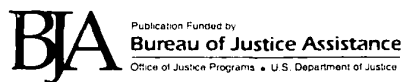
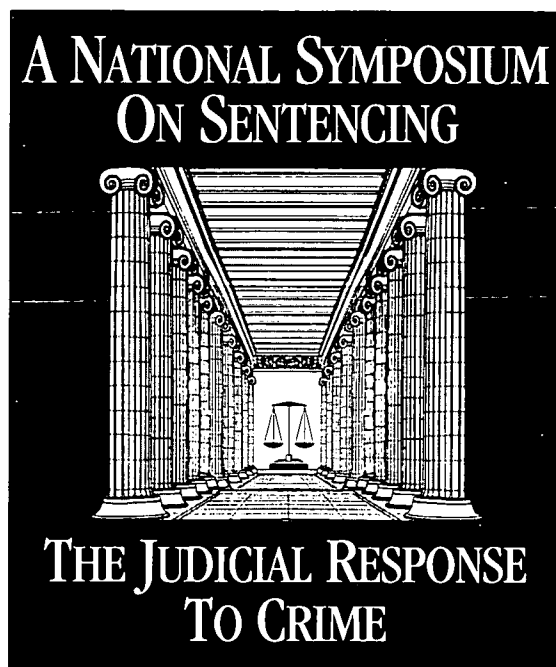


Report and Policy Guide

Kathleen M. Sampson
American Judicature Society

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Founded in 1913, the American Judicature Society is an independent, nonprofit organization supported by a national membership of judges, lawyers and other members of the public. Through research, educational programs and publications, AJS addresses concerns related to ethics in the courts, judicial selection, the jury, court administration, and public understanding of the justice system.

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Executive Summary

In November 1997, 280 judges, legislators, probation and corrections officials, victim advocates, journalists, prosecutors and defense attorneys and others involved in the criminal justice system participated in a significant conference in San Diego, California—A National Symposium on Sentencing: The Judicial Response to Crime. It was the first such conference since 1983, and followed a period of extensive change in sentencing policy and practice. Although those changes profoundly affected the judiciary, all too often judges played no role in formulating new sentencing policies. The overarching goal of the symposium was to provide judges a national forum to share their views about the purposes and consequences of sentencing. By providing opportunities for all the key actors in the criminal justice system to interact on a range of sentencing issues, the conference was designed to generate recommendations for specific changes in law, policy and procedure that would help the courts better accomplish the goals of sentencing and improve the public's confidence in the justice system.

Recommendations

Although educational sessions helped achieve some of the goals (see symposium agenda in Appendix C), participants worked in small groups to accomplish the key goal of generating recommendations. Those recommendations are summarized below.

EDUCATE EVERYBODY. This recommendation responds to the problem of the public's lack of knowledge about and trust in the criminal justice system generally, and the courts in particular. Some suggested strategies to implement this recommendation include (1) conducting court-sponsored outreach programs for community groups, teachers, journalists and others; (2) having judges explain their sentencing decisions so the public understands the basis for them; (3) hiring an official court spokesperson to respond to media questions about the criminal justice system; and (4) designing Web pages about the criminal justice system that explain, for example, what alternative sanctions are and compare the cost of alternative sanctions and imprisonment.

FIND WHAT WORKS. Participants said that informed policy making is difficult because there is little evaluation research on various sentencing alternatives. Therefore, they stressed the need for empirical research to provide valid and reliable data to guide policy makers. Another way of finding what works is setting measurable goals for new programs, pilot testing the programs, and then evaluating the extent to which the goals were met. Finally, jurisdictions can learn from the experience of others by, for example, accessing research reports published by SJI, the National Institute of Justice, the Bureau of Justice Assistance and other federal or state agencies.

EXERCISE JUDICIAL LEADERSHIP. Symposium participants urged the judiciary to be proactive in a variety of ways, including working with coalitions to educate the public, develop a consensus for change, and improve the system. They also urged the judicial branch to develop a united voice on sentencing issues.

ELIMINATE BIAS. A significant number of small groups cited the continuing existence of sentencing disparities based on race, class, gender and geography. Because public perceptions of bias erode trust in the sentencing process, it is important that the judiciary publicly acknowledge and deal with the issue. One suggested strategy is to establish an interbranch commission that would monitor sentences and prosecutorial practices and report back to judges, prosecutors and others. Other suggested strategies include mandatory diversity training for judges and prosecutors, and having judges monitor their own statistics in order to identify any recurring patterns that might indicate bias, e.g., who is sentenced to prison and who is sentenced to probation.

USE RESOURCES BETTER. Symposium participants identified lack of resources and programs as a serious problem, along with poor allocation of existing resources. One way to insure that limited resources are used effectively is to develop a coordinated, system-wide approach to planning and budgeting. Another is to apply the *Find What Works* recommendation to reduce duplication of effort, and modify or eliminate ineffective programs.

BUILD COALITIONS. The purpose of working with a coalition is to collaborate with an inclusive group to develop a consensus on goals to improve the criminal justice system, and sentencing policy in particular, and develop a plan to implement the goals. The benefits of coalition building include providing a mechanism to identify systemwide problems and develop solutions. In addition, the coalition could plan comprehensive community education programs and support requests for adequate resources for all components of the criminal justice system.

To learn about the process that generated these recommendations, and to read about them in greater detail, see Chapters 3 and 4.

Acknowledgments

We very gratefully acknowledge the support of the State Justice Institute, which supplied primary funding for A National Symposium on Sentencing: The Judicial Response to Crime. We also thank the Bureau of Justice Assistance and the National Institute of Justice for their additional financial support.

A project of this scope and complexity would have been impossible without the generous assistance of a number of individuals. Our major resource was the advisory committee, whose members are listed on page iii. They attended two day-long meetings in Chicago to define the content of symposium sessions and identify potential faculty. In addition, they worked in subcommittees to select the symposium site, refine the agenda, design the invitation process, develop hypothetical situations to structure the discussion in the general sessions, and review the final products of the project, including this report. Most advisory committee members also served as faculty, contributing again to the success of the symposium. We thank them for their unstinting commitment of time and energy.

Sentencing expert Michael Tonry, the substantive consultant on the project, was an unfailing source of wisdom. He generously shared his time and expertise in the planning phase. The significant themes he raised in his symposium keynote address—among them the consequences of hasty policy-making decisions—struck a responsive chord; they surfaced again and again in subsequent sessions.

We also thank the project evaluator, Dr. Patricia Hillman Murrell, Director of the Center for the Study of Higher Education at the University of Memphis. Dr. Murrell designed, distributed and analyzed the results of the evaluation instrument used to assess the extent to which the symposium met its goals.

Session faculty worked hard to implement the advisory committee's vision of the symposium. From victim advocate Mary Achilles to trial court judge Van D. Zimmer, they shared their varying perspectives and expertise at all the substantive sessions. We thank them for enriching the symposium by their participation.

Other key actors at the symposium were the small-group discussion leaders. Twenty symposium participants accepted responsibility for facilitating discussion in their groups, completing group tasks, and reporting out the results of

their deliberations. Since the small groups developed the policy recommendations reported in Chapter 4 of this report, these leaders rose to meet a significant challenge and helped fulfill a major goal of the symposium. Their names are listed at the end of these acknowledgments.

Ex-officio members of the advisory committee—David Tevelin of the State Justice Institute, Marilyn Nejelski and Charles (Bud) Hollis of the Bureau of Justice Assistance, and Nancy La Vigne and Janice Munsterman of the National Institute of Justice—generously gave their time and willingly responded to requests for advice. They were an unfailing source of support and encouragement, as was Sandra Thurston, the SJI program manager. We thank them all.

It takes a great deal of staff support to present a major national conference. Thanks to the following AJS colleagues for their hard work: Sandra Ratcliff Daffron, Executive Vice President and Director; Dr. John Domino, former Assistant Executive Director for Programs; Carol Horton, Ph.D.; Seth Andersen, Program Manager; Sue Don Orem, Director of Special Projects; Clara Wells, Meeting Planner, who was ably assisted by Kevin Sutton and Sally Ratcliff; Peter Lantka, Research Assistant; David Richert, Director of Publications; and Stanley Kowalski, Typesetter.

Finally, we thank the 280 judges, victim advocates, prosecutors, defense attorneys, journalists, probation officers, corrections officials, legislators, scholars and others who attended the symposium. Their enthusiastic participation in all symposium activities, particularly the small group discussions, resulted in practical policy recommendations that we hope will be applied nationwide.

Small-group discussion leaders

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Hon. J. Augustus Accurso (Ret.), Turlock, CA

Hon. Cale J. Bradford, Superior Court, Indianapolis, IN

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Hon. Marilyn C. Clark, Superior Court, Passaic, NJ

Hon. Robert Clifford, Supreme Judicial Court of Maine, Auburn, ME

Hon. Barbara J. Disko, Circuit Court of Cook County, Chicago, IL

Melinda Douglas, Public Defender, Alexandria, VA

Hon. William F. Dressel, District Court, Ft. Collins, CO

Rita A. Fry, Cook County Public Defender, Chicago, IL

Hon. Michael Harrison, Circuit Court, Lansing, MI

Suzanne E. Jones, Vice Chair, Chicago Crime Commission

Hon. R. Marc Kantrowitz, Juvenile Court Department, Boston, MA

Hon. Gay-Lloyd Lott, Circuit Court of Cook County, Chicago, IL

Senator Matt Matsunaga, Chair, Senate Judiciary Committee, Honolulu, HI

E. Michael McCann, Milwaukee County District Attorney, Milwaukee, WI

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1. Introduction

In November 1997, the American Judicature Society convened A National Symposium on Sentencing: The Judicial Response to Crime. It was primarily funded by the State Justice Institute, with supplemental support from the Bureau of Justice Assistance and National Institute of Justice.

Background. Since the last national conference on sentencing, sponsored by the National Institute of Justice in 1983, many aspects of sentencing policy and practice have changed dramatically. A federal sentencing commission was established in 1987 and subsequently issued guidelines limiting federal judges' discretion. Nineteen states promulgated either voluntary or presumptive sentencing guidelines.* As of 1994, every state had implemented mandatory minimum incarceration sentences for one or more offenses. In addition, many states have experimented with "three strikes and you're out" repeat offender laws, as well as intermediate sanctions designed to make jail space available for more serious offenders. However, at the same time that states have been formulating more stringent sentencing mechanisms, public fear of crime has been rising.

Even though many of these changes depended on the compliance and cooperation of the judiciary, judges too often played no role in their design. It was in this climate of change that the State Justice Institute announced its interest in convening a national symposium that would:

- Evaluate what is known about the impact of current sentencing practices on adult offenders, juvenile offenders (as well as juvenile offenders tried as adults), the criminal and juvenile justice systems, and the public's perception of justice;
- Explore how changes in sentencing legislation and judicial practices might better accomplish the goals of sentencing;
- Identify changes in procedure, new sources of information or education, and other innovations that might better assure that a sentence serves the

*Arkansas, Delaware, Florida, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Utah and Washington.

- judge's intended sentencing goal(s) in a particular case; and
- Recommend specific changes in law, policy and procedure that would help courts better accomplish the goals of sentencing and improve the public's confidence in the justice system.

Symposium goals. The American Judicature Society subsequently convened A National Symposium on Sentencing in San Diego, California, November 1-4, 1997. The symposium was designed to achieve the following goals:

- Bring together participants representing the different actors in the sentencing process;
- Begin to build bridges of communication between these various actors;
- Educate the judiciary about the importance of their role in formulating sentencing policy;
- Provide an opportunity for judges to hear and be heard on sentencing issues;
- Provide opportunities for all participants to interact on a range of sentencing issues;
- Provide opportunities for all participants to learn from judges working under different sentencing models;
- Disseminate what is known about the impact of current sentencing practices on various populations and on the public's perception of justice;
- Identify changes in procedure, new sources of information or education, and other innovations that might better ensure that a sentence serves its intended purpose;
- Generate recommendations for specific changes in law, policy and procedure that will help courts better accomplish the goals of sentencing and improve the public's confidence in the justice system; and
- Share information about rational and effective processes for formulating sentencing policy.

Ultimately, 280 judges, victim advocates, prosecutors, journalists, defense attorneys, legislators, probation officers, corrections officials and others met in San Diego to attend educational sessions on a range of sentencing issues, talk to each other, and develop recommendations for improving the formulation of sentencing policy.

Contents of this report and policy guide. This publication summarizes major symposium activities and provides useful background information. The substance of the symposium general sessions is summarized in Chapter 2. Chapter 3 describes the results of small-group discussions that identified problems with contemporary sentencing policy and practice, as well as barriers that impede efforts to address the problems. Chapter 4 reports the culmination of symposium activities—recommended strategies to overcome the barriers and improve sentencing policy and practice.

Valuable background and resource material is found in the appendices. Ap-

2 Symposium on Sentencing: Report and Policy Guide

pendix A reproduces the sentencing essay distributed to all symposium participants, "U. S. Sentencing Policy: Past Trends, Current Issues and Future Prospects," written by political scientist Carol A. Horton. In Appendix B we describe the planning process that guided the design of the symposium. The symposium agenda and participants' list are in Appendix C, and an annotated bibliography of recent articles on various aspects of sentencing is found in Appendix D.

Other symposium products and follow up. In addition to this report, a 38-minute videotape of symposium highlights suitable for use in college classrooms or community education programs is available from the American Judicature Society. A discussion guide accompanies the tape. A 27-minute version suitable for showing by local PBS and public-access cable stations also is available.

The work begun at the 1997 Symposium will continue at a regional workshop, "U.S. Sentencing Policies: A Showcase of Innovations," to be held in Philadelphia in May, 1999. The workshop will provide state court teams from 20 Eastern states with substantive information, implementation strategies and potential outcomes of a broad range of sentencing innovations implemented in various states. State chief justices will designate team members. Following the workshop, a sentencing innovations resource guide will be widely disseminated. The resource guide will include not only descriptions of key innovative sentencing programs, but also tips on implementing them locally.

2

Overview of Symposium Plenary Sessions

The symposium general sessions addressed broad issues that affect sentencing policy and practice, among them the role of politics and the media in shaping public opinion, lack of public knowledge about the criminal justice system, the judicial role in formulating and implementing sentencing policy, indicators that signal a need for sentencing reform, and many others.

This chapter highlights key excerpts of the discussion of these issues in the general sessions. Speakers' comments are edited.

General Session 1

American Sentencing Practices in Perspectives of Other Times and Other Places

Professor Michael Tonry, a law professor and noted sentencing researcher, presented this keynote address. He addressed the issue of public opinion and its effect on sentencing policy making in the context of the evolution of national drug policy over the past 25 years.

He said that public policy and public thinking change depending on whether drug use is becoming more or less common. He noted that when drug use is increasing, discussion focuses on the right of individuals to make decisions about their own life as long as they don't hurt others. At this stage, Tonry said,

[T]here's lots of disagreement in policy discussions about what policy ought to be about drug abuse and the criminalization of drug use. Law enforcement tends to be relatively weak and unaggressive, and there's not much mobilization of state power in terms of new law enforcement statutes.

On the other hand, when drug use is declining, "we see the opposites of all those things." The emphasis switches from the individual's right to use (or not

use) drugs to the community's interest in drug use. "...When drug use is declining," according to Tonry, "there seems to be a social dynamic [where] it becomes more and more widely seen as deviant and bad...." People become reluctant to defend it and harsh laws tend to be passed. As Tonry said, "It's easy if something is disapproved by you for you to have a sense of fervor and high dudgeon about trying to crack down on it." For example, Tonry reports that in 1970, in a period of increasing drug use, Congress repealed all then-existing mandatory minimums in the federal statutes relating to sentencing in drug cases. However, in 1989, nine years after drug use had dramatically been declining, the war on drugs was launched.

The pattern holds when examining crime and the judicial response to crime. Tonry said that, according to FBI data, rates of crimes such as murder and burglary peaked in the very late 1970s and have been declining since. Even though crime rates were going up in the 1970s, imprisonment rates had fallen. When crime began falling in the early 1980s, imprisonment rates skyrocketed. As seen in the change in public attitudes toward drug use, Tonry contends that "when crime is falling and the moral fervor develops, it becomes much harder for people to make the powerful civil liberties arguments they made in the 1970s, and it makes it a lot harder for people to argue against toughness in its own right."

Tonry argues that the moral of this for judges is that,

...[C]ultures, like countries, like people, can lose perspective when they're frightened or angry. When drug use starts declining, we become more moralistic about it, we become less tolerant of people wanting to speak honestly on the merits of what sound policy is, and we become much more likely to want to use very harsh public policy responses to deal with what we see as a moral scourge.

Tonry concluded by repeating that we have been in a period of anger and fright about crime that has made us strike out in ways that in another period of time we would have avoided. He contends that in such a heated atmosphere, rational decision making, whether by judges or sentencing policy makers, depends on heeding the cautions of American folk wisdom, such as "sit down and count to ten before you react."

The themes that Tonry articulated—the impact of public opinion on policy making and permitting anger to drive policy making—were echoed in other general sessions during the symposium, which are described below.

In General Sessions II, III and IV, moderators used hypothetical scenarios to structure the discussion. In each of these sessions, audience members could indicate their preferred responses to the scenarios by using a keypad responder system to vote their choices. We report the results of these exercises in sections titled *The audience responds*.

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General Session II

Reconciling Politics and Practice in Sentencing

In this discussion, a group of speakers with diverse perspectives (see the symposium agenda in Appendix C for a list of panelists) examined the multi-faceted and often-conflicting political and practical factors that influence the application of sentencing policy in individual cases. This session was moderated by Sandra A. O'Connor, State's Attorney of Baltimore County, Maryland. The panelists (and later, audience members) reacted to the hypothetical situation below.

In the mythical State of Erewhon, two high-profile crimes have put sentencing issues in the political spotlight, kindling a debate over whether to overhaul the entire state's sentencing system. Erewhon has used an indeterminate sentencing system since the 1970s, under which judges determine the maximum sentence for each offense.

The first case to receive widespread attention involved a recently released prisoner who was apprehended for shooting and killing a police officer in the largest city in the state. Public outrage set in when the local papers publicized the fact that this offender, a 33-year-old white male, had previously been convicted of second-degree murder. Although the judge sentenced him to prison for killing the police officer after another plea bargain, the newspapers were quick to point out that he could be paroled in as little as ten years.

In the second case shortly thereafter, in a rural area of the state, a 29-year-old black male was convicted for aggravated battery for stabbing a sheriff who had pulled over his vehicle for suspected drug trafficking. In a controversial trial, the prosecutor argued that the defendant was dangerously violent; a charge bolstered by a previous 10-year sentence for manslaughter, of which he served two years. The defendant claimed, however, that he was stopped on a racist pretext and that the stabbing was an attempt to defend himself against police brutality. In the end, the judge sentenced him to life in prison. A group of minority citizens and liberal activists have charged racism and rallied to his cause, pointing out that his sentence was just as severe as the white offender's, even though the sheriff who was stabbed did not die.

Given the political firestorm created by these two cases, a variety of proposals to overhaul the state system are currently being debated. Particularly at issue are proposals for a strong truth-in-sentencing law to ensure that convicted criminals will serve more of their original term behind bars (usually 85% of original sentence), and for a shift to a guideline system to promote consistency in sentencing.

The following exchanges illustrate some panelists' reactions to various options for restructuring the sentencing process in the State of Erewhon as posed by the moderator, Sandra O'Connor. Note how some of their comments reflect Professor Tonry's themes of the impact of public opinion and anger on sentencing policy making.

Option 1: Retain judicial discretion to determine maximum sentences, but add a 100 percent truth-in-sentencing requirement for convicted murderers.

Thomas J. Charron, Cobb County District Attorney, Marietta, Georgia. It appeals to me over what the state has at the present time, which is just total discretion, because one of the largest frustrations that the public has with the criminal justice system is that a sentence just simply doesn't mean what it says. The problem is if you still have indeterminate sentencing, with judicial discretion to choose the sentence within a wide range of possible penalties, a 100 percent truth-in-sentencing approach really doesn't work. A judge who doesn't like this or wants to be overly lenient, for example, could then sentence someone to the lowest end on the sentencing scale.

Terence F. MacCarthy, Federal Public Defender, Chicago. Let's face it, all murderers are not alike. What about the poor battered wife who suddenly took justice into her own hands and shot Bubba who had been beating her for years. I think [she's] a little different from the contract killer.

Option 2: Retain judicial discretion to determine maximum sentences, but add an 85 percent truth-in-sentencing requirement for all violent offenders.

Representative Sally Fox, Vermont House Majority Whip. I think truth in sentencing is a very good slogan, and I think that people are appeased when they hear that now we've got truth in sentencing and everybody's going to do 85 percent of their time. But then, unfortunately, the reality hits that we're going to raise taxes because we have to have more beds because we're filling up our prisons. There's a cost associated with this.

Option 3: Retain judicial discretion to determine maximum sentences, but add an 85 percent truth-in-sentencing requirement for all offenders.

Honorable Reggie B. Walton, Superior Court, Washington, DC. I believe that violent offenders and nonviolent offenders should be treated differently.... I think there needs to be greater discretion for a judge to fashion a sentence that would be appropriate for nonviolent offenders.

William B. Moffitt, Asbill, Junkin & Moffitt, Washington, DC (criminal defense attorney). I think as a general rule, we have this wonderful tendency to talk in terms of violent and nonviolent offenders. But we have seen throughout the 1980s nonviolent offenders who have done tremendous societal damage. So who is the greater risk in a society where you have a young man who snatches a gold chain from someone on the street, and you have someone who commits mortgage fraud of \$50-\$60 million? A lot of racial disparities occur as a result of how we define violent and nonviolent and who creates the greatest concern.

Mr. Charron. There seems to be a big debate that if you're going to have truth in sentencing that means everybody goes to jail. That may not be the case. A sentence may be probation, it may be suspended, it may be community service. I think it's ridiculous to think that if you're going to have truth in sentencing for part of the system, you don't have it for all.

Dora Schriro, Ed.D., Director, Missouri Department of Corrections. Maybe, then, the phraseology should be changed to something like truth in serving, because we're really not talking about truth in sentencing. Ten years is ten years. It's just that some of it is in prison and some of it is on parole. And a lot of us think that parole is not as punitive or as able to manage risk as prison is. That's something that bears a lot of watching, particularly the way we're pressing our resources right now.

Option 4: Have the state legislature establish minimum and maximum sentences for all serious offenses and eliminate parole.

Dr. Schriro. I think it's a really bad idea to eliminate parole. Parole is really one of the community's best friends. From the perspective of the readiness question, it helps us to determine when the retribution component has been satisfied by whatever body is going to determine it, that people are properly staged to go back to the community so that they will be civil and productive.

Honorable Kathleen Gearin, Minnesota District Court, St. Paul. I'm not too attached to parole, and the reason is that I don't see the people who are successful on parole. I see the reoffenders. I think that what the public wants to look at is how long do they actually spend in prison. I think that they, including myself, look at the fact that if offenders are going to get out—and most of them will—do we need to do something to help them make that transition back to society? I guess that something is parole, and we need to help the public understand that.

