



SENTENCING & CORRECTIONS

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The Fragmentation of Sentencing and Corrections in America

by Michael Tonry

After a quarter century of changes, there is no longer anything that can be called “the American system” of sentencing and corrections. As recently as 1975, there was a distinctively American approach, usually referred to as indeterminate sentencing, and it had changed little in the preceding 50 years. Its core features were broad authorized sentencing ranges, parole release, and case-by-case decisionmaking. Its premises were that rehabilitation of offenders is a primary goal, that decisions affecting individuals should be tailored to them, and that judges and corrections officials have special expertise for making those decisions.

All those features and all those premises have been under attack. In the most radical and comprehensive departures, some States and the Federal Government abolished parole boards, and some jurisdictions established comprehensive, detailed guidelines for sentencing. In addition, every jurisdiction adopted one or more of mandatory minimum sentences, three-strikes laws, or truth-in-sentencing laws requiring some offenders to serve at least 85 percent of imposed prison sentences.

There are now many approaches to sentencing and corrections in this country. Some States have guidelines with parole release, and some without. Some three-strikes States have adopted truth-in-sentencing; some have not. And so on, through the litany of changes in recent decades.

At the same time, restorative and community justice initiatives have taken root and begun to spread. They start with premises different from those of the sentencing law changes. One is a difference in perspective on the importance of individualized, case-by-case responses to crimes. Most modern sentencing law changes prescribe particular sentences for particular crimes, with proponents invoking such slogans as “do the crime, do the time” and “like punishments for like-situated offenders.” Most restorative and community justice programs, by contrast, delegate to the victim, the offender, and others the decision how best to respond to the particular facts of particular cases.

Whether and how sentencing laws and practices will evolve in the coming years, and whether one or a few approaches will



Directors' Message

It is by now a commonplace that the number of people under criminal justice supervision in this country has reached a record high. As a result, the sentencing policies driving that number, and the field of corrections, where the consequences are felt, have acquired an unprecedented salience. It is a salience defined more by issues of magnitude, complexity, and expense than by any consensus about future directions.

Are sentencing policies, as implemented through correctional programs and practices, achieving their intended purposes? As expressed in the movement to eliminate indeterminate sentencing and limit judicial discretion, on the one hand, and to radically restructure our retributive system of justice, on the other, the purposes seem contradictory, rooted in conflicting values. The lack of consensus on where sentencing and corrections should be headed is thus no surprise.

Because sentencing and corrections policies have such major consequences—for the allocation of government resources and, more fundamentally and profoundly, for the quality of justice in this country and the safety of its citizens—the National Institute of Justice and the Corrections Program Office (CPO) of the Office of Justice Programs felt it opportune to explore them in depth. Through a series of Executive Sessions on Sentencing and Corrections, begun

Directors' Message

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in 1998 and continuing through the year 2000, practitioners and scholars foremost in their field, representing a broad cross-section of points of view, are being brought together to find out if there is a better way to think about the purposes, functions, and interdependence of sentencing and corrections policies.

We are fortunate in having secured the assistance of Michael Tonry, Sonosky Professor of Law and Public Policy at the University of Minnesota Law School, as project director.

One product of the sessions is this series of papers, commissioned by NIJ and the CPO as the basis for the discussions. Drawing on the research and experience of the session participants, the papers are intended to distill their judgments about the strengths and weaknesses of current practices and about the most promising ideas for future developments.

The sessions were modeled on the executive sessions on policing held in the 1980s and 1990s under the sponsorship of NIJ and Harvard's Kennedy School of Government. Those sessions played a role in conceptualizing community policing and spreading it. Whether the current sessions and the papers based on them will be instrumental in developing a new paradigm for sentencing and corrections, or even whether they will generate broad-based support for a particular model or strategy for change, remains to be seen. It is our hope that in the current environment of openness to new ideas, the session papers will provoke comment, promote further discussion and, taken together, will constitute a basic resource document on sentencing and corrections policy issues that will prove useful to State and local policymakers.

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gradually displace others, remains to be seen. Likewise, it remains to be seen whether and how grassroots restorative and community justice initiatives can be reconciled with sentencing laws and institutions.

These and related subjects are the agenda around which the National Institute of Justice and the Corrections Program Office of the U.S. Department of Justice convened a multiyear series of Executive Sessions on Sentencing and Corrections. This document, the first in a series from the sessions, presents an overview of the current state of sentencing and corrections in America and a framework for analyzing the factors most likely to shape 21st century developments.



