



## MASSACHUSETTS GUIDELINE LEGISLATION PENDING

The proposed Massachusetts sentencing guidelines legislation are still pending in the Massachusetts legislature. There has been no action on the legislation since hearings were held last spring.

One of the unique aspects of the proposed Sentencing Guidelines was the integration of a range of intermediate sanctions within the framework of the sentencing grid. When the commission first developed the proposed guidelines, intermediate sanctions were really just a concept. Now, through the efforts of the newly created Office of Community Corrections, a state-wide system of community correction centers is now in place. These centers provide a range of services including electronic monitoring, programming, drug testing, and community service.

Anyone interested in more information about these exciting new programs or in visiting the programs should contact :

Stephen Price, Executive Director  
Office of Community Corrections  
One Center Plaza  
Boston, MA 02108  
617-725-8167

The Massachusetts Sentencing Commission is publishing two research papers this spring. The first is a study of defendant race and sentencing outcomes. The second is an examination of truth-in-sentencing reforms in Massachusetts. Copies of both reports are available by request

For further information about the Massachusetts Sentencing Commission contact:

Francis J. Carney, Jr.  
Executive Director  
90 Devonshire Street, Room 1143  
Boston, MA 02109  
617-788-6867  
carney\_f@jud.state.ma.us

## FROM THE PRESIDENT .....



Dear NASC Members,

The National Association of Sentencing Commissions (NASC) is a young organization that serves a very unique community of criminal justice professionals. As members, we are commonly linked by our involvement or interest in the advancement of rational and structured sentencing policies such as sentencing guidelines. While various jurisdictions began to develop these types of structured sentencing policies over 20 years ago, our organization has only been officially in existence for about 6 years.

The Association offers many opportunities to learn about the work being done in the area of structured sentencing throughout the country and the world. The first and foremost opportunity is the annual conference which is sponsored by NASC but relies very heavily on the generous efforts of the host states and supplementary financial support by the US Sentencing Commission

Our yearly conferences are an excellent way to make important contacts with people from other jurisdictions for the purpose of both new information and professional support. As we all know, sentencing policy resides in an extremely volatile and emotionally charged arena. Connecting with others helps us recognize the common struggles we all face. We can build off of each other's successes, learn from our collective errors, and better prepare against the pitfalls. I cannot stress enough the value of these conferences to all who have an interest in this critical area of criminal justice. I hope that all members will find a way to attend.

Please check out the article highlighting this year's Board candidates. You are encouraged to get more involved by either seeking a board position or joining in on our ad-hoc subcommittees. Please let me know if you have an interest in getting more involved!

In closing, I would like to extend a special thank you to John Steiger (WA), our former newsletter editor, and Paul O'Connell (OK), our editor for the last two newsletters, who have so generously devoted their time and talent to the production of the *The Sentencing Guideline*. This newsletter is our vehicle for communicating with one another beyond the annual conferences and its quality has been excellent over the years. I hope you will all take advantage of this opportunity to share your ideas.

See you all in Pittsburgh!

Deb Dailey  
NASC President

## OKLAHOMA COMMISSION RELEASES RESEARCH FINDINGS

The Oklahoma Sentencing Commission published three major studies as part of an aggressive research agenda to review and monitor sentencing practices and evaluate sentencing options for the Oklahoma criminal justice system.

*A Report to the Oklahoma Legislature Regarding Statewide Felony Convictions for FY 1999* analyzed 20,500 felony dispositions. The report provides information on felony convictions by sentence type, sentence length, priors, and enhancer types and compares the data both at a state and county level.

*An Analysis of Oklahoma Drug Courts* provided an initial analysis and evaluation of Oklahoma's Drug Courts. Comparisons between Oklahoma demographics and the Oklahoma Drug Court participants were demonstrated to illustrate the extent of the problems for Drug Court participants. The findings show:

- The median age is 33 years;
- 72% Caucasian; 14% African American, 12% Native American; and 2% Hispanic;
- 66% are men, 34% percent are women;
- The most common drug of choice is marijuana;
- Possession of CDS accounts for the highest percentage of current convictions at over 32%; and
- 47% of program participants experienced relapse

The findings of the study of *Gender, Crime and Incarceration in Oklahoma* have been published in the May 2000 issue of *Facts and Trends in Oklahoma Criminal Justice*. Findings of this study indicate that in 1998, Oklahoma's incarceration rate was the third highest in the nation. Among females, the incarceration rate led the nation. The study of *Gender, Crime and Incarceration in Oklahoma* presents arrest and conviction data allowing comparisons to be made between males and females. The data indicates the following:

- There was a 14% growth rate in arrests for females between 1996 and 1998; while this was almost 11% for males;
- Drug offenses are the most prevalent of offense for incarcerated men and women
- For women fraud and larceny offenses follow drug offenses while for men larceny and DUI offenses follow drug offenses.
- There is an increase between the percent age of females with felony arrests and the percentage of female felony convictions,

while the opposite occurs among males.