Option 5: Form a sentencing commission to draft recommendations for the creation of a presumptive guidelines system.

Judge Walton. I think that disparity based upon factors that should not be relevant to the sentencing process do creep in when you haven't placed some restriction on judicial discretion. I think we have to appreciate that those disparities creep in, and I think that there has to be some mechanism in place to ensure that a minimum threshold sentence be imposed for certain crimes. As long as you have the ability to depart and you're required to articulate the reason why you're departing from the guidelines, then I guess I am not real troubled by the idea of some type of presumptive guidelines.

Mr. Moffitt. The idea that we're going to solve the problem of disparities by setting up guidelines is a misnomer. We have to understand that the kinds of disparities—disparity being a code name for things like race and gender and socioeconomic status and all those things—are real. We have to take them into account in anything that we do, and acknowledge that by setting up a system of guidelines, we just play around and say to one another that we've got presumptive fairness here. But now everybody exercises their discretion with respect to the presumptive fairness in the same way they were exercising it before, so it doesn't change.

Representative Fox. The question really is how much political decision making you want to inject. If you want to delegate a system of creating presumptive guidelines, the question is who are they accountable to? On the other hand, I think a lot of judges think that state legislators are a bunch of yahoos who don't really understand, who are reacting to a public demand to get tough. So when state legislatures impose mandatory minimums, in a lot of circumstances they are going to be far more severe than a sitting judge would want to impose.

Judge Gearin. From what I have been able to observe and from talking with colleagues, the federal guidelines are a disaster because judges don't have any real discretion. Many states have departure reasons that take into account that we're dealing with real human beings out there. I'm not saying guidelines are that great. I think that if they are wisely drafted with humane departure exceptions that a judge can follow, and that a judge can use discretion in applying, they are better than indeterminate sentencing.

Option 6: Enact a repeat-offender statute stating that upon conviction of a second violent offense, the offender must serve 50 percent of time given with no parole.

Judge Gearin. I don't like mandatory sentences. With mandatory minimums it's sentencing by prosecutors, not by judges or any type of guideline people.

Judge Walton. I think it's too simplistic to say that just because it's a second violent offense that means the person should have to do X amount of time. Every crime isn't the same.

Ms. O'Connor. Isn't this where the public gets upset, where somebody has committed a violent crime, has come out, and is now being sentenced again?

Mr. Moffitt. That's where we have some obligation as professionals to counterbalance the 5 o'clock crime hour, where stations compete to show the most heinous crime of the week. What that does is infuriate the public, drive the public into the need to do something. So we end up with systems that don't have any discretion in them.

The audience responds. After the panelists finished their discussion, Ms. O'Connor asked audience members to use their responder keypads to vote for their preferred sentencing reform option from among the six discussed. She asked the audience to vote three times, choosing their preferred option in the context of scenarios reflecting different economic and political variables.

Listed below are the three scenarios and the percentage of audience members voting for each of the six options under changing circumstances.

Scenario A: state economy booming; budget surplus; prisons at 85 percent of capacity; public strongly supports increased corrections budget.

1. Retain judicial discretion to determine maximum sentences, but add a 100% truth-in-sentencing (TIS) requirement for convicted murderers.

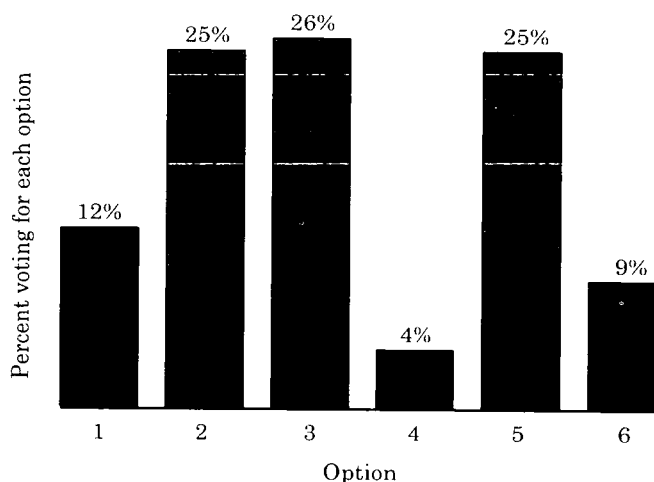
2. Retain judicial discretion to determine maximum sentences, but add an 85% TIS requirement for all violent offenders.

3. Retain judicial discretion to determine maximum sentences, but add an 85% TIS requirement for all offenders.

4. Have the state legislature establish minimum and maximum sentences for all serious offenses, and eliminate parole.

5. Form a sentencing commission to draft recommendations for the creation of a presumptive guidelines system.

6. Enact a repeat-offender statute stating that upon conviction of a second violent offense, the offender must serve 50 percent of time given with no parole.



Scenario B: state economy depressed; budget deficit; prisons at 105% of capacity; public pressing for tax relief.

1. Retain judicial discretion to determine maximum sentences, but add a 100% truth-in-sentencing (TIS) requirement for convicted murderers.

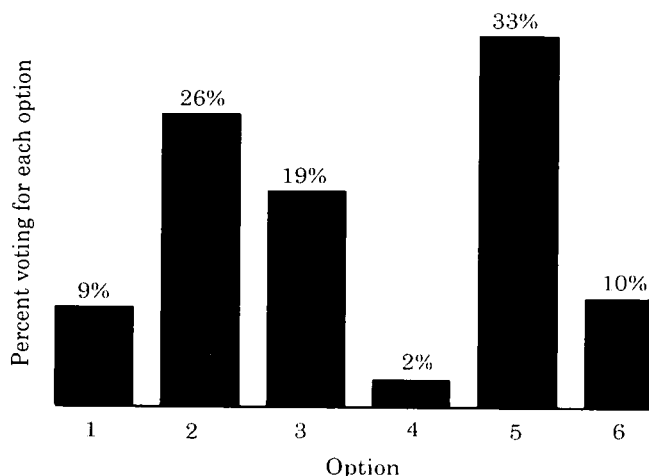
2. Retain judicial discretion to determine maximum sentences, but add an 85% TIS requirement for all violent offenders.

3. Retain judicial discretion to determine maximum sentences, but add an 85% TIS requirement for all offenders.

4. Have the state legislature establish minimum and maximum sentences for all serious offenses, and eliminate parole.

5. Form a sentencing commission to draft recommendations for the creation of a presumptive guidelines system.

6. Enact a repeat-offender statute stating that upon conviction of a second violent offense, the offender must serve 50 percent of time given with no parole.



Scenario C: state economy growing; budget deficit; prisons at 105% of capacity; public strongly supports increased corrections budget. Ms. O'Connor asked the judges to vote separately.

Judges' votes:

1. Retain judicial discretion to determine maximum sentences, but add a 100% truth-in-sentencing (TIS) requirement for convicted murderers.

2. Retain judicial discretion to determine maximum sentences, but add an 85% TIS requirement for all violent offenders.

3. Retain judicial discretion to determine maximum sentences, but add an 85% TIS requirement for all offenders.

4. Have the state legislature establish minimum and maximum sentences for all serious offenses, and eliminate parole.

5. Form a sentencing commission to draft recommendations for the creation of a presumptive guidelines system.

6. Enact a repeat-offender statute stating that upon conviction of a second violent offense, the offender must serve 50 percent of time given with no parole.

All others:

1. Retain judicial discretion to determine maximum sentences, but add a 100% truth-in-sentencing (TIS) requirement for convicted murderers.

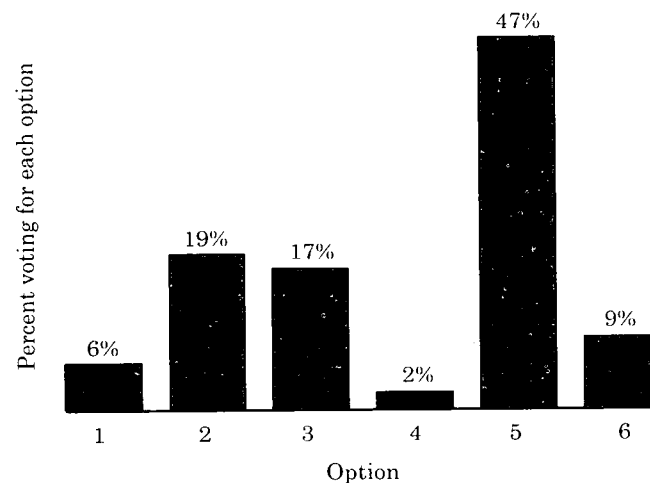
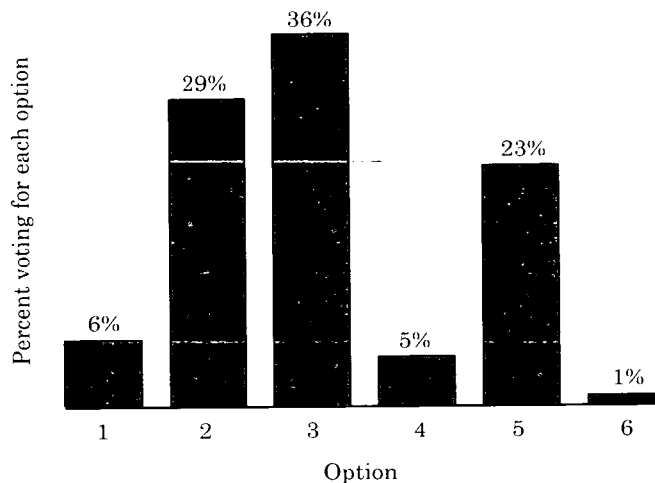
2. Retain judicial discretion to determine maximum sentences, but add an 85% TIS requirement for all violent offenders.

3. Retain judicial discretion to determine maximum sentences, but add an 85% TIS requirement for all offenders.

4. Have the state legislature establish minimum and maximum sentences for all serious offenses, and eliminate parole.

5. Form a sentencing commission to draft recommendations for the creation of a presumptive guidelines system.

6. Enact a repeat-offender statute stating that upon conviction of a second violent offense, the offender must serve 50 percent of time given with no parole.



General Session III

The Sentencing Process: The View from the Bench

This session featured an all-judge panel, who explored issues such as the impact of judges' personal anger on sentencing decisions; the challenge of rendering individualized justice; the costs and benefits of unfettered discretion in sentencing versus the impact of sentencing guidelines; the role of victims in the sentencing process; and the impact of media coverage in high-profile cases. Raymond M. Brown of the New Jersey firm of Brown & Brown, also a host on Court-TV, moderated the discussion.

Mr. Brown opened the discussion by asking the judges whether anger was ever on their minds when sentencing, and if so, whether it should be.

In general the judges acknowledged that they sometimes do experience anger as a natural human reaction to the facts in some cases before them. When that happens, the judges said they tend to delay making a sentencing decision. As Judge Van D. Zimmer of the Iowa District Court said,

I learned early on in my judicial career that I do not make good decisions when I am angry. Sometimes I wait a day until I make a decision, and I also try to make sure I don't inflict the sins of a lawyer on somebody—a client, perhaps.

Judge Thomas Fitzgerald, Presiding Judge of the Criminal Division of the Circuit Court of Cook County, added that sometimes there is "societal anger" over a terrible crime, which he called "reasoned anger." In that context, he said, "If you realize that what you are doing is putting that reasoned anger into your sentencing equation, I think that's probably all right, and I think that most of us do it."

Judges sometimes have to face victims' anger over a sentencing decision, noted Judge Carolyn Engel Temin of the Philadelphia Court of Common Pleas:

There are cases where the victims are extremely angry about the case and very often angry about the verdict. And yet the judge has to work within the verdict. The judge cannot sentence for a crime for which the defendant was found not guilty, and very often the victims in the room do not understand that. So there's an enormous amount of anger in the room that the judge just will not be able to mollify.

Mr. Brown then led a discussion on the hypothetical case described in the shaded box. The assumption is that this case was heard in a state with an indeterminate sentencing system.

Joe Doe is a 45-year-old physician who is highly involved in civic affairs, and well known and respected in the small middle-class community of Evansville. One night, driving home from a charity fund-raising party, he accidentally hit and killed a 16-year-old boy on a bicycle. Police tests revealed that the amount of alcohol in his blood was .5 percent over the legal limit for that jurisdiction. A widower with grown children, Doe is considered to be a social drinker with no substance abuse problems.

Judge Fitzgerald. I think this is one of the toughest kinds of cases. The obvious reason is the dreadful thing that's happened and the pain caused to the family of the deceased. On the other side, the defendant is a person who really doesn't fit our normal concept of what a defendant in a felony case is. For me this would be a difficult case. I would like to know a few more things, for example, whether this defendant has true remorse for what happened.

Judge Richard S. Gebelein, Delaware Superior Court. I think the reason cases like this are so tough is that the individual who stands before you is not somebody who consciously decided to do the wrong that has resulted. The individual went out and did another wrong, which was drinking and driving. I think this is one of the cases where guidelines do help you make a decision. In Delaware, the guidelines say jail time. Unless you could figure out some reason why you should violate that guideline, and in this case I don't see any, he would go in.

Mr. Brown: I give you two situations. One is a courtroom with everybody on the same side, even the victim's family saying, "It's a tragedy, but we can't really say this guy should go to jail." But in another courtroom with the very same facts, the victim's family is saying, "This guy took our kid before he could even learn to live and be a human being. He should go to jail and should pay." Does it make a difference in your decision?

Judge Zimmer. Philosophically, it should not. Pragmatically, if we look into our heart of hearts, it's probably easier to say the five-year term is suspended and you're placed on probation if the victim's family is offering the same advice.

Judge Temin. In Pennsylvania this case is solved for you by the mandatory sentence—three to six years. The defendant would have to serve three years before being eligible for parole. But the mandatory sentence is not helpful. In most cases it's too harsh, because even though I believe that some kind of incarceration is appropriate in a homicide by vehicle case, in most cases the kind of defendants you get are not unlike the defendant you described in the hypothetical. They are people with no other kind of criminal record. They may or may not have a drinking problem. They didn't intend to kill anybody. Three to six years, in most cases, makes no sense at all.

Judge Jesus Rodriguez, San Diego Superior Court. In this case, the blood alcohol is barely over the legal limit. If it were twice or three times, then that would be a factor of alcohol aggravation. Under California law, the defendant in this hypothetical would be eligible for probation. In California a person on probation spends maybe up to a year in a county jail. Most likely, that's what I would do if I grant probation. If I deny probation, then he's looking at a maximum of ten years in state prison.

Judge Kym Worthy, Wayne County (MI) Circuit Court. I would send the doctor to jail for a year. What's problematic for me is my colleagues' statements that this is hard because the doctor doesn't fit the profile of a criminal. Take these same facts: You have an unemployed black steelworker with no record, he's a social drinker as well, and I'm wondering if that would be such a difficult decision for some judges.

Judge Fitzgerald. Steelworker with no alcohol, no bad driving record, regular working guy taking care of his family, it's the same case.

Judge Zimmer injected the issue of media coverage into the discussion:

One other reason this is an interesting hypothetical for me is that in all likelihood, in my district, there would be expanded media coverage, and I would have all three local TV stations in there with a shared camera. I think in a case like this you not only need to give your reasons to the defendant, you're also speaking to the public and trying to explain why either you're going to send the doctor or not going to send the doctor to prison.

Other judges agreed with the need to explain sentencing decisions. For example, Judge Gebelein said:

We sit up on our bench and impose these sentences, and sometimes we impose them with the minimum speaking necessary to get it done. We leave the public to listen to the aggrieved victim, who's unhappy with the sentence; the prosecutor, who's running for governor; and the defense lawyer, who finds the sentence too harsh. If we don't explain, we're giving the false impression to the public that everybody else is right.

Judge Worthy added,

I wouldn't restrict that to just high-profile cases. In my view, we owe an explanation to anyone who is sitting inside our courtroom.

The audience responds. Mr. Brown asked the audience to vote either *yes*, they would give the physician probation, or *no* they would not. Non-judges and judges voted separately.

Give the Physician Probation?

(number responding)

	Yes	No
Judges	27	52
Non-Judges	42	55

When some judges on the panel said that straight probation was not punitive enough, Mr. Brown posed the following question to only the judges in the audience.

Redefining probation as including up to a year in county jail, electronic monitoring, possibly house arrest or a host of other more punitive possibilities, would judges give probation?

This time, 70 judges said yes; 20 said no.

General Session IV

Public Opinion, the Media and Sentencing Policy

The panel of journalists, judges, attorneys and a legislator explored such issues as how media coverage of cases can affect the formulation of sentencing policy; informing the public of the consequences of various sentencing options; and the role of judges, members of the other branches of government and the media in responding to issues raised in high-profile cases. The moderator was Thomas S. Hodson, a litigator and media relations consultant and former Ohio trial court judge.

Mr. Hodson opened by asking Professor Joseph Angotti of the University of Miami School of Communications, who also had been a network news executive, to verify an assumption that the criminal justice system doesn't work.

Professor Angotti. We are proceeding under the assumption that the public wants to see more and more crime news on their television newscasts, and yet, at the same time, they have less and less faith in the system that controls crime and criminal justice. In the most recent survey we conducted, in eight different cities across the country, 30 percent of the newscasts were devoted to crime and criminal justice, about twice as much as the next closest category of stories.

Mr. Hodson asked Associated Press special correspondent Linda Deutsch whether that is a reflection on the reporting or the system.

Ms. Deutsch. People don't know enough about the system to really make that judgment. They see the cases that are glitzy, but aren't really the day-to-day meat-and-potatoes of the system, and from that they draw a conclusion that the system doesn't work because maybe the verdict didn't come out the way they wanted it to. People never see the cases that are plea bargained; they never see the cases that are resolved with something that is very fair that doesn't necessarily mean a death sentence was imposed. I don't think the public has enough information and I'm not sure how you're going to give it to them.

Ms. Deutsch and Professor Angotti next responded to a question from Mr. Hodson about the extent of the media's responsibility to better explain the system.

Ms. Deutsch. The media's responsibility is to explain to some extent. It is unfortunate that TV news focuses so heavily on crime, and not on the system that deals with crime. I'm a print reporter, so I have a lot more leeway to do some explanatory journalism. TV is looking for ratings, something that will grab your attention. Usually a reasoned account of what happened in a trial doesn't interest people.

Professor Angotti. I agree with that 100 percent. TV coverage of the criminal justice system and crime in general is so superficial, so titillating, that there is no attempt to go in-depth. Except that in very, very high-profile cases other attorneys become television celebrities and begin analyzing those trials, and that's the in-depth coverage.

Criminal defense attorney Neal Sonnett of Miami noted that some of the

legal commentators have been taking sides, not educating the public. Judge Dana Levitz of the Baltimore County Circuit Court added that judges generally are afraid of the media, so they don't help educate journalists or, by extension, the public. Michael Lawlor, co-chair of the Connecticut Legislature's Joint Judiciary Committee, added that legislators as well as the public do not understand the system, and also need to be educated.

Mr. Hodson then asked panelists to respond to Scenario A.

Scenario A. An investigative report on an alleged conspiracy to market various illicit drugs (e.g., heroin, cocaine, PCP) at rural and suburban high schools throughout the State of Whatif has placed issues of sentencing policy in the political spotlight only two months before a major election. The report has attracted widespread public attention, with 78 percent of adults polled reporting that they were "aware" of the story, or were "following it closely." Arousing particular public ire is the fact that six of the seven alleged conspirators had at least one prior conviction for drug trafficking; and that none had served more than 16 months in prison. Further, two of those had served no time at all, being placed in intermediate sanctions programs instead, in keeping with a growing trend of diverting nonviolent offenders from prison.

Mr. John Doe, the challenger in a closely watched gubernatorial race, quickly responded to these developments by making "the fight to win the war on drugs" the new theme of his campaign. If elected, he promises, he will bar all drug offenders from intermediate sanctions programs, and make them subject to tough Truth-in-Sentencing requirements. According to the latest opinion poll, 63 percent of registered voters support Doe's proposal. Nonetheless, some criminal justice experts are warning that such a policy is neither necessary nor affordable, as most drug offenders have no grand marketing schemes, and prisons are already overly expensive and overcrowded.

Mr. Hodson: Now, if you're governor, Judge Lee, what do you do?

Judge Lee. I'm going to go to the right of my challenger and I'm going to get re-elected. I'm going to come out with a tougher slogan than his, and mine is going to be, "If you sell drugs, you go to jail. Drug traffickers will be treated with zero tolerance. If you're selling drugs in high schools, this administration is going to be really tough on drug dealers." Traffickers are going to be incarcerated, and we're going to be tough and smart.

Mr. Hodson. If you get re-elected, are you actually going to do these things?

Judge Lee. Well, when I get re-elected, I have to take the budget into consideration. Because really—what is driving this train is the economics. So what I am going to do is appoint a blue-ribbon commission—they're going to study this issue, and the voters will forget about it.

Mr. Hodson. Professor Angotti, you are one of the news executives here, how are you going to follow up on the governor's position?

Professor Angotti. Well, first I am going to check the latest survey that my consultant did, because if there is one thing you have to understand, it's that I, as a news director, have abdicated my editorial responsibilities. I just do whatever the surveys

tell me to do. And the surveys tell me that in the past no one was really interested in government and politics. But there is also a little tab in the survey that says people are really interested in drugs, especially if they have anything to do with children. So I am going to cover the hell out of this campaign. And I am going to cover the challenger particularly heavy because he comes out with the most provocative, titillating, exciting kinds of statements. I say that before I have heard the governor. And now that I've heard the governor, I'm going to really go big on this coverage. But I am not ever going to spend more than two or three minutes on any given story, and I am going to cover the rhetoric and very little else.

Mr. Hodson. Linda, what do you do with this?

Ms. Deutsch. I am going to go through my files, because I seem to remember that I may have covered a few of these defendants when they were in court and I tend to remember that there was not enough evidence to give them any longer sentences, and that what the judges had done in those cases was very appropriate. And I am going to point out that these candidates are possibly using these people the wrong way.

The audience responds. Mr. Hodson asked the audience members to assume that they were one of the incumbent governor's advisors, and say how they would counsel him, choosing one of the following options. The percentage of audience members who chose each option is shown below.

Advice to the Governor

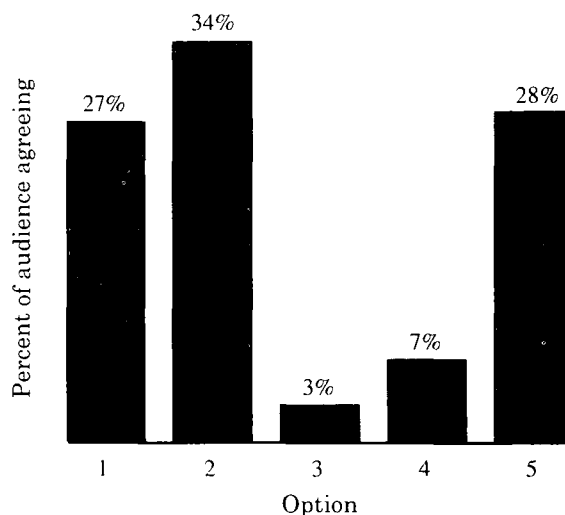
1. Accept the terms of the challenger's proposed legislation for the duration of the campaign, and strategize to chart a more moderate course after the election.

