims and survivors of crime should have a role** in any sentencing reconsideration.

Participants made several specific recommendations in line with these themes. These included:

- + Provide **programming and counseling** to all individuals serving long sentences
- + Permit crime victims and survivors to **request specific programming** for the defendant in their case to complete while incarcerated, as part of pre-sentencing investigation reports
- + Provide victims and survivors, upon request, with **information regarding expressions of remorse, educational or skills training, and other personal changes** made by incarcerated individuals in their cases
- + In cases of sentencing reconsideration, provide victims and survivors general **information about supports** available to the incarcerated person post-release
- + Provide more opportunities for **victim-offender dialogue** throughout long prison sentences

- + Enhance **transparency and communication** during criminal justice processes and create mechanisms for quickly referring victims and survivors to community-based counseling and other therapeutic services
- + Give judges more **complete contextual information** about the background of the person being sentenced or resentenced, including facts about the impact of the crime(s) on victims and survivors
- + Provide **earlier intervention and healing to at-risk children** to prevent future crime, sparing individuals, families, and communities from the pain of violence and from the loss of young persons to long prison sentences

## Methodology

As scholars, advocates, and policymakers explore the impact of long sentences on public safety and public health, it is important for that work to be informed by the voices and experiences of those directly impacted: victims and survivors of serious crime, as well as those who have served long prison sentences and their family members. The listening sessions described below facilitated the inclusion of these voices.

Listening session participants were recruited from the networks of CCJ members, including through Trauma Recovery Centers and reentry programs, as well as individual referrals. The Task Force sponsored a series of nine 90-minute listening sessions between June and August 2022. Sessions were focused on either victims and survivors or formerly incarcerated persons and their family members; many participants, however, had personal or family experiences with both perspectives. Listening session protocols included similar questions for both groups, as well as inquiries grounded in the specific experience of group members. Victims and survivors were asked about their treatment in the criminal justice system and needs outside of the criminal justice process. Formerly incarcerated people and their families were asked about their perception of fairness in sentencing and in-prison programming needs.

Sixteen victims and survivors across nine states participated in the sessions. Most sessions were conducted in English, but two were conducted in Spanish. The majority of participants (81%) identified as female and 19% as male. Additionally, 38% identified as White, 38% as Black, and 24% as Hispanic/Chicano/Latinx. Twenty-one formerly incarcerated people or family members across 10 states participated in a listening session. More than half (57%) identified as male and 43% as female. More than half (53%) identified as Black, 33% as Hispanic/Chicano/Latinx, and 14% as White.

While these sessions included a diverse range of participants, they do not fully represent the views of all victims and survivors of serious crime, or all people who have served long

prison sentences. Each individual's perspective is unique, relating to their experience with differing laws, protocols, institutions, programs, and individual actors in different jurisdictions. While their insights are valuable, they also highlight the need for additional study and the regular inclusion of perspectives from lived experience in policy discussions. All procedures were approved by the Justice Research and Statistics Association Institutional Review Board.

## STYLE NOTES

This report uses the gender-neutral pronouns “they” and “their,” rather than gendered pronouns like “she,” “her,” “he,” and “him” to further protect the identities of listening session participants. The only exception is when an individual related an experience that involved a particular gender (i.e., “as a mother”). Similarly, participants are only identified by race or ethnicity when it is germane to their statement.

The terms victim and survivor are used interchangeably. While many people and advocacy organizations prefer the term “survivor,” other individuals and the criminal justice process use the term “victim.”

# Reflections on Long Prison Sentences

## PURPOSES OF SENTENCING

In general, survivors and formerly incarcerated participants held the same range of views about the actual and ideal purposes of long sentences. The themes of punishment and public safety were prevalent. Neither group thought long sentences deterred violence. One formerly incarcerated person observed that, “The average kid that’s on the streets, he’s not thinking about no consequences.”

*“The average kid that’s on the streets, he’s not thinking about no consequences.”*

**FORMERLY  
INCARCERATED  
PERSON**

Some responses from participants in both groups reflected a clear mistrust of the legitimacy of the criminal justice system. Many argued that the actual purposes of long sentences were to oppress poor communities and communities of color; to create economic benefit for investors, prison industries, and local communities; or to pressure people into accepting plea

deals. There was clear mistrust of the legitimacy of the criminal justice system among participants in both groups. As one survivor noted, “Our systems are driven very

specifically to make a profit, right? And so, you know, the longer that people can be locked up, though, the more money that these systems make.”