Sentencing in 1999

Three conclusions can be drawn when sentencing and corrections policies in the 1990s are examined. First, there is no longer anything that can be characterized as *the* American way to organize sentencing and corrections. Thirty years ago there was. Then, every State, the Federal Government, and the District of Columbia had an indeterminate sentencing system in which legislatures set maximum authorized sentences; judges chose among imprisonment, probation, and fines and set maximum sentences; corrections officials had broad powers over good time and furloughs; parole boards set release dates; and virtually all these decisions were immune from appellate review. The details (e.g., how much good time, the minimum period before parole eligibility) varied, but the broad outlines were everywhere the same.

In 1999, there is no standard approach. Some States retain parole; some have abolished it. Most States retain good time, but of lesser scope than in the past. Eight or 9 jurisdictions have "presumptive" sentencing guidelines systems, another 8 to 10 have "voluntary" guidelines, and 1 has "mandatory" guidelines.

Numbers are imprecise because systems differ so greatly that reasonable people disagree over what characterizes a particular system. Five States have statutory determinate sentencing systems, and more than 30 retain some form of indeterminate sentencing. All States are affected in diverse ways by three-strikes, mandatory minimum, or truth-in-sentencing laws.

Second, sentencing and corrections policies today are fractured or fracturing in most jurisdictions. What looks like a nearly monolithic set of policies in many jurisdictions is being undermined from within by new, individualized approaches. Many people, asked to characterize American crime policies, might describe the unprecedented and continuing expansion of jail and prison populations, the widespread movement to lengthen sentences for violent offenders, the truth-in-sentencing movement, the initiatives to limit prisoners' opportunities and worsen their living conditions, and the reluctance of many elected officials to advance policies that might be characterized as soft on crime or drugs. From this might be inferred unremitting toughness and widespread commitment to policies primarily premised on retributive notions of deserved and required harsh punishments.

While there is no doubt widespread support for these policies, that is not the whole story. The burgeoning drug court movement, for example, is creating new diversion opportunities for many offenders, and in some jurisdictions eligibility is being extended to more and more serious offenses and offenders; more offenders who face mandatory sentences if convicted are diverted from prosecution altogether. Similarly, though this has advanced less far, restorative and community-oriented programs are moving toward dealing with increasingly serious crimes and offenders.

Third, not surprisingly, creative people in many places are trying new things. Efforts to incorporate broad-based community partici-

pation in corrections programs and policy setting are one example. Efforts to incorporate restorative and community elements in individual programs or departmentwide, countywide, or statewide are another. In many places, developments of the past decade—structured sentencing, recognition of victims' interests, community and intermediate punishments—are being extended.



The decline of indeterminate sentencing

If a group of corrections officials, judges, and academics from the mid-1950s were brought by time machine to our time, they would likely be astonished by the seeming confusions, complexities, and inconsistencies of policies and practices. They would be surprised by the lack of broad agreement about the purposes of the criminal justice system and the goals of sentencing and corrections.

In the mid-1950s, indeterminate sentencing was in its Golden Age. Mainstream thinkers from Supreme Court justices to corrections leaders and leading academics agreed that the goals of sentencing were utilitarian, with emphasis on rehabilitation and incapacitation. No one argued that “just deserts” or “proportionality” or “truth-in-sentencing” or “public sentiment” were overridingly important considerations. The closest the American Law Institute, in drafting the Model Penal Code,¹ or the National Commission on Reform of the Federal Criminal Laws, in developing a proposed Federal criminal code,² came to acknowledging punitive considerations and the role of public opinion was to provide that punishments should not be so slight as to “unduly depreciate the seriousness of the crime.”

It was not so much that, after spirited debate, proponents of rehabilitative or individualized corrections policies persuaded others to accept their views, as that in the policy climate

of the time, this is what most informed people believed. Law professor Albert Alschuler expressed this in 1978, commenting on the early shifts away from indeterminate sentencing: “That I and many other academics [and corrections officials and judges] adhered in large part to this reformatory viewpoint only a decade or so ago seems almost incredible to most of us today.”³

When indeterminate sentencing lost credibility in the 1970s, nothing that followed commanded equally widespread support. “Law and order” sentiment, by contrast, has attracted wide support among elected officials for parole abolition, harsher penalties, and reduced discretion, but many corrections officials and judges have continued to believe, and newer ones have come to believe, in individualized decisionmaking and the importance of rehabilitative programs. Although for a time many people involved in “sentencing policy” (as distinguished from “corrections policy”) came to believe that just deserts, proportionality, and accountability were the predominant values, that never-quite-consensus view began to break down in the late 1990s. This has liberated practitioners and others to think new thoughts, pursue new goals, and devise new strategies.