2. Come up with an alternative proposal that is less punitive than the challenger's, but more punitive than the current policy.

3. Avoid the whole issue as much as possible, and avoid taking a clear position on the proposed law.

4. Openly state your opposition to the proposed law, but attempt to focus attention on other issues.

5. Openly state your opposition to the proposed law, arguing that the criminal justice system is already overwhelmed with nonviolent offenders, and that the proposed law could send the system into a state of crisis.



The panel then discussed Scenario B.

Scenario B. You are the State Attorney General, and are also up for reelection. You have a reputation for being "tough on crime," but oppose Doe's proposed bill due to your concern about prison overcrowding and rising corrections costs. Nonetheless, given the high tide of public support, you are reluctant to come out openly against it. The media, however, is pressing you for a statement.

Mr. Hodson. Judge Levitz, how do you as attorney general respond to this?

Judge Levitz. I'm going to privately say, "Governor, do you realize this is nonsense—that this is a ridiculous position to take?" And then I am going to try to convince him that we should take another approach. For example, can we try to explain to the public that this proposal would wreak havoc, that it doesn't just affect drug dealers, whom we are absolutely against, but it affects the captain of the football team who is experimenting with whatever he and his teammates are experimenting with. It affects the kid from the inner city who possesses a small quantity of drugs. This proposed law says all drug offenders are going to prison. What is it going to cost the taxpayer? Does the public understand?

The audience responds. Mr. Hodson asked the audience to assume they were the attorney general and select their preferred option from among the following five. He asked those who were prosecutors or who considered themselves prosecutor oriented to vote first. Then the remainder voted. Detailed data on the responses are not available; see summary of votes below.

Attorney General's Options

1. Accept the terms of the challenger's proposed legislation for the duration of the campaign, and strategize to chart a more moderate course after the election.
2. Come up with an alternative proposal that is less punitive than the challenger's, but more punitive than the current policy.
3. Avoid the whole issue as much as possible, and avoid taking a clear position on the proposed law.
4. Openly state your opposition to the proposed law, but attempt to focus attention on other issues.
5. Openly state your opposition to the proposed law, arguing that the criminal justice system is already overwhelmed with nonviolent offenders, and that the proposed law could send the system into a state of crisis.

The majority of the prosecutor group chose option five. The rest of the audience preferred option five (51%), followed by option two (32%).

The next scenario addresses the controversy from the perspective of the Chief Justice.

Scenario C. You are the Chief Justice of the State, and are also up for reelection. Your challenger is running a well-funded and highly political campaign, promising that, if elected, "he would work closely with the legislature" to make good on Doe's proposal. You believe that this type of politicking is unethical and inappropriate in a judicial context. Yet, both the media and your advisors are pressing you to respond to your challenger's position.

Turning to Ms. Jones, Mr. Hodson asked, "Ms. Chief Justice, how do you respond?"

Ms. Jones. I would suggest that we explore drug courts in our communities to deal with drug abusers and in some instances, drug offenders—even second offenders. I am

concerned that my opponent is supporting a candidate. Judicial candidates are not permitted to support any other candidate, and I would ask that he be looked at by the elections commission as well as the supreme court's office of disciplinary counsel.

Mr. Hodson. Judge Lee, what is wrong with a candidate saying he would work closely with the legislature?

Judge Lee. I think that ties him too closely to that legislator's proposal, to that position.

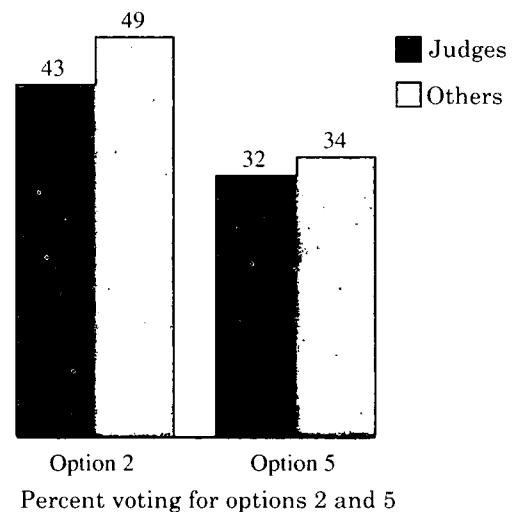
Judge Levitz. It seems to me there is nothing wrong with the chief justice agreeing to work closely with the legislature in an advisory capacity and lend technical expertise. The problem is with the chief justice agreeing to support a particular position. I think it's a ridiculous proposal. Judges have a responsibility to justice, a responsibility to lend our expertise to inform, to educate. What would probably happen if I were the chief justice and went down to the legislature is that I would tell them it is absurd. I really think we have to get out of the mind set that judges should not talk to anybody.

Representative Lawlor. I think the most compelling argument that judges could make in this situation is , "We would do anything you'd like us to do, except you don't give us the money to carry out these obligations." That is what our judges in Connecticut would say.

The audience responds. Asking audience members to assume they are the chief justice, Mr. Hodson gave the audience the following five options to choose among. Data are available only for the two most popular options.

Chief Justice's Options

1. State that you would also work with the legislature to pass some version of challenger Doe's proposal.
2. State that you would work with the legislature as appropriate, providing technical assistance and professional expertise.
3. Refuse to comment on the issue, stating that you believe it is an inappropriate topic for a judicial race.
4. Explicitly charge your opponent with inappropriate conduct, explain your reasoning, and avoid further comment on the issue.
5. Explicitly charge your opponent with inappropriate conduct, and focus your campaign strategy around a "law, not politics" theme.



Mr. Hodson next offered Scenario D for discussion, and asked Representative Lawlor to play the role of the chair of a sentencing commission.

Scenario D. You are the Chair of a recently formed sentencing commission, which currently exists only as an advisory body, annually funded by legislative appropriations. One of your key charges has been to devise effective cost assessment and prison capacity forecasting tools. While they haven't been fully perfected yet, you know that you have the capacity to make reasonably professional projections. While you know that these data would strongly support objections to Doe's proposal, you are afraid of getting involved in such a highly partisan battle. People on all sides of the issue have been asking for the Commission's official estimates.

Mr. Hodson. Mike, what do you do? As chair of the sentencing commission, how do you play this without getting involved in the system? Or do you get involved in the system?

Representative Lawlor. I think you have an obligation to release the information, and you have to brief the people most affected by it ahead of time so they have an opportunity to understand what it actually is. I assume that there is some small percentage of people, let's call them the predatory drug dealers, who are the problem. If there is a way to hone the proposal to target those individuals rather than all drug sellers, or all drug users, maybe the information will bolster the positions of both the incumbent governor and the challenger. Maybe it is just a question of getting them both to agree that there are some really bad guys who slip through the cracks, but we can't cast the net too widely, and this information backs that up.

Mr. Hodson asked Professor Angotti and Ms. Deutsch what they would do with this story.

Professor Angotti. If I were a reporter for National Public Radio, I'd try to provide some perspective for the story. I would try to say, "Look, if this happens, here is who is going to prison, here is what is going to happen to overcrowding." If I'm the news director for Eyewitness News, I don't do anything with it because I assume—terrible thing to say—that my audience has neither the intellect nor the interest to go beyond the superficial values of this story.

Ms. Deutsch. The one thing that people are always interested in are the personalities involved. At some point you have to do a story on the two candidates and why they are latching onto this argument to further their own ambitions. And you really have to do an investigative piece on the background of both candidates, what their positions have been in court, and how they have handled the drug sentencing issue before.

Mr. Hodson invited comment from a victim advocate in the audience, a viewpoint that had not been aired. John Stein, deputy director of the National Organization for Victim Assistance, responded.

I think most victim advocates, although we come from all sorts of persuasions, are very leery of get-tough-on-drugs laws simply because they are taking away bed space from violent offenders we want to see in prison. And yet, I think there is a more sophisticated view of that. We call drunk driving a drug crime, and where it results in violence, we want to see punishment. I guess the last thing on the victim advocate's take on this is, we would not speak out at all. It is very rare for victim advocates to immerse themselves in these political campaigns unless the media come to us, and that does not happen very often. Instead they go to the surrogate victim advocate, the immediate victim, and that is part of the news, unfortunately.

Because of time constraints, there was no opportunity for the audience to select its preferred course of action for the sentencing commission chair.

General Session V

The Impact of Sentencing Policies on the Criminal Justice Process: A Systems Approach

This session originally was designed to explore the social, economic and political consequences of sentencing policies on all actors in the criminal justice system—judges, prosecutors and defense attorneys, victims, inmates and members of the public—and how communications among them might be improved. However, based on the content of previous symposium sessions, faculty decided they should take a different, but not unrelated, approach. These are the issues they addressed:

- How do you determine whether current sentencing policy needs revision?
- If revision is necessary, who should be involved in formulating a new policy?
- How can the new policy be most effectively implemented?

The moderator was Professor Erwin Chemerinsky of the University of Southern California School of Law. He introduced the session by noting that all too often, sentencing systems get reformed because of an anecdote or horror story. What the panel would discuss was how to reform sentencing systems in a more systematic and effective way, which involves both substantive and procedural questions.

The first question he posed to panelists was, “How can we assess whether a sentencing system is effective or in need of revision?” Panelists suggested the following indicators:

- **What is the level of public satisfaction with the system?**
- **Are there too many people in prison?**
- **What is the nature of the crimes people are imprisoned for, and what is the recidivism rate?**

Elizabeth Loconsolo, General Counsel, New York City Department of Correction, added:

If you have a large population that needs something other than a purely incarcerative sentence, then the system is not working. For example, if you are not doing anything to assist the substance abusers, who very often are repeat offenders in terms of robberies or larcenies, the system is not working.

Christopher Johns, Deputy Public Defender in Maricopa County, AZ, added that we also need to look at why people of color and the mentally ill continue to be part of the population that is going to prison.

- **Do you have a revolving-door prison population?**

As James Greene, Deputy Director of Field Services, Connecticut Office of

Alternative Sanctions, said:

If you see the inmates in the institution applauding all the new admissions because it means that they are going to go home earlier, then you know your system is not working.

- **Is the system doing what we are expecting it to do?**

Madeline M. Carter, Senior Associate, Center for Effective Public Policy, Silver Spring, MD, went on to say:

If we say that we expect the system to rehabilitate, then we should find out if that is what it is doing. If we expect the system to incapacitate violent offenders, we need to see if we are doing that.

Representative James Mason, Chair of the Ohio House Criminal Justice Committee, summed up by saying that a sentencing system needs revision if:

- You can't build prisons fast enough to house the inmates you're placing there;
- You're breaking your corrections budget and it's growing faster than every other section of your state budget;
- Studies reveal that you are locking up people that should not be locked up, and you are not locking up people that should be;
- The public and members of your own legislature are railing about disparities and discrimination in the sentences meted out by the state judiciary; and
- Your current system lacks credibility with the public.

Judge David Mitchell of the Baltimore County Circuit Court noted that the courts are the repository of all society's ills. He asked, "Why are predominantly people of color flowing through the system? Is there something wrong in the educational system? Is something wrong back further? If we have to make some changes, let's get on with the job."

If we decide the system is broken, how do we fix it? Professor Chemerinsky asked panelists how to design a process that will lead to the best possible reforms. The group agreed that all criminal-justice professionals need to collaborate to identify and design the best reform process. But they added other participants to the process and raised new concerns, as summarized below:

- Community members need to be involved in terms of making decisions about how resources are used, about the role they are going to play in the process of reintegrating offenders or opening their communities for offenders who need assistance. Ms. Carter added that community members include "those who are impacted by the offender—sometimes it's a neighborhood and sometimes it's a city. So it is the school administrators, it is the

church officials, it is the moms in the neighborhood; it is the day care providers; it is the unemployed person down the street.”

- Ms. Loconsolo said that victim advocate groups should be involved to help determine what groups of offenders would be appropriate for jail time, and which groups would be appropriate for alternative sanctions.
- Judge Mitchell raised the issue of the role of the media in formulating sentencing reforms. “The media have a role in educating the public, or at least making the public aware of the existence of an effort to address critical questions,” he said. “This has to be an open process.” Dr. Peter Greenwood, Director of the Criminal Justice Program at the RAND Corporation, added that if the reform commission can develop data showing how different cases are being handled, rather than relying on anecdotes, the media would cover the issues.

In discussing a sentencing reform commission in Texas, Arthur Eades, a prosecutor from Belton, Texas, said the media did not cover commission hearings. “They didn’t understand it, didn’t care about it, it didn’t have blood and guts in it, it wasn’t even 6:00 news.”

Representative Mason agreed. In Ohio, he said, “We had an all-inclusive process. We had all the necessary players in the room and an open, public process. And the media were totally disinterested. They didn’t report on it on a regular basis until a bill was introduced.” But he added that media disinterest was not necessarily bad, because such coverage “might have had a chilling effect on the exchange of views, on some of the false starts you go through, on some of the debates you have, and on some of the votes you have.”

Mr. Johns and Ms. Loconsolo referred to a concern raised in the preceding session, “Public Opinion, the Media and Sentencing Policy,” i.e., the impact of public pressure, high-profile cases and imminent elections on formulating sentencing policy. Mr. Johns said that policy makers who want to get re-elected lump all offenders together because to deal with mental health problems, or education, or issues of race is too difficult. Ms. Loconsolo agreed, saying that sentencing laws passed in reaction to public outrage have greatly affected the New York City Department of Correction. For example, mentally ill patients require diversion of resources to properly treat them. She added:

If you brought everyone together to discuss sentencing reform and to enlighten the public at the same time about the different populations you are dealing with, and what corrections can and cannot do, I think you would end up with much more sensible policies.

Implementing reforms. Judge Mitchell said that judges have to be active players at this stage. The judiciary has to discuss with the legislators and other policy makers the nature and needs of the criminal justice system from the courts’

perspective. Ms. Carter supported this, saying that the judiciary has resisted taking on a policy-making role and worn a hat that says, “I am an individual decision maker and it is not my position to advocate or to influence the development of policy.’ One of the promising things happening today is that judges are beginning to see that they play a very key and influential role in policy development.”

3

Results of Small Group Discussions

As noted in the introduction, each symposium participant was assigned to one of twenty small groups. In general, each group reflected the overall mix of attendees. Each was led by a facilitator who had been trained about the purpose and goals of the small group discussions and effective ways to encourage participation among group members.

The groups met three times during the symposium to work on three tasks:

- Identify the three most important problems with contemporary sentencing policy;
- List the most serious barriers to addressing the top three problems; and
- Recommend strategies to overcome the barriers and improve sentencing policy and practice. (See Chapter 4 for policy recommendations.)

In the following summary of the results of the groups' deliberations on the first two tasks, note how many of the themes articulated in the general sessions recur, such as the impact of the media and public opinion on sentencing policy making, the role of the judge in formulating policy, differentiating offenses and offenders, public understanding and expectations of the criminal justice system, getting at the root causes of crime, and others.

The most important problems with contemporary sentencing policy

Lack of resources and programs. Twelve groups identified this as a major problem. Most said simply that they needed more money and more programs. But others were specific. One group decried the lack of funding for intermediate sanctions generally, while two specified they needed more programs to treat the mentally ill and those addicted to drugs, either in or out of prison. Another group wanted more money allocated to front-end prevention programs, while yet another said they needed more probation officers. One group also said there was competition for resources between probation and corrections departments.

In addition three groups cited *misuse* of resources as a problem. One group noted that more money is spent on prisons than on intermediate sanctions, “even though the greatest percentage of prisoners under corrections control are not in prison.” Another group said that not enough resources are invested in children, which means that the children of today become the defendants of tomorrow. A third group referred to “resource imbalance.”

Sentencing disparities. Ten groups said disparities are a serious problem. While two groups defined disparity as the difference between the length of the sentence imposed and time served, the others referred to sentencing disparity based on class, race, gender and geography.

Erosion of judicial discretion. Six groups identified this as a major problem, referring most often to mandatory minimum sentences and lack of sentencing options.

Lack of public knowledge of and trust in judges and the criminal justice system. This was a major concern for seven groups, some of whom noted that legislators often share this lack of knowledge and trust. Education was the preferred remedy, with some groups noting that the complexity of sentencing issues makes this a difficult task.

Uninformed public opinion drives policy making. Four groups listed this as a major problem. The public perceives that we have a serious crime problem, and this fear is manifested in demands that more offenders go to prison and failure to base policy decisions on empirical evidence.

Politicization of sentencing issues. This item is related to the preceding issue of public opinion driving policy making, and three groups listed it. As one group noted, “politicians using 30-second commercials, political action groups and public hysteria” are great concerns. Another said that “legislators as politicians make decisions based on perceptions of public opinion.” A few groups said that sensational media coverage of crime aggravates the issue.

Lack of evaluation research. Three groups said that lack of research on what works and does not work, and on what various programs cost, is a serious problem.

Finally, the groups identified a number of problems that do not fit neatly into the above categories, but deserve to be noted. They are:

- Lack of creativity, e.g., recognizing there is more to sentencing reform than guidelines.
- Community reliance on the criminal justice system to solve all the problems.
- Lack of a system-wide approach to improve sentencing policy.
- Victims do not have enough input in making sentencing policy.

- The media focus on high-profile cases. The absence of any attempt to educate on the complexities of sentencing, abetted by the failure of judges and prosecutors to involve themselves in the policy debate, fuels the clamor for stiffer sentences.

Barriers to addressing the problems

Most of the barriers closely track the problems. So, not surprisingly, the obstacle most often noted (12 groups) is **lack of money**—money to fund research on which programs are workable and affordable, and to pay for expanded and creative sentencing options. At least two of the groups said money problems are exacerbated by lack of coordination of funding between various departments and misallocation of resources (both staff and money, said one). One group said that “inherent conflicts of key criminal justice system actors (legislative leaders, judges, corrections officials) due to agency-specific agendas results in inadequate efforts to secure resources for the system (particularly treatment resources).”

The groups identified the following additional barriers to solving problems with sentencing policy:

Lack of public knowledge of and understanding about the system generally and sentencing issues in particular. Nine groups agreed that this is a serious problem that must be overcome. Two groups lamented that the public just doesn’t seem to care about these issues, while another said the lack of knowledge undermines the system’s public credibility. One group pointedly remarked on the lack of an effective judicial role in public education, another cited poor communication on the costs (economic, social and individual) to society of underfunding corrections, particularly costs to the minority community, as evidence of the need for public education. And yet another group argued that explaining the value of alternative sanctions will help the public accept and support them.

Failure to exercise judicial leadership. Eight groups had eight different perspectives on this. While most of the comments were directed to judges, a few referred to all actors in the sentencing policy-making process. Other comments included the following:

- Lack of genuine leadership.
- Lack of communication among judges leads to lack of a clear consensus on the perspective of the judiciary regarding sentencing purpose/practice issues.
- Resistance by judges to communicate; need training for judges in communication; judges’ inability to communicate with public and legislators.
- Lack of consensus by all parties (including judges, but also legislators, attorneys, victims and general public) about what is the goal of sentencing

- and what society is trying to achieve. Lack of consensus about sentencing policy among the three branches.
- Judicial inability to organize, and lack of introspection.
- Judicial isolation.

Politics and media coverage of criminal justice and sentencing issues were mentioned by six groups as barriers to improving sentencing policy and practice. The linkage between the two, i.e. media influence public opinion, which influences political actors and policy making, was explored in several of the general sessions that are summarized in the preceding chapter.

Also linking politics and the media, one group said, “Legislators don’t see people who are impacted by laws except on the evening news, and *don’t feel* what the law does to offender/society.” (Emphasis in original statement.) Another cited “policy making by uninformed public opinion and political expediency.” A different group indicted the media for a lack of accountability, saying the media “would rather entertain than educate.” In a final comment on this topic, one group said, “The press is looking for entertainment—using mentality of fear—attacking judges personally.”

Other groups made specific comments about the political barriers to effective sentencing policy formulation, such as:

- Political considerations of officials who believe a tough stance is the only way to be elected.
- Political difficulty of reallocating resources from tough to smart.
- Politicians have no incentive to change the status quo. Parents of the disenfranchised are not lobbying legislators.

Lack of good data. Four groups noted this as a barrier. The gist of their comments is that there is a dearth of research on what does and does not work among the various sentencing options. “We need research, not rhetoric,” said one group. Another said that good information would help them “challenge bad bills.”

A number of barriers were identified by one or two groups, for example, bias and prejudice in the system as manifested in sentencing disparities. Other barriers mentioned were:

- The complexity of the issues makes them hard to address.
- Lack of public will to invest resources in children.
- Lack of community understanding of its significance and role in the problem.
- Disintegration of the social order/structure.
- Lack of credible voices to oppose bad bills.

4

Policy Recommendations

The small-group process culminated in the development of strategies to overcome the barriers and improve sentencing-policy formulation. After meeting with their groups for the final time, facilitators met with AJS and SJI project staff to search for common themes among the recommendations. As a result of this analysis, six general recommendations emerged.

At the closing session of the symposium, three small-group leaders, Judge William Dressel of Fort Collins, Colorado, Judge Barbara Disko of Chicago, Illinois, and August Accurso, a retired judge from Turlock, California, explained the specific directives that were embodied in each recommendation.

After those presentations, David Tevelin, Executive Director of the State Justice Institute, asked each symposium participant to use the responder keypad to select the most important, or highest priority, recommendation. The recommendations are shown below in rank order:

Educate everybody
Find what works
Exercise judicial leadership
Eliminate bias
Use resources better
Build coalitions

Each recommendation is discussed in detail below. Notice that several, i.e., *educate everybody*, *exercise judicial leadership* and *build coalitions*, were mentioned in General Session V as key elements in reform efforts.

Educate everybody

Who? The term *everybody* embraces legislators, journalists and the public for all the reasons articulated by faculty during the various general sessions and by symposium participants who identified the need for educational programs.

How? Recommended strategies for reaching these populations include the following:

- Hold court-sponsored outreach programs at which criminal justice system participants meet with community groups, teachers, media representatives and others to hear local concerns and explain how the system works.
- Create an official court spokesperson to respond to media questions about the criminal justice system.
- Judges, too, should be available to discuss criminal-justice issues such as sentencing options and resources with journalists.
- Broadcast trials on local-access cable channels so the public can see what is happening in their courtrooms on a day-to-day basis to help diffuse the focus on only high-profile cases.
- Develop outreach programs for school-age children, including judges' visits to schools and inviting children into the courts to observe.
- Judges should explain their sentencing decisions so the public understands the basis for the decision.
- Offer "day on the bench" programs for legislators so they can directly observe how sentencing policy is applied in individual cases.
- Design Web pages with information about the criminal justice system, explaining, for example, what alternative sanctions are and giving statistics about state prison populations and the costs of both alternative sanctions and imprisonment.
- Partner with bar associations to develop educational programs.
- Involve former offenders in outreach programs. The public needs to see success stories—that ex-offenders are making it in society again.

