

November 2008

**Newsletter Editorial Committee**

Shadd Maruna (Chair)  
 Michael Brown  
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**Member Newsletter**

**Thank You!!**

- \* **The University of Cincinnati** for sponsoring our Awards Breakfast.
- \* **Northpointe** for sponsoring the Student Paper Awards.
- \* **Arizona State University** for sponsoring our Social.
- \* All who donated books for the raffle at our Hospitality Table.
- \* **Marie Griffin** for her service as Secretary/Treasurer.
- \* **Brian Johnson** for his service as Executive Counselor.
- \* **DCS committee chairs and members** for their service to the Division.
- \* **Jean Merrell** for her expert assistance to the Executive Board.

**Chair’s Welcome—By Susan Turner**

On behalf of the Executive Board of ASC’s Division of Corrections and Sentencing, I would like to welcome you to St. Louis, home of the tallest monument built in the US, the Gateway Arch. This year’s meeting has numerous panels of interest for our members highlighted in this issue. I would like to point out several other items of interest in the newsletter. Please join us for our annual breakfast and business meeting, where we will continue discussions regarding the future of the Division. Our hospitality table is a must to visit – DCS members have donated recently authored books for a student raffle. We will also have DCS membership forms available—bring your friends by to sign up.

This issue of the newsletter profiles winners of the DCS Distinguished Scholar, Faye Taxman, and Distinguished New Scholar, Joseph Murray. Ellen Chayet and Michael Brown interview Michael Radelet about the impact of the recent U.S. Supreme Court decision on lethal injection, *Baze et al v. Rees*.

As we approach our 10th year, our Division numbers almost 400 members from the US and abroad. We have come a long way from the early years and look forward to continuing to refine our mission and goals for the future.

See you in St. Louis!



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**Annual Awards Breakfast/Business Meeting and the DCS Social**

The Division’s **Annual Awards Breakfast and Business Meeting** will be on Thursday, November 13th from 8:00 - 10:00 am. This will be held at the Hilton Hotel (a few minutes walk from the Hyatt) in the Laclade Room (\$10 at the door or free for students with a coupon).

Awards will be presented for the Distinguished Scholar and the Distinguished New Scholar. We will also recognize the winners of the outstanding student paper competition, and an election will be held for a new Secretary/Treasurer and an Executive Counselor.

**An afternoon social** will be held on Friday, November 14th from 3:00 - 5:00 pm. This will also be in the Hilton Laclade Room. All members are invited to attend. See you there!

# DCS Panels of Interest in St. Louis

## Wednesday, November 12

### 11:00 - 12:20

Critical Perspectives on Prisonization and Corrections (Hyatt, Director's Row 41)  
 Inmate Health and Health Care in America's Prisons (Hyatt, Promenade Ballroom E)  
 Prisoner Reintegration: Predicting Successful Outcomes (Hyatt, Promenade Ballroom E)

### 3:30-4:45

Prisoner Reintegration: Predicting Successful Outcomes (Hyatt, Promenade Ballroom E)

## Thursday, November 13

### 8:00 - 9:20

Prisoner Reentry and Parole: Personal, Organizational and Social Consequences (Hyatt, St. Louis Ballroom D)

### 9:30 - 10:50

America's Penal Heritage (Hyatt, Director's Row 27)

### 11:00 - 12:20

Perceptions, Predictors, and Outcomes of Community-Based Sentencing (Hyatt, Director's Row 24)  
 The Social and Economic Costs of Incarceration (Hyatt, Director's Row 26)  
 Race, Ethnicity and Punishment (Hyatt, Director's Row 27)  
 Capital Punishment and Deterrence (Hyatt, Promenade Ballroom F)

### 3:30 - 4:45

The International Prisons Initiative (IPI) Project (Hyatt, Director's Row 43)

## Friday, November 14

### 9:30 - 10:50

Issues in Criminal Justice Decision Making (Hyatt, St. Louis Ballroom G)