Four different conceptions

Four competing conceptions of sentencing and corrections coexist in the United States today. Indeterminate sentencing, which remains a reasonably apt description of a majority of States' systems, is one. Comprehensive structured sentencing is another; a number of States have fairly fully elaborated systems of guidelines for felonies and misdemeanors, and for sentences to confinement, intermediate punishments, and community penalties. What might be called community/restorative sentencing is a third. A fully elaborated system exists nowhere, but there is considerable activity in many States, and programs

based on community/restorative principles are beginning to deal with more serious crimes and criminals and to operate at every stage of the justice system, including within prisons. The fourth conception, which might be called “risk-based sentencing,” starts from the premises that public safety is the overriding goal and individualized risk management the most promising strategy. It aims at reducing risk to the community by specifying the purpose of sentences in relation to the offender and to particular times and places.

The four conceptions share a number of features. First, they are conceptions of sentencing and corrections—not of sentencing alone. In each, “sentencing” encompasses all the key decisions that determine the nature, severity, duration, or termination of dispositions of criminal offenders. This is important because it is inconsistent with much of the determinate sentencing movement that since 1975 has seen the broad discretion of indeterminate sentencing as the problem, tight standards for judges' decisions and abolition of parole as the solution, and corrections managers primarily as implementers of judicially ordered and statutorily prescribed sentences. This implies limited roles for judges and corrections managers.

Second, although most States' practices and laws include elements of each conception, they are in some ways irreconcilable. Structured sentencing, for example, attaches great importance, at least for moderately serious to very serious cases, to treating like cases alike. Indeterminate sentencing attaches little importance to that value, and neither does community/restorative or risk-based sentencing.

Third, however, many sentencing and corrections programs could be encompassed within all or several conceptions. Drug courts, for example, are probably compatible with all four but with somewhat different scope in each.

Indeterminate sentencing

These systems are the most familiar because they are still the most common. They are characterized by multiple, overlapping discretion of prosecutors, judges, corrections officials, and parole boards, and are premised on the need to make individualized decisions about offenders subject to sentencing and corrections goals that vary from case to case. Because the newer sentencing laws receive more attention, it is easy to forget that a majority of jurisdictions continue to operate indeterminate sentencing systems not fundamentally different from a half century ago. Mandatory minimum, three-strikes, and truth-in-sentencing laws have nibbled at the edges of these systems, but they continue to handle the vast majority of cases in States that have them.

Comprehensive structured sentencing

These systems have evolved from simple guidelines for prison terms in Minnesota, Pennsylvania, and Washington to much more comprehensive guidelines that incorporate intermediate and community punishments and related State programs for funding county initiatives. North Carolina has the best known example of a comprehensive structured sentencing system, but Pennsylvania and Ohio have also taken this path, and such systems are being developed in other States. What makes these systems distinctive is that they set sentencing standards for felonies and misdemeanors, and for prison, jail, intermediate, and community punishments. They also include mechanisms for tying sentencing policy to correctional capacity and for distributing State funds to stimulate and support local corrections programs.

There is a tendency to use the terms “guidelines” or “structured sentencing” States as if they were all variations on a standard type. While this was true of indeterminate sentencing jurisdictions between 1930 and 1975,⁴ it is not true of determinate/guidelines/structured

sentencing today. Some determinate sentencing States have abolished parole release but have no guidelines. Among guidelines jurisdictions, some have “voluntary,” some have “presumptive,” and North Carolina and the Federal system have “mandatory” guidelines. Some coexist with parole release and some do not. Some deal with all crimes and others only with felonies. Some set narrow sentencing ranges and some set broad ones. Some address sentences of all types and some address only State prison sentences.

Community/restorative justice

Restorative and community approaches need not necessarily be linked. Some programs containing restorative justice components operate within prison walls, and many community-based corrections programs are based on restorative premises. Nonetheless, in practice, many restorative programs are community based, and for convenience they are discussed together here.