Find what works

This recommendation responds to the problem of the lack of evaluation research. Symposium participants stressed the importance of conducting research to provide valid and reliable data to help policy makers make informed decisions. For example, if a study were to indicate that mandatory minimum sentences were affecting more petty drug offenders than violent offenders, a jurisdiction could make a rational decision about amending or eliminating the controlling legislation.

Another aspect of finding what works is to set clear goals for new projects or programs, pilot test them, and evaluate the extent to which they achieved their goals. Then a decision can be made about continuing the programs.

A third suggestion for learning what works is to turn to federal resources like the State Justice Institute, the National Institute of Justice, Bureau of Justice Statistics, National Criminal Justice Reference Service and others that have researched criminal justice issues and published reports.

Finally, states should make their own evaluation research available to other jurisdictions to avoid duplication of effort. For example, one group recommended that states establish a statewide justice data system that can interact with similar systems in other states.

Exercise judicial leadership

This recommendation meshes with one of the goals of the sentencing symposium, which was to educate judges about the importance of their role in formulating sentencing policy. Another way of stating this recommendation is “Be proactive.” Specific strategies to implement this recommendation include the following:

- Reach out to the public, legislators and the media to explain how the sentencing process works. (See also the first recommendation, “Educate everybody.”)
- Build consensus for change through education, interaction and training.
- Be a part of and work with coalitions to improve the system. (See “Build coalitions” below.)
- Provide judges with leadership training; teach them how to communicate with the media, the public and others.
- Help judges learn about the impact of their sentencing decisions on offenders (e.g., visit a prison, find out how alternative sanctions programs work).
- Develop a united judicial voice on sentencing policies.

Eliminate bias

During the general sessions, some faculty members raised the issue of bias in the context of sentencing disparities. Eight groups also identified bias as a problem in sentencing—bias based on race, class, gender or geography. Public perceptions of bias erode trust and confidence in the process. Therefore, it is important for judges and courts to be seen publicly acknowledging and dealing with this issue.

One group suggested that a way to address bias problems is to establish a commission to promote the fair and equal administration of justice by, for example, monitoring sentences and prosecutorial practices and giving feedback to judges, prosecutors and others. The commission would consist of appropriate representatives of the judicial, legislative and executive branches of government.

Another group suggested educating individual judges when there is a perception that there is bias or prejudice in sentencing decisions. The preferred provider of such programs would be the state supreme court. A third group recommended that diversity training be required for judges and prosecutors.

Finally, a group suggested that judges monitor their own statistics to see, for example, who is going to jail and who is going on probation. Is there a recurring pattern of distinctions made on the basis of race, gender or socio-economic level?

Use resources better

Most of the small groups said that lack of resources and programs was a serious problem. One way to be sure that limited resources are allocated effectively and efficiently is to develop a coordinated, system-wide approach to planning and budgeting. We can also apply the recommendation to “Find what works” to reduce duplication of effort and modify or eliminate ineffective programs. Other suggested strategies include the following:

- Require all entities within the system to coordinate their requests for funding and resources so each can be adequately funded.
- Divert funds from prisons to prevention programs—“Put money into play-pens instead of state pens.”
- Seek grant funding for pilot programs.
- Develop block grants to local communities so they can promote their own justice goals. In the same vein, another group said, “Empower local communities to establish reparative justice programs.”
- Strive for bottom-up dialogue (start at the local level) to make smarter allocations of limited resources.

Build coalitions

Nine groups made this recommendation in one form or another. It contains elements of most of the others, including “Educate everybody,” “Exercise judicial leadership” and “Use resources better.” Coalition building has to start at the grass-roots level and be inclusive—involving citizens, legislators, business people, corrections officials, treatment program officers, victims, local government officials, and others as appropriate. The purpose of working with a coalition is to develop a consensus on goals to improve the criminal justice system, and sentencing policy in particular, and develop a plan to implement the goals.

Working with a coalition offers many advantages. For example, it provides a mechanism to identify problems and develop solutions, resolve disputes (over resources, for example), and hear and respond to criticisms of the system. In addition, a well-organized coalition can plan community education programs such as town hall meetings, and provide a strong voice of support for adequate resources for all components of the criminal justice system.

Finally, judicial branch participation in a broadly based coalition demonstrates that the courts are being responsive to the community and accountable for meet-

ing shared goals developed by the coalition. In time, this could result in improved public trust and confidence in the system.

Recall that working with community groups and other actors in the criminal justice system is a suggestion that emerged in General Session V as a mechanism for accomplishing sentencing reforms.

Conclusion

One of the goals of the conference was to “share information about rational and effective processes for formulating sentencing policy.” The issues proved to be complex, and so are the policy recommendations. They call for a change in attitude on the part of the judiciary and for an openness to court and community collaboration that already has begun in some jurisdictions. Jurisdictions differ greatly in their demographic and geographic profiles, in their economic resources, in their political culture, in their needs and in their openness to change. What emerged from the symposium reflects not only those differences, but the diversity of viewpoints of the participants themselves. The result is this rich and realistic set of flexible strategies from which jurisdictions can choose to meet their own local challenges.

APPENDIX A

U.S. Sentencing Policy: Past Trends, Current Issues, and Future Prospects

An Introductory Primer for Participants at A National Symposium on Sentencing

by Carol A. Horton, Ph.D.

Sentencing policy is one of the most vital components of the criminal justice system, critically affecting the lives of millions of individuals and the social fabric of the nation at large. The purpose of this essay is to provide all symposium participants with a common grounding in key contemporary developments in U.S. sentencing policy, focusing on important reforms in states across the nation. The information should serve as an important complement to the presentations and small group discussions at the symposium. It is hoped this essay will also provide a common reference point for a continuing dialog that will extend beyond the conference, which is intended to forge new connections among a variety of professionals and interested members of the public dedicated to the critical challenge of improving our nation's system of criminal justice.

This essay is divided into several sections. Part I provides a brief history of the rapid changes that have occurred in sentencing policy since the 1970s, focusing on the various types of policies that dominate the U.S. system: indeterminate sentencing, voluntary guide-

lines, determinate sentencing, and presumptive guidelines. Section II examines other important developments in sentencing policy that center on the use of incarcerative sanctions: mandatory minimum sentences, "three strikes" laws, and "truth-in-sentencing" initiatives. Section III considers a variety of intermediate, or nonprison-based sanctions, including boot camps, intensive supervision, house arrest, electronic monitoring, drug courts, community service, day reporting centers, and monetary penalties. In addition, it examines innovative state programs in this area, focusing on North Carolina and Connecticut in particular. Finally, the concluding section summarizes important points that should be helpful in conducting the small group discussions at the symposium, which will focus on strategies to identify and overcome important problems in current sentencing policy.

I. Sentencing Policy Since the 1970s

Tremendous changes have occurred in U.S. sentencing policy since

the 1970s, on both the federal and state levels. Almost half the states, as well as the federal government, have altered the basic structure of their sentencing laws, and at least five more states are currently considering following suit. These legal changes both reflect and embody larger shifts in the public and professional orientation towards fundamental questions of criminal justice, such as the desirability of the rehabilitative ideal and the basic purpose of criminal sanctions. Generally speaking, it can be said that the 1980s witnessed a dramatic hardening of attitudes towards criminality, primarily spurred by a reaction to the burgeoning crime rates of the 1960s-1970s, and, more broadly, the social and political liberalism of that era. Consequently, the 1990s have been characterized by a continued shift away from the older, 1970s model, combined with a growing awareness of the need to address new sets of problems associated with the reforms of the 1980s.

Indeterminate Sentencing: The Traditional Model¹

In 1970, all of the states, as well as the federal government, employed what is referred to as the indeterminate sentencing model. Under this model, legislatures specified maximum sentence lengths for different categories of offenses. Judges, however, retained full discretion to set particular maximum, and in most jurisdictions, minimum sentences on a case-by-case basis anywhere within that broad range. In addition, and very importantly, parole boards had the authority to determine when an offender would be released from prison, and set

the terms of his or her parole. Similarly, prison officials were able to reduce incarceration times dramatically by awarding “good time” to prisoners demonstrating approved behaviors.

The central philosophy guiding the indeterminate sentencing model was the desirability of “individualization”: that is, the idea that each individual’s unique circumstances and characteristics should be carefully considered throughout the sanctioning process. This ideal of individualization was tightly bound up with the goal of rehabilitation, as rehabilitative potential was assumed to vary substantially from person to person. Similarly, this potential was assumed to be something that could evolve over time, as the individual changed his or her attitudes, goals, habits, and so on. Consequently, it was believed that the actual length of an individual’s sentence could not, and indeed should not be fully determined at the time of judgment. Instead, real sentence length would emerge out of an ongoing series of judicial, correctional, and parole board decisions.

Although indeterminate sentencing is still employed in the majority of states (BJA 1996), it has been increasingly subject to a wide array of attacks. Most fundamentally, both the feasibility and desirability of the rehabilitative ideal have been severely questioned, and, in many instances, rejected altogether. As the political climate shifted towards a more conservative, “get tough on crime” orientation, the twin goals of 1) sentencing as punishment, and 2) locking up criminals to keep them off the streets, became increasingly popular.

Conservatives charged judges with being overly lenient and “soft on crime,” and argued that sentences that had no concrete meaning both encouraged

criminal activity and eroded public faith in the judicial system. At the same time, indeterminate sentencing was also severely criticized by liberal activists concerned that such a discretionary system allowed for unchecked racial and class discrimination. Although this liberal critique was largely overtaken by its conservative counterpart during the 1980s, it continued to maintain an important presence in select policy circles. This was particularly true in certain states, such as Minnesota, where the goal of reducing racial disparities was explicitly established as a central policy objective.

Under assault from both sides of the political spectrum, the legitimacy of the indeterminate sentencing system began to erode, and many jurisdictions began to experiment with new models. The first major policy shift in this regard was marked by a widespread reaction against parole and other such highly discretionary policies. Initially abolished by Maine in 1975, and by California soon after, parole has since been eliminated in at least ten jurisdictions, including the federal system. Similarly, the discretion of prison officials to award sentence reductions to reward good behavior, or “good time,” has been sharply curtailed in many states. Even more dramatically, many states, as will be discussed below, have abolished indeterminate sentencing entirely in favor of some sort of structured sentencing system.

Voluntary Guidelines: The Power of Suggestion?

One intermediate reform adopted by a number of states was the establishment of advisory, or voluntary sen-

tencing guidelines. Voluntary guidelines provide recommendations for judges to follow during sentencing; compliance is not required by law. While voluntary guidelines have cycled in and out of favor since their initial appearance in the mid-1970s, they have largely fallen into disfavor for the simple reason that they have been repeatedly shown not to work.² (The exception is Delaware, where they appear to have substantial normative and collegial authority.) In general, given their purely advisory status, judges have no strong incentive to follow them, and, consequently, usually do not.

Determinate Sentencing: Judgment by Legislative Fiat

In stark contrast to the voluntary guidelines model, determinate sentencing policies represent a strict code of fixed term sentences specified by statute. Maine passed the first determinate sentencing law in 1975; today, it is one of five states that share this system. While the precise contours of each law vary, the general model consists of mandatory sentences without parole, with some reductions allowed for “good time.” Determinate sentencing has been widely criticized as representing an overly crude system that invites evasion and is extremely unpopular with judges. Consequently, it has largely fallen out of favor, with no state adopting this model since 1983.

Presumptive Guidelines: The New Paradigm

By far the most well regarded policy alternative to the traditional system of indeterminate sentencing is

that of presumptive guidelines. In contrast to voluntary guidelines, judges are required either to follow the sentencing ranges they specify, or, in the case of deviations (technically referred to as departures), provide a written explanation subject to appeal by relevant parties and review by a higher court. In contrast to determinate sentencing, presumptive guidelines are devised by specially convened administrative agencies called sentencing commissions, rather than by state legislatures. In most cases, this results in guidelines that are substantially more detailed and finely tuned than those associated with the determinate sentencing model. (Guidelines devised by sentencing commissions are, however, subject to approval by state legislatures unless prior statutory authority has been given to enact them directly.) Most presumptive guidelines follow a two-variable matrix format (commonly referred to as a grid), which cross-tabulates offense severity with prior criminal history (Minnesota 1996).

First instituted by Minnesota and Pennsylvania in the early 1980s, nine other states, and the federal government, have since adopted a presumptive guideline system. It is important to emphasize, however, that the state experience with presumptive guidelines has been dramatically more successful than that of the federal government. This difference can be explained by several key factors. First, the federal guidelines were enacted under particularly rushed and politically pressured circumstances (Flaherty and Biskupic 1996a) and are commonly agreed to be not nearly as well devised as the state models. Second, the federal guidelines mandate what is referred to as "real offense" sentencing, which requires that judges base sen-

tencing decisions on both actual convictions and additional crimes that appear to have been committed at the same time, but were not successfully prosecuted. (All of the states, in contrast, make this a matter of judicial discretion.) Finally, the states have proved to be significantly more innovative and flexible in their use of guidelines, with several, for example, devising ways to use them to control exploding prison populations (Frase 1993, 123).

While the states that have enacted presumptive guidelines have done so for a variety of reasons, the most commonly cited policy goals include: 1) increasing sentencing fairness, with similarly situated offenders receiving similar types of sentences; 2) establishing "truth in sentencing," with convicted offenders serving at least the substantial majority of their sentences; and 3) establishing a balance between sentencing policy and limited correctional resources (BJA 1996, 1). While high quality evaluation studies are still unfortunately somewhat rare, there is solid evidence to suggest that at least some presumptive systems have been quite successful in meeting these goals.³

Despite such successes, however, presumptive guidelines have also received their share of criticisms. Sentencing expert Michael Tonry, for example, emphasizes that despite their utility, two-dimensional sentencing grids are "blunt instruments when applied to sentencing operations for which scalpels are often needed." While presumptive guidelines have produced impressive results in a number of states, in other cases—most notably, that of the federal government—they have been one of the central causes of an unprecedented explosion in the incarceration rate (Mumola and Beck

1977, 2). “The mechanism of the two-axis grid and the law-and-order politics of the last two decades,” Tonry continues, “have too often converted offenders into abstractions and produced a penal system of a severity unmatched in the Western world” (Tonry 1996, 20, 24; see also Mauer 1997).

More specifically, presumptive guidelines have been widely criticized for unduly narrowing judicial discretion, and, at the same time, significantly expanding that of the prosecuting attorney. Again, these concerns have been far more intense on the federal level, where 86 percent of the 640 district judges surveyed by the Federal Judicial Center in 1992 said that the guidelines should be changed to increase judicial discretion, and over half favored eliminating them altogether. Judges at all levels of the federal system have repeatedly accused the guidelines of producing an undue shift of discretion from bench to bar, with prosecutors effectively rigging sentences in advance by deciding upon what charges to pursue (Biskupic and Flaherty, 1996b). Such concerns are markedly less prominent on the state level, however, suggesting that well-crafted guidelines, combined with sufficient opportunities for judicial departures, may be sufficient to address them. Nonetheless, it remains true that neither the states nor the federal government have devised a policy capable of effectively addressing this issue (Frase 1993, 126).⁴

II. Other Important Sentencing Policies: Incarcerative Sanctions

While the various sentencing policies outlined above—indeterminate

sentencing, voluntary guidelines, determinate sanctions, and presumptive guidelines—constitute the basic models in use in the 50 states, they do not, in and of themselves, represent the full range of key policy categories. In every state, in fact, these policies work in conjunction with others that, once again, have undergone tremendous changes since the 1970s. This section looks at three key policy developments that are built around incarcerative sanctions: mandatory minimum sentences, “three strikes” laws, and “truth-in-sentencing” initiatives.

Mandatory Minimum Sentences: “Getting Tough on Crime”

Mandatory minimum sentences are currently in place for selected crimes in every state, as well as the federal government, and play a critical—if highly controversial—role in the contemporary criminal justice system. First sweeping the nation in the newly aggressive “get tough on crime” atmosphere of the 1980s, mandatory minimums remain quite politically popular today. These policies are set by statute, and require that all convictions of a particular crime, or a particular crime with special circumstances (e.g., robbery with a firearm or selling drugs to a minor within 1,000 feet of a school) receive a predetermined, and relatively harsh sentence (BJA 1996, 2). For example, under the federal guidelines, any person convicted of possessing 500 grams of powder cocaine or five grams of “crack” cocaine must be sentenced to at least five years in prison (RAND/DPRC 1997). Most commonly, mandatory minimums in the states apply to convictions pertaining to the possession

of illegal drugs or weapons, and to repeat or habitual offenses (BJA 1996, 24-25).

The popularity of mandatory minimums stems largely from the popular perception that a strict guarantee of harsher penalties will deter crime. Whether this widespread view is in fact accurate, however, is a matter of some controversy. On the one hand, experts such as Tonry and Hatlestad (1997) argue that social science research from the 1950s to the present has consistently demonstrated that it is not (Chap. 5). A study conducted by the National Academy of Sciences in 1993, for example, noted that the average prison time per violent crime had tripled between 1975 and 1989 without any discernible impact on crime rate (Reiss and Roth 1993). The best explanation for why this is the case is that most people, in the words of Bobbie Huskey, President of the American Correctional Association, “commit crimes when they’re high or angry with no regard for the consequences, believing they won’t get caught.” Research supports Huskey’s conclusion: one study of armed robbers conducted by the RAND Corporation in 1994, for example, found that 83 percent did not expect to be caught. Similarly, another study that interviewed 310 convicts found that 80 percent “had no idea” what sort of sentence would apply to them if they were caught (CECP 1996, 2).

On the other hand, conservative criminal justice experts such as John DiIulio believe that the popular perception is accurate in the sense that higher incarceration rates will produce a drop in the crime rate. DiIulio, for example, along with coauthors William J. Bennett and John P. Walters, argues in the recent book, *Body Count* (1996), that while it is true that most crimi-

nals will not be deterred by the threat of harsher sentences, the tripling of the prison population from 1975-1989 reduced violent crime by an estimated 10-15 percent (48, 115).⁵ Another noted conservative analyst, James Q. Wilson (1994), however, points out that such estimates underscore the point that “very large increases in the prison population can produce only modest reductions in crime rates.” At the same time, policies that indiscriminately lengthen prison sentences beyond the ten-year period that constitutes the average career of the violent offender will logically produce “diminishing marginal returns.” (Reinforcing this point is the fact that few except pathologically violent offenders commit violent crimes after age 35. Consequently, the imposition of life or very long sentences on people in their twenties or thirties is not an efficient means of preventing violence through incapacitation.) Further, Piehl and DiIulio (1995) argue that while “prison pays” for most incarcerated criminals, it “does not pay” for the nonviolent drug offenders who constitute 10-25 percent of the prison population.

Mandatory minimums have also been criticized for unduly shifting discretionary power from judges to prosecutors. This, of course, is the same problem that was discussed with regard to presumptive guidelines. In this case, however, the problem is even more severe, as judges generally do not have the same degree of latitude for departures. Reinforcing this complaint is the perception that these policies too often produce penalties that are disproportionate or unduly harsh (Weich 1996, 94). One man, for example, was sentenced to four years in prison for growing marijuana, while two of his friends (who had criminal records) re-

ceived probation as a reward for turning him in (Kopel 1993).

Mandatory minimum sentences for drug charges are particularly controversial, as they have been the key factor propelling the explosive growth in the national incarceration rate, which has tripled to approximately 1.6 million since 1985 (Mumola and Beck 1997, 1; see also Mauer 1997a, 14). Between 1985 and 1995, the proportion of state prisoners who were convicted drug offenders rose from 9 to 23 percent; in the federal system, the corresponding rise was from 34 to 60 percent.

Further fueling the controversy is the fact that these developments have been marked by a dramatic racial differential, particularly between African and European Americans, with the Black incarceration rate currently running at seven times that of the White (ibid., 9-11). Although both groups use cocaine and marijuana at roughly the same rate, African Americans were arrested at five times the White rate for these drugs in 1992. In many areas of the country this disparity is even greater: in Columbus, Ohio, for example, African Americans accounted for 90 percent of all drug arrests while representing only eight percent of the population (Donziger 1996, 38, 115-118).

Reactions to this situation vary across the political spectrum. Generally speaking, liberals tend to agree that the "war on drugs" has had an overwhelmingly negative impact on the Black community, as indiscriminate criminal dragnets have swept thousands of young petty criminals into prison, effectively socializing them further into a life of crime. Gross disparities in mandatory minimum sentences for crack vs. powder cocaine (100-to-1

under federal guidelines)⁶ have repeatedly been attacked as unfair and implicitly racist. From this perspective, the drug problem would be much more effectively addressed by a combination of intermediate sanctions, including substance abuse treatment programs, and a variety of community development programs.

Alternatively, conservatives such as Bennett, DiIulio, and Walters (1996) argue that such widely disproportionate sentences for crack and powder cocaine are entirely appropriate, as the individual and social consequences of the former are much more devastating than the latter. Crack is much more highly addictive, and much more strongly associated with instances of child abuse, prostitution, and violent gang activity. Further, they argue, contrary to liberal contentions, "very few federal crack defendants are low-level, youthful, and non-violent." According to the U.S. Sentencing Commission, of the 3,430 crack defendants sentenced in 1994, only 51 (48 of whom were Black) were young, small time dealers with no prior criminal history and no weapons involvement. According to this viewpoint, tough anti-drug policies are the best means of protecting law-abiding African American citizens from the destructive consequences of the crack trade that has been overwhelmingly concentrated in lower income Black communities (161-162).

Many researchers believe, however, that mandatory minimums have not been effective in reducing drug related crime. One reason for this is that since illegal drug trafficking is, for many people, a relatively lucrative occupation, taking one drug dealer, or even a whole drug distribution ring off the streets simply opens up an opportunity for others to take their place.

Another is that the structure of mandatory minimum sentences virtually guarantees that they will impact small scale offenders most severely, as they, unlike more big time operators, cannot leverage a reduced sentence by offering important information, or “substantial assistance” to the government (Kopek 1993, 16). Finally, much drug related crime is a direct result of substance abuse: e.g., stealing to support a habit, or engaging in acts of violence while “under the influence”. One 1997 study conducted by the RAND Drug Policy Research Center showed that such crimes would be much more cheaply and effectively reduced by placing addicts in drug treatment programs, which they estimate would reduce drug-related crimes by 15 times more than incarceration penalties per million dollars spent (RAND/DPRC 1997).

Such controversies explain why, despite their popularity with politicians and the public, most professionals who work with the criminal justice system oppose mandatory minimum sentences. In 1993, for example, a Gallup survey of 350 state and 49 federal judges found only 8 percent in favor, and *90 percent opposed* to federal mandatory minimums for drug offenses. Similarly, both the Judicial Conference of the United States, the congressionally appointed Federal Court Study Committee, and the American Bar Association have called for a repeal of mandatory minimums (Kopel 1993, 16). To date, however, Congress has taken no action.