The study indicates that more research into gender differences among offenders in Oklahoma is warranted and additional knowledge and information on this issue will help assure uniform and consistent sentencing

For more information about these studies or the Oklahoma Sentencing Commission, contact:

Paul O'Connell, Director  
Oklahoma Criminal Justice Resource Center  
5500 N. Western, Suite 245  
Oklahoma City, Oklahoma 73118  
405-858-7025  
poconnell@oklaosf.state.ok.us

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# Pennsylvania Commission on Sentencing Hosts Summer NASC Conference

**Where...**

**The Westin William Penn  
Pittsburgh, Pennsylvania**

**When...**

**August 6-8, 2000**

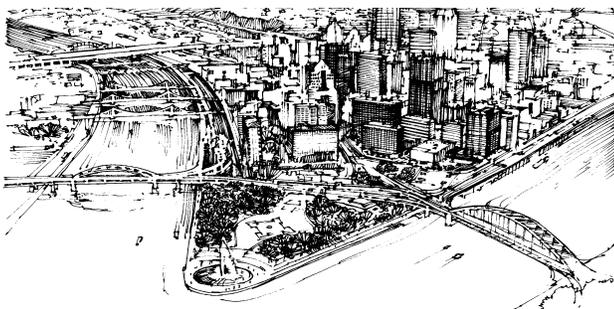
“Structured Sentencing in a New Millennium”

The 2000 NASC Annual Conference will be held August 6-8, 2000 at the Westin William Penn, Pittsburgh's Grande Hotel, located in the heart of the city's "Golden Triangle", downtown business, financial and cultural district.

The Seventh Annual NASC Conference will feature workshops on sentencing fundamentals, emerging issues, information technologies and research, as well as providing an opportunity to share ideas, concerns and experiences related to sentencing policies with people from around the county. Special features this year include a Resource Room and a Three Rivers Dinner Cruise.

Conference arrangements are being coordinated by the Pennsylvania Commission on Sentencing. For more information, contact:

Mark Bergstrom at (814) 863-4368.



**2000 Conference Program @ a Glance**

**Sunday, August 6, 2000**

5:00 p.m. – 7:00 p.m.

Registration & Reception

**Monday, August 7, 2000**

8:00 a.m. – 8:30 a.m.

Registration & Continental Breakfast

8:30 a.m. – 9:00 a.m.

Welcome & Introductions

9:00 a.m. – 10:00 a.m.

**PLENARY SESSION**

Benefits & Limitations of Sentencing Guidelines

Keynote Speaker: Judge Richard P. Conaboy,

Senior Judge (Invited)

10:00 a.m. – 10:15 a.m.

**BREAK**

10:15 a.m. – 11:45 a.m.

**BREAKOUT SESSION #1**

Track A Primary Guideline Factors

Track B Juvenile Guidelines & Dispositions

Track C Data Management & Integration

Track D PA Sentencing Guidelines Training/Part 1

11:45 a.m. – 12:00 p.m.

**BREAK**

12:00 p.m. – 1:15 p.m.

**LUNCH**

**SPEAKER:** Sen. Arlen Specter

United States Senate (PA)

Senate Judiciary Committee, (Invited)

1:15 p.m. – 1:30 p.m.

**BREAK**

1:30 p.m. – 3:00 p.m.

**BREAKOUT SESSION #2**

Track A Guideline Recommendations

Track B Guidelines for Community Supervision

Track C Correctional Projections & Forecasting

Track D PA Sentencing Guidelines Training/Part 2

3:00 p.m. – 3:15 p.m.

**BREAK**

3:15 p.m. – 4:45 p.m.

**BREAKOUT SESSION #3**

Track A Resources for New Commissions

Track B Politics, the Media, and Sentencing Data

Track C Using Research to Refine Guidelines

Track D PA Sentencing Guidelines Training/Part 3

4:45 p.m. – 5:30 p.m.

**BREAK**

5:30 p.m. – 9:00 p.m.

**DINNER CRUISE & NASC JEOPARDY**

**Tuesday, August 8, 2000**

8:00 a.m. – 9:00 a.m.

Breakout Breakfast

9:00 a.m. – 10:00 a.m.

**PLENARY SESSION**

Crime Rates & Population Growth in U.S. Prisons

Keynote Speaker: Alfred Blumstein, J. Erik Jonsson

H. John Heinz III School of Public Policy and

Management, Carnegie Mellon University

10:00 a.m. – 10:15 a.m.

**BREAK**

10:15 a.m. – 11:45 a.m.

