



National Association of Sentencing Commissions
2018 Conference Hosted by the Ohio Criminal Sentencing Commission
August 13-15, 2018 ♦ Columbus, Ohio

Sentencing Commissions: Intersections, Influences and Intercepts NASC 2018

Monday, August 13, 2018

- 10:30a – 12:30p **NASC Executive Committee Meeting** – Ohio Judicial Center, Room 103
- 12:30 – 2:15 p.m. **Pre-Conference Sentencing Workshop** Pre-registration required (Ohio Judicial Center – Room 101)
- Many sentencing guidelines were originally developed to bring uniformity and proportionality to sentencing decisions. But every guidelines system still builds in room for the exercise of judicial discretion. During this session, participants will follow along as a panel works through a mock case file to impose sentences under different sentencing guidelines systems. Panel members will discuss the variations between jurisdictions in charging options and sentencing policy and explore likely approaches. The goals of this session are to highlight differences in policies between sentencing guidelines systems, to examine how they reflect the often-competing purposes of sentencing, and to bring awareness to those points at which discretion enters into sentencing decisions (e.g., charging, choice of dispositions, length of sentence, etc.).
- Mark H. Bergstrom, Executive Director, PA Commission on Sentencing*
Steven L. Chanenson, Professor of Law, Villanova University
Kelly Mitchell, J.D., Executive Director, Robina Institute
- 3:00 – 3:15 p.m. **Conference Welcome**
- Bennet Wright, NASC President, Executive Director, Alabama Sentencing Commission*
Sara Andrews, Director, Ohio Criminal Sentencing Commission
Hon. Maureen O'Connor, Chief Justice, Ohio Supreme Court
- 3:15 – 4:30 p.m. **Working with the Legislature**
- Members of the General Assembly will participate in a panel discussion on the ways in which Sentencing Commissions are impactful and effective in policy change.
- Hon. Joanna McClinton, Pennsylvania House of Representatives*
Kathy Saltmarsh, J.D., Executive Director, Illinois Sentencing Policy Advisory Council
Hon. Cam Ward, Alabama Senate
Additional speakers to be announced
Moderator: *Hon. Jeffery S. Rezabek, Ohio House of Representatives*
- 5:00 – 7:00 p.m. **NASC 2018 Conference Reception** (Ohio State House)

Tuesday, August 14, 2018

- 7:00 a.m. **Breakfast**
- 8:00 – 8:15 a.m. **NASC Business Meeting**
- Bennet Wright, NASC President, Executive Director, Alabama Sentencing Commission*

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URL: <http://www.thenasc.org>

Unless otherwise noted, sessions held at the conference hotel

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8:30 – 9:45 a.m.

The Impact for Sentencing Commissions – Marijuana Reform and Changes in Drug Laws and Drug Use (Opioids and Fentanyl)

A few sentencing commissions operate in states that have legalized marijuana use for all adults (e.g., Alaska, Massachusetts, Oregon, Washington). Others are in states with medical marijuana regimes (e.g., Connecticut, Illinois, Maryland, Ohio, Pennsylvania). And many are in states that have recently altered sanctions for low-level marijuana offenses (e.g., forms of decriminalization). Representatives from commissions will discuss whether and how these reforms are, formally or informally, impacting the work being done and data being collected by sentencing commissions.

Susanne DiPietro, Executive Director, Alaska Judicial Council

Alex Kriet, Visiting (2018) Law Professor, The Ohio State University

Hon. John T. Lu, Judge, Massachusetts Superior Court; Chair, Sentencing Commission

Jeff Rhoades, Senior Policy Advisor to Governor Brown-Opioid Epidemic, OLCC and Gaming

Michael Schmidt, Executive Director, Oregon Criminal Justice Commission

Moderator: *Professor Douglas A. Berman, Newton D. Baker-Baker & Hostetler Chair in Law Drug Enforcement and Policy Center, Director The Ohio State University Moritz College of Law*

9:45 – 10:00 a.m.

Morning Break

10:00 – 11:15 a.m.

Break Out Sessions – Choose One

Highlights of Evaluating Sentencing Guideline Systems

Assessing the effectiveness of sentencing guidelines systems is an important component of accountability and improvement. This session will provide an overview of how evaluation can be used to help determine whether sentencing guidelines systems are meeting the goals and objectives of Commissions, legislators, and other system stakeholders. The session will explain why evaluation is important, and will provide an overview of the basic elements of evaluation and how these can be applied to improve the performance of guidelines systems, with an emphasis on the development of goals and objectives. Real-world examples will be used to illustrate how to develop goals and objectives that are logically connected to desired outcomes.

