

FEDERAL SENTENCING REPORTER
Volume 36, Numbers 1-2 • October-December 2023



EDITORS

Douglas A. Berman
Frank O. Bowman, III
Steven L. Chanenson
Nora V. Demleitner
Jelani Jefferson Exum
Judge Nancy Gertner (Ret.)
Mark D. Harris
Paul J. Hofer

EDITORS EMERITI

Marc Miller
Michael M. O'Hear
Aaron Rappaport

FOUNDING EDITORS

Daniel J. Freed
Marc Miller

ADVISORY BOARD

Albert W. Alschuler
Andrew Ashworth
Judy Clarke
Richard S. Frase
Roger W. Haines Jr.
Thomas W. Hillier II
Magdeline E. Jensen
Marc Mauer
Linda Drazga Maxfield
Barbara Meierhoefer
Jon O. Newman
Charles J. Ogletree
Dale G. Parent
Kevin R. Reitz
Jon M. Sands
Michael E. Smith
Kate Stith
Michael Tonry
Ronald F. Wright
Kimba M. Wood
Franklin E. Zimring

EDITORS' NOTES

The editors of the *Federal Sentencing Reporter* are extraordinarily grateful for the opportunity to curate this special issue built around the original, ground-breaking research and analysis of the Council on Criminal Justice's Task Force on Long Sentences. In just a few years, CCJ has garnered a sterling and well-earned reputation as a leading source for nonpartisan, research-informed criminal justice analysis and policy recommendations. As detailed in this (double) issue, the work of CCJ's Task Force on Long Sentences continued this tradition by bringing together a wide array of experts, conducting cutting-edge research, and listening to affected individuals with varied experiences and multiple perspectives on crime and punishment. After assembling knowledge from many sources, the Task Force produced a landmark report, built upon a set of guiding principles, which sets forth 14 sweeping recommendations to inform the work of policymakers and advocates.

In addition to reproducing the Task Force report, this *FSR* issue includes short introductory commentaries by CCJ leaders who helped create and steer the Task Force's work, as well as some of the original research that helped provide a foundation for its policy recommendations.

FSR is pleased to publish this work for a multitude of reasons, including that its substantive research and recommendations add an important voice to a timely conversation. Furthermore, we view CCJ's process of engaging with stakeholders from different perspectives as inspirational. CCJ has shown that even during polarized times, it is possible to translate criminal justice evidence and knowledge into policy and practical wisdom. That alone merits the attention and respect of anyone who comes to these critical issues in search of solutions rather than slogans.



Please send articles and editorial correspondence to:

Publication Manager
Federal Sentencing Reporter
E-mail: berman.43@osu.edu

Federal Sentencing Reporter (ISSN 1053-9867, e-ISSN 1533-8363) is published five times a year (February, April, June, October, December) by University of California Press, 155 Grand Avenue, Suite 400, Oakland, CA 94612-3764 for the Vera Institute of Justice. Periodicals postage paid at Oakland, CA, and additional mailing offices. POSTMASTER: Send address changes to Federal Sentencing Reporter, University of California Press, 155 Grand Avenue, Suite 400, Oakland, CA 94612-3764. E-mail: customerservice@ucpress.edu.

See <http://fsr.ucpress.edu/content/subscriptions-and-single-issues> for single issue and subscription orders, and claims information. Domestic claims for nonreceipt of issues should be made within 90 days of the mail date; overseas claims within 180 days. Mail dates can be checked at <https://www.ucpress.edu/journals/schedule-of-releases>. University of California Press does not begin accepting claims for an issue until thirty (30) days after the mail date.

For complete abstracting and indexing coverage for the journal, please visit <http://fsr.ucpress.edu>. All other inquiries can be directed to customerservice@ucpress.edu.