**BREAKOUT SESSION #4**

11:45 a.m. – 12:00 p.m.

**BREAK**

12:00 p.m. – 1:30 p.m.

**LUNCH WITH BUSINESS MEETING**

**& CONFERENCE CLOSING**

# Come Join Us!!

## NASC 2000 Conference

### Conference Registration:

Registration includes a one-year NASC membership, conference materials, receptions and lunch on Monday and Tuesday of the conference. Cost of registration is \$165 by July 15; late registration (after July 15) is \$185. Conference will include vendors and resource tables. Registration form found on next page or available at:  
<http://pcs.la.psu.edu>

### Dinner Cruise:

A Monday evening chartered dinner cruise on Pittsburgh's three rivers, starting with a one-hour reception provided by the Duquesne University School of Law, and including a delicious Captain's Dinner Buffet and a quick-paced version of NASC Jeopardy with prizes for every correct answer! Family and friends are encouraged to attend. Boarding begins at 5:30 p.m.; the boat departs at 6:00 p.m. and returns at 9:00 p.m. NASC Jeopardy categories include: Sentencing Fundamentals, Emerging Issues, IT & Research, NASC Guidelines (the NASC Newsletter), and Pennsylvania Potpourri. Dinner cruise ticket price: \$40 by July 15; \$50 after July 15 (price includes tokens for transportation to/from dock).

### Location:

The Westin William Penn, 530 William Penn Way, Mellon Square, Pittsburgh, PA 15219. The Westin is Pittsburgh's recently renovated Grande Hotel, located in the heart of the city's "Golden Triangle," the downtown business, financial and cultural district. The Westin William Penn is on the city block surrounded by William Penn Way, Oliver Ave., Grant St. and Sixth Ave.

### Accommodations:

A block of rooms has been reserved at the Westin William Penn for NASC Conference participants at a special room rate of \$79 per night (single or double occupancy) until July 14, 2000 at 5:00 PM. Please reserve rooms directly through the hotel at (412) 281-7100, and reference NASC for the special conference rate. Reservations should be made as soon as possible, but no later than July 14, 2000 at 5:00PM

### Transportation:

The Westin William Penn is 18 miles (30 minutes) from the Greater Pittsburgh International Airport. Airline Transportation Co. provides transportation from the airport to the hotel every ½ hour on weekdays and every hour on weekends at a cost of \$12 one way and \$20 round trip. Taxis and public transportation are also available.

### Conference Registration :

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Special needs: \_\_\_\_\_

\_\_\_\_\_

### Payment Information

(Conference Registration )

• If paid by July 15, 2000 (\$165.00) \_\_\_\_\_

• If paid after July 15, 2000 (\$185.00) \_\_\_\_\_

Dinner Cruise tickets \_\_\_\_\_

By July 15 (\$40 x \_\_\_\_\_ tickets) \_\_\_\_\_

After July 15 (\$50 x \_\_\_\_\_ tickets) \_\_\_\_\_

**TOTAL DUE:** \_\_\_\_\_

### Payment by Check or Purchase Order Only

Make payable to:

National Association of Sentencing Commissions

Send completed registration form and payment to:

Pennsylvania Commission on Sentencing

Attn.: NASC 2000 Registration

P.O. Box 1200

State College, PA 16804-1200

**Hotel reservations must be made separately.  
 Contact the Westin William Penn (412) 281-7100  
 by July 4, 2000 for NASC rate.**

## **Pennsylvania Commission on Sentencing Evaluates State's Boot Camp Program.....**

The Pennsylvania Sentencing Commission has a legislative mandate to monitor the progress of Pennsylvania's State Motivational Boot Camp Program. The Boot Camp, which opened in 1992, is available only to prison bound offenders and, at this point, can accommodate about 500 offenders per year. The program, which is 180 days, is a blend of military style discipline and rehabilitation with an emphasis on substance abuse treatment.

One of the major legislative goals of the Boot Camp was to reduce recidivism, yet the absence of data in past years has made evaluation of this goal difficult. Significant progress, however, has been made on this front during the last year. The Sentencing Commission's Research Committee, which is chaired by Senator Jeffrey E. Piccola, has been instrumental in bringing the Department of Corrections, the State Board of Probation and Parole, and the Sentencing Commission together to discuss the design and implementation of a quality study of recidivism. This has resulted in an unprecedented commitment on the part of the three agencies to devote time and resources to this project. Consequently, the Commission will be publishing in February 2001 the find-

ings from a recidivism study that, for the first time, uses data from all three agencies.