Stan Orchowsky, Ph.D., Owner & Principal, Cambiare Consulting

Meredith Farrar-Owens, M.S., Director, Virginia Criminal Sentencing Commission

Juvenile Court Assessment and Sentencing Research

Courts and corrections agencies are challenged in sentencing and successfully managing institutional and community based services for juvenile populations. This panel provides findings from recent research supported by the National Institute of Justice (NIJ) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) that examines risk and need assessment tools, judicial and staff decision making, service access, and youth outcomes. The panel features two discussants to comment on State and local policies and practices from the perspectives of court and corrections stakeholders. They will lay the groundwork for a

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facilitated audience discussion on information used in decision making, treatment resources and health disparities, and other topics.

Chair: *Linda Truitt, Ph.D., National Institute of Justice (moderator)*

Presentation 1: Risk and Needs Assessment in Court and Correctional Decisions: Insight from Juvenile Justice Personnel and Case Records

Researchers and practitioners have developed a number of validated screening and assessment tools that can facilitate effective decisions in juvenile courts, corrections, and treatment agencies. Less is known about best practices and challenges in implementation, however. This presentation will provide information on risk/needs assessment use and implementation practices at different juvenile justice decision-points (i.e., intake/diversion, detention, disposition, residential intake, and reentry), using a multi-state sample of sites at different stages of adoption. Research findings include decision-making outcomes based on variation in risk/needs assessment usage and implementation practices across agencies and states, with an emphasis on how the use of this information can impact court dispositions and treatment orders for justice-involved youths.

Presentation 2: Risk Assessment and Neighborhood Socioeconomic Context Affects Sentencing Decisions of Adjudicated Juveniles

Risk assessments can provide courts with the opportunity to make standardized decisions concerning juvenile sentences and programming needs, reducing professional decision making based on past cases or subjective experiences. Assessments may improve case management, focusing resources on juveniles who exhibit the greatest level of intervention needs, and determining which juveniles might benefit from diversion or dismissal. Using an ecological framework, this research examines the intersection of race, risk assessment scores, and neighborhood disadvantage relative to the type and length of sentences for juveniles. Quantitative data include U.S. Census records, information collected using the Ohio Youth Assessment System-Disposition Instrument (OYAS-D) in partnership with the University of Cincinnati Corrections Institute, and adjudication records provided by the juvenile court. Findings are reviewed with judges and other court officials to better understand court practices and operations concerning the juvenile court processes, and to identify positive practices and opportunities for improvement.

Discussants: *Hon. Elizabeth Gill, Domestic Relations Division and Juvenile Branch, Franklin County Court of Common Pleas*

Ryan Gies, Deputy Director for Parole, Courts, and Community, Ohio Department of Youth Services

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11:30 a.m. – 12:45 p.m. **Lunch**

Richard P. Kern Memorial Speaker

Professor Douglas A. Berman, Newton D. Baker-Baker & Hostetler Chair in Law Drug Enforcement and Policy Center, Director The Ohio State University Moritz College of Law

1:00 – 2:15 p.m.

Using Evidence in Sentencing: Some Lessons Learned from Evaluating Correctional Programs

Attendees will have the unique opportunity to participate in an interactive session with the presenter. Dr. Latessa will provide participants takeaways from his unprecedented career in criminal justice programs and evaluation. He has published over 170 works in the area of criminal justice, corrections, and juvenile justice. He is co-author of eight books including *What Works (and Doesn't) in Reducing Recidivism*, *Corrections in the Community*, and *Corrections in America*. Professor Latessa has directed over 195 funded research projects including studies of day reporting centers, juvenile justice programs, drug courts, prison programs, intensive supervision programs, halfway houses, and drug programs. He and his staff have also assessed over 1,000 correctional programs throughout the United States, and he has provided assistance and workshops in forty-eight states.

Edward J. Latessa, Ph.D., Professor and Director of School of Criminal Justice, The University of Cincinnati

Moderators: *Sara Andrews, Director, Ohio Criminal Sentencing Commission*
Bennet Wright, NASC President, Executive Director, Alabama Sentencing Commission

2:15 – 2:30 p.m.

