

Last Chance – Deferred Imposition of Sentencing Project

The Last Chance - Deferred Sentencing study is intended to examine a seldom invoked judicial option, which is specifically designed to enhance the prerogatives of the lower courts in extending their reach beyond the maximum allowable sentence under the law and to provide a mechanism whereby the court can impose stringent sentencing conditions that address the multivariate nature of an offender's future criminality.

The philosophy behind the use of deferred imposition of sentence, in combination with a multivariate sentencing and release strategy that seeks to force behavior modification and treatment as part of the sentencing conditions appears to have considerable merit in affecting changes in recidivism rates. The Last Chance Project could be used to send a clear message to a potentially salvageable offender of the need for change in behavior and it affords a reasoned program of addressing an offender's behavior to eliminate critical factors that result in temptation and harmful life style choices that have brought the accused to the attention of the justice system.

The study will be conceptually designed to identify discriminant variables that aggregate to influence future criminality, and then (ideally) structure these factors within a deferred imposition of sentencing model (equation) that significantly impacts the probability of recidivism avoidance by the offender. Deferring the imposition of a one year jail term for a misdemeanor criminal offense (for a one year period), extends the reach of the court and, along with the imposition of specific conditions might well change alter the likelihood of an offender becoming a perpetual participant in the criminal justice system and redirect them toward becoming a responsible member of society. Using a multi-directional discriminant function array that identifies primary, secondary, and tertiary axes of correlation with an aggregate equation being the final result provides a mechanism to (1) illustrate the strength and proportion of influence for each subtle level variable, followed by (2) a master equation that can be used to determine the statistical probability of success in avoiding future criminal behavior for each offender, as compared against historical findings. This creates a useful equation that can be applied by the courts to evaluate each potential offender who is being considered for inclusion within the Last Chance - Deferred Imposition of Sentence program. It also illustrates those factors which can be manipulated and from that supposition, it can be used to calculate a probability for their avoidance of recidivism in the future. The existence of such an equation also removes the courts reliance on the probation/parole department's (intuition) in such matters and gives the court a tangible tool that can be applied to calculating alternatives, and creating a custom sentencing equation for each offender in order to maximize the chance that they will succeed.

A Research Oversight Committee will be established initially to elicit prospective variables, determine limitations of the methodology, and prescribe controls for the study. Volunteer courts, selected from a listing determined by a multi-stage, stratified random sample of prospective courts, will be included within the study and will provide the data for analysis. The research strategy of the project will be to elicit hypothesized and previously correlated independent variables within a multi-dimensional discriminant analysis array. Data relative to the experiment will be gathered relative to these discriminant factors over a three year period. Two groups of participants will be used for the discriminant function analysis. Those prisoners exposed to the multivariate treatment strategy as a condition of deferred imposition of sentence, and those sentenced under a more traditional strategy by the court.

This project, in my judgment, holds tremendous nationwide potential as a community based treatment and sentencing alternative that demonstrates a level of compassionate justice, but with teeth. The objective of the Last Chance research study is to examine (longitudinally) whether such a sentencing practice is effectual and then based on the findings, use this information to raise awareness of the potential of applying similar forms of sentencing strategies by lower court judges that incorporate a multifaceted sentencing requirement in order to alter future offender behavior, by removing or reducing the causal factors associated with past incidents of criminality. It also may create a mechanism that can be employed nationwide, by the lower courts, which enlist the concurrence, support, and active involvement by all facets of the justice system in managing offender success in avoiding future criminality.

Respectfully,

Judge Hal Campbell, Ph.D.

Reference Information:

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<http://www.justiceacademy.org/projects/last-chance-sentencing/>

National Hostage Survival Probability Model

<http://www.justiceacademy.org/projects/hostage-survival-survey/>