The Commission has also developed an offender survey that is designed to determine whether the Boot Camp is effective in helping offenders make a successful adjustment to the community. It is

**“The Sentencing Commission has been instrumental in bringing together state agencies to discuss the design and implementation of a quality study of recidivism.”**

anticipated that this survey will be administered three times: upon acceptance, upon graduation, and post release to determine if any positive effects are long lasting. This survey is currently awaiting approval from the Office of Regulatory Compliance at Penn State University to ensure that the study is in compliance with the regulations governing the protection of human subjects who are utilized in research.

Previous reports on the Boot Camp that have been pub-

lished by the Sentencing Commission have primarily focused on providing a profile of the Boot Camp offender by tracking offenders who are statutorily eligible, recommended by the judge, and admitted into the program. Last year's report also presented findings from a pilot survey of Boot Camp offenders that was designed and implemented by an intern team at the Board of Probation and Parole, under the supervision of their Research Director. A copy of the report can be obtained by contacting the Commission or via our website at <http://pcs.la.psu.edu/>. For more information on Commission research projects,

please contact Dr. Cynthia Kempinen, Deputy Director [(814) 863-2543 or [cak16@psu.edu](mailto:cak16@psu.edu)].

For further information about the Pennsylvania Commission on Sentencing, please contact:

Mark H. Bergstrom, Executive Director  
The Pennsylvania Commission on Sentencing  
101 Pine Cottage  
University Park, PA 16802-4611  
Phone: (814) 863-4368  
[mhb105@psu.edu](mailto:mhb105@psu.edu)

## **Michigan Sentencing Commission Expands Research Efforts**

Sentencing Guidelines for adults were effective January 1, 1999. The Michigan Sentencing Commission is in the process of guideline evaluation for future revisions. Recommendations are to be submitted to the legislature in 2001. Research and data compilation efforts are expanding to better track sentencing policy and results statewide.

The Sentencing Commission is working with the State Court Administrator to track the implementation of the guidelines and maintain a sentencing guidelines manual.

For more information contact:

Daniel Bambery, Attorney/Administrator  
Email: [www.dbambery@lsb.mi.state.us](mailto:www.dbambery@lsb.mi.state.us)  
Website: <http://www.milegislativecouncil.org/intranet/mscf.html>

**Vera Institute's State Sentencing & Corrections Program Provides Peer to Peer Assistance**

The Vera Institute of Justice, a not-for-profit based in New York City, has launched the State Sentencing and Corrections Program (SSC) to assist state officials who face the Sisyphean task of developing balanced and sensible sentencing and corrections policies in their states.

colleagues from other states to discuss common problems and strategies. The goal is to put state officials in a better position to create policy that is based not on anecdote or knee-jerk reaction but on fact and informed opinion. SSC does not seek to advance a particular policy outcome but rather seeks to help responsible state officials ensure integrity in

policy development. States do not pay for program services -- SSC is under a cooperative agreement

with the Office of Justice Programs Corrections Program/ Office of the United States Department of Justice, and that office funds a portion of SSC's work.

State policy makers involved in the development of sentencing and corrections policy may contact:

Nick Turner, Director  
State Sentencing  
and Corrections Program  
212/334-1300 (x336)  
nturner@vera.org  
www.vera.org/ssc

**“Developing rational and responsible sentencing policies in the political arena is often difficult. That’s why help from peers who have dealt with these tough issues in other states is invaluable.”**  
.....**Judge Thomas W. Ross**  
**North Carolina.**

Continued growth of incarcerated populations and strained budgets nationwide is causing many states to reassess old policies and institute new ones. A welter of approaches, from truth-in-sentencing, drug courts and intermediate sanctions, structured sentencing and abolition of parole comprise a complicated universe. Governors, judges, legislators and other state officials attempting to make sense of it often appreciate practical aid from reliable outside sources.

SSC deploys teams of practitioners to the requesting jurisdiction to provide on-site consultation and analysis. Vera Institute staff provide research and library support. Participating policymakers also convene in New York City with

**The Resource Corner**

*NASC dedicates this page to those wishing to promote the activities of your agency, organization or program. It is meant to serve as a resource to our membership or to those seeking information about current programs and services.*



The **United States Sentencing Commission** is seeking applicants for the following positions:

**General Counsel:** Under the direction of the USSC Staff Director, the General Counsel is the principal legal officer of the United States Sentencing Commission and director of the Commission's legal unit. This is an excepted service position .  
Salary range: \$115,811.00- \$130,200.00  
Closing date: August 25, 2000

**Computer Specialist:** This position is responsible for providing advice, assistance and technical support to all of the commission's computer users. This is an excepted service position.  
Salary range: \$35,310.00—\$66,560.00  
Closing Date: Open until filled. Cut off date to review applications is June 16, 2000

For more information, please visit the USSC website @  
www.ussc.gov  
or call  
USSC job line @ (202) 502-4580

## Meet the Candidates for the NASC Executive Board



### **Mark H. Bergstrom, Executive Director Pennsylvania Commission on Sentencing**

Mr. Bergstrom was appointed Executive Director of the Pennsylvania Commission on Sentencing on April 22, 1998. Prior to that, he was Associate Director for four years, supervising the Administration & Field Services Unit.