Afternoon Break

2:45 – 3:45 p.m.

Break Out Sessions – Choose One

Bail Reform: Towards Legal and Evidence-Based Practices

We are in the third wave of bail reform and have gotten further than ever before. But what is pretrial justice success? How do we get there? What are the obstacles? This session is a panel discussion of three states in various stages of reform and with different approaches, political realities and lessons learned.

Hon. Kenneth Spanagel, Parma Municipal Court, Ohio

Alex Tsarkov, Executive Director, Connecticut Sentencing Commission

Moderator: *Sara Andrews, Executive Director, Ohio Criminal Sentencing Commission*

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An Overview of Juvenile Sentencing

The session includes an overview of the changes in juvenile sentencing over the last 20 years, specifically looking at life without parole and long term sentencing. The presentation would address case law, trends, and how different states are addressing this issue, as well as looking at the outcomes. Additionally, included within the presentation and panel discussion are individuals and their successes and other alternatives to aid in addressing this issue.

*Hon. Jeffery S. Rezabek, Ohio House of Representatives
Former Youth Offender(s)*

The Reality of Sentence Calculation Errors

Unfortunately many states have both late and early releases due to sentence calculation errors. There are several factors that contribute to these errors, such as complexity of sentences, training of records staff, and a lack of an audit process to ensure that a sentence is accurately calculated. Washington State took on several initiatives to begin to address these factors.

*Dianne Ashlock, Statewide Records Director, Washington Department of Corrections
Other speaker TBA*

4:00 – 5:00 p.m.

Constitutional Issues in Sentencing Reform

How can constitutional doctrines affect policy changes such as administrative sanctions, post-release supervision, mitigation of sentences, presumptive parole, and guided sentencing discretion? Doctrines discussed include due process, separation of powers, ex post facto laws, and the right to a jury

Carl Reynolds, J.D., Senior Legal and Policy Advisor, Council of State Governments

5:30 p.m.

NASC Executive Committee Meeting

Wednesday, August 15, 2018

7:00 a.m.

Breakfast (conference hotel)

8:00 – 9:15 a.m.

Sex Offender Sentencing, Registries and Management

During the last 30 years, there have been significant advances in our knowledge about the characteristics of sex offenders, methods for assessing their risk and treatment needs, and elements of effective management. But does the policy follow evidence-based practices in these areas? What are the realities and myths around sex offenses? How far have we come and where are we going with management and sentencing strategies? This plenary presentation will provide perspectives on these issues from stakeholders in three states that have examined these issues.

*Mark H. Bergstrom, Executive Director, PA Commission on Sentencing
Robert Farr, Connecticut Sentencing Commission
Hon. Mary Huffman, Common Pleas Court - Ohio*

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Moderator: Alex Tsarkov (Moderator), Executive Director, Connecticut Sentencing Commission

9:30 – 10:30 a.m.

Break Out Sessions – Choose One

Diversion and Reentry Program Evaluation: Defining Scope and Addressing Challenges for Behavioral Health Populations

Many criminal justice reform efforts seek collaboration from community based behavioral health and social service systems to improve outcomes for diversion and reentering populations. States and local systems are investing in burgeoning best practices to address the rising costs of incarceration and to improve long term outcomes for high-risk populations likely to reenter the system. One challenge facing these programs is how to effectively evaluate outcomes that provide meaningful insight to policy makers tasked with allocating scarce resources across systems. In this session, panelists will discuss program design and successes and challenges with evaluating programs designed to reduce entry and reentry to the criminal justice system for both adults and juveniles.

- The Community Transition Program, administered by CareSource through a contract with Ohio Department of Mental Health and Addiction Services, will discuss successes and ongoing challenges of program evaluation for adult populations in reentry from state prison. Focus will be on challenges in defining target population, identifying best practices, and delivering and measuring outcomes for service delivery.
- The Competitive RECLAIM program is a program funded by the Ohio Department of Youth Services (ODYS) designed to invest in diverting juvenile justice involved youth as they enter the justice system. While counties are free to design a program that best fit the needs of their population and the capacity of their systems, ODYS requires that treatment be evidence based, and that counties partner with evaluators to analyze data on outcomes.