Several survivors, however, identified *finality* or *justice for the victim* as a purpose of sentencing. One survivor said, “I was released from my own imprisonment when that person was finally sentenced and I could get a fresh start and actually feel safe.” Another mentioned that sentencing in their case provided a sense of finality and closure, especially for other victims who had been harmed by the same person over the years. Two survivors stated that they expected finality but were surprised to see multiple appeals and other post-conviction proceedings that stretched over time.

*“I was released from my own imprisonment when that person was finally sentenced.”*

**SURVIVOR**

## **Rehabilitation**

In general, participants in both groups agreed that rehabilitation should be a purpose of sentencing, but that programming was often not in place to support that purpose. One formerly incarcerated participant said that “the lengthier the sentence, the least amount of programming you are entitled to.”

A few of the survivors argued that those who committed certain types of violent crimes like homicide should not have access to as many rehabilitative services as other people in prison. Others thought rehabilitation was particularly important for these individuals. One survivor said, “I think they should receive counseling and treatment in order to reach the root cause of why they committed the crime ... The mind of a person who has killed another human being—there is something there that needs to be addressed.” Many formerly incarcerated participants echoed this sentiment. One such individual said, “[p]eople who are incarcerated need help to address issues or circumstances that led them to where they were at the time of sentencing.” Another noted that many incarcerated people had experienced victimization prior to their incarceration. One individual said that while previous trauma or victimization did not minimize the seriousness of criminal behavior, that “you know, folks come from somewhere.” A survivor expressed the view that “[j]ustice will be if they give that young man the opportunity to change so that one day he will get out—and justice will be if he gets out and he is able to advance, to succeed, with his family and with the community. And this is what I think we should all fight for—for that type of justice where we *all* come out ahead.”



Members of both groups also expressed the belief that true rehabilitation comes from

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**SURVIVOR**

within an individual, rather than being externally driven by programming alone. As one formerly incarcerated participant put it, “It was my awakening of what I’ve done [that] ... made me change my ways in action. It wasn’t so much prison or the Department of Corrections that rehabilitated me.” Two survivors noted that not everyone is willing to change. As one said, “[t]here are many murderers who never show remorse, who never take responsibility, who don’t care, who don’t want help ... We have to determine whether this young person is taking responsibility and wants help.”

Several formerly incarcerated people had recommendations to improve rehabilitative programming for those serving long sentences. These included:

- + Increasing access to programming, educational opportunities, and mental health treatment—beyond substance use disorder treatment—for all incarcerated people, including those serving long sentences who do not have an immediate prospect of release
- + Requiring individuals who committed serious violent crimes to work with a mental health clinician to understand their own thought process and trauma histories
- + Reorienting sentencing and incarceration to be trauma-informed, ensuring that people who receive long sentences can heal themselves from the trauma and victimization that occurred prior to their committing a crime
- + Dividing responsibilities to enable correctional personnel to concentrate on security and nonprofit providers to deliver in-prison programming to those serving long prison sentences, reflecting the premise that such a division would lead to more effective programs that are not diluted because of security concerns

## IMPACT OF LONG SENTENCES

Many formerly incarcerated participants and their family members spoke of the “waste of humanity” and the despair triggered when people are sentenced to decades of imprisonment. Several participants described how they felt “thrown away” by the length



of their sentence because they were expected to die in prison. More than a dozen people cited the devastation caused by a sentence with no hope for release, for individuals and for the atmosphere inside prison. One individual said, “If you take away a human being’s hope, you basically have already executed them.” Another noted how long sentences affect not only the individual, but safety and the conditions inside prison: “Perhaps somebody needs to explain to the public the detrimental effects of them long, indeterminate sentences, where you not givin’ a guy no hope. And once a guy sees that he has no hope, they feel you ain’t got a damn thing to lose.”

Family members of those serving long sentences described the collateral impacts they experienced. Two mothers with incarcerated children said that even though they were not the ones convicted and sentenced to long prison terms, they felt as if they were serving time with their sons. As one said: “I’m in prison, I’m just not locked up.”

Although some victims said long sentences were justified based on the nature of the crime, many also noted the negative impacts of very long sentences. As one survivor put it, “When a young person receives a sentence of more than 20 years, that young person and their family also lose that life—the community also loses that life.”