The “community/restorative” conception is at a much earlier stage than comprehensive structured sentencing but is spreading rapidly and into applications that a decade ago would have seemed visionary. These include various forms of community involvement and emphasize offender accountability, victim participation, reconciliation, restoration, and healing as goals (though which goals are emphasized and with what respective weights varies widely). The ideas of “community” and “community-based” encompass many possible initiatives, from understanding community corrections as anything not managed by State officials, to radical decentralization of programs and decisionmaking to neighborhood levels proposed by people who want to abolish the criminal justice system altogether.

Part of the appeal of restorative justice, and one of its challenges, is that it attracts support from across ideological and political spectrums, from the social gospel emphasis on reconciliation and healing to victims groups’

emphases on victim empowerment, vindication, and restitution. This broad appeal recalls the early days of the determinate sentencing movement, when due-process liberals and prisoners’ rights groups joined law-and-order conservatives and law enforcement groups in calling for replacing indeterminate sentencing with new systems that attached greater importance to official accountability, that limited official discretion, and that sought to reduce sentencing disparities. Those shared views on procedure and process camouflaged stark differences between liberals and conservatives on the substance of sentencing and corrections policies. There may be similar fundamental differences among proponents of community and restorative initiatives.

A variety of initiatives fall under this heading: Vermont’s statewide experiment with reparative probation boards; countywide commitment to community justice in Deschutes County, Oregon; the array of community participation initiatives in Travis County, Texas; many jurisdictions’ victim-offender mediation programs; and diverse new programs featuring sentencing circles, group conferencing, and related initiatives. Some community police, prosecution, and court programs to varying degrees reflect restorative and community justice values. Related ideas are winning favor in other countries (including Australia, Austria, Belgium, and New Zealand).

Comprehensive risk-based systems

Risk assessment, exemplified by empirically informed prediction and classification procedures, has long been a feature of corrections management. This conception is distinctive in serving not only as a management tool but also as an overriding premise and objective. It aims to reduce risk to the community by specifying the purposes of sentences in relation not only to offenders’ personal characteristics but also to particular times and places and tailoring sentencing and correctional measures

accordingly. There is emphasis on community supervision—in particular, closely supervised programs with graduated and individualized responses to offenders' lapses and failures. No such system is now in full operation, but many features of Delaware's SENTAC (Sentencing Accountability), including its five-level continuum of sanctions, are consistent with it.

Risk-based sentencing is in some ways a reconceptualization of indeterminate sentencing, but with the key difference that individualized assessments of risk are seen as being as much a means to achieve public safety as to facilitate offender rehabilitation. Conditions imposed—and enforced—will often relate to minimizing the particular risk an offender presents for a particular community. The emphasis is thus as much on reducing crime risks in particular places as on reducing recidivism probabilities of particular offenders.

Like community/restorative sentencing, risk-based sentencing is largely inconsistent with recent initiatives to reduce or eliminate discretion and to link sanctions primarily to the crime rather than to the criminal. Individual offenders present particular risks in particular places, and only sometimes will these be closely tied to the offense that put the offender under justice system supervision. Operating such a system will require that officials have substantial discretion to establish individualized conditions and controls and to enforce them through flexible, graduated sanctions.

This conception, too, is less fully elaborated than indeterminate or comprehensive structured sentencing and so far is not the subject of as extensive experimentation as community/restorative sentencing. However, it shares problem-solving and community-orientation elements with modern police and prosecution developments and is likely to receive increasing attention. A fully elaborated system of risk-based sentencing was proposed for Wisconsin in 1996,⁵ and pilot projects are under way in two Wisconsin counties.



Similarities and differences

Each of the four conceptions has a distinct set of implicit premises, principles, and purposes concerning the aims of the justice system, the requirements of justice, and the relations between citizen and state. Of course, no one is surprised if, in life, principles sometimes conflict or policies or programs sometimes seem self-contradictory or ad hoc. A preliminary effort to array the four conceptions along a number of dimensions or values is presented in matrix form (see the exhibit). The matrix roughly characterizes the conceptions as high, moderate, low, or unclear on how likely they are to further or protect various goals or values of a sentencing and corrections system: equal treatment, autonomy, participation, transparency, and legitimacy. The aim is not to be definitive but to focus on what is potentially valuable, reassuring, or disturbing in the four conceptions.

Equal treatment

The axiom, “like cases should be treated alike and different cases differently,” commands wide support. The claim that indeterminate sentencing often results in disparities (like cases treated differently) is a recurring criticism. Reducing disparities is a major goal of many determinate sentencing laws and structured sentencing systems. The ideas that people should be treated fairly, especially by the state, and that fairness includes equal treatment, are widely shared and present challenges for indeterminate, community/restorative, and risk-based sentencing.