Panelists will discuss the issue of program design and data collection in the justice system. Issues around measuring criminal justice and behavioral health outcomes will be discussed. When implemented properly, program evaluation can help to improve programs and provide evidence that can potentially lead to additional funding and have a real impact on policy.

Kieran Hurley, Director Criminal Justice Services, CaseSource

Katie Kitchin, Director of Ohio CSH

Chris Nicastro, Chief, Bureau of Criminal Justice Services, Ohio Department of Mental Health and Addiction Services

Fred Butcher, Research Assistant Professor, Case Western Reserve University

Eric Schafer, Assistant Court Administrator, Montgomery County Juvenile Court

Kathy Clark, Director of Programming and Research, Marion County Family Court

Community Supervision: Probation and Parole

This session will examine two opposing ends of the criminal justice system that involve community supervision: probation and parole. Research is increasingly highlighting negative consequences of mass supervision. The discussion will highlight areas that sentencing

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commissions should be especially aware of. Topics will include how less supervision might actually be beneficial for some individuals; the impact of supervision fines and fees; and how numerous supervision terms can lead to unnecessarily high levels of revocation and return to incarceration. The session will include a discussion of recent trends aimed at promoting supervision success.

Cecelia M. Klingele, Associate Professor, University of Wisconsin Law School
Ebony Ruhland, Assistant Professor of Criminology, University of Cincinnati
Rhys Hester, J.D., Ph.D., Clemson University

10:30 – 10:45 a.m.

Morning Break

10:45 a.m. – 12:00 p.m.

Effective Partnerships: Legal Academics, Law Schools and Sentencing Commissions

Some sentencing commissions have had legal academics as members and/or advisors, and the professional commitments (and limits) of law professors can sometimes enable (or hinder) effective “academy-commission” connections. This panel session of academics and commission members/staff will discuss what works well (and not so well) for collaborative activities.

Mark H. Bergstrom, Executive Director, PA Commission on Sentencing
Steven L. Chanenson, Professor of Law, Villanova University
Richard Frase, Professor of Law, University of Minnesota
Brian D. Johnson, Ph.D., Associate Professor of Criminology and Criminal Justice, University of Maryland
Vikrant Reddy, Senior Researcher, Charles Koch Institute
Barbara Tombs-Souvey, Executive Director, District of Columbia Sentencing Commission
Moderator: *Professor Douglas A. Berman, Newton D. Baker-Baker & Hostetler Chair in Law Drug Enforcement and Policy Center, Director The Ohio State University Moritz College of Law*

12:30 p.m.

Lunch (Boxed at the Ohio Judicial Center – 2nd floor, dining room)

Supreme Court of Ohio Tours *Pre-Registration required

*Tours offered at 1:00 p.m. and 3:00 p.m. The building is an exquisite place:

<http://www.supremecourt.ohio.gov/Publications/MJC.pdf>

1:00 p.m.-2:30 p.m.

Post Conference Sessions - Pre-Registration Required

Evaluating Sentencing Guidelines (Ohio Judicial Center, Room 281) *Pre-Registration is required

Assessing the effectiveness of sentencing guidelines systems is an important component of accountability and improvement. This workshop will provide details on how to develop performance measures that are logically connected to the kinds of objectives and outcomes that Commission members, judges, legislators, and the public expect from sentencing guidelines systems. The workshop will use real-world examples and exercises to illustrate how to develop process and outcome measures that are tied to goals and objectives through logic

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models. The session will review how to measure outcomes, how to create feedback loops to use process and outcome data to improve the performance of guidelines systems, and how to present findings to Commission members and other stakeholders.

Stan Orchowsky, Ph.D., Owner & Principal, Cambiare Consulting

Meredith Farrar-Owens, M.S., Director, Virginia Criminal Sentencing Commission

**Roundtable Discussion: Responding to Addiction – Franklin County
(OH) Opiate Action Plan. (Ohio Judicial Center, Room 102)**

City of Columbus Task Force was formed in March 2017 when officials decided they wanted to do more to centralize funding and the fight against the heroin and opioid epidemic.

Interested in how Franklin County [Ohio] is responding to addiction? Learn how we are leveraging partnerships with government entities, corporate partners, and community organizations, addressing barriers to recovery, and changing perspectives on addiction. Our response has been encapsulated in the Franklin County Opiate Action Plan, which serves as our guide to fight addiction in Franklin County.

Amy O'Grady, Chief of Addiction Policy at Columbus City Attorney's Office

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