*“When a young person receives a sentence of more than 20 years, that young person and their family also lose that life – the community also loses that life.”*

**SURVIVOR**

## ACCOUNTABILITY

Most participants across the two groups said they did not equate long sentences with accountability. Instead, they viewed being accountable as understanding and acknowledging the harm done, expressing remorse, and committing to a different path moving forward.

### Survivors

Several survivors who had seen their criminal case result in a long sentence said that the outcome had not made them feel that accountability had been achieved. As one survivor noted, the system relies “on this image of justice they sell to survivors, right? You want justice, you’re gonna’ get justice if we go through this criminal justice process. And that’s actually not my experience, right? I didn’t feel a sense of justice. I didn’t feel any accountability. You know, at the sentencing hearing ... there was nothing there that made me feel like I have more answers to my questions, or that I felt like this person really felt bad about what they did.”

Another survivor, the family member of a victim whose murder has never been solved, said their views of accountability had changed over time. Initially, they wanted

retribution. But with the passage of time, “accountability to me looks like, hands down, you should go through a process of incarceration. I don't think that's forever. And in that time, you should be expected to reprogram and understand the impact that your choice had on everyone—your family and mine. And then accountability is a conversation with the victim ... I want them to understand what they've done to my life and the lives of my children. ... I don't think there's just one thing, you go serve 20 years and now you have

redeemed yourself. I think there has to be more to it than that.”

*“Accountability is a conversation with the victim... I want them to understand what they've done to my life and the lives of my children.”*

**SURVIVOR**

One survivor suggested that victims be asked at the time of sentencing to “take an inventory of what they would need” from the person who harmed them, whether that might be accepting personal responsibility, completing relevant in-prison classes, or other demonstrations of

engagement in personal change. This survivor suggested that the judge or prosecutor ask victims, “How do you need them to spend their time? ... What do you want them to know or learn?” In response to this comment during the listening session, another survivor suggested that this be made part of the victim's input in pre-sentencing reports.

### **Formerly Incarcerated Individuals and Their Families**

In listening sessions with formerly incarcerated participants, several noted that accepting responsibility came several years into their sentence, and some could remember the day they realized the extent of the harm they had caused. For one participant, this acknowledgment came after losing a family member to murder and realizing the common reactions undoubtedly felt by relatives of the victim(s) in their own case. For others, accountability came through participation in a victim impact program—specifically, after hearing from a surviving family member or victim and then thinking about the impact of their own crime. Those whose role had not been central in a crime spoke of acknowledging that they were still a part of a violent loss. As one said: “It doesn't matter what my role was or wasn't. I was involved in something that destroyed another family.”

Formerly incarcerated participants had a lot to say about conveying apologies and other information to victims and surviving family members. Several expressed a desire for a restorative dialogue with their victim or the victim's family. One person expressed that survivors don't get enough information about what happens after sentencing, particularly with regard to rehabilitation. They said, “I think it leads to a lot of victims not properly getting the full insight and a sense of justice that they deserve.” That individual recommended creating a database or website for victims to access information related to the incarcerated person's progress—or lack of progress. Another participant regretted not having had an intermediary through whom to share information with victims during

incarceration, noting, “I would have liked them to have known that I was working towards being a better person and that I was actually really, really sorry for what I had done.”

Most participants also said that accountability was about more than simply taking responsibility for past actions; rather, accountability is about choosing to transform oneself or become “the highest version of yourself that you can be,” as well as demonstrating a commitment to “giving back” and being an “asset” instead of a “liability.” As one person put it: “You can’t take back the crime,” but you can try to “be an active part of building a better community or helping someone else.” These participants also offered several examples of what an individual’s commitment to personal transformation might look like, including creating or becoming involved with programs to help at-risk youth, mentoring or tutoring younger incarcerated individuals, and facilitating in-prison programs.

*“I would have liked them to have known that I was working towards being a better person and that I was actually really, really sorry for what I had done.”*

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PERSON**

## SECOND LOOK

Another dimension of the listening sessions focused on the possibility of a “second look” procedure, or a system by which people could seek judicial resentencing after years of incarceration. Participants spoke about whether they supported such a system, described the factors they believed should be considered, and indicated what role survivors should play in such resentencing processes. Some participants referred to their experiences with parole proceedings in sharing their views on opportunities and barriers that accompany a second look process.

