



Federal Register Notice of Proposed 2025-2026 Priorities

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My name is Dr. Colleen Berryessa, and I am an Associate Professor at the Rutgers School of Criminal Justice. Broadly, my research agenda within criminal justice examines how psychological and social processes shape attitudes toward sentencing in criminal contexts. I have recommendations for the committee on augmenting research and funding on sentencing contexts in two main areas, both of which will help to better understand the effectiveness of sentencing, penal, and correctional practices and make the agency's work more responsive, democratic, and reflective of the diverse values and perspectives of all people.

First, research and funding should prioritize experimental survey methods to examine how psychological and social contexts influence public perceptions, support, and subsequent consideration of practices, policies, and the philosophical foundations surrounding criminal sentencing. In recent years, there has been great interest across various policy spheres and academic fields, including criminology and psychology, in identifying how and why laypeople prioritize their values when considering punitive choices. Recognizing these values, and how they arise, has been considered especially important for sustaining the legitimacy and moral authority of our sentencing systems, as sentencing represents a collective social exercise that expresses disapprobation on behalf of society as a whole. As such, the U.S. Sentencing Commission has acknowledged and should continue to prioritize that public opinion should be considered when developing, reviewing, or reforming guidelines, systems, and practices—with their particular interest in defining and understanding circumstances in which members of the public believe that certain sentencing practices or goals are just, warranted, or inappropriate. More important data are needed for academic and policy audiences on the public's support for and values within critical sentencing contexts, with a specific priority on studying the motivating, and previously undetermined, reasons for their interest in and prioritization of these values for sentencing.

Second, research and funding should prioritize interview methods to examine how psychological and social factors influence the discretion and decisions of “sentencing players” during the criminal sentencing process. As inequities in sentencing outcomes remain even under sentencing guidelines, Judge Nancy Gertner has argued that multiple discretion points can meaningfully affect final outcomes at sentencing. While the trial judge is the most recognized “sentencing player,” probation officers, attorneys, and other court actors also influence the sentencing process and its outcomes within their respective roles. To date, quantitative research designs have been predominantly used to study dispositional sentencing outcomes in criminology and other disciplines. However, there has been minimal qualitative work to explore the actual sentencing process and even less that has used theoretical lenses drawn from psychology and areas of socio-legal research to examine the implicit processes that can shape the perceptions and discretionary power of sentencing players at different points during sentencing. This area of research is integral to better understanding the actual process of sentencing, rather than final outcomes which has been the priority of both sentencing research and funding to date.