### 11:00 - 12:20

Social Capital and Offender Re-Entry into the Community (Hyatt, Director's Row 25)  
 Unintended consequences of contemporary punishment (Hyatt, Director's Row 27)  
 Gendered and International Perspectives on the Consequences of Imprisonment (Hyatt, Director's Row 42)  
 How System Responses Influence Probation and Parole Outcomes (Hyatt, Director's Row 46)  
 Decision Makers in the Capital Punishment Process (Hyatt, Director's Row 29)  
 What happens to the Kids? The Effects of Parental Incarceration on Children (Hyatt, Director's Row 26)  
 Current Perspectives on Correctional Programming (Hyatt, Director's Row 41)  
 Jails, Prisons, and Their Impact on Communities (Hyatt, Director's Row 47)  
 Sentencing Policies and Practices (Hyatt, St. Louis Ballroom H)

### 12:30 - 1:50

Capital Punishment: Issues of Aggravation and Mitigation (Hyatt, Director's Row 29)

### 3:30 - 4:50

Sentencing guidelines, sentencing outcomes, and crime rates (Hyatt, St. Louis Ballroom E)  
 Corrections & Public Policy (Hyatt, Rose Garden I)  
 Multi-level Analyses of Criminal Sentencing (Hyatt, St. Louis Ballroom F)

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# The 2008 DCS Award Recipients

## *Distinguished Scholar Award*

### Presented to Faye Taxman

Faye S Taxman, Ph.D. is a Professor in the Administration of Justice Program at George Mason University.

She is the PI for several studies funded by the National Institute on Drug Abuse including a national survey of practices in correctional settings, a study of technology transfer, and several experimental studies on processes to integrate treatment and supervision.

In one study, she explores the use of contingency management and incentive systems for drug-involved offenders. She is also the PI on two studies devoted to understanding adoption of science-based practices in criminal justice and juvenile justice systems: a clinical trial to demonstrate the efficacy of a criminal thinking curriculum on the outcomes of substance abusing offenders, and a clinical trial to understand the technology transfer practice that results in juvenile justice workers' use of assessment tools in acquiring services for juvenile offenders.

She is the senior author of *Tools of the Trade: A Guide to Incorporating Science into Practice*, a publication of the National Institute on Corrections which provides a guidebook to implementation of science-based concepts into practice. She is on the Editorial Boards of the *Journal of Experimental Criminology* and *Journal of Offender Rehabilitation*.

She has published in *Journal of Quantitative Criminology*, *Journal of Research in Crime and Delinquency*, *Journal of Substance Abuse Treatment*, *Journal of Drug Issues*, *Alcohol and Drug Dependence*, and *Evaluation and Program Planning*.

Her areas of study include sentencing, interventions, innovation diffusion, and methodologies. She received the University of Cincinnati award from the American Probation and Parole Association in 2002 for her contributions to the field.

She is a Fellow of the Academy of Experimental Criminology and a member of the Correctional Services Accreditation Panel (CSAP) of England. In 2008, the American Society of Criminology's Division of Sentencing and Corrections recognized her as Senior Scholar. Her Ph.D. is from Rutgers.

## 2008 Student Paper Competition Winners

### Patricia D. Breen (University of Maryland)

Does Process Matter in Military Sentencing? A Study of the Trial Penalty in Air Force Courts-Martial.

### Gerald P. Pezzullo, Jr., and Danielle Rousseau (Northeastern University)

The Criminal Construct: An Examination of Race, Gender, and Social Context on Plea Outcomes.



**Congratulations!**

## *Distinguished New Scholar* Joseph Murray, University of Cambridge

Joseph Murray, Ph.D. is a British Academy Postdoctoral Fellow at the Institute of Criminology, Cambridge University, and a Research Fellow at Darwin College, Cambridge University. He graduated in Philosophy, Politics and Economics at Oxford University (2000).

After receiving an M.Phil. in Criminological Research in Cambridge in 2002, he was awarded a Ph.D. in Criminology in 2006, which was entitled "Parental imprisonment: Effects on children's antisocial behaviour,

crime, and mental health through the life-course".

He won the Manuel Lopez-Rey Graduate Prize in Criminology (Cambridge University) in 2002. He was awarded the Nigel Walker prize (Cambridge University) for his Ph.D. in 2007.

