



FOR THE PEOPLE

Prosecutor-Initiated Resentencing Overview

In recent years, a bipartisan consensus has emerged around the need to improve and strengthen the criminal justice system – to protect communities, ensure fairness, and smartly allocate resources. While communities across the country continue to take part in the criminal justice reform movement, prosecutors have not always been consulted when change occurs.

As ministers of justice, prosecutors should have a leadership role in making public safety determinations for the communities they serve. Prosecutors want to lead from the front in improving the criminal justice system.

Prosecutor-Initiated Resentencing (PIR) establishes a new opportunity for prosecutors to reevaluate lengthy sentences and petition the court for resentencing, with input from victims of the initial crime and public safety at the forefront of those decisions. PIR does not question whether original sentencing decisions were legal or appropriate at the time of sentencing. Rather, it gives prosecutors the ability to consider whether the sentence today still serves the interest of justice.

- ***Giving prosecutors discretion to review past sentences:*** PIR grants prosecutors discretion to initiate a thorough and methodical review of past sentences to determine whether certain people can be safely released. Prosecutors are empowered to petition a sentencing body for recall and resentencing, with the sentencing bodies making the final determination on resentencing. Specifically, PIR laws give prosecutors the discretionary power to determine whether someone can and should be safely released based on instances where the incarcerated person has demonstrated their dedication to rehabilitation after serving a lengthy amount of time, the person's original sentence is inconsistent with current sentencing standards, or other reasons that serve the interests of justice.
- ***Protecting the rights of victims:*** In a resentencing process, victims play a critical role. Prosecutors are required to consult victims and incorporate their opinions into resentencing decisions, while also informing victims of their rights to meaningfully participate in the process. Prosecutors have learned that not all victims favor lengthy prison sentences, and many crime survivors want the criminal justice system to focus more on rehabilitation than punishment.
- ***Giving prosecutors a new tool to protect public safety and administer justice:*** As ministers of justice, prosecutors have a responsibility to ensure that the punishment fits



the crime — both during and after original sentencing. Prosecutors understand that people can change and that if an incarcerated person has served a significant portion of their sentence, made meaningful strides toward rehabilitation, and can be safely released to reintegrate back into the community, they may deserve a second chance. If a person has been rehabilitated and their continued incarceration is no longer in the interest of justice, PIR gives prosecutors a legal mechanism to correct that injustice.

- **Promoting safety for incarcerated people and the communities they return to:** PIR helps build safer prisons by incentivizing positive in-prison behavior — deterring incarcerated people from incurring rule violations and motivating people to enroll in and complete education courses, job training, substance abuse classes, and other rehabilitative programming. PIR also emphasizes the importance of positive reintegration back into the community by placing importance on reentry planning ahead of a person’s release from prison. While not enough time has passed for a comprehensive study, less than 1% of the nearly 1000 people resentenced through PIR have been rearrested to our knowledge — and even fewer have returned to prison. Compared to average recidivism rates showing 46% of people return to prison, these results are remarkable. For The People works closely with prosecutors offices, defense, community, and incarcerated people to develop robust reentry plans focused on securing housing, stipends, job opportunities, and more upon release. Reentry plans are built to ensure there is a safety network and ongoing support after reentry.
- **Promoting a more effective allocation of public safety resources:** Incarceration has become one of the nation’s biggest public safety expenses, displacing more effective interventions such as after-school programs, crime victim assistance, and drug and mental health treatment. PIR can create significant cost savings and divert critical taxpayer dollars away from incarcerating people who are no longer a threat to public safety, and toward more effective crime-reducing activities.
- **Building community trust:** Identifying and conducting reviews of unjust sentences is an opportunity for prosecutors to show communities that they are committed to prioritizing safety and carrying out justice before, during, and after prosecution and sentencing.
- **Expanding tools to prosecutors across the country:** In a growing number of states, PIR laws have expanded the discretion of prosecutors with appropriate boundaries. For The People is working with prosecutors across 9 states, including Colorado, Georgia, and North Carolina, that have enacted PIR laws or have existing mechanisms to allow for resentencing by prosecutors. In addition, the American Bar Association adopted Resolution 504 in 2023 urging federal, state, local, territorial, and tribal governments to adopt Prosecutor-Initiated Resentencing legislation permitting a court at any time to recall and resentence a person to a lesser sentence upon the recommendation of the



prosecutor of the jurisdiction in which the person was sentenced. Notably, in states where these policies are being implemented, they have not strained court or prosecutorial resources because the tool is exercised entirely at the prosecutor's discretion.

For The People is a non-partisan national organization working to advance Prosecutor-Initiated Resentencing. Our organization supports prosecutors who are implementing PIR in their jurisdictions through case review, data analysis, policy and strategy development, victim notification, and coordination with community-based organizations, defense attorneys, and other criminal justice system stakeholders.

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