Those who were formerly incarcerated strongly supported a system that would allow reconsideration of a long sentence after a specified period of time. One individual described how the prison environment changed when a policy shift provided those sentenced to life as juveniles with a pathway to release. They said the “violence inside the prison system completely changed, because people had hope ... Countless people said, ‘Man, forget this stuff. I need to change my life so I could get back out to my family.’ And so they start making the necessary changes.” But listening session participants emphasized that second look practices or other release processes must consider each person as an individual. Several formerly incarcerated people said that some people in prison “just do not want to change,” do not care about others, and should not be released. But many

argued that, “if you have worked on yourself ... you should have a second chance.” As one individual said: “I earned my way in; let me earn my way out.”

There was more diversity of opinion on second looks and release procedures among victims. Some said that certain people, including individuals who had committed certain types of violent or sexual offenses, should not be eligible for a second look. Other

*“I earned my way in; let me earn my way out.”*

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survivors said their states already allowed a second look through the process of executive clemency. One survivor was deeply concerned about the possibility of such a system, saying the perpetrator in their case had “gotten away with so much, he knows how to work the system, he knows what to say and do ... He could come

up and say, ‘I’ve changed ... yada yada yada.’ And then they grant it, and then my life gets flipped upside down.” This individual supported second looks and other release mechanisms for some cases, noting that people should be encouraged to rehabilitate themselves, but asked, “How do you really tell that a person is changed?”

### **Factors to be Considered**

There was broad agreement across both groups about what factors should be considered in any second look procedure. Participants said completing education or skills training, participating in self-help programming or religious activities, helping other incarcerated individuals, writing letters of apology or making amends, and having a solid plan for the future would increase their confidence in an incarcerated individual’s suitability for release. There was also broad agreement that an individual’s disciplinary record should be considered. One relative of an incarcerated person argued that the focus of second look reviews should not be on the original crime. “The crime ... has already been adjudicated and sentenced; the review board reconsideration is to judge the new facts of how the person has changed their life and grown and been held accountable.”

Highlighting potential barriers to obtaining favorable second look consideration, some formerly incarcerated participants noted that in many prisons, programming is limited or not accessible to everyone. With regard to potentially disqualifying disciplinary infractions, they said it is not always easy to avoid being written up by correctional staff. Thus, “[p]eople could be rejected for reasons that are beyond their control.”

One survivor added that the system would have to look at what people have learned from the programs “because you can take all those classes and do all those things and still not apply it.” A few formerly incarcerated participants mentioned the importance of a mental health assessment as part of a second look, following participation in mental health treatment. Said one: “There are people, unfortunately, who can complete all programming barely successfully and be just as homicidal as the day they walked in.”

*“How do you really tell that a person is changed?”*

**SURVIVOR**

Individuals across both groups raised the issue of how politics might interfere in a second look system. One survivor noted that even though their state officially allows for executive clemency, it is very rarely granted. Meanwhile, “It’s been, ‘who can be the toughest on crime,’ and taking away the resources that people have to do anything ... during their time.” One formerly incarcerated participant strongly recommended that those in a position to reconsider sentences should not hold or be pursuing elected office, to ensure that they are not focused on advancing their careers and making decisions to “look good.”

### **The Role of Victims and Survivors**

Individuals in both groups agreed that victims and survivors should have the right to be heard as part of a second look proceeding, and that they should be kept informed about an incarcerated individual’s progress during incarceration. Formerly incarcerated people strongly urged that victims should have access to current, updated information about the offending individual in their case at any reconsideration proceeding. One formerly incarcerated participant noted that “[s]urvivors and victims are also trying to heal, so they should be able to know ... the reasons or causes that led the aggressor to commit the crime and whether that person has changed during their time in prison, whether they want to help others and help society or not.”