Prior to studying criminology, Dr. Murray worked as a research assistant at the Department of Psychology, University of Reading, at the Centre for Analysis of Social Exclusion, London School of Economics, and at DEMOS (political think tank) in London.

He also worked as a part-time teacher at a young offender institution in England and as an English language teacher in China.

Dr. Murray is the principal investigator on an Economic and Social Research Council (UK) grant called "Effects of negative life events on delinquent development: A cross-national programme of research".

In this project, Dr. Murray is collaborating on four longitudinal studies in England, Sweden, the Netherlands and the United States to investigate the effects of parental imprisonment on

children in different social and penal contexts.

He also works on the Zurich Project on the Social Development of Children, Switzerland. Dr. Murray has published in various criminology and psychology journals, including *Crime and Justice: A Review of Research*, *Criminal Justice and Behavior*, *Criminology and Public Policy*, *the Journal of Child Psychology and Psychiatry*, and *Development and Psychopathology*.

## Thinking About the Death Penalty After *Baze et al v. Rees*

### An Interview with Michael Radelet conducted by Ellen Chayet, St. Thomas Aquinas College, and Michael Brown, Ball State University

In 2006, Ralph Baze and Thomas C. Bowling, both convicted murders sentenced to death, argued before the Supreme Court of Kentucky that the three-drug lethal injection protocol for capital punishment violates the Eighth Amendment because, if improperly administered, it can cause severe pain, and because there are superior alternative means available. The court affirmed an earlier trial court's decision that the protocol does not create a substantial risk of wanton and unnecessary infliction of pain, torture, or lingering death. The petitioners appealed, and in January 2008 the U.S. Supreme Court accepted the case for review.

On April 16, 2008, in the much awaited case of *Baze et al. v. Rees, Commissioner, Kentucky Department of Corrections, et al* the U.S. Supreme Court decided, by a 7-2 margin, to uphold Kentucky's use of lethal injections to execute persons sentenced to death. In the words of Chief Justice John Roberts, "We ... agree that petitioners have not carried their burden of showing that the risk of pain from maladministration of a concededly humane lethal injection protocol, and the failure to adopt untried and untested alternatives, constitute cruel and unusual punishment." DCS members asked Michael Radelet, a noted scholar and DCS member who has written extensively on capital punishment, several questions related to this landmark decision. During Dr. Radelet's career, his scholarship has raised many questions about the continued viability of the death penalty in America.

Readers may also be interested in knowing that: 35 of the 36 death penalty states authorize lethal injections for their executions. Of these, 26 adopt a three-drug protocol of sodium pentothal (an anesthetic), pancuronium bromide (a paralytic agent), and potassium chloride (which stops the heart and causes death); eight states do not specify the drugs to be used; and one state's law calls for a two-drug combination, while in practice, three drugs are used.

***What has been the impact of Baze v. Rees on the pace of executions in this country?***

The litigation in Baze stopped all executions between September 25, 2007, and May 6, 2008. Prior to Baze there were 42 executions in the U.S. in 2007 -- about one each 6.4 days. Between May 6 and October 15, 2008, there were 26 executions -- one every 6.2 days. So, the post-Baze pace is about the same as the pre-Baze pace. Although no execution stays have been given recently because of lethal injection issues, some inmates are still getting stays based on unpredictable issues -- e.g., possible innocence (e.g., Troy Davis in Georgia, who still might be executed soon, but his innocence claim has kept him alive for several months), or prosecutors sleeping with judges (e.g., Charles Dean Hood in Texas). Four inmates have had their death sentences commuted to life imprisonment in the U.S. in 2008. As usual, the future is unpredictable. Right now there are 11 executions scheduled for the remainder of the year in Texas, so November could be quite bad.

***Do you expect the pace of these executions to remain steady?***

It is really difficult to tell. Right now there are 3,350 people on America's death rows, and more than a few have been there for over three decades. Even if the present economic crisis forces states to rethink the death penalty because of the endless oodles of cash that executions cost, the factors that predict the number of people sentenced to death are not the same as those that predict executions. About 12 percent of those executed today drop their appeals and volunteer for the gurney, and we would expect that minor increases in the dehumanization of death row inmates would cause more to volunteer to meet their makers.

