NASC 2017 Annual Conference
In Search of Effective Sentencing and Criminal Justice Policies
Hosted by the New Mexico Sentencing Commission
August 27-29, 2017
The Lodge at Santa Fe
Santa Fe, New Mexico

As of July 7, 2017
Note: Details are subject to change.

Sunday, August 27, 2017

4:00 p.m.   **Reviving the War on Drugs?**
Recently, Attorney General Sessions reversed course and directed federal prosecutors to seek "the most serious, readily provable offense" and further defined such offenses as "those that carry the most substantial guidelines sentences, including mandatory minimum sentences." This session invites discussion about the potential impacts of this policy change.

5:30 p.m.   **NASC 2017 Conference Reception**

Monday, August 28, 2017

7:30 a.m.   **Breakfast & Registration**

8:30 a.m.   **Welcome & Introductions**

8:45 a.m.   **Plenary Session 1: Using Data Analytics to Improve Ohio's Public Safety and Criminal Justice Outcomes**
Working directly with the Ohio Criminal Sentencing Commission, The University of Cincinnati's Institute of Crime Science has created a comprehensive new data analytics and visualization system to capture information beyond traditional criminal justice indicators. The goal of this project is to both analyze and visualize information in a manner that will provide a platform to recommend legislative and policy strategies to improve outcomes for Ohio's citizens by creating safer, fairer, and a more cost-efficient use of resources in our criminal justice system.

> Dr. Murat Ozer, PhD, Research Director, University of Cincinnati Inst. of Crime Science
> Daniel Gerard, Director of Operations, University of Cincinnati Inst. of Crime Science
> Sara Andrews (Moderator), Director, Ohio Criminal Sentencing Commission

9:45 a.m.   **Plenary Session 2: Data Innovations in the States**
Often, a key responsibility of any sentencing commission is to monitor sentencing practices to ensure that the state's resources are used effectively and in the manner that most reflects the state's criminal justice policy goals. In this session, we will hear from two states about data innovations designed to improve this function and support better decision making.

- In 2012, the Maryland Commission on Criminal Sentencing Policy (MSCCSP) initiated the Maryland Automated Guidelines System (MAGS), a web-based application that permits electronic completion and submission of sentencing guidelines worksheets for criminal cases sentenced in Maryland's circuit courts. Since implementation, sentencing guidelines worksheet error rates have decreased and worksheet submission rates have increased from an

annual statewide rate of 74% in calendar year 2012 to 88% in calendar year 2016. MAGS has improved the user experience for the many individuals and agencies that utilize the application, while also allowing the MSCCSP to make more informed decisions regarding sentencing policy.

- In 2013, Oregon passed Justice Reinvestment legislation, one of the major goals of which was to curb prison growth. Initially, the Oregon Criminal Justice Commission (CJC) created PowerPoint presentations showing how much prison each county was using, per crime type, and then comparing each county to statewide rates. That evolved to Interactive Data Dashboards, available online at http://www.oregon.gov/cjc/data/Pages/main.aspx. State and local policy makers have used this data in funding decisions and program development. The existence of this data has resulted in the drastic curbing of prison usage in two of Oregon's biggest prison utilizing counties. The court, prosecutors, defense attorneys and others use the constantly updated data in making local public safety decisions.

> David Soulé, Executive Director, Maryland Comm'n on Criminal Sentencing Policy
> Michael Schmidt, Executive Director, Oregon Criminal Justice Commission
> Diane Shoop (moderator), Manager of Outreach and Policy Support, Pennsylvania Commission on Sentencing

10:45 a.m.   **Morning Break**

11:00 a.m.   **All-Member Update**
This session will summarize and review the major policy issues facing NASC member jurisdictions and sentencing commissions.

> Kelly Mitchell, President, National Association of Sentencing Commissions, Executive Director, Robina Institute of Criminal Law & Criminal Justice

12:00 p.m.   **Lunch**

> **Rick Kern Memorial Keynote Speaker**
> David Boerner, Emeritus Chair, Washington Sentencing Guidelines Commission

1:30 p.m.   **Breakout Sessions:**

DC Voluntary Guidelines Ten-Year Evaluation
The DC Voluntary Sentencing Guidelines were first piloted by the DC Sentencing Commission in 2004, and were fully implemented in 2006. After more than ten years of felony sentencing under the Guidelines, the Commission undertook a comprehensive evaluation of the Guidelines to analyze how effectively the Guidelines are operating and to identify any areas where improvement may be needed. This presentation will detail the goals of the study, its findings, and recommendations for further research and analysis.