In our time the influence of retributive ideas makes people think of “like-situated” in terms primarily of crimes and criminal histories. Thus, when two offenders convicted or accused of the same crime are handled in substantially different ways under indeterminate, community/restorative, or risk-based sentencing, it is natural to see this as “disparity.” It is open to proponents of other conceptions to

argue that two offenders who have committed the same crimes are nonetheless differently situated in “rehabilitative need,” “community-connectedness,” or “risk profile.”

Proponents of community/restorative sentencing, for example, might argue that seemingly similar crimes can have very different effects on different victims and that equal-punishment approaches ignore those differences. They might also argue that equal-treatment concerns are less important when the goal is constructive, not primarily punitive, and when the offender must agree to the disposition.

Coupled with concerns about equality are concerns about administration. If officials administering punishment or processes affecting punishment are not constrained by policy, the likelihood of arbitrary, idiosyncratic, invidious, and stereotype-influenced decisions is greater. Thus, another part of the attack on indeterminate sentencing is a set of arguments that officials cannot be trusted to resist temptations to be willful or to be influenced by personal biases and unconscious stereotypes.

Autonomy

The “right to be left alone” is another core idea in American political culture underlying the 1970s challenges to indeterminate sentencing. Libertarian ideas wax and wane, and individuals' lack of insulation from government in the 1990s bears little resemblance to the rugged individualism of frontier days, but the idea that personal and moral autonomy are important values is still influential. To many people, criminals deserve to be punished because they are autonomous actors who are morally responsible for their acts. To others, social disadvantage, disrupted childhoods, and limited opportunities make some offenders less culpable than others. To many, criminals have a right not to be punished more severely than they deserve. To many, the state has no business intervening in people's private lives and paternalistically making choices for them.

Values Expressed or Served in the Various Sentencing/Corrections Models

	Indeterminate	Structured	Community/ Restorative	Risk-Based
Equal treatment				
Individualization	High	Low	High	High
Risk of disparity	High	Low	High	High
Official discretion	High	Low	—	High
Risk of bias	High	Low	—	High
Desert	Low	High	Low	—
Proportionality	Low	High	Low	Low
Autonomy				
Paternalism	High	Low	—	High
Public safety	—	—	High	High
Participation				
Victims	Low	Low	High	Low
Communities	Low	Low	High	—
Offenders	Low	Low	Moderate	Low
Transparency	Low	High	Low	Moderate
Legitimacy	—	—	High	Moderate

Note: Dashes mean value is not clear.

Participation

The third value, participation, was not explicitly part of the attack on indeterminate sentencing, though it may have been an unarticulated source of dissatisfaction. Pressure for wider participation is part of the context of sentencing and corrections policy in the 1990s. From the victims' rights movement have come calls for victim notification, participation, consultation, restitution, and vindication. From the community and restorative justice movements have come perceptions that victims, families, and members of the community are potentially important participants in deciding the response to crimes.

There is some irony in pressures for broader participation in decisionmaking as it affects individual case disposition. Most histories of the criminal law describe the removal of responses to crime from the community to the state as something to celebrate. Having the state take custody of the offender's body and assume responsibility for responding to his

crime could prevent vigilantism, retaliation, and other self-help by the victim and the victim's family or friends. Likewise, the community as a place where emotions get out of hand is often contrasted with the legal system, where formal processes and dispassionate officials protect offenders from unrestrained community pressures. Indeterminate sentencing in particular was commonly seen as a way to professionalize the response to crime.

Transparency

Transparency is another low-profile component of the attack on indeterminate sentencing that has become more explicit. The term is often used for processes whose workings are observable, in contrast with processes that take place behind closed doors. During the 1970s, indeterminate sentencing was disparaged as "bark-and-bite" sentencing: The judge's bark often was much fiercer than corrections' bite. Truth-in-sentencing, which gained momentum in the 1990s, is premised on the notion that the public is entitled to know that offenders will suffer the punishments

judges order. This is a reversal of the indeterminate sentencing idea that decisions should be made by professionals in low-visibility settings where they are unlikely to be influenced by public sentiment and passion.

