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ABA COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS

ANNOUNCEMENTS

NDA Co-Sponsors Commission Recommendations

The Commission has submitted for consideration by the ABA House six reports with recommendations. The reports deal with 1) alternatives to incarceration and conviction; 2) improvements in parole and probation supervision; 3) employment and licensure of convicted persons; 4) access to and use of criminal records for non-law enforcement purposes; 5) representation relating to collateral consequences; and 6) training in the exercise of discretion. These six reports were originally submitted to the House last summer, but were withdrawn for further consideration and discussion with the National District Attorneys Association. As a result of the Commission's discussions with NDAA a number of revisions were made to the recommendations, and the NDAA agreed to co-sponsor four of the six sets of recommendations. The Criminal Justice Section and the National Legal Aid and Defender Association also renewed their co-sponsorship of the recommendations.

Commission believes that its recommendations have on balance been strengthened as a result of the revisions agreed to in its discussions with

Upcoming Events

Policy Recommendations and Reports

[Report I- Alternatives to Incarceration](#)

[Report II- Improvements in Probation and Parole](#)

[Report III- Employment and Licensure for Persons with a Criminal Conviction](#)

[Report IV- Access to and Use of Criminal History Information for Non-Law Enforcement Purposes](#)

[Report V: Collateral Consequences of Criminal Convictions](#)

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the NDAA. Among other things, the NDAA agreed that:

- Community based alternatives to incarceration that also avoid a conviction record, including diversion and deferred adjudication, should be available to all but the most serious offenders;
- People under community supervision should only be returned to prison for serious violations of their conditions of release, such as where a new crime has been committed or lesser sanctions have failed;
- Public access to criminal records should in general be limited, in light of the government's interest in encouraging successful offender reentry and reintegration, people should be able to challenge the accuracy of their records, and only law enforcement agencies should have access to records of closed criminal cases that did not result in a conviction;
- All criminal justice professionals -- including judges, prosecutors, defense counsel, probation and parole officers, and correctional officials -- should be trained in understanding, adopting and utilizing factors that promote the sound exercise of their discretion.

The Commission also proposed a revised set of recommendations relating to employment and licensure of people with convictions, including a more refined mechanism for mitigating or avoiding the collateral consequences of conviction. It also made recommendations relating to how defenders and prosecutors deal with collateral consequences.

The full text of the Commission's recommendations can be accessed through links in the right hand column. These recommendations will be acted on by the ABA House in February at its Midyear meeting in Miami.

Hearing on Relief from Collateral Consequences

On October 13, 2006, the Commission on Effective Criminal Sanctions held a public hearing in Brooklyn, New York, on the subject of certificates of rehabilitation and other ways of obtaining relief from the collateral consequences of conviction. The Commission learned a lot of valuable information

Commission Members and Staff

[Commission Roster](#)



Helpful Information and Websites

Helpful Information and Websites

[Relief From The Collateral Consequences Of A Criminal Conviction: A State-By-State Resource Guide by Margaret Love](#)

[A Report of the Commission on Safety and Abuse in America's Prisons](#)

[Re-Entry and Reintegration: The Road to Public Safety by New York State Bar Association Special Committee on Collateral Consequences of Criminal Proceedings](#)

[ABA Letter to U.S. Sentencing Commission on Reduction Motions under 18 U.S.C. s 3582 \(c\)\(1\)\(A\)\(i\)](#)

[New Sentencing Model by the Center for Community Alternatives](#)

about how the New York certificate program operates, and also about similar forms of relief available in Illinois, Connecticut and Arizona. A briefing memorandum prepared for the hearing is available under hearing materials to the right; notes from the hearing are available under hearing materials.

The National Conference of Commissioners of Uniform State Laws ("NCCUSL"), the New York City Bar Association and the ABA Criminal Justice Section co-sponsored the hearing.

The Commission is currently revising several of the policy recommendations it will be presenting to the House in February, in light of what it learned at the hearing. (The policy recommendations approved by the Commission in May 2006, which were withdrawn from the House agenda in August to permit additional discussion with the National District Attorneys Association, will be re-submitted to the House in February.) The principal revisions will be in the Commission's report and recommendations on employment and licensing of convicted persons, and will address judicial and administrative processes for avoiding or mitigating the collateral consequences of conviction, and standards for determining when an individual has become rehabilitated. (The full text of the Commission's recommendations and accompanying reports may be accessed through the links at the right.)

The Commission hopes eventually to produce model procedures for avoiding the legal barriers to reentry that jurisdictions can incorporate into their legal systems. It is working closely with the NCCUSL drafting committee tasked with developing a uniform law on collateral sanctions and disqualifications.

[University of Maryland Report on Collateral Consequences](#) 


[Collateral Sanctions: Florida Report](#) 

[Legal Limitations on Employment- Pennsylvania Report](#) 

[Breaking the Cycle: Report from the UK](#) 

Commission Hearing Materials

[October 13 Hearing Notes](#) 

[Certificates of Rehabilitation & Other Forms of Relief from Collateral Consequences of Conviction](#) 

[Gregory Everett Testimony- CT Pardon and Parole Board](#) 

[March 3 Hearing Notes](#) 

[March 31 Hearing Notes](#) 

[more links...](#)

Background

Two years ago, in his speech to the ABA Annual Meeting, Justice Anthony Kennedy challenged the legal profession to pay attention to what happens to people after they are convicted of crimes and sent to prison. He raised fundamental questions about the fairness and efficacy of a justice system that disproportionately imprisons minorities, and that returns them to their communities in no better shape than they left it. He pointed out that most states now spend more on their prisons than on their schools, and concluded that "our resources are misspent, our punishments too severe, our sentences too long."

He asked the ABA to help start a new public discussion about American sentencing and corrections policies and practices. ABA President Dennis Archer responded by establishing the Justice Kennedy Commission, whose report to the 2004 Annual Meeting contains a series of policy recommendations that have been hailed as providing a blueprint for sentencing and corrections reform.

More About Us

The ABA has received a two-year grant to continue the work begun by the Justice Kennedy Commission. Its new Commission on Effective Criminal Sanctions, co-chaired by former Illinois Governor James R. Thompson and Professor Stephen Saltzburg, will seek to develop a broad consensus among prosecutors, defenders and judges, about what can and should be done to reduce reliance on incarceration and to reduce recidivism. To begin with, the Commission will focus on the following areas:

* Alternative sentencing strategies that offer minor offenders a chance to avoid prison and a

conviction record;

* Innovative community-based interventions for drug-related crimes that work to reduce recidivism;

* Laws and policies aimed at neutralizing the effect of a conviction through executive and judicial relief mechanisms, and at encouraging employment of people with criminal records.

Modified by April L Frazier on December 20, 2006

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