> Barbara Tombs-Souvey, Executive Director, District of Columbia Sentencing Commission
> Judge Frederick H. Weisberg, Chair, District of Columbia Sentencing Commission
> Linden Fry (moderator), General Counsel, District of Columbia Sentencing Commission

Criminal Justice Reform in Alaska
During the past six or seven years, bi-partisan criminal justice reform measures have been enacted in a variety of jurisdictions across the country. In 2016, Alaska became one of the most recent states to join this trend based on recommendations of the Alaska Criminal Justice Commission. The Commission's recommendations were incorporated into a 120-page bill reforming most aspects of Alaska's criminal justice system, from pretrial detention to sentencing to probationary supervision and release. This session will summarize the changes, with an

emphasis on sentencing reforms, and describe some of the initial consequences of this wide-ranging legislation.

> Susanne DiPietro, Executive Director, Alaska Judicial Council
> Barbara Dunham, Alaska Criminal Justice Commission Project Attorney
> Terry Schuster, JD, Officer, The Pew Charitable Trusts, Public Safety Performance Project

3:00 p.m.   **Afternoon Break**

3:15 p.m.   **NASC Business Meeting**

3:30 p.m.   **Plenary Session 4: The Model Penal Code for Sentencing: A Users' Guide**
In 2017, the American Law Institute (ALI) approved a full revision of the Model Penal Code for Sentencing. The revised code re-examines the sentencing provisions of the ALI's 1962 Model Penal Code in light of the many changes in sentencing philosophy and practice that have taken place since its original publication. It provides guidance on some of the most important issues that courts, corrections systems, and policymakers are facing today: general purposes of the sentencing system; rules governing severity—including sentences of incarceration, community supervision, and economic penalties; the elimination of mandatory minimum penalties; mechanisms for combating racial and ethnic disparities in punishment; instruments of prison population control; victims' rights in the sentencing process; the creation of judicial powers to review many collateral consequences of conviction; sentencing commissions, sentencing guidelines, and more. In this session, Professor Kevin Reitz, a drafter of the revised code will provide an overview of its key provisions. Following that, a response panel of NASC members will react to the changes.

> Kevin Reitz, Professor, University of Minnesota Law School
> Faculty Co-Director of the Robina Institute of Criminal Law and Criminal Justice

Tuesday, August 29, 2017

7:30 a.m.   **Breakfast & Registration**

8:30 a.m.   **Plenary Session 4: Effective Sanctions**
What is an effective sanction? What are emerging trends in research and practice about the proper sanction and the proper dosage to achieve the best results? What kind of activities can practitioners engage in to determine what best works in their local jurisdiction? How can researchers and practitioners work together to further evidence-based practices in sentencing? This presentation will address these and other questions.

> Angela Hawken, Professor of Public Policy, NYU Marron Institute of Urban Mgmt

9:45 a.m.   **Breakout Sessions:**

Trending Now: Pretrial Services and Bail Reform
With resources in criminal justice pushed to their limit and recent research and trends surrounding the collateral consequences of spending even one day in detention states are considering and implementing various reforms in the provision of pretrial services and bail. This session is a panel discussion of states in various stages of reform and with different approaches, political realities and lessons learned. The questions to be answered include:

- *How to start the process of study and review? Who should be at the table?*
- *What do we mean by reform? What are other states doing to "reform" their systems?*

- *What are the costs associated with changes to pretrial services?*
- *How can justice system partners and decision makers be convinced?*
- *What are the hallmarks of an effective pretrial system?*

Justice Charles Daniels, New Mexico Supreme Court
Judge Kenneth Spanagel, Parma Municipal Court – Ohio
Alex Tsarkov, Executive Director, Connecticut Sentencing Commission
Sara Andrews (Moderator), Director, Ohio Criminal Sentencing Commission

Second Breakout Session in Development

11:00 a.m.   **Plenary Session 5: The Promise and Perils of Using Risk Assessment at Sentencing**
Many criminal justice reform efforts involve the adoption of risk assessment tools to improve decision-making at key points (e.g., pretrial release, sentencing). The Center for Court Innovation recently reported as many as 60 risk assessment tools in use today across the United States, ranging from simple tools relying solely on criminal record to comprehensive tools that also assess criminogenic needs. This session will focus on the relatively new area of risk assessment at the point of sentencing. What research is needed to develop risk tools for use at sentencing, and what are the policy implications for jurisdictions considering taking this step?

Kristin Betchel, Managing Associate, Crime & Justice Institute
Additional Presenter(s) TBD

12:00 p.m.   **Lunch**

1:00 p.m.   **Conference Adjourns**

Afternoon Activities in Santa Fe – Details Coming Soon