



NORTH CAROLINA SENTENCING POLICY
PRESENTATION TO THE PRISON ADVISORY REFORM BOARD
MARCH 20, 2018

NC Sentencing and Policy Advisory Commission

About

Membership

- 28 members representing components of the criminal justice system

Independent

- Members appointed by leaders of all three branches of government

Purpose

- Advise General Assembly and criminal justice agencies on criminal justice policy

Duties

Legislative and other requests

Mandates

- Monitor sentences imposed under Structured Sentencing
- Annual population projections
- Evaluate implementation of the Justice Reinvestment Act (JRA)
- Review criminal justice bills and provide fiscal impact
- Biennial recidivism reports (adult, juvenile)

Purpose of Presentation

- Provide policy overview and data to inform Board's discussion on prison reform

Presentation Outline

- Sentencing policies under the Structured Sentencing Act (SSA)
- Policy changes under the Justice Reinvestment Act
- NC Prison Population

Data Sources

- Department of Public Safety
- NC Sentencing and Policy Advisory Commission

SENTENCING POLICIES

History of Sentencing in North Carolina

Prior to 1981

- Indeterminate sentencing
- Judges had wide discretionary powers
- Parole Commission had ability to release prisoners at almost any point during the prison term
- Probation was voluntary

Fair Sentencing Act

- First step towards determinate sentencing
- Set presumptive prison sentences for felonies, but judges could depart from them
- Gave inmates “day for day” good time
- Did not control disposition
- Probation was voluntary

Goals of Structured Sentencing

Sentencing Policies Should be Truthful

Sentencing Policies Should be Consistent

Sentencing Policies Should be Certain

Sentencing Policies Should Set Priorities for the Use of Correctional Resources

Sentencing Policies Should be Balanced with Correctional Resources

FELONY PUNISHMENT CHART

	PRIOR RECORD LEVEL					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
A						
B1						
B2						
C						
D						
E						
F						
G						
H						
I						

OFFENSE CLASS

FELONY PUNISHMENT CHART

	PRIOR RECORD LEVEL					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
A	Death or Life Without Parole					
	A	A	A	A	A	A
B1						
	A	A	A	A	A	A
B2						
	A	A	A	A	A	A
C						
	A	A	A	A	A	A
D						
	I/A	I/A	A	A	A	A
E						
	I/A	I/A	I/A	A	A	A
F						
	I/A	I/A	I/A	I/A	A	A
G						
	C/I/A	I/A	I/A	I/A	I/A	A
H						
	C	C/I	I	I/A	I/A	I/A
I						

OFFENSE CLASS

Key Policies Under Structured Sentencing

Offenders with more serious offenses and/or more extensive criminal histories receive active sentences

Offenders with less serious offenses and little criminal history are more likely to receive probation sentences

Offenders convicted of misdemeanor offenses and sentenced to active sentences of more than 90 days go to prison

Structured Sentencing Timeline

1993

Enacted by the
General Assembly



1994

Effective for offenses
committed on or
after October 1

2011

Justice Reinvestment
Act



Justice Reinvestment Act

- Ensure that every person convicted of a felony serves a period of mandatory supervision upon release from prison.
- Limit length of time a person can be incarcerated when he or she has violated a condition of probation supervision
 - Empower probation officers to use swift and certain jail sanctions in response to violations of conditions of supervision
- Divert misdemeanors from prison