Several formerly incarcerated participants expressed concern that victims and their families based their opinions about the offending individual in their cases on what they knew at the time of the crime, and were thus “operating off that old script.” Survivors agreed that it was important to receive updated information. One survivor underscored this sentiment when explaining that being asked to appear at hearings triggered difficult and painful emotions and memories, “because now I have to relive that whole situation all over again. And as far as I’m concerned, this person is still the same person.” Another victim expressed similar feelings about parole hearings, noting, “They snatch you back into this trauma. Because now you got to deal with the topic again, right? ... ‘Tell us about your pain and why you feel this person should never get out.’ That’s really all you’re getting ... it’s like us versus them.” Still, these individuals said they would appreciate receiving more

*"I personally would want to know what they've done with 10 years of their life and if they ... should get a second chance."*

#### SURVIVOR

- + "Why did you do it?"
- + "Do you feel remorse?"
- + "What do you want to say to the family?"
- + "What do you want to say to yourself and to your family?"
- + "Are you ready and willing to receive help now?"
- + "What do you think would be a fair sentence for yourself for the crime you committed?"

#### Sharing Information with Survivors

Formerly incarcerated participants and their relatives overwhelmingly agreed that victims and surviving family members should have a voice—but not a deciding role—in any sentence reconsideration process. There was less agreement about how much information about an incarcerated individual's post-release plan should be shared with survivors. On one end of the spectrum, several people said informing victims of the type of supports an incarcerated person would receive upon release might lead some to support a sentencing reconsideration. As one person noted, victims are "going to want to know where this person is going, what kind of job they're going to have, what resources are available. I would want to know that if I were in their shoes." On the other end of the spectrum, however, some formerly incarcerated participants expressed concern that too much information might put those leaving prison, and their loved ones, at risk. "[Information] should be given in a way that is not going to disclose too much about the people who are doing the supporting." Specifically, post-release details such as location information could reach rival gang

information about what had changed since the time of the crime. Said one: "I personally would like to know what they've done with 10 years of their life and if they ... should get a second chance."

Another survivor shared a list of questions that they would want to ask at such a hearing:

*"They're going to want to know where this person is going, what kind of job they're going to have, what resources are available. I would want to know that if I were in their shoes."*

#### FORMERLY INCARCERATED PERSON

members, and survivors might use the internet to learn about an individual's family, networks, or job prospects in a way that would be unhelpful at best and dangerous at worst for both formerly incarcerated individuals and survivors.

Individuals who expressed these concerns argued that the safest policy would be permitting the sharing of general information. Allowing the incarcerated person to decide what to share with the survivors was also suggested, but that option prompted some participants to raise concerns that individuals might be motivated to overshare in the hopes of influencing the outcome of resentencing decisions. Overall, participants agreed that standardizing the type and granularity of post-release information through policy was advisable to protect both survivors and incarcerated people.

After recently attending a conference designed to bring survivors of crime, formerly incarcerated people, and advocates together for healing conversations, one formerly incarcerated individual recommended that all victims attend a similar event prior to attending a reconsideration or parole hearing. "If victims and survivors could participate ... there would be much more understanding around second chances and how people can change while being surrounded by and supported by other victims and survivors who have also lost loved ones and who have also been victimized."

## SURVIVOR NEEDS: BEYOND SENTENCING

Because long sentences are often promoted as a way to support and honor victims, survivors participating in the listening sessions were asked about their needs during the criminal justice process and how their experience met, or did not meet, those needs.

### Within the Criminal Justice Process

While a small number of survivors reported feeling well-supported and informed throughout the criminal justice process, most noted a lack of information and guidance. As one individual said, "I don't think any of us have a real clear understanding of how the system works, what's fair or not fair, what prosecutors can or can't do, and the whole 'vanishing trial' concept," which involves defendants who feel pressured to take a plea in

*"I think it would be very helpful to try to understand the case and the judicial process and to be able to say something, to speak during the process."*

**SURVIVOR**

lieu of potentially facing a significantly longer sentence if they choose to stand trial. One survivor, whose case was still pending, reported feeling lost: "I think it would be very helpful to try to understand the case and the judicial process and to be able to say something, to speak during the process."



Another victim recounted a lack of communication from the prosecutor's office, noting how "we would get core update information as we're walking in [to court]." At the same time, they said that they had "a really great assistant state's attorney" who wanted to be helpful and communicate, but was unable to do so because of time constraints and caseload.

## Supportive Services

Both survivors and formerly incarcerated people spoke about the need for expanded support services for victims—especially trauma-informed therapy—"because it is a deep pain and grief, and it's not so easy for just anyone to try to offer help." Participants also favored extending support services to all of those affected by violent crime, "to the victim, to the person who commits the violence, to the mother of the person who commits the crime—because they also need help and resources, just like we victims need."