“Three Strikes and You’re Out”: The California Experience

The catchily named “three strikes” policy emerged during the 1990s as an important variation on the mandatory minimum trend. Similarly politically popular, most three strikes laws hold that felons found guilty of a third serious crime will be locked up for 25 years to life. First adopted by Washington state in 1993, followed by California and the federal government in 1994, three strikes laws have since been enacted in at least 20 additional states. Despite the relative ubiquity of these laws, however, California remains the only jurisdiction in which they have been broadly utilized (Austin 1996, 164-65; Proband 1994, 4). In that state, however, they have had a dramatic effect, which is important to consider both because of the sheer size of the California population, and for the example it provides to the rest of the country.

The California three strikes law is the most sweeping in the nation. This is true for two key reasons. First, while the first two “strikes” accrue only for serious felonies, the third one, which triggers a life sentence, may be for *any* felony, regardless of its level of severity. Second, sentences are doubled at the time of the second strike offense, and must be served in prison (rather than in jail or on probation), with “good time” reductions limited to 20 percent of the term given (RAND 1994). As of 1996, over 14,000 people have been imprisoned for second strike offenses, and approximately 1,300 for third strike felonies (CECP 1996, i).

The question of how to interpret the fairness and desirability of sen-

tences delivered under three strikes has met with radically divergent assessments. According to the Campaign for an Effective Crime Policy (CECP), the breakdown of strike convictions follows a disturbing pattern, with “more than twice as many marijuana possessors (192)” sentenced for second and third strikes felonies “as for murder (4), rape (25), and kidnapping (24)”. All in all, they report, “eighty-five percent of all offenders sentenced under this law are sentenced for nonviolent offenses” (CECP 1996, i-ii). Prominent criminologists such as John DiIulio, however, attack such claims as the false reporting of “anti-incarceration activists,” who do not consider the relevance of prior arrests and convictions, juvenile convictions, plea bargained charge reductions, and overwhelming evidence that most criminals commit many more crimes than are officially reported (Bennett, DiIulio, and Walters 1996, 15, 92-101; Phiel and DiIulio 1995). This general critique is strongly buttressed in this case by a study of 233 randomly selected strike offenders conducted by the *Sacramento Bee* in 1996, which found that 84 percent of this group “had been convicted at least once for a violent crime,” as well as an average of five felonies apiece (Furillo 1996).

Underlying such warring statistics is the larger issue of whether it is fair to impose exceptionally harsh sentences on individuals convicted of a nonviolent felony because they had been convicted of violent crimes in the past. From one perspective, such a policy is unjust, as it effectively punishes people for the same crime twice, after their prior debt to society has presumably been paid. From another viewpoint, however, such a policy is entirely just, as it targets offenders who have

had ample warning that they must change their ways, but refuse to do so—and, consequently, pose a particularly dire threat to public safety.

All agree, however, that the harsher penalties mandated by the law have sent the state’s incarceration rate skyrocketing. In 1995, the California Department of Corrections reported that state prisons were at 180 percent capacity, and predicted that the incarceration rate would grow 70 percent by 1999. If this projection is correct, California prisons would reach a 256 percent capacity rate at that time, which means that unless many new prisons were built, more than three inmates would be housed in space designed for one (CECP 1996, 8). Either way, tremendous costs would be imposed on the state: as one 1994 RAND report projected, such an exponential increase in the prison population would cost California taxpayers an average of \$5.5 billion more each year, totaling \$137.5 billion over 25 years. By 2002, implementation of the three strikes law would consume approximately 18 percent of the state budget, double that of the 1994 allotment (RAND 1994).

As in the case of mandatory minimums, the implementation of the three strikes law in California has had a grossly disproportionate impact on African Americans (Mauer 1997b). Statewide, Blacks are sent to prison due to strike convictions at 13 times the rate of Whites. Comprising only seven percent of the state’s population, and 20 percent of its felony arrestees, African Americans nonetheless constitute 43 percent of all third strike inmates (CEPC 1996, ii).

Critics of the three strikes law charge that it has been implemented in a racially discriminatory manner, unduly increased the number of middle

aged and elderly inmates, proved ineffective in reducing the crime rate, and incurred unacceptable costs to the state. Supporters of the law, however, counter that racial disparities simply reflect real differences in group crime rates, and that the threat of harsh penalties is an effective deterrent to crime. Further, they argue, these benefits have far exceeded any costs. California Attorney General Dan Lungren, for example, claims that if all of the direct and indirect costs of crimes prevented by the law are taken into account, the state can be considered to have saved almost \$3.8 billion (Lungren 1996).

In June, 1996, the California Supreme Court struck down part of the three strikes law, holding that it unconstitutionally shifted discretion from judges to prosecutors, thereby upsetting the balance of power between the judicial, legislative, and executive branches. As a result, more than 18,000 prisoners convicted under the law were given the opportunity to appeal their sentences (Hornblower 1996). California Attorney General Lungren has sponsored legislation to counter this ruling by narrowing, defining, and restricting the range of judicial discretion in strike cases; a move that is strongly supported by Governor Pete Wilson (Lungren 1996). At this time, it remains to be seen what the final outcome of such legislative initiatives will be.

“Truth-in-Sentencing”: Serving Full Time Behind Bars

The growing popularity of truth-in-sentencing (TIS) laws in recent years represents another important trend in contemporary sentencing

policy. Typically, TIS laws require that offenders convicted for violent crimes are not released from prison until at least 85 percent of their sentence has been served. This 85 percent standard is incorporated into the federal guidelines, and received a major boost at the state level with the passage of the 1994 Federal Crime Bill, which (as amended) earmarked \$10 billion in federal funds for prison construction in states that enacted TIS legislation that met this goal.

While most commonly associated with such deliberately harsh policies as mandatory minimums and three strikes laws, TIS statutes have been enacted to serve a variety of objectives, with correspondingly different results. Most commonly, these goals can be divided into three categories: 1) providing the public with more accurate information regarding the actual lengths of sentences served, 2) reducing crime by keeping offenders in prison for longer periods of time, and 3) achieving a rational allocation of prison space by prioritizing the incarceration of particular classes of criminals (e.g., violent offenders) (Mauer 1996). While these goals are by no means mutually exclusive, different states tend to emphasize one or two of them in particular, with correspondingly different policy arrangements.

Illinois and Virginia are states whose truth-in-sentencing laws emphasize the first two of these policy goals. The Illinois law, passed in 1995, divides criminal convictions into four categories of sanctions, with varying degrees of TIS requirements. Under this system, those convicted of murder are to serve 100 percent of their sentence behind bars, while those convicted of selected violent offenses (e.g., aggravated sexual assault) and other

offenses the judge finds to have caused “great bodily harm” to victims (e.g., carjacking), are to serve at least 85 percent. Truth-in-Sentencing requirements do not apply to all other offenders, who generally serve less than 50 percent of their time behind bars (O’Reilly 1996, 1011-1015).

Although praised by Governor Jim Edgar as a means of telling the “truth” about sentencing to the public and reducing violent crime, Gregory O’Reilly (1996), Criminal Justice Counsel at the Office of the Cook County Public Defender, criticizes the Illinois law as further complicating an already unwieldy sentencing system, adding undue costs to the criminal justice system, and undermining the rational allocation of correctional resources. Although no impact studies of the law have been yet completed, initial estimates by the Illinois Department of Corrections projected that implementation would cost the state \$320 million, and add 3774 inmates to Illinois prisons by 2005 (*ibid.*, 988).

In Virginia, the truth-in-sentencing law passed in 1994 requires all convicted felons to serve at least 85 percent of their sentence behind bars, and eliminates parole. As a result of the law, the state’s voluntary guidelines system was revised so that suggested sentences reflected actual prison time served. According to the Virginia Criminal Sentencing Commission, as of 1996, average incarceration time roughly tripled for convicted murderers, and doubled or quadrupled for armed robbers, depending upon their prior criminal history, as a result of the law (VCSC 1996a). Notably, however, “by far...the largest share” of TIS convictions have been for drug offenses: 36 percent, versus, for example, only 1.1 percent for murders. Overall, in fact, a full 88.4

percent of TIS convictions have been for nonviolent offenses, versus 11.6 percent for all violent crimes combined (i.e., assault, robbery, sexual assault, homicide, rape, kidnapping) (VCSC 1996b, 10).

This track record reinforces the concerns of critics who contend that truth-in-sentencing laws are unduly expensive, and will not have the promised effect of substantially reducing violent crime. The Virginia state legislature has estimated that implementation of the law would cost an additional \$2 billion over its first ten years by almost doubling the incarcerated population, and requiring the construction of 26 new prisons. At the same time, however, state criminal justice officials believe that violent crime in the state would be reduced by less than five percent (Mauer 1996).

Some states have attempted to address such concerns by combining TIS initiatives with other policies designed to achieve a rational allocation of correctional resources. Such TIS policies generally work in conjunction with larger guideline systems, as in the case of North Carolina’s Structured Sentencing Law. Structured Sentencing, established in 1994, pursues truth-in-sentencing goals by simultaneously attempting to increase the use of prison for violent offenders, and the use of a variety of less expensive intermediate (i.e., nonprison) sanctions programs for nonviolent offenders. To date, the state appears to have been remarkably successful in meeting its goals, with, for example, prison sentences for violent and career offenders (mandatory under the new law) increasing by roughly 30 percent during 1993-96, while decreasing for nonviolent and non-career offenders by approximately the same amount. At the same time, actual time

served behind bars has sharply increased across the board, and conforms closely to original sentence lengths (NCSPAC 1997).

While implementation of the new Structured Sentencing Law hit the state with an upfront cost of over \$500 million (used to increase prison capacity by 20,000 beds), state corrections officials believe that the law will save the state at least \$170 million during 1997 alone. Further, North Carolina is now one of the very few states that projects a growing bed surplus during the next several years; a feat primarily achieved by the systematic diversion of more low-level offenders to alternative sanctions programs (Borsuk 1997). While critics charge that, despite its merits, such a system remains problematic in its "one size fits all" treatment of higher-level offenders (e.g., complete elimination of "good time" incentives) (Mauer 1996), at this time the North Carolina experience appears to be one of the most solid success stories in contemporary sentencing reform.

III. Intermediate Sanctions: Alternatives to Incarceration

The "get tough on crime" orientation of the 1980s-90s promoted the widespread use of policies that relied primarily on longer and more certain prison terms for larger numbers of offenders. This, in turn, produced a dramatic upswing in the incarceration rate, and, consequently, problems with prison overcrowding and runaway corrections budgets.⁷ In combination, these developments have driven an intensified interest in intermediate sanctions as a way of reducing incarceration costs without sacrificing the goal

of uniformity in sentencing (Tonry 1996, 101-102).

First becoming widely popular during the mid-1980s, intermediate sanctions programs such as intensive supervision, house arrest, and electronic monitoring were initially oversold as being simultaneously able to achieve prison diversion, cost savings, recidivism reductions, and proportionate punishment. Although only a small number of programs have been carefully evaluated, sufficient knowledge has been gained to state definitively that such early expectations were wildly over-optimistic. While well-run programs can achieve some of these goals, it is highly unlikely that all can be met simultaneously (*ibid.*, 101-109). Nonetheless, criminal justice experts across the political spectrum strongly support the increased use of intermediate sanctions for offenders who do not pose an unacceptable risk of violence (e.g., DiIulio 1991, Chap. 2; Tonry 1996, Chap. 4).

Key obstacles that impede the successful implementation of alternative sanctions programs include technical violations, "net widening," and what may be termed the "Willie Horton" phenomenon (i.e., the commission of a serious violent crime by a probationer or parolee). Technical violations (e.g., drug use) are much more likely to be detected in intermediate sanctions programs than under traditional probation, as offenders are kept under significantly tighter surveillance. Such violations typically result in resentencing the offender to prison, which in turn negatively impacts the goals of prison diversion and cost reduction. These goals are also undermined by "net widening": that is, the tendency of judges to sentence lower level offenders who would normally go on probation to al-

ternative sanctions programs instead. At the same time, the fear of a "Willie Horton" type episode makes public officials extremely wary of being too closely associated with prison diversion programs, as they do not want to be blamed for releasing violent recidivists into the community (Tonry 1996, 101-103).

The development of alternative sanctions programs is still evolving, however, and some programs have better track records than others. The following section briefly summarizes what is known about the effectiveness of the following programs: boot camps, intensive supervision, house arrest and electronic monitoring, drug courts, day reporting centers, community service, and monetary penalties.⁸ This discussion is followed by a brief look at some important state initiatives, focusing on North Carolina and Connecticut in particular.

Boot Camps

Boot camps are probably the most highly publicized and politically popular alternative sanctions program to emerge in recent years. First introduced in Georgia and Oklahoma in 1983, by 1993 they were operative in 30 states as well as the U.S. Bureau of Prisons. Typically, boot camps admit males only, who are usually under the age of 25. Their specific operating criteria vary widely, however. Program duration may last anywhere from 90 to 180 days, while program content may alternatively stress basic discipline or more rehabilitative initiatives, such as drug treatment. Similarly, who is admitted to the program, and who controls admissions and revocations, varies from state to state.

Despite their popularity and vari-

ety, however, most boot camps have not produced impressive results. Primarily due to the problems of technical violations and net-widening discussed above, evaluation studies have found that boot camps generally have no positive impact on recidivism rates, corrections costs, or prison overcrowding (MacKenzie 1994; Parent 1994). The notable exception are "back end" programs, in which imprisoned offenders are transferred by corrections officials to boot camps in lieu of a longer conventional sentence.

If boot camps are to better achieve their objectives, future programs must be more carefully designed to target offenders who would otherwise go to prison, and prisoners who would otherwise serve substantially longer sentences. In addition, means must be found so that technical violations can be punished within the camp itself, rather than relying on revocation to prison. Consequently, the popularly touted idea that boot camps can be used to whip "nonviolent first offenders" into shape must be abandoned.

Intensive Supervision Programs (ISPs)

Evaluation studies of intensive supervision programs, which provide intensive surveillance of probationers and parolees, have found that they share the same problems as boot camps (Petersilia and Turner 1993). Net-widening and high rates of technical violations generally prevent the realization of cost saving and prison diversion goals, while recidivism rates are not affected. Here again, these programs may work much more effectively if offenders who would normally go to prison, but do not pose an unacceptable risk of violence, are carefully targeted.

Prison revocations due to technical violations could potentially be addressed by more narrowly tailoring the list of such punishable offenses on a case-by-case basis. In addition, intensive supervision could be linked to other programs such as drug treatment, both to increase effectiveness and to establish a more precisely calibrated continuum of sanctions.

House Arrest and Electronic Monitoring

House arrest programs, which often work in conjunction with electronic monitoring, expanded rapidly beginning in the mid-1980s to reach every state by 1990. Offenders participating in these programs are generally not required to remain strictly in their homes, but can move among a variety of approved locales, including job sites and treatment, education, and training programs. House arrest and electronic monitoring may be ordered as an independent sanction, or as a part of a larger ISP. In addition, programs may be either front or back-end: involving either offenders who would otherwise be put in prison, or those granted early release.

While several evaluation studies of these programs have been conducted, there is not a sufficient wealth of high-quality data to allow for definitive results. Nonetheless, the general verdict seems to be that there is little reason to expect that house arrest and electronic monitoring have not been encountering the same problems that bedevil boot camps and ISPs. Further, anecdotal evidence suggests that while house arrest and electronic monitoring may work quite effectively for well-motivated low-level offenders, they have been successfully circumvented

by others, sometimes with disastrous results (Sharp 1997).

Drug Courts

First established in Miami in 1989, drug courts represent the most promising new development in the intermediate sanctions field. To date, drug courts built around a model of aggressive substance abuse treatment intervention have had a remarkably impressive track record. The goal of these alternative courts is to identify and treat alcohol and drug addicts early in their criminal careers in order to stop continued substance abuse and drug related crimes. Treatment programs generally last about one year, and are offered as an alternative to a standard sentence. Once an offender successfully completes a program, the original charge may be dismissed, reduced, set aside, exchanged for some lesser penalty, or some combination of these (CEPC 1994; DCPO 1997).

A 1997 report commissioned by the Drug Courts Program Office at the Department of Justice strongly endorsed such programs, stating that "drug courts have an impact on both drug use and recidivism" (DCPO 1997). This finding is consistent with broader studies of drug treatment programs, which have found them to be effective regardless of whether participation is voluntary or coerced (Tonry 1996, 114). The original drug court established in Miami has been the most extensively studied. One 1994 evaluation sponsored by the State Justice Institute and the National Institute of Justice found that the rearrest rate of program graduates was 33 percent lower than that of comparable offenders (DCPO 1997). The program was also found to be cost effective, with one year of treat-

ment costing approximately \$800 per person—the same amount that would have been spent for only nine days in jail. Such low costs were achieved by using an outpatient treatment model, having offenders pay a part of program costs, and making careful attempts to minimize “net widening” (CECP 1994, 5).

Drugs courts have continued to grow in popularity since the late 1980s. Currently, they are in operation in over 300 jurisdictions, including every state in the nation except Rhode Island.⁹ A recent survey of approximately 100 programs conducted by the Drug Court Clearinghouse and Technical Assistance Project found drug use among all participants to be “substantially reduced,” and, for most of the 50-65 percent that graduated, eliminated altogether (DCCTAP 1997). At the same time, recidivism rates among participants ranged from five to 28 percent; among graduates, they were less than four percent. This compares extremely well to an estimated recidivism rate of at least 45 percent among drug offenders processed through the traditional adjudication system (DCCTAP 1997).

Day Reporting Centers

Day reporting centers, where offenders spend days under surveillance and participating in treatment and training programs while sleeping elsewhere, have been much more extensively used in England than the U.S. Some programs were established in this country beginning in mid-1980s, and one NIJ study reported that 13 existed in eight states as of 1989. These American programs vary widely in terms of both length (40 days to nine months) and content. No impact studies of the U.S. programs have been con-

ducted. In England, however, day reporting centers were evaluated positively enough for the government to expand the program in 1991.

Community Service

Tonry (1996) views community service programs as “the most underused intermediate sanction in the United States,” where it is employed primarily as a probation condition or penalty for trifling crimes (e.g., motor vehicle offenses). Many countries, however, use it as a mid-level penalty to replace short prison terms for moderately severe crimes. Community service, Tonry argues, is a particularly attractive program as it constitutes a burdensome penalty that is popular with the public, inexpensive to administer, and productive of needed public services. Although, once again, few evaluations of U.S. programs have been conducted, the data which do exist, combined with the positive experiences of other countries, suggest that “community service can serve as a meaningful, cost-effective sanction for offenders who would otherwise have been imprisoned” (*ibid.*, 124). In addition, a recent State Justice Institute supported evaluation of New York City’s Midtown Community Court suggests that an effective and visible community service program can increase citizens’ respect for the courts (Center for Court Innovation, 1997).

Monetary Penalties

Although monetary penalties are commonly used as criminal sanctions in many European countries, they are principally used in the U.S. for trivial offenses (e.g., traffic violations). While offenders processed through the criminal justice system are commonly re-

quired to pay various charges, penalties, and fees, these are essentially incidental expenses, rather than independent sanctions in their own right. The key reason for this is that judges, as well as the public, generally do not see fines as a serious punishment that could serve as a meaningful alternative to incarceration or probation. "Day fines," which are scaled both to the offender's ability to pay and the seriousness of the crime, have been used in a few U.S. locales, although usually only for misdemeanors. At this time, it appears highly unlikely that monetary sanctions will emerge as an important intermediate sanction capable of diverting significant numbers of felons from prison in the U.S.

Important State Initiatives

While intermediate sanctions programs exist in all 50 states, some states have more highly developed systems than others. Currently, several states with either voluntary or presumptive guidelines are attempting to integrate intermediate sanctions into their sentencing grids. This is an important innovation in that it provides a systematic way of implementing a more precisely differentiated continuum of punitive sanctions. At the same time, it offers a potential means of addressing the serious and interrelated problems of cost overruns and prison overcrowding that plague most state systems.

North Carolina, Ohio, and Pennsylvania have all incorporated intermediate sanctions into their presumptive guideline systems, and several other states are working on similar plans (NCSPAC 1994, 8). Although these are all very recent developments with only a limited track record, a 1997 NIJ re-

port found that "The early evidence from North Carolina suggests that guidelines incorporating intermediate sanctions can be a success" (Tonry 1997, xii).

As discussed in Part II, in the three years of its operation, North Carolina's Structured Sentencing law has been able to achieve truth-in-sentencing goals and increase incarceration times for violent and career offenders, yet still cut costs and decrease the state's incarceration rate by diverting large numbers of non-violent offenders into intermediate sanctions programs. In 1996, for example, out of a total of 22,926 felony convictions, 44 percent of offenders were sentenced to intermediate sanctions programs, while another 27 percent were placed on probation and/or fined. In addition, 23 percent of all offenders were required to perform some sort of community service; a sanction that may be applied either independently, or in conjunction with an intermediate sanction or prison term (NCSPAC 1997, 25).

Intermediate sanctions have also enjoyed remarkable success in states using other sentencing systems. Connecticut, for example, instituted an ambitious Alternative Sanctions Program in 1991, which works in conjunction with the state's indeterminate sentencing system. Like many states, by the end of the 1980s, Connecticut was struggling with prison overcrowding due to the tripling of its incarceration rate during that decade. By 1989, most incarcerated offenders were serving only 10 percent of their sentences, as early release was the only means of accommodating such an unprecedented influx of prisoners. In response, all three branches of state government worked together to develop "a systemwide network of creative sanc-

tioning interventions,” with the goal of ensuring reliable proportional punishment by establishing a continuum of community based sentencing options in every court in Connecticut (CJB 1996).

By the beginning of 1996, the Office of Alternative Sanctions (OAS) was supervising a daily population of almost 4,500 pretrial defendants and sentenced offenders who would otherwise have been incarcerated. This level of prison diversion, along with the construction of new correctional facilities, allowed the state to increase prison terms for serious and violent offenders, who now serve at least 50 percent of their sentences. At the same time, the state achieved significant cost savings. In 1995, for example, while the Connecticut legislature appropriated \$22 million to OAS, the program allowed the state to avoid another \$525 million in outlays that would have been otherwise needed for new prison beds. Further, while the average cost of incarcerating an offender is roughly \$25,000 per year, placement in an alternative sanctions program costs only about \$4,500 annually (*ibid.*).

IV. Conclusion: The Future of Sentencing Policy

Tremendous changes have occurred in U.S. sentencing policy since the 1970s. Almost half the states, as well as the federal government, have rejected the traditional system of indeterminate sentencing, and more are soon likely to follow. Presumptive guidelines have emerged as the favored sentencing model at the state level, and are currently evolving in important ways. In particular, several states have incorporated intermediate sanctions

into their presumptive guidelines, and others are planning to follow suit. At the same time, mandatory minimum sentences have been adopted in every state, particularly for illegal possession of weapons and/or drugs, as well as repeat offenses. Some states have additionally adopted more harshly punitive policies, such as California’s three strikes and Virginia’s truth-in-sentencing laws. Still others, such as North Carolina and Connecticut, have developed much more extensive and elaborate intermediate sanctions programs than exist in other states.

