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Hon. Ann Pfau
Chief Administrative Judge

Chief Judge Announces Creation of Permanent Sentencing Commission for New York State

NEW YORK – Chief Judge Jonathan Lippman today announced the establishment of the New York State Permanent Sentencing Commission, charged with conducting a comprehensive and ongoing evaluation of sentencing laws and practices and recommending reforms to improve the quality and effectiveness of statewide sentencing policy. The newly created commission is led by co-chairs Cyrus R. Vance, Jr., New York County District Attorney and a former member of sentencing commissions in New York and the state of Washington, and Judge Barry Kamins, the Administrative Judge of State Supreme Court, Kings County, Criminal Term, and a former criminal defense lawyer who has written extensively on a range of criminal law topics. The commission's vice-chairs are Derek P. Champagne, Franklin County District Attorney and current President of the state's District Attorneys Association, and Judge Patricia Marks, Monroe County Court judge and Supervising Judge for the Criminal Courts in the Seventh Judicial District. The commission will include representatives from throughout the criminal justice community, including criminal defense attorneys, judges, legislators, policymakers, academics, victim advocates and other stakeholders. The panel will focus on reviewing and recommending reform of New York's sentencing structure and policies to ensure that they promote the goals of individualized punishment, public safety, reduced recidivism and successful re-entry and rehabilitation.

Creation of a permanent sentencing commission was a key recommendation of the short-term Commission on Sentencing Reform, which issued a 2009 report to the Governor titled *The Future of Sentencing in New York State: Recommendations for Reform*. The Permanent Sentencing Commission will follow through on actions proposed in that report and examine new issues, including:

- Simplifying New York's increasingly complex sentencing statutes, which have not been comprehensively revised in more than four decades.
- Promoting more transparent sentencing (also known as "truth-in-sentencing"), so that litigants, judges, crime victims and the public have a clearer picture of the actual time an offender is likely to spend in custody.
- Assessing whether there are categories of offenses for which greater or lesser sentences might be appropriate.
- Enhancing programs for offenders, both during and after their release from incarceration, and expanding funding for alternatives to incarceration, with the goal of improving public safety and reducing recidivism.
- Increasing focus on crime victims, including efforts to broaden victim participation in sentencing and to facilitate victim restitution.
- Reviewing proposed changes in sentencing laws advanced by others, and providing recommendations/comments on those proposals to the Governor and the Legislature.
- Collecting and analyzing reliable, trustworthy data on sentencing and using that information in crafting sentencing policies.

The commission will be located at the John Jay College of Criminal Justice in Manhattan, where it will draw upon the school's expertise and resources. Martin F. Horn, a professor at John Jay, will serve as the commission's executive director. Mr. Horn previously served as commissioner of both New York City's Department of Correction and Department of Probation, and as executive director of the New York State Division of Parole.

Chief Judge Lippman said, "Fairness and consistency in sentencing are fundamental principles of justice and essential to public trust and confidence in our judicial system. The establishment of this permanent sentencing commission is a critical step toward achieving the goal of substantive, comprehensive sentencing reform. This important commission – representing a broad cross-section of New York's criminal justice community – will lead an ambitious and historic effort to improve sentencing policy. I am certain that the commission's work will result in the kind of landmark sentencing reform needed in New York. I extend deep thanks to Cyrus Vance, Barry Kamins, Derek Champagne and Pat Marks for taking key roles in this effort."

"There is no one-size-fits-all model for criminal sentencing," said District Attorney Vance. "Four decades after many of our sentencing laws were passed, it's time to make New York smarter on crime. This newly-created Commission is a movement towards reform. This may mean stronger sentences in some instances and in other cases identifying alternatives to incarceration that may be appropriate. In all cases, our goal is to provide clarity in sentencing, prevent crime, protect the public, and ensure justice."

Judge Kamins said, "New York's incredibly complicated sentencing laws have resulted in a system that is confounding for both judges and the public they serve. The judiciary, recognizing the urgent need for greater equity, transparency and clarity in sentencing, is leading this long overdue effort to effect comprehensive reform in the state's sentencing structure."

District Attorney Champagne said, "I am delighted to participate in this ongoing initiative to help ensure that New York's sentencing policy promotes fairness, enhances public safety, broadens victim participation in sentencing, and reduces recidivism. Chief Judge Lippman has brought together a thoughtful and experienced group of stakeholders who represent every component of New York's criminal justice system."

Judge Marks added, "It is a privilege to serve on New York State's first permanent sentencing commission. Significant sentencing reform will help streamline the state's convoluted sentencing structure, improve public safety and make more cost-efficient use of New York's correctional resources. Chief Judge Lippman has shown great vision in empanelling this commission to bring about a standard of fairness, justice and consistency in sentencing policy statewide."

A list of the commission members is attached.

NYS Permanent Sentencing Commission

Chairs

Hon. Barry Kamins, Administrative Judge, Kings County Supreme Court (Criminal Term)

Hon. Cyrus Vance, Jr., District Attorney, New York County

Vice-Chairs

Hon. Derek Champagne, District Attorney, Franklin County; President, NYS District Attorneys Association

Hon. Patricia Marks, Supervising Judge for the Criminal Courts, Seventh Judicial District

Ex-Officio Members

Commissioner, NYS Department of Correctional Services

Commissioner, NYS Division of Criminal Justice Services

Chair, NYS Board of Parole

Additional Members

Hon. Efrain Alvarado, Administrative Judge, Bronx Criminal Division

Shawn Bushway, PhD, State University at Albany, School of Criminal Justice

Hon. William Donnino, Supervising Judge of County Court, Nassau County

Vincent Doyle III, Esq., Connors & Vilaro, LLP

Hon. Randall Eng, Appellate Division, Second Department

Hon. William Fitzpatrick, District Attorney, Onondaga County

George Fufidio, Jr., Esq., Mancuso, Rubin and Fufidio

Susan Herman, Esq., Pace University

Hon. Kathleen Hogan, District Attorney, Warren County

Michael Jacobson, PhD, President and Director, Vera Institute of Justice

Seymour James, Esq., Attorney-in-Charge of the Criminal Practice, Legal Aid Society

Hon. Juanita Bing Newton, Dean, NYS Judicial Institute

Paul Shechtman, Esq., Stillman, Friedman & Shechtman, P.C.

Tina Stanford, Esq., Director, NYS Office of Victim Services

Executive Director

Martin Horn, John Jay College of Criminal Justice

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