

Monday, August 5, 2019

12:15 – 1:30 p.m. Meeting of NASC Executive Committee

2:00 p.m. Conference Welcome

2:30p.m. – 4:30 p.m. Sentencing Workshop

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.).

[Hotel Check in]

5:00 – 7:00 p.m. NASC 2019 Conference Reception

Tuesday, August 6, 2019

7:30 a.m. Breakfast

8:30 – 9:45 a.m. Plenary Session #1: Have Sentencing Guidelines Reduced Racial Disparities?

The stated goal of most sentencing guidelines systems is to reduce unwanted disparity, including racial disparity in sentencing. This panel session will explore how to what degree this has been accomplished, what barriers still exist in reducing racial disparities in sentencing, and what can be done to address these disparities. The panel will begin with a presentation providing a high level overview of the literature on racial disparities in sentencing and the research on reducing disparities. There will then be a discussion among panelists regarding the presentation and the other issues noted above.

9:45 – 10:00 a.m. Morning Break

10:00 – 11:15 a.m. Break Out Sessions – Choose One

Breakout Session #1: Gender Specific Reforms

Criminal justice reforms often look at the system as a whole and do not focus on gender differences. For some states, growth in the number of female offenders is a critical issue that needs to be addressed specifically during justice reform. To what degree have gender responsive and trauma informed approaches been considered in criminal justice reforms?

Breakout Session #2: Transformation of VA Detention and Diversion Centers

This session will describe Virginia's implementation of changes necessary to transform 6 mid 1990s era Detention and Diversion Centers to effective sentencing alternatives for probationers which are aligned with evidence based practices. The presentation will include the expanding of a target population through the identification of risk and needs, the creation of a Central Referral Unit, the initiation of a communication plan, the development of a variable treatment dosage model and the implementation of a Medication Assisted Treatment (MAT) program for a growing population of opioid dependent probationers.

11:30 a.m. – 12:45 p.m.

Lunch & Rick Kern Memorial Keynote Speaker

Mark H. Bergstrom, Executive Director – Pennsylvania Commission on Sentencing

1:00 – 2:15 p.m. Plenary Session #2: Pretrial Release Mechanisms and Outcomes in Virginia

The Virginia Pre-Trial Data Project is an unprecedented, collaborative effort between numerous state and local agencies representing all three branches of Virginia government. Data was obtained from numerous sources to develop a cohort of nearly 23,000 adult defendants charged across Virginia during a one-month period (October 2017) whose final case dispositions were tracked through December 31, 2018. Release mechanisms to be examined include summons, personal recognizance bond, unsecured bond, and secured bond, along with certain conditions of release such as pretrial services agency supervision. The data will allow for comparisons to be made between similarly situated defendants by type of release mechanism, offense, and locality. The dataset will also help to inform policy-making throughout the pre-trial process in Virginia.

Preliminary descriptive findings will be discussed, as well as the methodology of creating the data set. Combining the required information across multiple agencies in a precise manner was a very arduous and time-consuming task as all of the systems were designed for different purposes. However, important lessons and implications can be derived from this process to ultimately develop an integrated data system that functionally captures and shares data that can be readily accessed by practitioners, policy makers, and researchers to better inform public policy decisions.

2:15 – 2:30 p.m.

Afternoon Break

2:45 – 3:45 p.m.

Break Out Sessions – Choose One

Breakout Session #3: Informed Decision-Making: Considering the Impact of Parental Incarceration on Children & Utility of Family Responsibility Statements

Research finds that separation from a parent is traumatic and leads to negative outcomes for children, including long-term harms — mental health issues, educational deficits, homelessness, criminal justice system involvement — many of which are costly in terms of health care, child welfare, special education, and juvenile justice. Options such as alternative to incarceration programs— when appropriate — can keep parents in the community resulting in cost savings and family preservation. In this breakout session, we invite you to consider non-carceral options.