These innovations have had mixed results. Presumptive guidelines, for example, have been praised for their ability to reduce sentencing disparities, promote truth-in-sentencing, and achieve the rational allocation of limited correctional resources. At the same time, however, they have been criticized for being too rigid to respond fairly to case-by-case differences, and for unduly shifting discretion from judges to prosecutors. Mandatory minimums and three strikes laws, while very politically popular, have been attacked by policy analysts as being ineffective in reducing the crime rate, producing overly harsh sentences, shifting discretion from judges to prosecutors, fueling racial disparities, grossly inflating corrections costs, and unnecessarily increasing incarceration rates. Others, however, praise such laws as needed means of keeping dangerous criminals off the streets. Certain truth-in-sentencing laws, such as those enacted in Illinois and Virginia, have created similar divisions. Others, such as North Carolina’s, have been widely praised, but do not have long track records. Finally, while some intermediate sanctions programs, such as drug courts, have met with a good

deal of success, others have had disappointing results. And again, well developed programs, such as those in North Carolina and Connecticut, have only been in existence a few years, and can only be evaluated on a short-term basis.

All agree, however, on certain basic facts. The U.S. incarceration rate has reached an unprecedented level, and many states face a severe prison overcrowding problem. Policies such as mandatory minimums, three strikes laws, and certain truth-in-sentencing initiatives have played a critical role in this development, particularly because of their treatment of drug crimes. Racial disparities, particularly between African and European Americans, have escalated along with the incarceration rate—in large part, once again, due to drug sanctions. At the same time, correctional costs have skyrocketed, currently representing the fastest growing component of state budgets.

Implications for the Symposium

Such developments, in conjunction with the stark differences of opinion that surround many of the nation's most important sentencing policies, raise critical questions for the future. A central goal of the symposium is to develop a set of policy recommendations based on an identification of the most important problems facing contemporary sentencing policy, the most serious barriers that make addressing them difficult, and the best strategies for overcoming those barriers. The small group discussions, which are listed on the conference agenda, will be especially devoted to pursuing this goal. The following series of discussion questions, which are based on the in-

formation presented in this essay, are intended to aid in this process. (Numbers in parentheses indicate the number of particularly relevant concurrent sessions at the symposium.)

- What are the most important goals of sentencing policy? Which current policies or programs are most conducive to furthering them? Which are most antithetical? (1, 5)

- Are presumptive guidelines clearly superior to indeterminate sentencing? Would the criminal justice system be strengthened if most or all states adopted this model? (1, 3)

- Both presumptive guidelines, mandatory minimums, and three strikes laws have been criticized as unduly shifting discretion from judges to prosecutors. Is this a fair complaint? If so, is there any potentially effective means of addressing it? (1, 3, 5)

- Should intermediate sanctions be incorporated into presumptive guidelines? If so, what would be the best means of doing this? (3, 5, 8)

- Based on your experience, what intermediate sanctions programs are the most effective? Should such programs be encouraged on a national basis? (4, 8)

- Would intermediate sanctions be more effective if they were more commonly employed as “back end” programs, with corrections officials having the discretion to grant early release in order to place imprisoned offenders in them? If so, could this be reconciled with truth-in-sentencing goals? (4, 8)

- Given the high proportion of prisoners incarcerated on drug charges, should the expansion of drug courts be a top priority? If not, what is gained by keeping large numbers of drug offenders in prison? (4, 6)

- What factors contribute to the highly disproportionate African Ameri-

can incarceration rate? Should reducing this disparity be a policy goal? If so, how could it best be achieved? (1, 4, 6)

- Are mandatory minimums and three strikes laws failed policies? If so, how could they best be rolled back, given their continued political popularity? If not, how may they be refined to accomplish their policy objectives? (4, 6)

There are no easy answers to these and other important policy questions. Our knowledge of the relevant social dynamics in each case is always incomplete. Our social values, priorities, and goals may clash. Even when we are sure what we want, political and bureaucratic obstacles often prevent us from moving decisively towards our goals. Nonetheless, there is much at stake, and action must be taken. Hopefully, the National Symposium on Sentencing will help us to move forward towards the development of better sentencing policies and, consequently, a more just and effective criminal justice system.

REFERENCES

- Austin, James. 1996. "The Effect of 'Three Strikes and You're Out' on Corrections," in David Shichor and Dale K. Sechrest, eds., *THREE STRIKES AND YOU'RE OUT: VENGEANCE AS PUBLIC POLICY* (New York: Sage)
- Bennett, William J., John J. DiIulio, Jr., and John P. Waters. 1996. *BODY COUNT: MORAL POVERTY AND HOW TO WIN AMERICA'S WAR AGAINST CRIME AND DRUGS* (New York: Simon & Schuster)
- Blumstein, Alfred, Jacqueline Cohen, Susan E. Martin, and Michael Tonry, eds. 1983. *RESEARCH ON SENTENCING: THE SEARCH FOR REFORM*. 2 vols. (Washington, DC: National Academy Press)
- Boerner, David. 1995. "Sentencing Guidelines and Prosecutorial Discretion." *JUDICATURE* 78 (Jan.-Feb.): 196-201
- Borsuk, Alan J. 1997. "Hard Time, Hard Truths in Prison Effort." *ONLINE MILWAUKEE JOURNAL SENTINEL NEWS* (May 25, 1997)
- Bureau of Justice Assistance (BJA). 1996. *NATIONAL ASSESSMENT OF STRUCTURED SENTENCING* (Washington, DC: Bureau of Justice Assistance)
- Campaign for an Effective Crime Policy (CECP). 1994. "Low-Level Drug Offenders: Lessons From the Drug Courts." (Washington, DC: Campaign for an Effective Crime Policy)
- _____. 1996. "The Impact of 'Three Strikes and You're Out' Laws: What Have We Learned?" (Washington, DC: Campaign for an Effective Crime Policy)
- Carrow, Deborah M. 1984. "Judicial Sentencing Guidelines: Hazards of the Middle Ground." *JUDICATURE* 68 (Oct-Nov): 161-71
- Carrow, Deborah M., Judith Feins, Beverly N. W. Lee, and Lois Olinger. 1985. *GUIDELINES WITHOUT FORCE: AN EVALUATION OF THE MULTI-JURISDICTIONAL SENTENCING GUIDELINES FIELD TEST*. Report to the National Institute of Justice. (Cambridge, MA: Abt Associates)
- Center for Court Innovation (and National Center for State Courts). 1997. "Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court." (SJI Grant No. 93-194)
- Connecticut Judicial Branch (CJB). 1996. "Briefing Folder: Alternative Sanctions Program."
- DiIulio, John J., Jr. 1991. *NO ESCAPE: THE FUTURE OF AMERICAN CORRECTIONS*. (NY: Basic Books)
- Donziger, Steven R., ed. 1996. *THE REAL WAR ON CRIME: THE REPORT OF THE NATIONAL CRIMINAL JUSTICE COMMISSION*. (New York: Harper Perennial)
- Drug Court Clearinghouse and Technical Assistance Project (DCCTAP). 1997. "Summary Assessment of the Drug Court Experience." (Washington, DC: American University)
- Drug Courts Program Office (DCPO), U.S. Department of Justice. 1997. "Defining Drug Courts: The Key Components." (Washington, DC: Department of Justice)
- Flaherty, Mary Pat and Joan Biskupic. 1996a. "Despite Overhaul, Federal Sentencing Still Misfires" ("Justice by the Numbers": 1st of 5 articles). *WASHINGTON POST* (Oct. 10, 1996)
- _____. 1996b. "Loss of Discretion Fuels Frustration on Federal Bench." *WASHINGTON POST* (Oct. 8, 1996)

- Frase, Richard. 1993. "Sentencing Guidelines in the States: Lessons for State and Federal Reformers." *FEDERAL SENTENCING REPORTER* 6, no. 3 (Nov.-Dec.)
- Furillo, Andy. "Most Offenders Have Long Criminal Histories," Pt. 1 of a 3-Part Series: "Three Strikes: The Verdict's In" *SACRAMENTO BEE*, (March 31, 1996): A1ff.
- Hornblower, Margot. 1996. "Three Strikes Are Out." *TIME* 148, no. 2 (July 1, 1996): 54.
- Kopel, David B. 1993. "Let's Repeal Mandatory Minimums." *NATIONAL LAW JOURNAL* (Dec. 6, 1993): 15-16
- Lungren, Dan. 1996. "Three Cheers for Three Strikes." *POLICY REVIEW* 80 (Nov.): 34-38
- MacKenzie, Doris Layton. 1994. "Boot Camps: A National Assessment." *OVERCROWDED TIMES* 5, no. 4 (August): 1ff
- Marshall, Steve. 1997. "Clinton OKs Changes in Sentencing for Cocaine." *USA TODAY* (July 23, 1997): 3A
- Mauer, Marc. 1996. "The Truth About Truth-in-Sentencing." *CORRECTIONS TODAY* 58, no. 1 (Feb. 1, 1996)
- _____. 1997a. "Americans Behind Bars: U.S. and International Use of Incarceration, 1995." (Washington, DC: The Sentencing Project)
- _____. 1997b. "Racial Disparities in Prison Getting Worse in the 1990s." *OVERCROWDED TIMES* 8, no. 1 (Feb. 1997): 1ff.
- Minnesota Sentencing Guidelines Commission. "Minnesota Sentencing Guidelines and Commentary, Sentencing Guidelines Grid." 1996.
- Mumola, Christopher J., and Allen J. Beck. 1997. "Prisoners in 1996." Bureau of Justice Statistics Bulletin (NCJ 164619)
- North Carolina Sentencing and Policy Advisory Commission (NCSPAC), Structured Sentencing Monitoring System. 1997. "Report for Felons: January through December 1996."
- _____. 1994. "Revised Summary of New Sentencing Laws and the State-County Criminal Justice Partnership Act." Felony Punishment Chart, 8.
- O'Reilly, Gregory W. 1996. "Truth-in-Sentencing: Illinois Adds Yet Another Layer of 'Reform' to Its Complicated Code of Corrections." *LOYOLA UNIVERSITY OF CHICAGO LAW JOURNAL* 27 (Summer): 985-1023
- Parent, Dale G. 1994. "Boot Camps Failing to Achieve Goals." *OVERCROWDED TIMES* 5, no. 4 (August): 8-11
- Petersilia, Joan, and Susan Turner. 1993. "Intensive Probation and Parole." In Michael Tonry, ed., *CRIME AND JUSTICE: A REVIEW OF THE RESEARCH*, Vol. 17. (Chicago: University of Chicago Press)
- Piehl, Anne Morrison and John J. DiIulio, Jr. 1995. "Does Prison Pay? Revisited." *BROOKINGS REVIEW* 13, no. 1 (Jan. 1, 1995)
- Proband, Stan C. 1994. "Habitual Offender Laws Ubiquitous." *OVERCROWDED TIMES* 5, no. 1 (Feb. 1994), 4.
- _____. 1995a. "Corrections Costs Lead State Budget Increases for 1995." *OVERCROWDED TIMES* 6, no. 2 (April), 1ff.
- _____. 1995b. "Corrections Leads State Appropriations Increases for '96." *OVERCROWDED TIMES* 6, no. 5 (Oct.): 4.
- _____. 1997. "Corrections Leads State Budget Increases in FY 97." *OVERCROWDED TIMES* 8, no. 4 (Aug): 4.
- RAND Drug Policy Research Center (DPRC). 1997. "Research Brief: Are Mandatory Minimum Drug Sentences Cost-Effective?" (Santa Monica, CA: RAND)
- RAND Research Brief. 1994. "California's New Three-Strikes Law: Benefits, Costs, and Alternatives." (Santa Monica, CA: RAND)
- Reiss, Albert J., Jr., and Jeffrey Roth, eds. 1993. *UNDERSTANDING AND CONTROLLING VIOLENCE* (Washington, DC: National Academy Press)
- Rich, William D., L. Paul Sutton, Todd D. Clear, and Michael J. Saks. 1982. *SENTENCING BY MATHEMATICS: AN EVALUATION OF THE EARLY ATTEMPTS TO DEVELOP SENTENCING GUIDELINES* (Williamsburg, VA: National Center for State Courts)
- Sharp, Deborah. 1997. "Slipping Off Electronic Shackles." *USA TODAY* (Sept. 3, 1997): 4A
- Tonry, Michael. 1996. *SENTENCING MATTERS*. (New York: Oxford University Press)
- _____. 1997. *INTERMEDIATE SANCTIONS IN SENTENCING GUIDELINES* (Washington, DC: National Institute of Justice)
- Tonry, Michael and Kathleen Hatlestad. 1997. *SENTENCING REFORM IN OVERCROWDED TIMES* (New York: Oxford University Press)
- Virginia Criminal Sentencing Commission (VCSC). 1996a. "1996 Progress Report." Brochure. (Richmond, VA: VCSC)
- _____. 1996b. *VIRGINIA CRIMINAL SENTENCING COMMISSION: 1996 ANNUAL REPORT* (Richmond, VA: VCSC)
- Walsh, Edward. 1996. "Growing Old Behind Bars: States are Confronted with the Costs

- of Meeting the Needs of Aging Inmates." WASHINGTON POST NATIONAL WEEKLY EDITION (July 22-28, 1996): 29
- Weich, Ronald. 1996. "The Battle Against Mandatory Minimums: A Report from the Frontlines." FEDERAL SENTENCING REPORTER 9, no. 2 (Sept.-Oct.)
- Wilson, James Q. 1994. "Prisons in a Free Society." THE PUBLIC INTEREST 117 (Fall)
- Yellen, David. 1997. "Little Progress in Federal Sentencing After 10 Years." OVERCROWDED TIMES 8, no. 3 (June): 1ff.

Notes

1. The following discussion of sentencing policy draws primarily from Bureau of Justice Assistance (BJA) 1996; Tonry 1996, Chaps. 1-2; and Tonry and Hatlestad 1997, Chap. 1.
2. *See, for example*, Rich et al 1982; Blumstein et al 1983, Chap. 4; Carrow 1984; Carrow et al 1985.
3. For a detailed discussion of the relevant impact literatures, see BJA 1996, Chap. 6; and Tonry 1996, Chap. 2.
4. Washington is the one state that attempted to address this issue, establishing voluntary standards for prosecutors to follow and establishing a mechanism for judicial review of plea bargains. Although no formal studies have been conducted, it is generally believed that these innovations had no concrete effect (Boerner 1995, 198-199).
5. This estimate is drawn from Patrick A. Langran, "America's Soaring Prison Population," SCIENCE 251 (March 1991), 1573.
6. "Although a number of federal district courts have declared the 100-to-1 rule unconstitutional because of its disparate impact on Blacks, and the Minnesota Supreme Court declared an equivalent state law unconstitutional, every federal court of appeals that has considered the law has upheld it" (Tonry and Hatlestad 1997, 236). In July 1997, President Clinton approved Attorney General Janet Reno's proposal to reduce the disparity to a 10-to-1 ratio; the question of whether this will be approved by the Congress, however, remains uncertain (Marshall 1997).
7. During the 1990s, at least 40 states have been subject to federal court orders related to prison overcrowding. During 1994-95, corrections budgets represented the fastest growing component of state budgets (see Proband 1995a, 1995b, 1997; Tonry 1996, 101).
8. This section (excepting "Drug Courts") summarizes the analysis presented in Tonry 1996, 109-127.
9. Telephone conversation with Professor Caroline Cooper, Drug Court Clearinghouse and Technical Assistance Project, American University, Washington, DC, October 1997.
10. Carol A. Horton, Ph.D., author. This essay was made possible by a grant from the State Justice Institute (SJI-96-02B-E-147), with additional funding from the Bureau of Justice Assistance and the National Institute of Justice. Points of view expressed herein do not necessarily represent the official position or policies of the American Judicature Society, the State Justice Institute, the Bureau of Justice Assistance, or the National Institute of Justice.

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APPENDIX B

Planning the Symposium

As noted in the *Acknowledgments*, many individuals contributed to the planning and implementation of the symposium. Below is a description of the planning process.

An advisory committee of judges and others with diverse perspectives, along with representatives of the State Justice Institute, Bureau of Justice Assistance and National Institute of Justice, guided the design of the symposium and the development of the substantive content. A list of project consultants and committee members and their affiliations is on page iii of this report.

The full committee met twice to determine symposium topics and identify possible faculty. They also worked in subcommittees to select the symposium site, identify faculty for specific symposium sessions, suggest appropriate invitees, develop hypothetical cases to guide discussion in general sessions II, III and IV, and comment on the post-symposium products.

Invitee selection. The symposium goals included educating the judiciary about the importance of their role in formulating sentencing policy and giving them an opportunity to hear and be heard on sentencing issues. Other goals were to bring together different actors in the sentencing process and offer opportunities for all participants to interact on a range of sentencing issues. Therefore, it was decided that a broad mix of participants with

varying perspectives on sentencing issues should be invited. One-third were to be judges. The other invitees would include legislators, executive branch officials, corrections, probation and parole officials, victims and victim rights advocates, scholars, prosecutors and defense attorneys, media representatives, former offenders, members of sentencing commissions and law enforcement officials. Some participants were recommended by advisory committee members. State chief justices were asked to designate judges in their states who would be appropriate attendees. The planners also sought recommendations from groups such as the National District Attorneys Association, National Association of Criminal Defense Counsel, National Institute of Corrections, National Governors Association, National Organization for Victim Assistance, and others.

Ultimately this process resulted in 280 symposium participants who did indeed represent the desired spectrum of viewpoints and experience.

Symposium design. Other symposium goals were to disseminate what is known about the impact of current sentencing practices on various populations and on the public's perception of justice, and to identify changes in procedure, new sources of information or education, and other innovations that might better ensure that a sentence serves its intended purpose.

To help accomplish these goals, an

introductory essay on past trends, current issues and future prospects in sentencing policy was distributed in advance to give all symposium participants a basic grounding in the topic. That essay is reproduced in Appendix A. In addition, a variety of symposium sessions were developed—general sessions on broad topics, concurrent sessions addressing narrower issues, and small-group discussions.

The general sessions were presented to all symposium participants and covered broad issue areas. They included the following, which are described in Chapter 2:

- I. *American Sentencing Practices in Perspectives of Other Times and Other Places;*
- II. *Reconciling Politics and Practice in Sentencing;*
- III. *The Sentencing Process: The View from the Bench;*
- IV. *Public Opinion, the Media and Sentencing Policy; and*
- V. *The Impact of Sentencing Policies on the Criminal Justice Process: A Systems Approach.*

A keypad responder system was employed in General Sessions II, III and IV to allow audience members to participate. After discussion of various hypothetical situations and sentencing options by session faculty, symposium participants used the responders to vote for their preferred options. See the various sections titled *The audience responds* in Chapter 2 for the results of these exercises.

Concurrent sessions. These seminar-style meetings were designed for groups of 30-35 persons to examine and discuss more narrowly-focused topics. The titles of the eight concurrent sessions offered are listed below. To see a brief description and faculty list for

each of these sessions, see Appendix C.

- *Community Justice, Drug Courts, Reinventing Probation: Can Sentencing Policies Be Invented To Accommodate Them All?*
- *Concepts of Restorative and Reparative Justice*
- *Examining the Impact of Various Sentencing Guideline Models*
- *The Impact of Incarceration: What Can and Cannot Be Accomplished by a Prison Sentence*
- *Fostering a Role for the Judiciary in Formulating Sentencing Policy: Models for Cooperation*
- *The Real Impact of Mandatory Minimums and Three-Strikes Laws*
- *The Growth of the Victim Rights Movement and Its Impact on Sentencing Policy and Practice*
- *Alternative Sanctions-An Appraisal of What's Available and What Works*

Small group discussions. These sessions were designed to meet not only the overarching goal of giving all participants an opportunity to interact on a range of sentencing issues, but also to fulfill the specific symposium goals of generating recommendations for specific changes in law, policy and procedure, and developing a model of a rational and effective process for formulating sentencing policy.

Participants were divided into small discussion groups that reflected the overall mix of attendees. They met three times during the symposium, and addressed the following tasks:

- *Identify the three most important problems with contemporary sentencing policy;*
- *List the most serious barriers to*

addressing the top three problems; and

- *Recommend strategies to overcome the barriers and improve the formulation of sentencing policy and practice.*

The results of the small-group deliberations on the first two tasks are reported in Chapter 3; their policy recommendations are discussed in Chapter 4.

This publication concludes with an annotated bibliography of recent literature on alternative sanctions and other sentencing-related issues. The bibliography is in Appendix D.

APPENDIX C

A National Symposium on Sentencing: The Judicial Response to Crime

Agenda

SATURDAY, NOVEMBER 1, 1997

3:00 p.m.-8:00 p.m.

Registration

Mission Foyer

2:00 p.m.-4:00 p.m.

Training for discussion group leaders

Mesa Room

FACULTY ORIENTATION

To be announced

6:30 p.m.-7:00 p.m.

Welcome

OVERVIEW OF THE SYMPOSIUM

Presidio Room

**Honorable John F. Daffron, Jr., Co-Chair,
State Justice Institute Board of Directors**

**Lawrence S. Okinaga, President, American
Judicature Society**

7:00 p.m.-7:45 p.m.

General Session I

American Sentencing Practices in Perspectives of Other Times and Other Places

Presidio Room

**Professor Michael Tonry, Martin Sonosky
Professor of Law, University of Minnesota**

8:00 p.m.

Dessert Reception

Presidio Room

SUNDAY, NOVEMBER 2, 1997

7:15 a.m.-8:15 a.m.

Continental Breakfast

Sierra/Padre Rooms

8:30 a.m.-10:30 a.m.

General Session II

Reconciling Politics and Practice in Sentencing

Presidio Room

As a means of examining the varying perspectives on sentencing policy and practice (i.e., ethical, legal, and political), hypothetical problems will be posed to a group of speakers with diverse perspectives. These situations illustrate the multi-faceted and often conflicting factors that influence the application of sentencing policy in individual cases. Audience members will participate by using a responder system to vote how they would resolve the dilemmas posed in the hypotheticals.

**Sandra A. O'Connor, State's Attorney of
Baltimore County, Moderator**

Honorable Kathleen Gearin, Minnesota District Court, St. Paul

Honorable Reggie B. Walton, Superior Court, Washington, DC

Terence F. MacCarthy, Federal Public Defender, Chicago

Thomas J. Charron, Cobb County District Attorney, Marietta, GA

Dora Schriro, Ed.D., Director, Missouri Department of Corrections

William B. Moffitt, Esq., Asbill, Junkin & Moffitt, Washington, DC

Nelson J. Marks, Deputy Director, Project Return, New Orleans

Representative Sally Fox, Vermont House Majority Whip

10:30 a.m.-10:45 a.m.

Break

Mission Foyer/Mission Patio

10:45 a.m.-12:15 p.m.