He received a B.A. degree from Millersville University and an M.P.A. degree from the Pennsylvania State University. Mr. Bergstrom previously served as Intermediate Punishment Specialist, a position jointly funded by the Commission on Sentencing and the Pennsylvania Commission on Crime and Delinquency.

In this capacity, he was responsible for incorporating intermediate punishments into the Sentencing Guidelines, and assisting counties with the development and implementation of intermediate punishment plans and related programs.

Prior to that, he was employed by the Court of Common Pleas of Lancaster County (PA) as a Probation Officer and as Director of the Office of Volunteer and Community Services in the Probation Department.



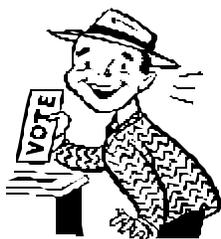
### **Kim Hunt, Ph. D, Executive Director District of Columbia Advisory Commission on Sentencing**

Kim S. Hunt is the Executive Director of the District of Columbia Advisory Commission on Sentencing (see [www.dcacs.com](http://www.dcacs.com) for reports), and has ten years of experience in the field of analysis and implementation of criminal sentencing policy.

He previously worked on sentencing reform efforts in the states of Maryland ([www.gov.state.md.us/sentencing/](http://www.gov.state.md.us/sentencing/)) and Virginia. Immediately prior to joining the DC Advisory Commission in May 1999, he directed a study of Maryland's sentencing and corrections policy and worked for legislative implementation of the Commission's recommendations.

While in Virginia, Dr. Hunt served as Research Director and completed numerous research studies and policy reforms, including conversion of Virginia's sentencing guidelines from indeterminate to determinate sentencing. He is currently completing his first term on the NASC Executive Board.

Dr. Hunt was awarded a Ph.D. in political science in 1987 from the University of Kansas. He was Adjunct Professor at the Center for Public Policy of Virginia Commonwealth University and taught graduate-level classes from 1989 to 1996.



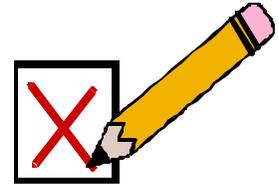
## PAUL O'CONNELL, DIRECTOR OKLAHOMA CRIMINAL JUSTICE RESOURCE CENTER

Paul O'Connell brings twenty years of criminal justice experience to his current position as Director of the Oklahoma Criminal Justice Resource Center. As Director, Mr. O'Connell coordinates an array of services to criminal justice agencies throughout Oklahoma. The Center provides administrative support to the Oklahoma Sentencing Commission, the Oklahoma Council on Violence Prevention and the Oklahoma Criminal Justice Systems Task Force, by collecting and analyzing state sentencing data, conducting research and acting as a clearinghouse and resource for state criminal justice agencies.

Previously, Mr. O'Connell was the Executive Director for the Oklahoma Truth-in-Sentencing Policy Advisory Commission (Commission). As Executive Director, Mr. O'Connell supervised and coordinated all activities of the Commission and was responsible for coordinating the development of the Commission's Truth-in-Sentencing legislation.

Mr. O'Connell spent thirteen years with Maricopa County Superior Court's Adult Probation Department in Phoenix, Arizona. He served as a probation officer in various functions and eight years in management positions developing community sanction programs.

Mr. O'Connell has served on numerous county, state and national committees. He is currently a member of the American Corrections Association (ACA), is a board member for the American Probation and Parole Association (APPA) and has served as a consultant with the National Institute of Corrections. Mr. O'Connell is a recipient of three National Association of Counties (NaCo) achievement awards and has published a number of articles for APPA. He is currently a member and Editor for the National Association of Sentencing Commissions (NASC) Newsletter, *The Sentencing Guideline*.



## Barbara Tombs, Director Kansas Sentencing Commission

Barbara Tombs has served as Executive Director of the Kansas Sentencing Commission since 1995. As Executive Director, she has developed a statewide sentencing database and is responsible for producing annual prison population projections for the state. The Commission is responsible for the oversight and monitoring of sentencing policy and practice under Sentencing Guidelines. In Kansas, the Sentencing Commission is under statutory mandate to provide the legislature with alternatives to reduce prison population when the projections indicate the prison population will exceed capacity within two years.



Ms. Tombs has had extensive experience working with legislative and appropriation committees in analyzing sentencing trends and drafting legislation to comply with the statutory mandate. She is also responsible for administering in excess of 10 million dollars in federal criminal justice grant funding for the state of Kansas.