Breakout Session #4: VA – Administrative Response Matrix

Like many other states, Virginia has observed a significant increase in the number of technical probation violations that appear before our Circuit Courts each year. The most recent data reveals that over half of the revocation hearings held during the previous year were solely for technical violations of probation. This presentation will describe how Virginia has used a Smart Probation Grant to implement an Administrative Response Matrix (ARM) in 10 pilot sites to help guide the Probation Officer's response to observed violation behavior. The matrix is integrated into our offender management system and captures individual risk, the degree of violation behavior and provides a commensurate response for consideration. Reports are available within our system to track Probation Officer responses, over-rides and each pilot site is paired with a cohort district to measure outcomes. The matrix also enables probation staff to document the use of incentives for desired probationer behavior.

4:00 – 5:15 p.m. Plenary Session #3: Criminal History Enhancements & Guidelines

Overview and Update on Policy-Relevant Research. Since 2013, the University of Minnesota’s Robina Institute on Criminal Law and Criminal Justice has been examining the widely-varying ways in which American sentencing guidelines systems have defined and applied criminal history enhancements. In 2015 the Institute published its Criminal History Enhancements Sourcebook, which provided the first-ever comprehensive survey of guidelines criminal history rules and impacts. Since then the Institute has completed a number of major research reports, and it has also consulted with several sentencing commissions interested in assessing the impacts of their approach. This breakout session will provide an update on the Institute’s work, incorporating new insights from original research in Minnesota and Pennsylvania. The Institute will also provide an overview of the most important practical and theoretical implications of this research, which addresses one of the most powerful factors determining recommended and imposed sentences under guidelines.

6:00 p.m. Meeting of NASC Executive Committee

Wednesday, August 7, 2019

7:30 a.m. Breakfast

7:45 a.m. – 8:00 a.m. NASC Business Meeting

8:00 – 9:15 a.m. Plenary Session #4: Recidivism & 2011 Fair Sentencing Act Guideline Amendment

The publication Recidivism Among Federal Offenders Receiving Retroactive Sentence Reductions: The 2011 Fair Sentencing Act Guideline Amendment analyzes recidivism among crack cocaine offenders who were released immediately before and after implementation of the 2011 Fair Sentencing Act Guideline Amendment, and followed in the community for three years. In order to study the impact of retroactive sentence reductions on recidivism rates, staff analyzed the recidivism rate for a group of crack cocaine offenders whose sentences were reduced pursuant to retroactive application of the 2011 Fair Sentencing Act Guideline Amendment. Staff then compared that rate to the recidivism rate for a comparison group of offenders who would have been eligible to seek a reduced sentence under the 2011 amendment, but were released before the effective date of that amendment after serving their full prison terms less good time and other earned credits. The Commission finds no difference between the recidivism rates for offenders who were released early due to retroactive application of the FSA Guideline Amendment and offenders who had served their full sentences before the FSA Guideline Amendment reduction retroactively took effect.

9:30 – 10:30 a.m. Break Out Sessions – Choose One

Breakout Session #5: The Intersection of Criminal Justice Policy and Federal Immigration Enforcement

Understanding the complexities of immigration law and its intersection with criminal law is not easy. This session will provide a fresh perspective on the important development of convergence of criminal justice policy and federal immigration enforcement.

Breakout Session #6: Bail reform: Moving Toward Legal and Evidence-Based Practices

We've had sessions on bail for the last several years at the NASC conference. We are in a third wave of bail reform discussion 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 on reform successes and challenges in various states and recent litigation on bail practices around the country. These lessons learned can help propel others to maximize reform effort in their own jurisdiction. Invited panelists include representatives from Washington D.C., Connecticut and Alaska.

10:30 – 10:45 a.m. *Morning Break*

10:45 a.m. – 12:00 p.m. Plenary Session #5: FIRST STEP ACT – Roundtable discussion

The FIRST STEP Act was signed into law by President Trump on December 21, 2018. It passed the 115th Congress with overwhelming bipartisan support. The law has been characterized, on the one hand, as the most sweeping federal criminal justice legislation in a generation, and on the other, as modest and insufficient to address the overall challenges of mass incarceration. About seven months have now passed since the law was enacted. How is it working? Has it made a measurable difference in the way the federal criminal justice system operates? How is the legislation likely to play out over the next several years? Is it time for the SECOND STEP ACT and what should it look like?

12:15 p.m. *NASC new/previous Executive Committee members meet*

Lunch on your own

Group activity 2p – TBA – Pre-registration required