CONCURRENT SEMINARS (choose one)

1. Community Justice, Drug Courts, Re-inventing Probation: Can Sentencing Policies Be Crafted To Accommodate Them All?

Sunset Room

There is an enduring tension between two traditional demands of justice—the interest in making sentences equitable and the desire to individualize justice. This session will focus on emerging trends toward expanding community participation, employing more effective methods of correctional intervention, and other developments that might conflict with the goal of greater uniformity in sentencing. Panelists will explore how such innovative practices as circle sentencing, probation with a cognitive/behavioral emphasis, and judicially directed treatment initiatives might be reconciled with structured sentencing policies.

M. Kay Harris, Associate Professor & Chair, Department of Criminal Justice, Temple University, Philadelphia, Moderator

Honorable Legrome Davis, Supervising Judge, Criminal Division, First Judicial District of Pennsylvania, Philadelphia Court of Common Pleas

Mark Carey, Director, Dakota County Community Corrections, Hastings, MN

Honorable Barry Stuart, Yukon Territorial Court, Whitehorse, Yukon

David A. Savage, Deputy Secretary, State Department of Corrections, Olympia, WA

Robert A. Ravitz, Public Defender of Oklahoma County, Oklahoma City

2. Concepts of Restorative and Reparative Justice

DeAnza Room

This session will explore the two concepts at the heart of the Native American justice paradigm. Restorative principles refer to the process of renewal of damaged personal and community relationships. Reparative principles refer to the process of improving the situation for those affected by an offender's behavior.

Hon. Veronica Simmons McBeth, Los Angeles Municipal Court; Moderator

Honorable Edward J. Cashman, Vermont Su-

preme Court

Mary Achilles, Office of the Victim Advocate, PA Office of Probation & Parole

Fred Gay, Bureau Chief, Polk County Attorney's Office, Des Moines, IA

Honorable Robert Yazzie, Chief Justice, Navajo Nation Supreme Court

3. Examining the Impact of Various Sentencing Guideline Models

Adobe Room

This session will examine the impact of sentencing guidelines systems on, for example, crime, the corrections system and prison populations, the discretion of judges, and public confidence in the system. Whether guidelines systems reduce disparity in sentencing will also be addressed, as will the role of appellate review in the sentencing process.

Professor Kevin Reitz, University of Colorado School of Law; Moderator

James Austin, Ph.D., National Council on Crime and Delinquency

John H. Kramer, Executive Director, U. S. Sentencing Commission

Honorable Thomas W. Ross, North Carolina Superior Court, Greensboro

Honorable Robert J. Lewis, Jr., Kansas Court of Appeals

4. The Impact of Incarceration: What Can and Cannot Be Accomplished by a Prison Sentence

Friars Room

Beginning with a discussion of the goals of incarceration—incapacitation, deterrence, rehabilitation, and retribution—this session will address a number of difficult questions: Who should go to prison? What can reasonably be achieved by sending someone to prison? What are some expectations and misconceptions about incarceration?

Morris Thigpen, Director, National Institute of Corrections, Moderator

Hon. Frank A. Hoover, Bakersfield, CA, Municipal Court

Chase Riveland, Riveland Associates; former director, Washington Department of Corrections

Linda Price Baker, Project Genesis, Alexandria, VA

Hon. Joan B. Carey, Deputy Chief Administrative Judge, New York City Courts

Michael J. Mahoney, President/CEO, John Howard Association, Chicago

5. *Fostering a Role for the Judiciary in Formulating Sentencing Policy: Models for Cooperation*

Presidio Room

Judges are often not included in the process of fashioning sentencing policy. This session will discuss how some states involve all three branches in formulating sentencing policy and what the benefits and downfalls of it have been. The faculty will also seek to identify some characteristics of workable cooperative models. A responder system will be used to allow participants to voice their opinions on contested issues and provide information and recommendations to be incorporated into the post-symposium manual.

Hon. Theodore A. McKee, U. S. Court of Appeals for the Third Circuit, Philadelphia, Moderator

Hon. Ronald S. Reinstein, Maricopa County (AZ) Superior Court

Francis J. Carney, Jr., Executive Director, Massachusetts Sentencing Commission

Senator Allan Spear, Chair, Minnesota Senate Crime Prevention Committee

6. *The Real Impact of Mandatory Minimums and Three-Strikes Laws*

Mesa Room

This session is designed to move beyond anecdote, ideology, and rhetoric in order to address what the research tells us about the impact of mandatory minimums and three-strikes laws on crime rates and recidivism, on ethnic and racial minorities and women, as well as on judicial discretion, corrections facilities, prosecutors and defense attorneys, and other actors in the criminal justice system.

Michael Tonry, Martin Sonosky Professor of Law, University of Minnesota, Moderator

Honorable Tommy Jewell, Second Judicial District Court, Albuquerque

Julie Stewart, President, Families Against Mandatory Minimums Foundation, Washington, DC

Todd Clear, Professor and Associate Dean, School of Criminology, Florida State University

Professor Daniel Nagin, School of Urban &

Public Affairs, Carnegie Mellon University

7. *The Growth of the Victim Rights Movement and Its Impact on Sentencing Policy and Practice*

El Camino Room

How has the victims' rights movement influenced the evolution of sentencing policy? What do victims need and want from the criminal justice system? How has the system responded? How do victim advocates view alternative sanctions?

John H. Stein, Deputy Director, National Organization for Victim Assistance, Washington, DC, Moderator

Ginny Mahoney, victim advocate; President, Mahoney Consulting Services, Towson, MD
Wm. Van Regenmorter, Chair, Michigan Senate Judiciary Committee

Honorable Reggie B. Walton, Superior Court, District of Columbia

Sandra A. O'Connor, State's Attorney for Baltimore County, Towson, MD

Heidi Urich, Executive Director, Massachusetts Victim and Witness Assistance Board

8. *Alternative Sanctions—An Appraisal of What's Available and What Works*

Padre Room

This session will examine a range of creative alternative sanctions that are available and discuss what research results tell us about the effectiveness of the various options, including their impact on recidivism. The panel will discuss the impact of alternative sanctions from their varying perspectives.

Professor Michael E. Smith, University of Wisconsin Law School, Moderator

Professor Edward Latessa, Division of Criminal Justice, University of Cincinnati

Norman Helber, Chief Probation Officer, Maricopa County, AZ

Janice Harris Lord, Consultant—Crime Victim Issues, MADD, Arlington, TX

Hon. Ted Poe, 228th District Court, Houston, TX

Leo Hayden, Executive Director, Corrections Options Program Services, Chicago

12:15 p.m.-1:15 p.m.

Lunch

San Diego Room

1:30 p.m.-3:15 p.m.

General Session III

The Sentencing Process: The View From the Bench

Presidio Room

Session faculty will explore issues such as the challenge of rendering individualized justice; the costs and benefits of unfettered discretion in sentencing versus the impact of sentencing guidelines; how sentencing decisions are influenced by the options available to the judge, where the sentence would be served, and how much time actually would be served; time pressures and constraints on judges in high-volume courts; and the role of victims in the sentencing process.

Raymond M. Brown, Brown & Brown; Court-TV; Moderator

Honorable Thomas R. Fitzgerald, Presiding Judge, Criminal Div., Circuit Court of Cook County

Honorable Jesus Rodriguez, Superior Court of San Diego, South Bay Branch Court

Honorable Kym Worthy, Wayne County Circuit Court, Criminal Division, Detroit

Honorable Richard S. Gebelein, Delaware Superior Court

Honorable Carolyn Engel Temin, Philadelphia Court of Common Pleas

Honorable Van D. Zimmer, Iowa District Court, Cedar Rapids

3:15 p.m.-3:30 p.m.

Break

Mission Foyer/Mission Patio

3:30 p.m.-5:00 p.m.

Small Group Discussions

See "Small Group Assignments" for meeting rooms

Evening free

MONDAY, NOVEMBER 3, 1997

7:30 a.m.-8:15 a.m.

Continental Breakfast

Sierra/Padre Rooms

8:30 a.m.-10:15 a.m.

General Session IV

Public Opinion, the Media and Sentencing Policy

Presidio Room

Session faculty will discuss such issues as

how one case given a high profile (possibly distorted) by the media can have an inordinate impact on the formulation of sentencing policy; why the public fear of crime is rising while crime rates are declining; informing the public of the consequences of various sentencing options, including the costs of a "lock-em-up" policy; the role of judges, members of the other branches of government, law enforcement and the media in responding to public perceptions that the criminal justice system does not work; and how various actors in the process reinforce that perception. This session will also present another opportunity for a Socratic dialogue and to use the responder system.

Thomas S. Hodson, Eslocker, Hodson & Oremus, Athens, OH, Moderator

Honorable Gerald Bruce Lee, Fairfax County Circuit Court, Fairfax, VA

Honorable Dana Levitz, Baltimore County Circuit Court, Towson, MD

Stephanie Tubbs Jones, Cuyahoga County (OH) Prosecutor and former judge

Neal Sonnett, Criminal Defense Attorney, Miami

Representative Michael Lawlor, Co-Chair, Joint Judiciary Committee, Connecticut

Professor Joseph Angotti, University of Miami, School of Communications

Linda Deutsch, Special Correspondent, Associated Press, Los Angeles

10:15 a.m.-10:30 a.m.

Break

Mission Foyer/Mission Patio

10:30 a.m.-11:45 a.m.

Small Group Discussions

See "Small Group Assignments" for meeting rooms

12:00 p.m.-1:00 p.m.

Lunch

Presidio Room

1:15 p.m.-2:45 p.m.

CONCURRENT SEMINARS 1-8 REPEATED (choose one)

- 1. Community Justice, Drug Courts, Re-inventing Probation***
- 2. Concepts of Restorative and Reparative Justice***
- 3. Examining the Impact of Various Sentencing Guidelines Models***

4. *The Impact of Incarceration: What Can and Cannot Be Accomplished by a Prison Sentence*
5. *Fostering a Role for the Judiciary in Formulating Sentencing Policy: Models for Cooperation*
6. *The Real Impact of Mandatory Minimums and Three Strikes Laws*
7. *The Growth of the Victim Rights Movement and Its Impact on Sentencing Policy and Practice*
8. *Alternative Sanctions: An Appraisal of What's Available and What Works*

2:45 p.m.-3:00 p.m.

Break

Mission Foyer/Mission Patio

3:00 p.m.-4:15 p.m.

Small Group Discussions

See "Small Group Assignments" for meeting rooms

4:30 p.m.-5:45 p.m.

General Session V

The Impact of Sentencing Policies on the Criminal Justice Process: A Systems Approach

Presidio Room

Following the formulation of sentencing policy, actors in the criminal justice system at the state and local level must implement and deal with the social, economic and political consequences of the policy. District attorneys, public defenders, court personnel, corrections officials and law enforcement officials, as well as community activists, must work with defendants, victims, inmates and recidivists and with members of the public to whom they are accountable. Just as they benefit from sound policy, they must deal with the shortcomings of existing sentencing policy. Thus, it makes good sense to give them a role in the formulation process. This session will focus on these issues and explore the existing lines of communication between these actors and the policy makers and how they might be improved.

Prof. Erwin Chemerinsky, The Law School, U.S.C., Los Angeles, Moderator
 Peter Greenwood, Ph.D., Director, Criminal Justice Program, RAND Corporation
 Honorable David Mitchell, Baltimore City Circuit Court

Christopher Johns, Maricopa County (AZ)
 Deputy Public Defender

Elizabeth Loconsolo, General Counsel, New York City Department of Correction

Madeline M. Carter, Senior Associate, Center for Effective Public Policy, Silver Spring, MD

James Greene, Deputy Director, Field Services, Connecticut Office of Alternative Sanctions

Representative James W. Mason, Chair, Criminal Justice Committee, Ohio House of Representatives

Arthur C. (Cappy) Eads, District Attorney, Belton, TX

7:15 p.m.

Cash Bar Reception

Mission Foyer/Mission Patio

8:00 p.m.

Dinner

Presidio Room

TUESDAY, NOVEMBER 4

8:00 a.m.-8:45 a.m.

Continental Breakfast

Presidio Room

9:00 a.m.-10:30 a.m.

Closing General Session VI

Presidio Room

David I. Tevelin, Executive Director, State Justice Institute

Sandra Ratcliff Daffron, Executive Vice President, American Judicature Society

Small Group Reports and Participants' Votes on Priorities.

This session will provide an opportunity for three or four representatives of the twenty small groups to present their recommendations and strategies to make more effective sentencing policy. Participants will use the responder system to prioritize the recommendations, which will be included in the post-symposium manual.

10:30 a.m.

Adjourn

A National Symposium on Sentencing: The Judicial Response to Crime

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APPENDIX D

Annotated Bibliography

By Author

Alabama State Bar. *Community Punishment and Corrections of Adults in Alabama*. (Alabama Lawyer: May 1998). Article provides a history of alternative sanctions in Alabama including reviews of the "Split-Sentence Act" and the "Alabama Community Punishment and Corrections Act". It also offers a review of current community correction activities in the state.

Anderson, David C. *Sensible Justice: Alternatives to Prison*. (The New Press: 1998). Anderson explores feasible, rehabilitative alternatives—electronic surveillance and house arrest, drug and sex offender treatment, community service, military style boot camps, repaying crime victims, etc.—to the current penal system, which he says houses more than 1.5 million people at up to \$20,000 each per year.

Austin, James B.; Barbara Bloom and Trish Donahue. *Female Offenders in the Community: An Analysis of Innovative Strategies and Programs*. (U.S. Department of Justice, Washington DC: 1993). Report provides a descriptive analysis of strategies and programs that appear to provide effective supervision and/or treatment of female offenders in community settings. It describes the results of a national survey of community provisions administered by public and private agencies that oversee women from pretrial to post-institutional status.

Bourque, Blair B.; Mei Han and Sarah M. Hill. *A National Survey of Aftercare Provisions for Boot Camp Graduates* (NIJ, Washington, DC: May 1996). Analyzes the results of an NIJ-sponsored survey of 52 boot camps and their aftercare programs. Reports that boot camps fail to lower rates of recidivism. Addresses the situation as a possible result of shortcomings in aftercare programs for boot camp graduates.

Bureau of Justice Assistance. *Critical Ele-*

ments in the Planning, Development, and Implementation of Successful Correctional Options (Bureau of Justice Assistance, Rockville, MD: February 1998). This monograph evaluates the activities and tasks involved in the design, implementation, and operation of correctional options based on the experiences of nine correctional agencies funded under BJA's Correctional Options Demonstration Program. The study provides a description and evaluation of BJA's attempt to provide financial and technical assistance to public agencies and non-profit organizations for the development and evaluation of cost-effective correctional options that reduce reliance on traditional models of incarceration while enhancing the reintegration of nonviolent offenders into the community.

_____. *How To Use Structured Fines (Day Fines) as an Intermediate Sanction*. (Bureau of Justice Assistance, Washington, DC: November 1996). Presentation of guidelines for practitioners who are considering using structured fines as part of their overall sentencing system. Offers planning and operation instructions applicable to every jurisdiction, such as how to set goals and priorities, develop a unit scale that ranks offenses by severity, calculate fine amounts, and impose a structured fine sentence. Collection methods and techniques, critical to the overall success of a structured fine program are also discussed.

_____. *National Assessment of Structured Sentencing*. (Bureau of Justice Assistance & NCJ: February 1996). Monograph presents the findings of the first national assessment of sentencing reforms. The publication offers lessons learned through the diverse efforts to structure sentencing over the past two decades. Text gives a historical perspective of sentencing practices used in the U.S., with a discussion of issues that led to the structured sentencing movement. The research in the monograph is based on a na-

- tional survey of existing sentencing practices in the 50 states and Washington DC.
- _____. *Treatment Alternatives to Street Crime: Trainer's Manual: Training Manual*. (Bureau of Justice Assistance, Washington DC: 1993). Training manual for facilitators of the TASC program, a program seeking to find alternatives to incarceration for drug-involved offenders. Set up in lesson format, the text provides a description of TASC and offers insight into the training/preparation of program staff.
- Burke, Peggy B. *Policy-Driven Responses to Probation and Parole Violations*. (Center for Effective Public Policy: 1997). Report on new innovations in the face of offender violations to probation and parole. Text looks at many jurisdictions' different attempts at changing parole policy and evaluates their effectiveness.
- Center for Effective Public Policy, *Facilitating the Appropriate Use of Intermediate Sanctions: A Series of Four Video Seminars*. This State Justice Institute supported educational series includes Seminar I: An Introduction to Intermediate Sanctions for Judges; Seminar II: The Judicial Role in the Development and Use of Intermediate Sanctions; Seminar III: The Policy Team's Role in Developing and Implementing Intermediate Sanctions; and Seminar IV: Getting Started—A Guide for a Policy Team Meeting on the Appropriate Use of Intermediate Sanctions. The series is designed for use in judicial education programs, but is of interest to anyone interested in exploring the topic of intermediate sanctions. Each video has an accompanying coordinator's guide, which includes facilitator's tips, discussion questions, and a list of additional resources. See also McGarry and Carter, *The Intermediate Sanctions Handbook: Experiences and Tools for Policymakers*.
- Chaiken, Marcia R. *Kids, Cops, and Communities*. (NIJ Office of Justice Programs: June 1998). Provides an evaluation of national youth organizations—Boy/Girl Scouts, 4H Clubs, etc.—focusing their efforts on providing alternative recreation for youth at risk of becoming involved in criminal activity. The study pays particular attention to the ways police and local affiliates interact with such organizations at the neighborhood level.
- Clark, Cherie L.; David W. Aziz and Doris L. MacKenzie. *Shock Incarceration in New York: Focus on Treatment*. (NIJ Program Focus: August 1994). Article evaluates four New York shock incarceration (boot camp) facilities. Addresses issues such as cost effectiveness, recidivism, and academic progress in camp graduates. Also examines "Network," a program in which camp staff receive special training integrating academic, self-discipline, and substance abuse education.
- Clarke, Stevens H.; Yuan-Huei W. Lin; W. LeAnn Wallace. *Probationer Recidivism in North Carolina: Measurement and Classification of Risk*. (Institute of Government, University of North Carolina at Chapel Hill: 1988). Study measures the rate of recidivism among North Carolina adult probationers to determine whether risk classification methods can be improved using data available to state agencies. It establishes a risk classification system for probationers, attempts to develop a method to predict recidivism, and offers ways to improve probationary sentencing.
- _____. and Amy Craddock. *An Evaluation of North Carolina's Intensive Juvenile Probation Program*. (Institute of Government, University of North Carolina at Chapel Hill: 1987). Study evaluates an experimental probation program in four counties where probationers were given an option to enter a rehabilitative training school or receive standard probationary services. The evaluation tracks the participants, measures their willingness to participate and the program's drop-out rate, and offers a comprehensive evaluation of the program as a whole.
- Cowles, Ernest L.; Thomas C. Castellano and Laura A. Gransky. "Boot Camp" Drug Treatment and Aftercare Interventions: An Evaluation Review. (NIJ Research in Brief: July 1995). Provides an assessment of adult boot camp programming with emphasis on substance abuse treatment and aftercare, based on empirical data from survey responses, site visits and interviews.
- Doble, John. *Using Alternative Sentences: The Views of the People in Alabama*. (AJS, Juridature: Dec.1989/Jan.1990). Article provides commentary on the results of a survey of Alabama residents strongly supporting alternative sentencing. Article also contains a brief cost comparison of sentencing

- alternatives.
- Drug Court Clearinghouse and Technical Assistance Project. *Summary Assessment of the Drug Court Experience*. (Office of Justice Programs & American University, Washington, DC: May 1997). Provides an evaluation of drug court/treatment-centered programs compared with traditional case disposition processes. Also gives the enrollment and retention rate for states conducting drug court programs.
- _____. *Looking at a Decade of Drug Courts*. (Office of Justice Programs & American University, Washington, DC: 1998). Publication provides both a historical and analytical examination of drug courts from their 1989 beginning in Dade County, Florida to their current establishment in 48 states. The report highlights the major areas in which drug courts differ from traditional adjudication processes and salient accomplishments to date.
- English, Kim; Suzanne Pullen and Linda Jones. *Managing Adult Sex Offenders on Probation and Parole: A Containment Approach*. (American Probation and Parole Association, Lexington: 1996). Monograph examines programs dealing with sex offenders placed in community-probation, parole, and community-corrections programs. The monograph stresses a "containment approach" to sentencing that emphasizes accountability and constant supervision of sex offenders.
- Fields, Charles B. *Innovative Trends and Specialized Strategies in Community-Based Corrections*. (Garland Publishing, New York: 1994). Case study examines various forms of individualized sentencing—alternative sanctions tailor-made to fit offenders. Examples of these individualized programs include Scared Straight, coroner autopsy tours, sensitivity training/workshops, etc. The study looks at examples of each program, examining the pros and cons of each.
- Finn, Peter and Andrea K. Newlyn. *Miami Drug Court Gives Drug Defendants a Second Chance*. (AJS, Judicature: Mar/Apr 1994). Article containing history, structure, and analysis on Dade County, Florida's "Diversion and Treatment Program," a court operated rehabilitation program which, if completed successfully, results in the dismissal of low-level drug charges.
- Florida Legislature Juvenile Justice Advisory

Board. *1997 Annual Report and Juvenile Justice Fact Book*. (Juvenile Justice Advisory Board, Tallahassee: 1997). Introductory pages in the report state Florida's vision, mission and goals concerning their juvenile justice programs. The report describes the current status, extent of programs, and expenditures of the Florida juvenile system. It also contains information on ongoing programs such as those dealing with chronic offenders and community outreach programs.

Frase, Richard S. *Sentencing Guidelines in the States: Lessons for State and Federal Reformers*. (Federal Sentencing Reporter, vol. 10, no. 1: Jul/Aug 1997). Article addresses the differences between state and federal guidelines with a summary of state systems and their major variations including differences in the application of alternative sanctions.

_____. *State Sentencing Guidelines: Still Going Strong*. (AJS, Judicature: Jan/Feb 1995). Article examines several aspects of sentencing guidelines with emphasis on the state level. Frase addresses intermediate sanctions through a comparison with incarceration and among the sanctions themselves. He also addresses how such sanctions are regulated (whether through the state legislatures, sentencing commissions, or both) and addresses both the descriptive and prescriptive nature of sanction options. Article also contains several tables tracking state progression.

Harvard Law Review Association. *Alternative Punishments: Resistance and Inroads*. (Harvard Law Review, Cambridge: May 1998). Article examines the "legal obstacles" and "argumentative biases" facing alternative sanctions. It also presents the divergent views on intermediate sanctions in legal academia, the political arena, and the media. The article examines case law in states using alternative sanctions and looks at problems facing alternative sentencing on the federal level.

_____. *Alternatives to Incarceration*. (Harvard Law Review, Cambridge: May 1998) Article provides a variety of information on intermediate sanctions. Beginning with an overview of alternative sanctions, the article gives an in-depth discussion of problems facing sanctions as well as specific problems facing subgroups such as women.

