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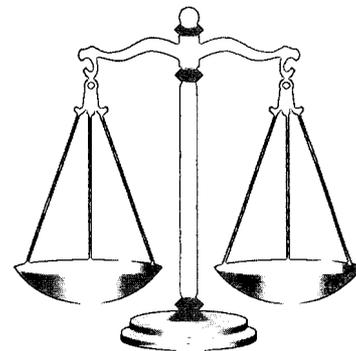
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Dispatches from Two Fronts of the Battle for Sentencing Reform: Parole and Federal Sentencing Legislation

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It is by now a commonplace that we are in an era of criminal justice reform. For thirty years or so, from perhaps the late 1970s until a few years after the turn of the millennium, the country abandoned the rehabilitative ideal. The spectrum of respectable opinion on criminal punishment among the political classes ran from “lock ‘em all up,” on the right, to “lock most of ‘em up, but for not quite so long,” on the left. Moreover, in some jurisdictions, the prevalent view went beyond “lock ‘em all up” to something like, “Lock ‘em all up. Make them miserable while they’re in. If you must let them out, give them no help and brand them with the Mark of Cain.” America’s punitive mood indisputably produced a staggering increase in the national prison population, and it coincided with (even if it may have been only one contributor to) a marked drop in crime. America is now in a different mood: a bit aghast at the human and financial cost of mass incarceration, skeptical of the long-running “war on drugs,” more open to the idea that rehabilitation may be achievable, and looking, cautiously, for new paths.

This Issue of FSR reports on two fronts in the ongoing national battle for sentencing reform. The first half of the Issue is devoted to evolving views and new initiatives on parole. The second half of the Issue is a report on the content and prospects for success of a number of bills pending in Congress that would reform federal criminal sentencing, corrections, and back-end release practices.

Parole in America

When one speaks of “parole” or “parole reform,” different audiences are apt to think of different—though related—things. For some, the word “parole” refers to a mechanism of discretionary release from imprisonment, a mechanism generally administered by a “parole board” that bases release decisions in large part on its assessment of whether a defendant has been adequately “rehabilitated” by his or her stay in prison and presents an acceptably low risk of reoffending. Other people think of “parole” as the period following release from prison during which the former inmate remains under supervision and subject to return to prison if release conditions are violated. And how one thinks about parole in either of these senses depends greatly on how one views the capacity of prisons to rehabilitate their inhabitants and on whether parole boards or anyone else can accurately assess rehabilitation when they see it.

This Issue of FSR offers an impressive array of perspectives on all of these faces of parole. Beth Schwartzapfel, a journalist with The Marshall Project, presents a splendidly reported, if somewhat skeptical, view of the composition and functioning of state parole boards.¹ Ryan King, of the Urban Institute, provides a brisk overview of the recent history of determinate and indeterminate sentencing systems in the United States, and recommends adoption of some variant of Pennsylvania’s Recidivism Risk Reduction regime in which prisoners earn release credits through program completion, rather than relying on discretionary choices of parole boards.² Peggy Burke, of the National Parole Resource Center, offers a positive assessment of corrections professionals’ emerging capabilities to implement recidivism reduction programs and parole boards’ capacity to assess recidivism risk.³ Dennis Schrantz, of the Michigan Council on Crime and Delinquency, Center for Justice Innovation, celebrates what he sees as

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Michigan's notable successes in implementing correctional "best practices" and reducing recidivism in that state.⁴ Finally, Edward Rhine, Joan Petersilia, and Kevin Reitz combine their formidable talents to offer a ten-point program for improving parole release in America.⁵

Sentencing & Corrections Reform Legislation in Congress

This year has seen a remarkable array of innovative sentencing and corrections legislation introduced in Congress by bipartisan coalitions in both the House and Senate. Yet nothing is settled. Early 2016 could see passage of transformative federal statutes . . . or gridlock. So much is happening that it is, as the old saying goes, difficult to tell the players without a scorecard. In this Issue, we try to provide that scorecard, plus commentary from close observers of the legislative process and an array of critical primary documents. The congressional reform section of this Issue is introduced in a separate article titled, *Good Enough to Be Getting on With? The State of Federal Sentencing Legislation, December 2015*.⁶ We hope you will find it, and the materials that follow, illuminating.

Notes

- ¹ Beth Schwartzapfel, *Parole Boards: Problems and Promise*, 28 Fed. Sent'g Rep. 79 (2015).
- ² Ryan King, *Balancing the Goals of Determinate and Indeterminate Sentencing Systems*, 28 Fed. Sent'g Rep. 85 (2015).
- ³ Peggy B. Burke, *The Future of Sentencing: Parole Discretion and Risk Reduction*, 28 Fed. Sent'g Rep. 88 (2015).
- ⁴ Dennis Schrantz, *What Works to Reduce Crime, Recidivism, and Prison Populations? Seven Lessons Learned in Michigan*, 28 Fed. Sent'g Rep. 92 (2015).
- ⁵ Edward E. Rhine, Joan Petersilia, and Kevin R. Reitz, *Improving Parole Release in America*, 28 Fed. Sent'g Rep. 96 (2015).
- ⁶ Frank O. Bowman, III, *Good Enough to Be Getting On With? The State of Federal Sentencing Legislation, December 2015*, 28 Fed. Sent'g Rep. 105 (2015).