***Aside from Kentucky, what other states do you feel are most affected by this decision?***

Really none of the states were affected by Baze, or at least not affected to the extent that lethal injection issues have kept the executioners unemployed. Except for one volunteer, Kentucky has not had an execution in ten years. There are some serious problems with the lethal injection protocols in various states (e.g., Florida, California, Ohio), but these were not before the Court in Baze. And, of course, the most common problem with lethal injections -- inability to find a good vein -- was not litigated in Baze.

***Both concurring and dissenting opinions left the door open for future appeals to the use of lethal injection on 8<sup>th</sup> amendment grounds. On what issues do you feel these challenges will be based? For example: The potential failure to administer proper dose of sodium thiopental? The justification for the use of the second drug of the three-drug protocol, pancuronium bromide? The "substantial risk of serious harm" test?***

It now looks like raising any one (or all three) of these issues will not be enough to stop executions. Death penalty lawyers are in a bit of a box -- once executions were halted by Baze, they argued that executions in their states had to be stopped because their states were like Kentucky. Now, since Baze lost, they have to argue that their state is different than Kentucky. Nonetheless, since the effect of Baze has been small, it is likely that the problems with lethal injection will continue. If so, eventually a state will adopt a one-drug protocol. Once that happens, the three-drug protocol will be challenged on the grounds that there is a better or more "humane" method.

## Thinking About the Death Penalty After *Baze et al v. Rees* (continued)

*Regarding the latter "substantial risk of serious harm" it strikes us that the participation of medical professionals might constitute an alternative that would create significantly less severe pain or harm. Given that there are clear ethical and policy proscriptions on the participation of doctors and nurses in executions, do you feel that lethal injection might eventually be ruled unconstitutional on these grounds?*

Some states, like North Carolina, require a physician to participate in executions. Georgia gets around this by claiming that the physician at an execution is not "practicing" medicine. California has not executed anyone since 2006, in large part because they require that an anesthesiologist be present, and they cannot find one to do the job. In some states, like Georgia, the names of the physicians who participate are public, but it is likely that the state will solve this problem by guaranteeing confidentiality in the future. Unfortunately, even with a massive boycott of the execution

chambers by American physicians, it is still possible to find one who will do the dirty work.

**"I believe that eventually Americans will realize that every single goal accomplished by the death penalty can be accomplished with fewer hassles and a lot less money by sentences of long imprisonment."**

*Are there areas in which the Baze. v. Rees decision is insufficiently conclusive and therefore open to misinterpretation, potentially leading to future appeals?*

Well, when it comes to the death penalty, every decent defense attorney will find holes in every decision the Supreme Court has ever handed down. Therefore, the appeals will not stop, although for the time being the probability that they will prevail is low. Justices change, and

it is quite possible that future Supreme Court justices will find problems that today's justices have ignored. In *Baze*, Justice Stevens pointed to any number of unresolved issues, and predicted that there will be a lot more litigation coming. We do not know what Courts will do, but we do know that the problems with lethal injection have not gone away, and we do know that lawyers will continue to raise hell about it until the courts listen.

*What, if any, do you think the impact of the decision will be on public perceptions of "humane executions?"*

The inhumanity of the death penalty is not confined to the inmate's last 15 minutes -- it is the last 15 years of his life where he or she is stripped of dignity and hope while living on death row. I believe that eventually Americans will realize that every single goal accomplished by the death penalty can be accomplished with fewer hassles and a lot less money by sentences of long imprisonment.

## The Birth of "CREDDOS": New International Collaboration to Look at Supervision Issues

By Fergus McNeill  
University of Glasgow (Scotland)

In September 2007, a group of 24 researchers from Australia, Canada, England, Scotland, the USA and Wales who shared a common interest in offender supervision met at the Monash University Centre in Prato, Italy. The meeting led to the establishment of an international network known as CREDDOS – or the Collaboration of Researchers for the Effective Development of Offender Supervision.

Members of the group share the view that although the 'what works' movement in probation research had achieved a great deal, new impetus is necessary to allow the effectiveness agenda to develop beyond its historical emphasis on the principles of effective programs and into a much wider range of questions and issues arising both from effectiveness research itself and from research on desistance from offending.