Prior to her appointment as Executive Director, she served as Director of Research for the Commission. She directed a study of juvenile offenders and was responsible for producing the Commission's Annual Sentencing Report.

Before relocating to Kansas, Ms. Tombs was employed jointly by the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania Commission on Sentencing as research analyst involved in various criminal justice research projects.

Ms. Tombs educational background includes both Under Graduate and Graduate degrees in Administration of Justice from Penn State University. She serves as adjunct faculty in the Criminal Justice Department for Washburn University teaching both undergraduate and graduate level classes. In addition, she has served as a grant reviewer for both the Bureau of Justice Assistance and the National Institute of Justice.

## North Carolina Sentencing and Policy Advisory Commission Proclaims Workshop a Success

On May 11 & 12 of this year, the NC Sentencing and Policy Advisory Commission hosted a Workshop on Correctional Population Projections. The workshop, held in Raleigh's Velvet Cloak Hotel, attracted 141 participants from 32 states, the District of Columbia, and the federal government.

The audience, representing both technical experts and policymakers, was greeted by North Carolina's Chief Justice, the Honorable Henry E. Frye; Secretary of Correction Theodis Beck; Director of the Administrative Office of the Courts, Judge Thomas Ross; and Sentencing Commission Chair, Judge W. Erwin Spainhour.

The format of the workshop included general sessions, followed by breakout discussion groups. The sequence of sessions began with "Taking Stock: Exploring What Data You Have; Exploring What Data You Need," followed by "Nuts and Bolts: A Review of Modeling Options; Data Requirements for Various Levels of Modeling." Shifting to policy aspects, the next session focused on "Policy Applications: What Kinds of Questions Can Your Model Address and How to Communicate the Answers Effectively," and the concluding session highlighted the "Users' Perspectives: Uses, Measures of Success; Future Applications –

Comments from Legislators and Executive Branch Officials." The workshop, drawing on a nationally recognized cadre of presenters, also offered an informal "Meet the Experts" session and a keynote dinner address by Judge Ross on "Criminal Justice Technology and the Future."

The exchange of ideas and state practices facilitated a better understanding of the "state of the art" of population projections as a tool in policymaking and correctional planning and confirmed the need for similar forums dedicated to a more in-depth analysis of specific criminal justice issues.

For more information about the North Carolina Sentencing and Policy Advisory Commission contact:

Susan Katzenelson, Executive Director  
P.O. Box 2472, Raleigh, NC 27602  
Phone: (919) 733-9543  
Fax: (919) 733-2991

E-mail: [susank@mail-hub.aoc.state.nc.us](mailto:susank@mail-hub.aoc.state.nc.us)  
Website: [www.aoc.state.nc.us/spac](http://www.aoc.state.nc.us/spac)

## Maryland Commission on Sentencing Policy Completing Catch-Up

The State Commission on Criminal Sentencing Policy in Maryland, when created in 1999, inherited a number of new offenses enacted since the last revision of the state's voluntary guidelines for its structured sentencing system. The Commission's Sentencing Guidelines Subcommittee has spent the last seven months identifying the offenses and determining their seriousness levels for inclusion into the guidelines' person, property, or drug matrices. In its examination and comparison of existing seriousness levels for previously classified offenses, the subcommittee also identified old offenses whose classification appeared inconsistent with similar offenses. Therefore, the subcommittee also suggested revision of those offense classifications.

Following the Commission's initial acceptance of the subcommittee's recommendations, staff sent the proposals to the state's criminal justice community for feedback and input. When received, the comments will be used for reconsideration of the Commission's approval, and the Commission will finalize its classification of the offenses examined. The Commission will include the revised matrices in its submission of the guidelines process into the Code of Maryland Regulations, the state's administrative code.

In other activity, the Commission's Corrections Options Subcommittee continued its development of a proposal for the 2001 legislative session on a corrections options program to be fitted into the matrices. The subcommittee consults a working group of practitioners consisting of judges, prosecutors, defense counsel, and correctional administrators to formulate the recommendations, due in September.

The Commission also in June assumed responsibility formerly held by the state Administrative Office of the Courts for the collection, reporting, and dissemination of the state's sentencing data from each of its circuit courts. Staff presently is revising the guidelines worksheets to develop a broader data base to address many of the research, evaluation, and policy questions which the Commission will confront in coming years.