Along with expanding services, survivors talked about the lack of information about the services that do exist. As one noted, "I don't think a lot of victims and families know the resources when they're going through the process because everyone's so focused on prosecuting the crime." A few survivors said they had experienced significant financial needs related to a homicide but had not received victim compensation or help in applying for it. "We don't know of places where this help is offered—we don't know where to look," one such individual said.

Survivors suggested that criminal justice officials might be well positioned to connect victims and survivors to services. One participant was still grateful years later for the original detective who had immediately understood the family's need for assistance and connected them to a local homicide survivor's group that offered children's therapy and other supportive services. But several other survivors, including those who had directly asked for help, said they had never been informed about or connected to support.

*"We don't know of places where this help is offered – we don't know where to look."*

**SURVIVOR**

## Recommendations

Survivors were asked how the criminal justice process could be changed to better serve their needs. Some felt the current system could not be fixed, stating that "[o]ur systems need to be taken down and restarted" because currently "[i]t's all about politics, money. It's never about a victim or survivor ... If you want help you've got to get it yourself." Others had practical suggestions. These included increasing transparency for survivors,

with criminal justice officials being “open and honest about the process that’s going to take place,” and more collaboration with prosecutors and other system stakeholders, especially about the severity of the prison sentence. One survivor said victims “need to be a part of what needs to be done” and another asserted that justice system officials “have to take into consideration those of us that don’t want excessive punishment.”

*“Take into consideration those of use that don’t want excessive punishment.”*

**SURVIVOR**

Several survivors recommended that victim advocates not be “under the same umbrella” as the prosecutor’s office, or that victims have their own counsel. “Victims should have their own unit that works only in the best interest of the victim. ... It would be very beneficial for victims to have

people who speak for them and represent them that have their best interest at the very center of what they’re doing.” Others preferred having the victim advocate as part of the prosecution team, and saw the benefits of “having everyone together.”

## DEFENDANT NEEDS: INEQUITIES IN THE SYSTEM

Formerly incarcerated individuals and their family members were asked about whether they perceived the prison sentence in their case, or in the case of their loved one, to be fair. Some felt that the conviction itself was unfair. Several argued that the “fairness” of the justice system depended on one’s ability to hire an effective private attorney. One participant put this plainly: “Justice is in the money.” Another said that if “you don’t have money ... you get the public defenders. And they have so many cases that they have to deal with that all they want to do is get you out the way so they can go on to the next one.” Several participants who had been sentenced as juveniles reported that their public defenders barely saw them and made no effort to gather or present evidence. One said that there “was evidence that wasn’t found that could have helped me ... Nobody put forth the effort.”

*“Justice is in the money.”*

**FORMERLY  
INCARCERATED  
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A few people who were able to hire private defense attorneys remained dissatisfied with the process and questioned the competence of the individuals working their case. One individual’s attorney failed to appear in court the first time, while another private attorney expected the family to do the work of finding any evidence.

These barriers were amplified among immigrants and native Spanish speakers. One individual said that for “many people who have been convicted, they are not heard because there are language barriers; another barrier is money, and if you don’t know

anyone in the system that is a barrier, too. These are barriers of survival. Many people can't ask for help because they don't speak English; they are just trying to survive." Another noted a lack of understanding about the appellate process, especially among Hispanic/Chicano/Latinx defendants.

*"Many people do not understand the legal system and so they just have to grab the deal presented to them because they are being threatened with harsher [penalties]."*

**FORMERLY  
INCARCERATED  
PERSON**

Several participants in both the English- and Spanish-speaking groups indicated that as young people they simply did not fully understand the plea bargain process, or specific plea offer. "Many people do not understand the legal system and so they just have to grab the deal presented to them because they are being threatened with harsher [penalties]." One person reported accepting a plea agreement that was supposed to result in parole eligibility, only to find that a policy change prohibited parole in cases like theirs.

When it came to sentencing, there was general agreement among formerly incarcerated participants and their family members that a prison sentence and incarceration for their actions were warranted. One formerly incarcerated individual said, "I'm not gonna say all people should not be held accountable for their actions and what they are at that moment in time." However, many called their sentence unfair because they lacked competent legal representation, felt targeted based on their racial identity, or believed the prosecutor pursued a particularly severe sanction to burnish a "tough-on-crime" reputation.