Copying and permissions notice: Authorization to copy article content beyond fair use (as specified in Sections 107 and 108 of the U.S. Copyright Law) for internal or personal use, or the internal or personal use of specific clients, is granted by The Regents of the University of California on behalf of the Vera Institute of Justice for libraries and other users, provided that they are registered with and pay the specified fee through the Copyright Clearance Center (CCC), www.copyright.com. To reach the CCC's Customer Service Department, call (978) 750-8400 or write to info@copyright.com. For permission to distribute electronically, republish, resell, or repurpose material, and to purchase article offprints, use the CCC's Rightslink service, available at <http://fsr.ucpress.edu>. Submit all other permissions and licensing inquiries through the University of California Press's Reprints and Permissions web page, <https://www.ucpress.edu/journals/reprints-permissions> or via email: jpermissions@ucpress.edu.

Printed by The Sheridan Press, Hanover, PA.
© 2023 Vera Institute of Justice. All rights reserved.

Federal Sentencing Reporter Directory

Volume 27 (October 2014–June 2015)

- No. 1 *Doing the Right Thing: The Evolving Role of Human Dignity in American Sentencing and Corrections*
- No. 2 *Military Sentencing: Another Federal Sentencing System (Part 1)*
- No. 3 *Military Sentencing: Another Federal Sentencing System (Part 2)*
- No. 4 *The Risk Assessment Era: An Overdue Debate*
- No. 5 *Assessing USSC Amendments to Economic Crime Guidelines*

Volume 28 (October 2015–June 2016)

- No. 1 *Sentencing Reform Distinctly Paced by Congress and the Supreme Court*
- No. 2 *Parole in America & the Status of Federal Sentencing Reform Legislation*
- No. 3 *Sentencing a Decade after Booker*
- No. 4 *Supervision: A Path to Successful Reentry or a Ticket to Prison?*
- No. 5 *Changing Punitiveness*

Volume 29 (October 2016–June 2017)

- No. 1 *Justice Reinvestments*
- Nos. 2-3 *Advice for the New Congress and Administration*
- No. 4 *Sentencing Then ... and Now: Judicial Perspectives on Judicial Perspectives*
- No. 5 *Obama's Clemency Project: Looking Back*

Volume 30 (October 2017–June 2018)

- No. 1 *Assessing DOJ's Charging and Sentencing Policies*
- No. 2 *Sentencing in the Nation's Heartland*
- No. 3 *Has the Role of U.S. Attorneys Been Changing?*
- Nos. 4-5 *Managing Collateral Consequences in the Information Age*

Volume 31 (October 2018–June 2019)

- No. 1 *The Norwegian Sentencing and Correctional Systems*
- No. 2 *The 2018 Debate over Federal Statutory Reform Proposals*
- No. 3 *Drug Sentencing Reform Efforts in the States*
- Nos. 4-5 *The Tyranny of the Trial Penalty: The Consensus that Coercive Plea Practices Must End*

Volume 32 (October 2019–June 2020)

- No. 1 *SCOTUS Cases, Aleph Conference, and FIRST STEP Developments*
- No. 2 *Reflections on the First Step Act a Year Later*
- No. 3 *Looking Backward and Moving Forward*
- No. 4 *State Prosecutors: Their Impact on Mass Incarceration and Criminal Justice Reform*

Volume 33 (October 2020–June 2021)

- Nos. 1-2 *Assessing Priorities in Times of Tumult*
- No. 3 *Weinstein on Sentencing*
- No. 4 *Making Sense of Sentencing Data*
- No. 5 *After Trump: The Future of the President's Pardon Power*

Volume 34 (October 2021–June 2022)

- No. 1 *Drug Sentencing and Its Contribution to Mass Punishment*
- Nos. 2-3 *Financial Sanctions in Sentencing and Corrections: Critical Issues, Innovations, and Opportunities*
- No. 4 *Reassessing the Institutional Structure of Federal Sentencing*
- No. 5 *Federal Community Supervision*

Volume 35 (October 2022–June 2023)

- No. 1 *21st Century Advice to the New Commissioners*
- No. 2 *New U.S. Sentencing Commission Gets to Work*
- No. 3 *Sentencing Law and Practice Move Forward*
- Nos. 4-5 *Frankel at 50*