The initial Prato meeting heard papers from leading scholars including Jim Bonta, Liz Fabiano,

Loraine Gelsthorpe, Gill McIvor, Fergus McNeill, Frank Porporino, Peter Raynor, Gwen Robinson and Chris Trotter, among others.

In the last year, CREDDOS has become well established – adding new members including researchers from Finland, Norway and the Netherlands and enjoying positive relationships with the Conference Permanente Europeenne de la Probation and the European Society of Criminology Working Group on Community Sanctions. Its members include researchers and policy partners in research who share a common interest in the effective development of offender supervision – an interest which requires members to engage in high quality, collaborative and comparative research and scholarship exploring issues such as:

- How best to measure effectiveness in offender supervision
- The nature and features of effective offender supervision
- The characteristics, styles and practices of effective offender supervisors

The qualities of effective relationships between offenders and those that work with them  
The social, political, cultural, and organizational contexts of effective offender supervision

CREDDOS was formed principally to enable its members to engage in ongoing discussion about their work and, where possible, to encourage them to work together. The network allows for electronic communication about relevant research and also meets annually, usually scheduling these meetings to coincide with other conferences of likely interest to members.

Having recently enjoyed a second successful two-day seminar at the University of Glasgow in September 2008, the next meeting of CREDDOS has been scheduled to take place on September 4-5<sup>th</sup> 2009 in Prato, Italy. An edited collection of papers from the meeting is also planned.

Anyone interested in knowing more about CREDDOS should contact Professor Fergus McNeill, University of Glasgow (Scotland): F.McNeill@bss.gla.ac.uk

## Member Newsletter

### Executive Board

Chair: Susan Turner  
 Vice Chair: Shadd Maruna  
 Past Chair: Jody Sundt  
 Secretary/Treasurer: Marie Griffin  
 Executive Counselors:  
 Beth Huebner  
 Aaron Kupchik

**Facilitating and encouraging research on corrections and sentencing.**

The Division on Corrections & Sentencing (DCS) was established in November 1999 as a constituent unit of the American Society of Criminology (ASC) to provide support to academicians, criminologists and researchers interested in corrections and the sentencing of adults and juveniles.

### Our mission:

To facilitate and encourage research on corrections and sentencing for adults and juveniles and maximize dissemination of research results among ASC members, practitioners, funding agencies, policy-making bodies, corrections and sentencing organizations, and other relevant groups.

## DCS Panels of Interest (cont'd from page 2)

### Friday, November 14

5:00 - 6:20

Mass Incarceration, Race and Social Forces: Taking Stock of Narrative of Change and Stability (Hyatt, Director's Row 45)

Policy Influences on Inmate Misconducts in Prisons (Hyatt, Promenade Ballroom E)  
 Considering Sentencing (Hyatt, St. Louis Ballroom H)

### Saturday, November 15

8:30 - 9:50

Contemporary issues in federal sentencing (Hyatt, Promenade Ballroom E)  
 Understanding the impact of court processes (Hyatt, St. Louis Ballroom G)  
 Female Staff in Gendered Prison Settings (Hyatt, St. Louis Ballroom H)

10:00 - 11:20

Politics of punishment: Issues and trends (Hyatt, St. Louis Ballroom D)

**Division Website**  
<http://www.crim.ufl.edu/dcs>

## Get Involved in the DCS

Are you interested in getting more involved in the DCS? Volunteer to serve on a committee! A sign-up sheet will be distributed at the Awards Breakfast and Business Meeting. Or, you may email your request to Jean Merrell at [jmerrell@uci.edu](mailto:jmerrell@uci.edu).

### Division Committees

- Awards
- Newsletter
- Nominations
- Outreach
- Program
- Student Affairs

## 2008 DCS Elections

Elections for Executive Counselor and Secretary/Treasurer will be held at the Annual Business Meeting. Members in good standing are eligible to vote. Nominees are as follows:

**Position:** Executive Counselor

**Candidates:** James Byrne, Brian Mattson, and Nancy Merritt

**Position:** Secretary/Treasurer

**Candidates:** Marie Griffin



**Vote for Executive Counselor and Secretary/Treasurer**