Proponents of community/restorative sentencing might argue that the systems they propose are more transparent than any in which responses to crime are solely controlled by public officials. The transparency of truth-in-sentencing, they would argue, is theoretical. While citizens might know in the abstract that offenders will serve the punishment imposed, few citizens have firsthand knowledge of the handling of any particular case, or of cases in general. Community and restorative initiatives, by contrast, have a "community-connectedness" that offers a different and arguably more important transparency. By including victims and offenders, their families, community members, and others (employers, neighbors, friends, teachers, or social workers, depending on the circumstances) in the process, community/restorative approaches are more likely to be known and understood in the community most affected by a crime.

Legitimacy

The fifth value, legitimacy, also may have been implicit in the attack on indeterminate sentencing, but has recently become better understood. People resent being treated unfairly, and ideas about unfairness underlay objections to sentencing disparities and calls for sentencing rules and officials' accountability. Work on "procedural justice," most famously associated with psychologist Tom Tyler,⁶ and recently extended to prison administration by Anthony Bottoms and his colleagues,⁷ has shown that people's reactions and behaviors are strongly influenced by whether they believe their interests receive fair consideration and that procedures leading to decisions affecting those interests are fairly administered. Some argue that being treated in a way perceived as fair may reduce later offending.⁸

This notion of legitimacy is somewhat different from traditional notions of due process. The latter are based on a substantive notion that people should be treated fairly. The former is based on empirical findings that people react better to decisions that run counter to their interests when they believe they have been treated fairly. It is a happy coincidence when doing what's right (treating people fairly) is more effective in instrumental terms than doing what's wrong (treating people unfairly).

"Legitimacy" in this sense is a major component of community/restorative sentencing, which is predicated on victim, offender, and often community participation and satisfaction. Risk-based sentencing, by tailoring dispositions to offender and community needs, and providing certain but graduated responses to offenders' failures to comply with conditions, treats offenders as individuals. Indeterminate and comprehensive structured sentencing, by contrast, make little effort to elicit offenders' participation or agreement and no effort to include victims or the community.



Toward better policies

These are all complex concepts about which reasonable people differ. In the matrix, "proportionality," "desert," and "disparity" are listed under "equal treatment." For people who see the sentencing and corrections system as primarily retributive and concerned with ordering and implementing deserved punishments, proportionality and desert are desirable, and disparity to be avoided. For people who see sentencing and corrections as primarily preventive or restorative, individualization is an important value, and desert, proportionality, and disparity are at most constraints. And so on.

Compared with the 1950s and 1960s when indeterminate sentencing was the only conception in use or under consideration, and the 1970s and 1980s when "desert-based" guidelines competed with indeterminate sentencing, the four conceptions permit an exploration of issues that might lead to richer understanding and better policies. That has been the task of the Executive Sessions on Sentencing and Corrections.

This publication and others in the series distill what has been learned from the sessions. Three related policy briefs based on the sessions develop in greater detail contemporary efforts to implement indeterminate and comprehensive structured sentencing, community/restorative sentencing, and risk-based sentencing.⁹ Other publications in the series describe more specific applications in sentencing and corrections.

Notes

1. *Model Penal Code (Proposed Official Draft)*, Philadelphia: American Law Institute, 1962.
2. *National Commission on Reform of the Federal Criminal Laws: Final Report*, Washington, DC: U.S. Government Printing Office, 1968.
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4. Rothman, David J., *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*, Boston: Little, Brown, 1980.
5. "Wisconsin Governor's Task Force on Sentencing and Corrections—Final Report," *Overcrowded Times* 7 (6) (December 17, 1996): 5–17.
6. Tyler, Tom R., *Why People Obey the Law: Procedural Justice, Legitimacy, and Compliance*, New Haven, CT: Yale University Press, 1990.
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8. Sherman, L.W., and G. Barnes, "Restorative Justice and Offenders' Respect for the Law," in *Reintegrative Shaming Experiment (RISE) Working Paper No. 3*, Canberra: Australian National University, Research School of Social Sciences, 1997.

9. These papers are, respectively: Tonry, Michael, *Reconsidering Indeterminate and Structured Sentencing*, NCJ 175722; Kurki, Leena, *Incorporating Restorative and Community Justice Into American Sentencing and Corrections*, NCJ 175723; and Smith, Michael E., and Walter J. Dickey, *Reforming Sentencing and Corrections for Just Punishment and Public Safety*, NCJ 175724. All: Research in Brief—Sentencing & Corrections: Issues for the 21st Century, Washington, DC: U.S. Department of Justice, National Institute of Justice/Corrections Program Office, September 1999.

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The Executive Sessions on Sentencing and Corrections

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