For information about the Maryland Commission on Sentencing Policy, please contact:

Michael Connelly, Ph.D, Executive Director  
2220 LeFrak Hall  
College Park, MD 20742-8235  
301-403-4165  
[mconnelly@crim.umd.edu](mailto:mconnelly@crim.umd.edu)

## Kansas Sentencing Commission Endures Difficult Session

The Kansas Sentencing Commission endured a difficult 2000 Legislative session as the state faced a decline in state revenues and a projected increase in projected prison population that exceeded current capacity. Under a statutory mandate, the Commission is required to present to the legislature various alternatives that would either adjust sentence lengths or limit admissions to state correctional facilities when the prison population is projected to exceed capacity within two years. The projections released in the fall of 1999 indicated the state would exceed current capacity by June 30, 2000.

Given the statutory mandate, the Sentencing Commission discussed various alternatives to reduce the state's prison population. It was agreed upon by members that adjusting sentence lengths was neither good public policy nor politically feasible since it was an election year for both the Senate and the House of Representatives. After a lengthy review of sentencing data, it was agreed that condition probation and parole/post-release violators had increased significantly and accounted for approximately 68% of the total prison admissions in the recent fiscal year. Legislation was drafted by the Commission that focused on reducing the number of condition violators admitted to prison. County jail time was increased; periods of post-release were reduced and mandatory placement of violators in Community Corrections were changes proposed in the legislation. It was projected passage of this legislation would result in a prison bed-space savings of approxi-

mately 450 prison beds.

Although the prison bed-space savings from legislation introduced by the Commission was significant, members of the appropriation committees in both the House and Senate believed that there would need to be additional prison beds saved to avoid the construction of a new correctional facility. In a joint effort to examine and review the policy

***The Kansas Sentencing Commission bids farewell to Judge Richard Walker who has served on the Sentencing Commission since 1989 and has served as Chair since 1997. Under his guidance, the Commission has grown in both credibility and quality of services provided to both the legislature and other criminal justice agencies. His wisdom and knowledge has contributed directly to the level of success the Commission has achieved in recent years. Judge Walker selflessly devoted an enormous amount of time to Commission activities and was respected by everyone who interacted with him. We will miss him greatly and wish him the best in the future.***

changes that would be necessary to provide the desired prison bed-space savings, Judiciary and Appropriation Committees in both the Senate and House of Representatives spent many hours in collaboration. A joint effort agreement was reached as to additional policy changes relating to offenders under either probation or parole/post-release community supervision. Periods of probation were graduated by severity level and condition probation violators revoked to prison would not be subject to periods of post-release supervision under the changes brought forth by the legislature. In addition, the legislative changes proposed by both the Commission and the Legislature would be applied retroactively to any offender sentenced under the Sentencing Guidelines Act.

All the proposed legislative changes were combined into H. Sub SB 323, an appropriations bill, which also contained authorization for 100 additional prison beds, establishment of Day Reporting Centers and increased funding for Community Corrections programs. Passage of SB 323 resulted in projected prison bed savings of 774 beds without the reduction of a single prison sentence.

It should be noted that the passage of SB 323 was not an easy feat. Several versions of the bill were debated during the legislative session and specific parts of the bill were defeated on prior full floor votes. Controversy was immense at times. However, persistence and collaborative efforts of the appropriations and judiciary committees prevailed to target sound policy changes for offenders under community supervision that reserved expensive scarce prison beds for serious violent offenders.

For more information about the Kansas Sentencing Commission contact:

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Executive Director  
700 SW Jackson Street, Suite 501  
Topeka, KS 66603  
(785) 296-0923  
Fax: (785) 296-0927  
Email: btombs@ink.org

### NASC Mission Statement

*“ To facilitate the exchange of ideas, data and expertise among sentencing commissions and to educate and inform policymakers and the public on issues related to sentencing policies and sentencing commissions.”*

**District of Columbia Proposes Recommendations**

In April 2000, the District of Columbia Advisory Commission on Sentencing proposed a series of recommendations affecting sentencing practices for all felony offenses committed on or after August 5, 2000. The proposal addresses fundamental changes to the District's criminal justice system resulting from Congress' enactment of the "Revitalization Act" of 1997. These recommendations include:

**The Revitalization Act**

For the 37 most serious felony offenses, including all violent crimes, the Revitalization Act abolishes parole and requires convicted defendants to serve at least 85% of the prison sentence imposed by the judge. In addition, all District of Columbia prisoners will serve their felony sentences in facilities run by, or under contract with, the federal Bureau of Prisons, and every felony prison sentence must be followed by a period of post-release supervision in the community, known as supervised release.

**Truth-in-Sentencing**

The Commission recommends that the Council establish a "unitary" sentencing system by abolishing parole for all felony and misdemeanor offenses, including drug and property crime. A unitary system will

provide predictability and certainty in sentencing. The Commission proposes extensive training on the new sentencing system prior to August 5.

**Supervised Release**

Supervised release is new in the District of Columbia. The Commission recommends initial supervision periods of three or five years, depending on the seriousness of the crime with certain specific offences serving either shorter or longer periods of supervision. . The Commission recommends that supervision efforts focus primarily on an offender's successful re-entry into the community, through, for example, substance abuse treatment and job training.