- _____. *Alternatives to Incarceration for Drug-Abusing Offenders*. (Harvard Law Review, Cambridge: May 1998). Article is similar to the former, but focuses on drug-related sanctions alone. The first part of the article examines the drug problem in America. Sanctions are examined in terms of cost-effectiveness, ability to rehabilitate offenders, and the ability to reduce recidivism.
 - _____. *Changes in Prison and Crime Demographics*. (Harvard Law Review, Cambridge: May 1998). Article discusses shifts in criminal activity, enforcement, and punishment. It examines why the crime rate has recently grown and puts recent crime rates into a modern context. It also looks at recent demographic trends for prisons, probation, and parole, paying special attention to drug crimes. The article concludes with a section examining various costs stemming from the correction system and a review of several types of intermediate sanctions.
 - _____. *The Legality of Innovative Alternative Sanctions for Nonviolent Crimes*. (Harvard Law Review, Cambridge: May 1998). Article reviews the emergence of alternative sanctions, surveys the scope of recent innovations, and examines communitarian alternatives to incarceration. It also looks at legal challenges to alternative sanctions. The article focuses on two goals for probation/sanctions: offender rehabilitation and citizen protection.
- Justice Research and Statistics Association, *State and Local Programs: Treatment, Rehabilitation, and Education*. (Justice Research and Statistics Association: June 1994). Study reports the results of the Bureau of Justice Assistance State Reporting and Evaluation Program's State and Local Programs Working Meeting: Treatment, Rehabilitation, and Education, held April 7-9, 1994 in San Francisco. Publication identifies treatment, rehabilitation, and education programs at the state and local level. The first section presents perspectives from four national experts. The second section presents a state's perspective. The final section documents the state and local programs that were presented at the workshop.
- Kauder, Neal B.; Brian J. Ostrom; Meredith Peterson and David Rottman. *Sentencing Commission Profiles: State Sentencing Policy and Practice in Action Partnership*. (National Center for State Courts: 1997).
- Text outlines how eighteen states have approached the development and implementation of structured sentencing laws and guidelines. It provides a summary of the goals, structure, and mechanics of each sentencing guideline system currently in place or slated to come on line shortly. It also illustrates each system's organization in a grid or worksheet scheme.
- Klein, Andrew R. *Alternative Sentencing, Intermediate Sanctions and Probation, 2nd edition*. (Anderson Publishing: 1997). Text provides a comprehensive view of criminal justice, courts and probation, as well as solutions to the challenges of criminal sentencing. It gives examples of alternative and intermediate sentences and examines each of their major components. The book details sentences that effectively punish offenders while at the same time addressing concerns such as rehabilitation, deterrence and justice.
- Knapp, Kay A. *Structured Sentencing: Building on Experience*. (AJS, Judicature: June/July 1988) Article is primarily concerned with determinate and presumptive, legislatively mandated sentencing reforms. Intermediate sanctions are dealt with as an alternative to incarceration. The article also points out several obstacles (mostly administrative and financial) to intermediate sanctions.
- Litowitz, Douglas. *The Trouble With "Scarlet Letter" Punishment: Subjecting Criminals to Public Shaming Rituals as a Sentencing Alternative Will Not Work*. (AJS, Judicature: Sept/Oct 1997). Article examines the imposition of public humiliation on offenders as an alternative to incarceration.
- Lyon, Eleanor. *Longitudinal Study: Alternative to Incarceration Sentencing Evaluation, Year 3*. (Prepared by: The Justice Education Center, Inc: September 1996). Provides a statewide evaluation of Connecticut's alternative to incarceration programs. Study provides longitudinal information on both pretrial and sentenced clients.
- MacKenzie, Doris L. and Eugene E. Hebert, Ed. *Correctional Boot Camps: A Tough Intermediate Sanction*. (NIJ: February 1996). Book provides a comprehensive analysis of adult boot camps. Various chapters examine the progression of camps from their beginnings and continues on to the national level. Examines state, federal, and county

boot camps. Provides both descriptive and analytical information as well as authors' evaluation of programs.

Mauer, Marc. *Americans Behind Bars: U.S. and International Use of Incarceration, 1995*. (The Sentencing Project, Washington DC: June 1997). Report examines the variations in the degree to which nations make use of incarceration as punishment for offenses and to hold offenders awaiting trial. It also makes comparisons between crime rates and the use of incarceration as punishment.

McGarry, Peggy and Madeline M. Carter, Ed. *The Intermediate Sanctions Handbook: Experiences and Tools for Policymakers*. (National Institute of Corrections: 1993). A joint project between the State Justice Institute and the National Institute of Corrections, the handbook includes practical, how-to articles about establishing and maintaining the policy team, creating sentencing policy, setting goals, developing an information system to monitor sentencing, and building public acceptance and support. The result is a step-by-step guide to the formation and maintenance of an intermediate sanctions process. See also preceding entry for Center for Effective Public Policy's *Facilitating the Appropriate Use of Intermediate Sanctions: A Series of Four Video Seminars*.

McGillis, Daniel. *Community Mediation Programs: Developments and Challenges*. (NIJ: July 1997). Report examines developments in the community mediation field over the past twenty years along with the achievements and challenges facing mediation programs. The report also looks at the evolution of mediation programs, diversification within such programs, and the major resources available to the mediation field.

Meagher, Deborah; Kitty B. Herrin and John H. Madler. *Structured Sentencing Monitoring System Report for Felons: January Through December 1996*. (North Carolina Sentencing and Policy Advisory Commission: June 1997). Report examines data on offenders convicted of felonies under structured sentencing during 1996. It presents information such as the number of felony convictions by month, offense class and prior record level, demographic characteristics of offenders, types of punishments imposed, conformity of sentences, types of

intermediate punishments imposed, and other issues.

Minnesota Sentencing Guidelines Commission. *Minnesota Sentencing Guidelines and Commentary*. (Minnesota Sentencing Guidelines Commission, St. Paul Minn: August 1996). The commission's purpose is to formulate unbiased sentencing guidelines for all offenders. In addition, the commission holds that sentencing must be in proportion to an offender's crime and past record. This text provides sentencing guidelines along with classification grids for allocating sentences to offenses based on their severity.

Morris, Norval and Michael Tonry. *Between Prison and Probation*. (Oxford University Press: 1990). Saying that "too many criminals are in prison and too few are the subjects of enforced controls in the community," the authors argue for "intermediate punishments" as sentencing choices. Choices include intensive probation, financial sanctions and the community service order, as well as combinations of the preceding.

National Center for State Courts. *Sentencing Digest: Examining Current Sentencing Issues and Policies*. (National Center for State Courts: 1998). Publication provides a brief summary of available knowledge on judicial discretion, truth-in-sentencing, judicial disparity, and intermediate sanctions. On each general topic, the text gives a history, definition and comparison between states. It also points to additional sources for further information.

_____. *Sentencing Commission Profiles: State Sentencing Policy and Practice Research in Action Partnership*. (National Center for State Courts: 1998) Describes how 18 states have developed and implemented structured sentencing laws and guidelines. It summarizes the goals, structure and mechanics of each sentencing guidelines system. It also includes each system's grid or worksheet scheme.

National Council of Juvenile and Family Court Judges. *Recommendations from a National Symposium-The Janiculum Project: Reviewing the Past and Looking Toward the Future of the Juvenile Court*. (State Justice Institute and the Office of Juvenile Justice and Delinquency Prevention: 1998). Results and reflections on a three day symposium (Sept. 28-Oct. 1, 1997) attended by judges,

prosecutors, defense counsel, court managers, probation officials, victims' advocates, and scholars concerned with the juvenile court system. The symposium focused on the idea that juvenile court should remain separate from adult court and provide individualized attention to youthful offenders and focus on the correction of their behavior.

National Institute of Corrections. *Community Justice: Striving for Safe, Secure, and Just Communities*. (National Institute of Corrections, Louisville, Colorado: 1996). Collection of recent articles on various programs—community policing, mediation centers, etc.—aimed at bringing the criminal justice system closer to citizens. Various chapters focus on restorative justice, the role of risk assessment, neighborhood supervision, and the impact of probation programs on the community.

North Carolina Sentencing and Policy Advisory Commission. *Revised Summary of New Sentencing Laws and the State-County Criminal Justice Partnership Act*. (North Carolina Sentencing and Policy Advisory Commission: April 1994). Summary of new sentencing policies enacted in North Carolina during 1993 creating a system of structured sentencing coupled with a comprehensive community corrections plan. The changes hoped to make new sentencing policies consistent and certain, truthful, set in prioritized order, and supported by adequate prison, jail, and community resources.

Parent, Dale; Terence Dunworth, Douglas McDonald and William Rhodes. *Key Issues in Criminal Justice: Intermediate Sanctions* (NIJ Research in Action: January, 1997). Reviews the pros and cons of intermediate sanctions and suggests remedies to common problems. Pays particular attention to intensive supervision programs (ISPs), home confinement (with and without electronic monitoring) community service orders, prison boot camps, day fines, and day reporting centers.

_____. Terence Dunworth, Douglas McDonald, and William Rhodes, *Key Issues in Criminal Justice: Mandatory Sentencing* (NIJ Research in Action: January, 1997). Primarily dealing with mandatory sentencing, the article addresses alternative sanctions as an alternative to mandatory policies.

Pearce, Sandy C.; Jeanne Olderman. *Community Corrections in the United States: A Summary of Research Findings*. (North Carolina Sentencing and Policy Advisory Commission, Raleigh NC: 1995). Report evaluates the effectiveness of community corrections in their ability to reduce recidivism, act as a deterrence to crime, and other criteria of effectiveness. Correction methods covered are as follows: traditional and day fines, regular and intensive probation, community service, electronic monitoring, day reporting centers, boot camps/shock incarceration, residential facilities, split-sentence programs, and client-specific planning programs.

Pennsylvania Commission on Sentencing. *Sentencing in Pennsylvania 1995: 1995-1996 Annual Report*. (Pennsylvania Commission on Sentencing: 1996). The purpose of the Pennsylvania commission is to establish sentencing guidelines for Pennsylvania judges to promote equity and fairness by providing all judges with a common reference point for sentencing similar offenders sentenced of similar crimes. Guidelines focus on the seriousness of the offender's current offense and the seriousness/extent of their prior record.

Petersilia, Joan. *Probation in the United States: Practices and Challenges*. (NIJ Journal, Issue No. 233: September 1997). Article attempts to assemble what is known about U.S. probation practices and give suggestions on meeting the problems facing probation agencies. It deals with both public policy and administrative issues.

Peterson, Eric. *Juvenile Boot Camps: Lessons Learned*. (Juvenile Justice Clearinghouse: 1996). Study evaluates juvenile boot camps in Ohio, Colorado, and Alabama. The study evaluates camps from their conception through a 6-to-9 month aftercare program following a three-month camp residence. Evaluates camps on their effectiveness in reducing recidivism, improving academic performance, lowering treatment costs, and inculcating positive values.

Reitz, Kevin R. and Curtis R. Reitz. *Building a Sentencing Reform Agenda: the ABA's New Sentencing Standards*. (AJS, Judicature: Jan/Feb 1995). The article examines the drafting history of four major proposals included in the ABA's 1994 Standards for Criminal Justice Sentencing standards:

- (1)Every jurisdiction should establish a permanent sentencing commission or equivalent agency;(2)The agency should create determinate sentencing provisions to guide the exercise of discretion by sentencing courts;(3)The legislature and agency should design the sentencing system so that aggregate sentences are matched with correctional resources; and (4)The legislature and agency should expand the use of sanctions other than imprisonment.
- Reitz, Kevin R. and Leonard Orland. *Epilogue: A Gathering of State Sentencing Commissions*. (from "A Symposium on Sentencing Reform in the States," University of Colorado Law Review, Vol. 64, No. 3: 1993). Article elaborates the differences between state and federal sentencing reform models as well as the differences between the states themselves. Reitz and Orland go on to describe the financial difficulties and political pressures facing state sentencing reform. The article also describes the importance of information sharing between states.
- Tomz, Julie Esselman and Daniel McGillis. *Serving Crime Victims and Witnesses, 2nd Edition*. (NIJ: Feb. 1997). Report provides a discussion of strategies for planning, implementing, and refining victim assistance programs with examples of program operations and activities, as well as suggestions of resources for further assistance. It is intended as a guidebook for directors and staff of existing victim assistance programs, planners of new programs, and agency supervisors and administrators who may wish to sponsor a program.
- Tonry, Michael and Norval Morris. Subcontractor to Abt Associates Inc. *Intermediate Sanctions in Sentencing Guidelines* (NIJ Issues and Practices, Washington, DC: May 1997). Study describes and evaluates the implementation of intermediate sanctions in relation to increasing crime rates, mandatory sentencing policies, and legislative restrictions. It provides historical, descriptive, and evaluative information for state programs with particular emphasis on North Carolina, Ohio, and Pennsylvania.
- Tonry, Michael. *Salvaging the Sentencing Guidelines in Seven Easy Steps* (from Federal Sentencing Reporter: May/June 1992). This brief commentary offers a way to reform federal sentencing guidelines without repeal or amendment of the 1984 Sentencing Reform Act.
- _____. *Sentencing Matters*. (Oxford University Press, New York: 1995). Tonry's book examines various types of sentencing alternatives with primary focus on intermediate sanctions. The book compares the effectiveness of alternative sentences with incarceration in terms of deterrence, recidivism, etc.
- _____ and Kathleen Hatlestad. *Sentencing Reform in Overcrowded Times: A Comparative Perspective*. (Oxford University Press, New York: 1997). Monograph provides a collection of articles concerning nation-wide efforts to reform criminal sentencing in light of recent trends in prison overpopulation. Text also addresses the American trend to incarcerate criminals and suggests that alternatives are necessary.
- U.S. Department of Justice. *U.S. Parole Commission Rules and Procedures Manual*. (U.S. Department of Justice, Washington DC: 1997). Text provides the rules and regulations of the U.S. parole system. It methodically goes through parole hearing processes, eligibility and mental competence issues, and all aspects of the parole system.
- Vass, Anthony A. *Alternatives to Prison Punishment, Custody and the Community*. (Sage Publications, London: 1990). Book appraises alternatives to imprisonment and examines prisons, community sanctions, and governmental policy. In addition to evaluating prisons and alternatives, Vass spends several chapters addressing incarceration and community punishment and their relation to public policy.
- Wright, Ronald F. *Managing Prison Growth in North Carolina Through Structured Sentencing*. (NIJ Program Focus: Feb. 1998). Text offers a discussion of how the North Carolina General Assembly and State's Sentencing and Policy Advisory Commission designed a sentencing structure which increased the certainty and length of imprisonment for serious felonies while using community and intermediate sanctions for lesser offenses to control increases in corrections costs.

By Subject

Alternative Sanctions

- See also Boot Camp, Community Corrections, Day Fines, Drug Courts and Treatment Alternatives.
- Alabama State Bar. *Community Punishment and Correction of Adults in Alabama*
- Anderson, David C. *Sensible Justice: Alternative to Prison*
- Austin, James B.; Barbara Bloom and Trish Donahue. *Female Offenders in the Community: An Analysis of Innovative Strategies and Programs*
- Bureau of Justice Assistance. *How to Use Structured Fines (Day Fines) as an Intermediate Sanction*
- Center for Effective Public Policy. *Facilitating the Appropriate Use of Intermediate Sanctions: A Series of Four Video Seminars*
- Doble, John. *Using Alternative Sentences: The Views of the People in Alabama*
- Harvard Law Review Association. *Alternative Punishments: Resistance and Inroads*
- _____. *Alternatives to Incarceration*
- _____. *Alternatives to Incarceration for Drug-Abusing Offenders*
- _____. *Changes in Prison and Crime Demographics*
- _____. *The Legality of Innovative Alternative Sanctions for Nonviolent Crimes*
- Klein, Andrew R. *Alternative Sentencing, Intermediate Sanctions and Probation, 2nd Ed.*
- Knapp, Kay A. *Structured Sentencing: Building on Experience*
- Litowitz, Douglas. *The Trouble with "Scarlet Letter" Punishment: Subjecting Criminals to Public Shaming Rituals as a Sentencing Alternative Will Not Work*
- Lyon, Eleanor. *Longitudinal Study: Alternative to Incarceration Sentencing Evaluation*
- McGarry, Peggy and Madeline M. Carter, Ed. *The Intermediate Sanctions Handbook: Experiences and Tools for Policymakers*
- McGillis, Daniel. *Community Mediation Programs: Developments*
- Morris, Norval and Michael Tonry. *Between Prison and Probation*
- Parent, Dale; Terence Dunworth, Douglas McDonald and William Rhodes. *Key Issues in Criminal Justice: Intermediate Sanctions*
- _____. *Key Issues in Criminal Justice: Mandatory Sentencing*
- Pearce, Sandy C. and Jeanne Olderman. *Com-*

munity Corrections in the United States: A Summary of Research Findings

- Tonry, Michael and Norval Morris. [Subcontractor to Abt Associates, Inc.] *Intermediate Sanctions in Sentencing Guidelines*
- Tonry, Michael. *Sentencing Matters*
- Vass, Anthony A. *Alternatives to Prison Punishment, Custody and the Community*

Boot Camp

- Anderson, David C. *Sensible Justice: Alternatives to Prison*
- Bourque, Blair B; Mei Han and Sarah M. Hill. *A National Survey of Aftercare Provisions for Boot Camp Graduates*
- Clark, Cherie L.; David W. Aziz and Doris L. MacKenzie. *Shock Incarceration in New York: Focus on Treatment*
- Cowles, Ernest L; Thomas C. Castellano and Laura A. Gransky. "Boot Camp" Drug Treatment and Aftercare Interventions: An Evaluation Review
- MacKenzie, Doris L. and Eugene E. Hebert, Ed. *Correctional Boot Camps: A Tough Intermediate Sanction*
- Peterson, Eric. *Juvenile Boot Camps: Lessons Learned*

Community Corrections

- Alabama State Bar. *Community Punishment and Correction of Adults in Alabama*
- Austin, James B.; Barbara Bloom and Trish Donahue. *Female Offenders in the Community: An Analysis of Innovative Strategies and Programs*
- Fields, Charles B. *Innovative Trends and Specialized Strategies in Community-Based Corrections*
- National Institute of Corrections. *Community Justice: Striving for Safe, Secure and Just Communities*
- North Carolina Sentencing and Policy Advisory Commission. *Revised Summary of New Sentencing Laws and the State-County Criminal Justice Partnership Act*
- Pearce, Sandy C. and Jeanne Olderman. *Community Corrections in the United States: A Summary of Research Findings*

Community Mediation

- McGillis, Daniel. *Community Mediation Programs, Developments and Challenges*
- National Institute of Corrections. *Community Justice: Striving for Safe, Secure and Just Communities*

Corrections

Bureau of Justice Assistance. *Critical Elements in the Planning, Development and Implementation of Successful Correctional Options*

Harvard Law Review Association. *Changes in Prison and Crime Demographics*

Mauer, Marc. *Americans Behind Bars: U.S. and International Use of Incarceration*

Wright, Ronald F. *Managing Prison Growth in North Carolina Through Structured Sentencing*

Crime and Punishment, General

Harvard Law Review Association. *Changes in Prison and Crime Demographics*

Mauer, Marc. *Americans Behind Bars: U.S. and International Use of Incarceration*

Day Fines

Bureau of Justice Assistance. *How to Use Structured Fines (Day Fines) as an Intermediate Sanction*

Drug Courts

Drug Court Clearinghouse and Technical Assistance Project. *Summary Assessment of the Drug Court Experience*

_____. *Looking at a Decade of Drug Courts*

Finn, Peter and Andrea K. Newlyn. *Miami Drug Court Gives Drug Defendants a Second Chance*

Intermediate Sanctions See Alternative Sanctions

Juvenile Justice

Chaiken, Marcia R. *Kids, Cops and Communities*

Clarke, Stevens H.; Yuan-Huei W. Lin; W. LeAnn Wallace and Amy Craddock. *An Evaluation of North Carolina's Intensive Juvenile Probation Program*

Florida Legislature Juvenile Justice Advisory Board. *1997 Annual Report and Juvenile Justice Fact Book*

National Council of Juvenile and Family Court Judges. *Recommendations from a National Symposium—The Janiculum Project: Reviewing the Past and Looking Toward the Future of the Juvenile Court*

Probation and Parole

Burke, Peggy B. *Policy-Driven Responses to Probation and Parole Violations*

Clarke, Stevens H.; Yuan-Huei W. Lin and W. LeAnn Wallace. *Probationer Recidivism in North Carolina: Measurement and Classification of Risk*

English, Kim; Suzanne Pullen and Linda Jones. *Managing Adult Sex Offenders on Probation and Parole: A Containment Approach*

Klein, Andrew R. *Alternative Sentencing, Intermediate Sanctions and Probation*, 2nd ed.

Petersilia, Joan. *Probation in the United States: Practices and Challenges*

U.S. Department of Justice. *U.S. Parole Commission Rules and Procedures Manual*

Sentencing, General

Bureau of Justice Assistance. *National Assessment of Structured Sentencing*

Knapp, Kay A. *Structured Sentencing: Building on Experience*

Meagher, Deborah; Kitty B. Herrin and John H. Madler. *Structured Sentencing Monitoring System Report for Felons: January Through December 1996*

National Center for State Courts. *Sentencing Digest: Examining Current Sentencing Issues and Policies*

Reitz, Kevin R. and Curtis R. Reitz. *Building a Sentencing Reform Agenda: The ABA's New Sentencing Standards*

Tonry, Michael and Kathleen Hatlestad. *Sentencing Reform in Overcrowded Times: A Comparative Perspective*

Wright, Ronald F. *Managing Prison Growth in North Carolina Through Structured Sentencing*

Sentencing Commissions See also Sentencing Guidelines

Kauder, Neal B.; Brian J. Ostrom; Meredith Peterson and David Rottman. *Sentencing Commission Profiles: State Sentencing Policy and Practice in Action Partnership*

Minnesota Sentencing Guidelines Commission. *Minnesota Sentencing Guidelines and Commentary*

National Center for State Courts. *Sentencing Commission Profiles: State Sentencing Policy and Practice Research in Action Partnership*

North Carolina Sentencing and Policy Advisory Commission. *Revised Summary of New Sentencing laws and the State-County Criminal Justice Partnership Act*

Pennsylvania Commission on Sentencing. *Sen-*

tencing in Pennsylvania 1995: 1995-96 Annual Report

Reitz, Kevin R. and Leonard Orland. *Epilogue: A Gathering of State Sentencing Commissions*

Sentencing Guidelines *See also* Sentencing Commissions

Frase, Richard S. *Sentencing Guidelines in the States: Lessons for State and Federal Reformers*

_____. *State Sentencing Guidelines: Still Going Strong*

Tonry, Michael. *Salvaging the Sentencing Guidelines in Seven Easy Steps*

Shock Incarceration *See* Boot Camp

Treatment Alternatives *See also* Alternative Sanctions, Drug Courts

Bureau of Justice Assistance. *Treatment Alternatives to Street Crime: Trainers Manual*

Justice Research and Statistics Association. *State and Local Programs: Treatment, Rehabilitation and Education*

Victims and Witnesses

Tomz, Julie Esselman and Daniel McGillis. *Serving Crime Victims and Witnesses, 2nd Ed.*

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