Related to that perceived unfairness, some formerly incarcerated participants said they had encountered others who had received shorter sentences for offenses more violent or more severe than their own. For instance, several people sentenced as an accessory or found guilty of "mental culpability" reported that the principal perpetrator in their case was either not charged, was acquitted, or received a lighter sentence than they had. One participant reported that although the judge in their case knew the defendant was not the person who committed the murder, their "hands were tied" and they had to impose a long sentence.

More than one formerly incarcerated person shared that they were offered a lighter sentence if they testified against a co-defendant, and that after declining to testify, they received a severe sentence. Explaining details of that scenario, one individual said of the prosecutor, "You were willing to let me go after doing a few years if I cooperated, but once I exercised my constitutional right to a trial, I became a 'menace,' a 'predator' " who needed to be sentenced to 25 years. Another reported that during plea negotiations, the

prosecutor told him, “ ‘Testify, and I will let you go. I know you did not commit this crime, but I want you to testify.’ But how could I testify to something I did not see?” That person received a sentence of 15 years to life.

Participants were also asked whether they felt that the court processing their case had all the information it needed to issue a fair sentence. Many individuals said they wished the courts had considered their unaddressed trauma—such as the loss of a parent to cancer or murder, surviving a violent civil war in Central America, experiences of childhood sexual or physical abuse, and violence experienced during foster care—and how such trauma had influenced their actions. None of the participants suggested that their backgrounds excused their crimes. But they said that information explaining underlying factors contributing to their criminal behavior should have been considered by the court at sentencing. As one individual put it, “I was a robot waiting to explode and I did.” Another stated that it wasn’t “what the [victim] did or said that I took his life. It was all the pent-up [emotion].” Said a third individual: “My brain was distorted by the violence.”

*“I was a robot waiting to explode and I did.”*

**FORMERLY  
INCARCERATED  
PERSON**

Some also shared that the pre-sentence report in their case was riddled with inaccuracies and omissions. They believed that they would have benefited from a mitigation specialist—a person trained to create a comprehensive socio-economic picture that contextualizes and humanizes the defendant.

## **A LARGER VIEW OF ACCOUNTABILITY**

In addition to the perspectives expressed about individual accountability above, several participants across both groups argued that communities and social systems—including the criminal justice system—should accept accountability for violence and identify more effective ways to prevent it and help those in need. As one formerly incarcerated individual said, accountability “is more than just me being accountable. There are schools where you know that if a child is in this school, the likelihood of him being a perpetrator of a crime, like you know this beforehand, right? So ... I don’t know why you act surprised when a child does commit a crime.” Another participant said unaddressed trauma, including historical trauma, disproportionately affects poor communities and communities of color. “And we’re going to continue to make poor choices because that’s the way the brain reacts to trauma,” this individual said, noting that increased violence is the result of unaddressed trauma. Noting that many incarcerated women have histories of physical, sexual, and emotional abuse, a female participant said that such women are locked up, essentially, for what happened to them. Another noted widespread needs for mental health and other services.

Several survivors said society should be accountable for failing to intervene earlier in the lives of children. Many are trapped in traumatic situations, one individual said, “and then we act really shocked when they grow up and do terrible things.” One parent said their son had been getting in trouble since the murder of his brother, but they could not secure intervention services for the child, despite multiple pleas. Instead, the boy and other juveniles were cited for misdemeanors and sent home. Another echoed such frustrations: “The young man who killed my brother—he was 17 years old. But before he killed my brother, he had committed two other crimes and had been in juvenile court. For my brother’s murder, he was in adult court. But no one had given him the help he needed when he was out on the streets doing what he was doing. And then he killed my brother.”

## **A NOTE FROM LISTENING SESSION PARTICIPANTS**

Listening session participants were eager to contribute to the work of the Task Force on Long Sentences and offer their voice and experience to the conversation. At the end of the listening sessions, participants expressed gratitude and support for one another.

*“I want the Task Force to keep reaching out to the families to let their voices be heard. And let the data that you gather from real people like myself be used in helping politicians and people that are in charge over all these lives to make their decisions from that.”*

- *Family Member of an Incarcerated Person*

*“You know, I just I'm grateful that there's a Task Force that's trying to look at this from every aspect and not just a singular view. ... I think that's so super important. And I just want to thank everybody else on the call for your contribution. I've learned so much today.”*

- *Survivor*