LSJ Honors Research Spotlights Harsh Prison Sentences, Raises Questions About Fairness

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There are close to 1,400 inmates serving official or de facto life sentences in Washington state. David McSpadden / Flickr

Stricter state sentencing laws in Washington have swelled the ranks of inmates serving life sentences to nearly one in five.
And some lifers who opted to go to trial are serving much longer sentences than others who committed the same crimes and plea-bargained — raising questions about equitable treatment of prisoners.

Those are among the findings in a new analysis by undergraduate honors students in the University of Washington’s Law, Societies & Justice program, who sought to determine the number of lifers in Washington prisons, the legal processes that lead to life sentences and the cost of housing those inmates, many of whom will die behind bars.

Washington largely eliminated its parole system after the state’s Sentencing Reform Act was enacted in 1984. The SRA was intended to increase consistency in sentencing and shift the goal of sentencing from rehabilitation, which research at the time indicated did not reduce crime, to punishment.

“At the time, the conventional wisdom was that rehabilitation didn’t work, and that parole boards were making arbitrary decisions,” said Katherine Beckett, a professor in the Law, Societies & Justice program and the Department of Sociology, who oversaw the students’ research.

The upshot of the SRA was that except for a few categories of inmates — juveniles, certain sex offenders sentenced to life and prisoners sentenced before the law was enacted — most prisoners would never go before a review board, have their sentences reconsidered or have a chance at early release. Ever.

Two consequent voter-approved initiatives caused the numbers of lifers in Washington state to increase dramatically over the past two decades. The so-called “three strikes” law of 1993, the first of its type in the nation, mandated life without parole for three serious felony convictions. The Hard Time for Armed Crime initiative followed two years later, requiring mandatory sentence additions for crimes involving guns. The report mentions one prisoner who was sentenced to 83 years due to weapons charges alone.

The students analyzed data for all felony cases sentenced in Washington state from July 1985 to July 2013, more than 600,600 in total. They found that:

- Almost one in five (19.3 percent) of inmates in Washington are serving life sentences.
- Of Washington's prisoners, 11.3 percent are serving life with parole — most are sex offenders eligible for review, and a few are inmates sentenced before 1984 — and 8 percent are serving official life without parole sentences or “de facto” ones of 470 months or more, based on the federal definition of a life sentence.
- Nationally, one in nine prisoners is serving an official life sentence.
- De facto lifers make up almost half the state's life without parole population.
- African-Americans comprise only about 4 percent of Washington's population, but make up 28 percent of prisoners serving life without parole.
- The average life without parole sentence costs taxpayers $2.4 million per prisoner. Before 1984, when lifers were often released, the average cost was $767,895 per prisoner (in 2014 dollars).
- Half of those serving life without parole sentences were sentenced under the three strikes law, and almost 20 percent of de facto lifers are serving sentences of 39 years or more solely due to additional weapons charges.

The students also found widespread discrepancies in the life sentences given for identical crimes committed by inmates who opted for trial compared with those who accepted plea bargains. Prisoners who were tried for homicide, for example, got sentences 9.6 percent longer on average than their counterparts who plea-bargained, the students found.

The gap was even greater for less serious offenses. Inmates convicted of first-degree assault through trial got sentences 45.3 percent longer than those who accepted plea bargains. Two-thirds of life without parole sentences were handed down after trials, the report
found, while only 5 percent of cases resulting in other sentences had gone to trial.

“This suggests that there is a correlation between [life without parole] sentences and the trial process, and raises the possibility that people who take their case to trial are being penalized for doing so,” the authors write.

Alex Lynch, one of the report’s authors, said the data also suggests that the Sentencing Reform Act’s goal of reducing sentencing disparities has failed.

“We ran the data over and over and over,” said Lynch, who graduated this year. “The ranges are remarkable. They speak to the question of how effective the SRA has been.”

Another question is how the death penalty might impact life sentences. Washington is one of 31 states with the death penalty, which was suspended in the U.S. between 1972 and 1976. During that time, Beckett said, many states authorized life without parole sentences as an alternative to the death penalty but retained it even after capital punishment was reintroduced.

Opposition to capital punishment seems to have strengthened life without parole sentencing, she said, as opponents push for it as a more acceptable alternative.

“Opposition to the death penalty has made life without parole seem more normal,” Beckett said.

The study coincides with a growing national conversation about mass incarceration in the United States, which has the world's largest prison population — about 2.2 million people, according to the Sentencing Project. Presidential hopefuls Hillary Clinton and Rand Paul have made mass incarceration a campaign issue, and other Democratic and Republican candidates are calling for criminal justice reform.

The UW study makes three recommendations: that Washington create a review board and process that allows every lifer to be re-evaluated after a pre-determined amount of time, repeal the three strikes and Hard Time for Armed Crime laws and expand rehabilitative programs to help inmates reintegrate into society after release.

In February, the state house passed legislation that would ease the Hard Time for Armed Crime law. The UW students hope to present their report to the Washington State Sentencing Guidelines Commission, and Lynch said she's encouraged by feedback the document has received from local stakeholders.

“We've gotten overwhelmingly positive support,” she said. “We've had a lot of positive interactions with folks that are in a position to make some change.”

The study's co-authors are Dakota Blagg, Madison Brown, Alison Buchanan, Bryce Ellis, Olivia Gee, Andreas Hewitt, Zoe Liebeskind, Katelyn Lowthorp, Hannah Schwendeman and Nicholas Scott.

View the original story from UW Today here, and access the full report below.

Report (PDF)
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