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## Foreword

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Harold Baer, Jr. was born in New York City on February 16, 1933. He graduated from Hobart College in 1954 and Yale Law School in 1957. He was nominated by President William Clinton to the United States District Court for the Southern District of New York and was confirmed by the Senate on August 9, 1994. Judge Baer served on the bench until his passing on May 27, 2014. While serving one of the country's largest federal courts, Judge Baer was actively involved in sentencing.

According to the British Broadcasting Corporation, half of the world's population of about nine million prisoners is held in the United States, China, and Russia. The United States incarcerates a higher percentage of its population than any other country in the world. Statista notes that as of July 19, 2018, the United States had 655 prisoners per 100,000 people. The countries with the next-highest rates are El Salvador and Turkmenistan at 609 and 522, respectively. Regardless of one's political affiliation or views on the criminal justice system, these numbers are cause for concern. Judge Baer's book *Rehabilitation and Incarceration: In Search of Fairer and More Productive Sentencing* examines both the cause and effect of sentencing policies and practices in the United States district courts. All stakeholders in the criminal justice system, particularly judges, defense attorneys, prosecutors, pretrial services officers, and probation officers, would be well-served by reading Judge Baer's book.

*Rehabilitation and Incarceration: In Search of Fairer and More Productive Sentencing* is exceptionally well-researched and reader-friendly. It examines the political realities and public policy driving sentencing decisions, as well as the very real human aspects of imposing a sentence from the perspective of a judge. Any thoughtful judge will tell you that sentencing is the most difficult part of the job. This book takes the reader through all aspects of this difficult process. Importantly, Judge Baer surveys the collateral consequences of imprisonment, many of which are not fully realized until the individual returns home. Understanding that collateral consequences are a current reality, Judge Baer focuses on ways that the Federal Bureau of Prisons (BOP) can emphasize rehabilitation, which may lessen the impact of these consequences upon release. His insight as to what transpires after a sentence is imposed and the opportunities available to individuals committed to the custody of the BOP are detailed in Chapter 3. Having defended the accused for sixteen years in federal court both as private counsel and as a federal

defender, I found this chapter of particular interest given the lack of attention traditionally given to the post-sentence, pre-release time frame.

Although I never had the pleasure of meeting Judge Baer, I know he visited Philadelphia to observe our STAR (Supervision To Aid Reentry) court that served as a model to a similar program he and United States Magistrate Judge Henry Pitman launched in the Southern District of New York. Chapter 4 of Judge Baer's book is dedicated to his efforts with the SOAR (Supervision Opportunity to Accelerate Reentry) court. His experiences with the participants of the SOAR court parallel my own in the STAR program.

The genesis of the STAR program in the Eastern District of Pennsylvania was an effort by judges to address the issues of violence, recidivism, and the obstacles to effective "reentry" to society after having served a significant federal prison sentence. Whatever success the STAR program has enjoyed is in large measure attributed to the collaborative efforts of the United States Attorney's Office, United States Probation, the Federal Defenders, the judges of the Eastern District of Pennsylvania, volunteer law clerks, lawyers, and our many and varied community partners. The leadership of United States Magistrate Judge Timothy Rice from the inception of the program in 2007 has also proven to be invaluable.

Our 2018 report to the Judges of the E.D. Pa. noted:

Only 9% of our 235 graduates have been arrested or revoked and only 15% of our 326 participants have been arrested or revoked. Those rates are significantly below the 35.8% average revocation rate in our district for similarly situated individuals not enrolled in our program.

By reducing revocations and imprisonment, the reentry program is saving taxpayers approximately \$2.4 million per year based on the \$36,300 annual cost of imprisonment per inmate. It also reduces the negative collateral consequences of re-incarceration on families and our community.

Programs like STAR and SOAR demonstrate that positive change can be achieved when all the stakeholders work collaboratively toward a common goal. These results show that reducing incarceration is not merely a lofty ambition but a realistic goal attainable through an increased focus on rehabilitation and successful reentry into society.

L. Felipe Restrepo  
United States Circuit Judge  
United States Court of Appeals for the Third Circuit

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