Key Policies Under Justice Reinvestment

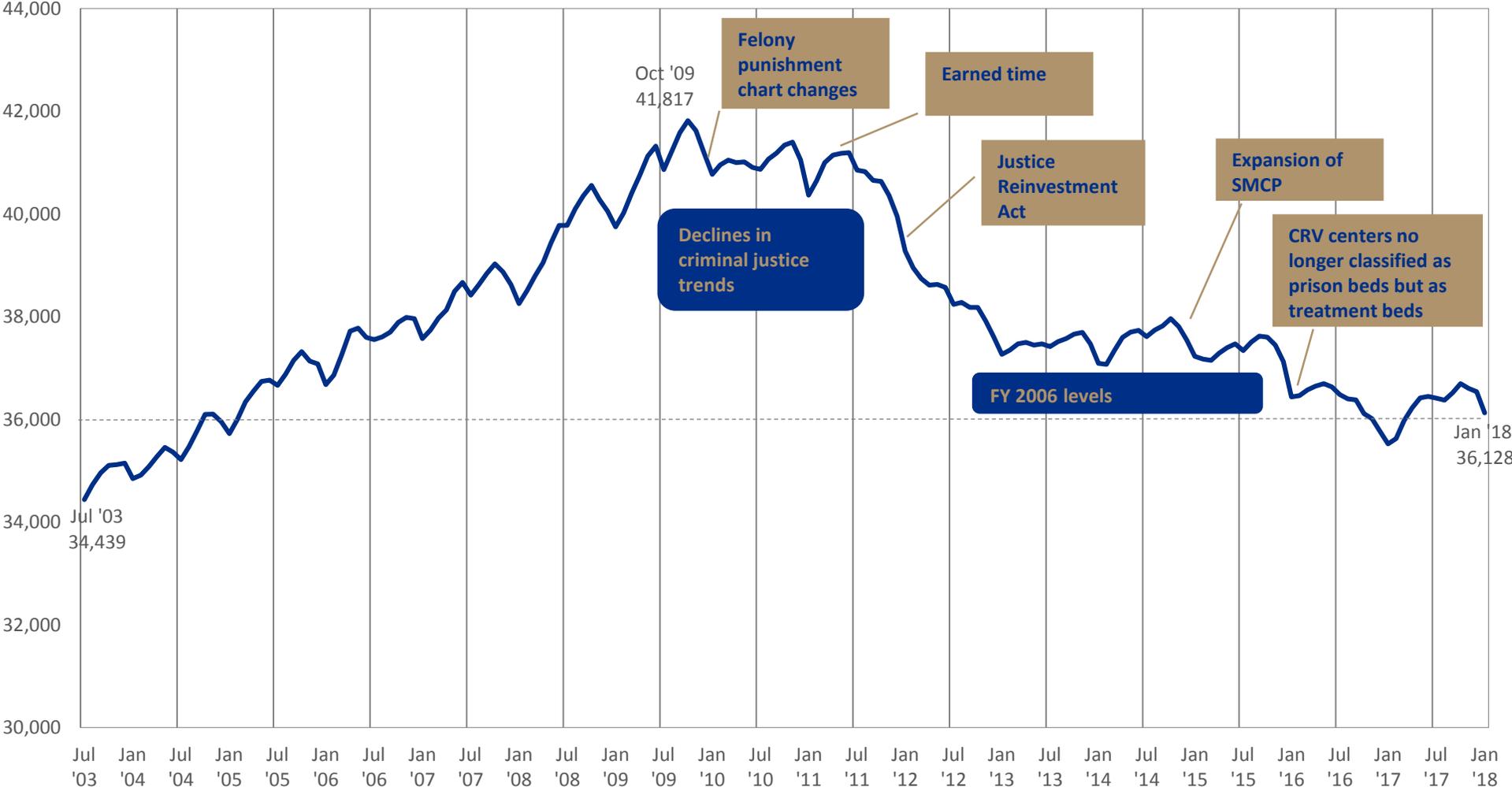
Offenders with more serious offenses and/or more extensive criminal histories continue to receive active sentences

Fewer offenders on probation revoked for technical violations

Offenders convicted of misdemeanor offenses and sentenced to active sentences go to the local jail

PRISON POPULATION

NC Prison Population Monthly Average: July 2003 – January 2018



Note: Solid vertical lines separate each fiscal year. The dashed horizontal line allows for a comparison of the current prison population with historical prison populations.

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, Daily Unit Population Reports and Inmates on Backlog Reports

Distribution by Offense Class: FY 1997, 2007 and 2017

FY 1997 Population: 32,529

FY 2007 Population: 38,423

FY 2017 Population: 36,317

Classes A-D = 11,057 (34%)

Classes A-D = 19,372 (50%)

Classes A-D = 20,756 (57%)

Classes E-G = 4,427 (14%)

Classes E-G = 8,846 (23%)

Classes E-G = 9,095 (25%)

Classes H-I = 13,059 (40%)

Classes H-I = 7,077 (18%)

Classes H-I = 5,888 (16%)

Misdemeanors = 1,557 (5%)

Misdemeanors = 1,597 (4%)

Misdemeanors = 63 (0%)

Other = 2,429 (7%)

Other = 1,531 (4%)

Other = 515 (1%)

Note: Incarcerations for "Other" include pre-Fair Felons, safekeepers, and missing data. FY 2017 statistics exclude offenders represented in ASQ that are not housed in prison facilities (i.e., DWI offenders and CRV offenders housed in CRV Centers).

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, Automated System Query (ASQ)

NC SPAC Prison Population Projections and Capacity FY 2018 - FY 2027

Fiscal Year End	Prison Population as of June 30		Prison Capacity ¹		Difference between Current Projection and EOC ²
	Previous Projection	Current Projection	Standard Operating Capacity	Expanded Operating Capacity	
2018	36,906	36,483	32,684	38,189	1,706
2019	37,116	36,628	32,684	38,189	1,561
2020	36,814	36,820	32,684	38,189	1,369
2021	36,821	37,115	32,684	38,189	1,074
2022	37,010	37,273	32,684	38,189	916
2023	37,268	37,488	32,684	38,189	701
2024	37,612	37,910	32,684	38,189	279
2025	38,003	38,317	32,684	38,189	-128
2026	38,442	38,840	32,684	38,189	-651
2027	N/A	39,215	32,684	38,189	-1,026

Source: NC Sentencing and Policy Advisory Commission in conjunction with the North Carolina Department of Public Safety's Division of Adult Correction and Juvenile Justice.

¹Prison capacity estimates were provided by Prisons Administration of the NC Department of Public Safety (DPS). Capacity estimates are based on projects funded or authorized. While the state's prisons have been operating near Expanded Operating Capacity (EOC) for many years, it should be noted that DPS bases its facility staffing levels on Standard Operating Capacity (SOC), which is the capacity that promotes a safer environment for staff and inmates.

²Positive numbers indicate that the current projected population is lower than capacity, while negative numbers indicate that the current projected population is higher than capacity.



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