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Resource Page

ONLINE

CENTER FOR SENTENCING INITIATIVES, NATIONAL CENTER FOR STATE COURTS
http://www.ncsconline.org/csi/index.html

The National Center for State Courts has a new section on its website devoted to discussion and research about sentencing issues. The website explores the expanded use of evidence-based sentencing practices, as well as risk- and need-assessment information that may help in identifying sentencing options that can best protect the public, reduce recidivism, and hold offenders accountable. The website was set up with assistance from the Public Safety Performance Project of the Pew Charitable Trusts' Center on the States and the State Justice Institute.

The Conference of Chief Justices and Conference of State Court Administrators adopted a resolution in 2007 endorsing the increased use of evidence-based sentencing practices. The resolution concluded that "the use of validated 'offender risk and need assessment tools' is critical in reducing recidivism" and urged states "to adopt sentencing and correction policies and programs based on the best research evidence of practices shown to be effective in reducing recidivism." Judges and policy makers can turn to this new website to stay up-to-date on research in this area.

There are already several useful reports and resources on the website. We note a few of them here.

Brian J. Ostrum, Charles W. Ostrom, Roger A. Hanson & Matthew Kleiman, Assessing Consistency and Fairness in Sentencing: A Comparative Study in Three States (2008).
These researchers at the National Center for State Courts studied sentencing patterns in three states that use substantially different systems of sentencing guidelines: Minnesota, which has a relatively strict system; Michigan, which allows more judicial discretion; and Virginia, where compliance with the recommended sentences is voluntary. The study reported these key findings:

- Guidelines do make sentences more predictable. Predictability was highest in Minnesota and lowest in Virginia.
- Guidelines effectively limit disparities in sentencing based on characteristics such as race and economic impact. The study found that the influence of those factors was negligible in all three of these states, even Virginia with its voluntary guidelines: "A voluntary guideline system with substantial sentencing ranges does not necessarily lead to increases in discrimination, as many observers might have expected."
- Guidelines make sentencing patterns more transparent.
- State officials have many options available to them when designing sentencing guidelines.
- Active participation by a sentencing commission is an essential part of an effective guideline-sentencing system.

Neal B. Kauder & Brian J. Ostrom, State Sentencing Guidelines: Profiles and Continuum (2008).
This report reviews sentencing-guidelines systems in 21 states, placing them on a continuum from the most voluntary to the most mandatory. Judges and policy makers may find this review of interest in identifying states that have similar systems: judges might find relevant caselaw in a state with similar provisions, while policy makers may be interested in states both similar and divergent.

Roger K. Warren, Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries (2007).
Roger Warren, a former California judge and past National Center for State Courts president, makes the case for applying evidence-based sentencing practices to reduce recidivism. Warren reviews research about what works in reducing recidivism; he crystallizes the research into a set of evidenced-based practices. A detailed review of drug courts, which have implemented many evidence-based practices in sentencing, is included. Warren emphasizes ways in which judges can enhance reduced recidivism. In addition to evidence-based practices, he reviews procedural-fairness concepts that can lead to greater acceptance of court outcomes and to defendants taking responsibility for their own conduct.

CHARLES H. WHITEBREAD 1943–2007
***Los Angeles Times* Obituary:**
http://articles.latimes.com/2008/sep/23/local/me-whitebread23

Law professor Charles H. Whitebread, who reviewed the decisions of the United States Supreme Court at the American Judges Association's annual education conference for more than 25 years, died September 16, 2007. He was 65.

He taught at the University of Southern California law school from 1981 to 2008; before that, he taught at the University of Virginia law school from 1968 to 1981.

Whitebread's presentations at AJA conferences were the highlight of each year's annual meeting. Whitebread also wrote a summary of the past year's cases each year for *Court Review*, and he served on *Court Review*'s editorial board from 1998 until his death. Some remembrances of him are found at page 4 of this issue. For those who would like to read an obituary, a good one ran in the September 23, 2008, *Los Angeles Times* (Valerie J. Nelson, *Supreme Court Expert Taught at USC*, available on Westlaw at 2008 WLNR 18054334).

In its obituary, the *Times* reported that Whitebread's popularity was reflected in a Facebook group called, "Charlie Whitebread Rocks My World." The group had more than 1,600 members.