**"Life Sentences"**

Because nearly 1 in 10 District of Columbia felony convictions involves an offense for which the maximum penalty is life imprisonment, the Commission made recommendations concerning appropriate length of a "life" sentence in a determinate sentencing system. The Commission recommends retaining "life without release" as a sentencing option for crimes with specified aggravating factors. However, for other crimes currently carrying a life sentence, the Commission recommends provisions to establish a maximum sentence of 60 years for first-degree murder, 40 years for second-

degree murder and 30 years for other life offenses.

**Intermediate Sanctions**

Finally, the Commission recommends the extension of graduated sanctions. These "intermediate sanctions" fall between the traditional sentencing alternatives of either probation or prison, and combine stringent supervision of offenders in the community with a focus on rehabilitation.

**Future Considerations**

The Commission has several tasks remaining in the months ahead. Three major areas requiring further study are: 1) the need for, or the advisability of, sentencing guidelines or some other form of limiting judicial discretion in sentencing; 2) the development of a wider array of intermediate sanctions and alternatives to incarceration; and 3) assessing the impact on correctional populations of the change from indeterminate sentencing to determinate sentencing.

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**Ohio on Track.....**

Our juvenile plan (blended sentencing, etc.) graduated from the Senate earlier this spring. But, our bind-over (waiver) reforms were held back. The legislature isn't offering summer school. The House will be a demanding mentor this fall, with strict deadlines. But if we aren't put in detention, we might avoid repeating this class during the next term.

Our traffic proposals continue to idle in the Senate. Drunk drivers and other traffic keep us in the slow lane. After some summer construction projects, we hope to accelerate into the passing lane by fall. There likely will be speed bumps as we approach the House, however.

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**Join Us for the  
 NASC Summer Conference  
 August 6-8, 2000**

## Washington State Publishes Recidivism Study

The Washington State Sentencing Guidelines Commission's latest publication is a set of three related recidivism studies entitled *Recidivism in Groups Targeted by the Offender Accountability Act*. The Offender Accountability Act, passed by the Washington State Legislature in 1999, establishes periods of post-release community supervision (called community custody) for several groups of offenders. This legislation expanded the focus of sentencing beyond punishment and "just deserts" to a greater emphasis on preventing a return to criminal activity.

The Commission's report focuses on the three largest groups addressed by the Offender Accountability Act: drug, violent and sex offenders. The report analyzes the recidivism patterns of more than 400 offenders in each of these groups. It describes the relationship between recidivism rate and age, gender, race/ethnicity, and criminal history in each group. In

all three groups, younger offenders and offenders with a more extensive criminal history were more likely to be convicted of another felony after prison release. First time offenders over the age of 25 had significantly lower recidivism

**"Offender Accountability Act expands focus of sentencing beyond punishment and "just deserts"."**

rates than other offenders. The effects of other variables and interactions between variables varied between offender groups.

The three studies summarized in this report are the first large-scale recidivism studies in Washington State to combine the detailed sentencing information collected by the Sentencing Guidelines Commission with the Department of Corrections' accurate tracking of prisoner convictions, admissions and releases. The combination of these two data sources

allows a more precise analysis of recidivism patterns by crime type. The preliminary results of the recidivism studies assisted the Commission in setting ranges for the number of months of community custody required of different offender groups. The report's findings may further assist in designing programs and setting priorities for services to the groups receiving community custody, and may provide a baseline for future recidivism studies.

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## Utah Sentencing Commission Responds to Local Task Force Concerns

Consistent with its statutory duty to "respond to public comment," the Utah Sentencing Commission is working with a rural Utah citizens task force concerned with drug sentences. Two hearings will be held in Central Utah in order to address the collective concerns over the guidelines. Specifically, the communities are worried about a growing methamphetamine offender population. Utah is experiencing an unusually high rate of meth offenses and the Sentencing Commission is using various sentencing innovations to address the problem. Statewide expansion of drug courts and more intensive parole treatment and supervision are a couple of examples.

The Commission's research division, in partnership with the University of Utah, is evaluating Utah's *Serious Youth Offender Law* enacted in 1995. This is one procedure available in the state for transferring certain, statutorily defined youth offenders to the adult system. Current controversies include whether the law is, in fact, impacting the intended populations and what types of sentences transferred juvenile offenders are actually receiving in the adult system.

Other issues currently before the Utah Sentencing Commission include strict liability type sex offenses

between correctional workers and offender populations, a renewed effort to pass a sentencing enhancement for hate crimes, and continued work with the Judicial Council's Task Force on Race & Ethnic Fairness in the Justice Systems.

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