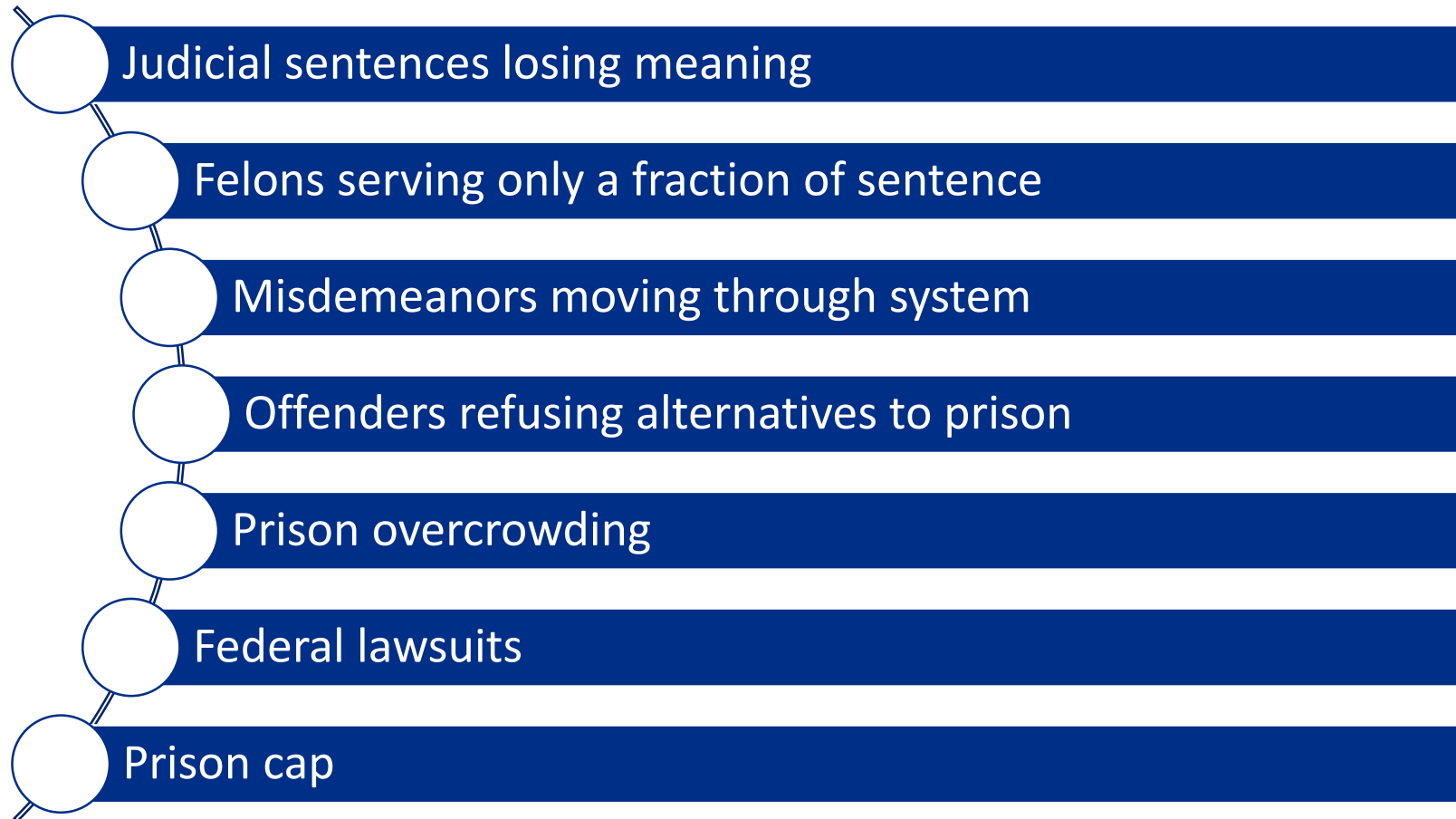




# THE SENTENCING COMMISSION AND STRUCTURED SENTENCING IN NORTH CAROLINA

FEBRUARY 16, 2018

# Problems with Sentencing prior to Structured Sentencing



# Legislative Response

In 1990, the General Assembly created the Sentencing & Policy Advisory Commission

- Members representing different components of the Criminal Justice System
- Independent body
- Given legislative directives

# Legislative Directives

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Classify criminal offenses based upon severity

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Consider offender's prior convictions

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Recommend structure for sentencing

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Develop comprehensive community correction strategy

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Construct correctional simulation model

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# Sentencing Commission Established Goals

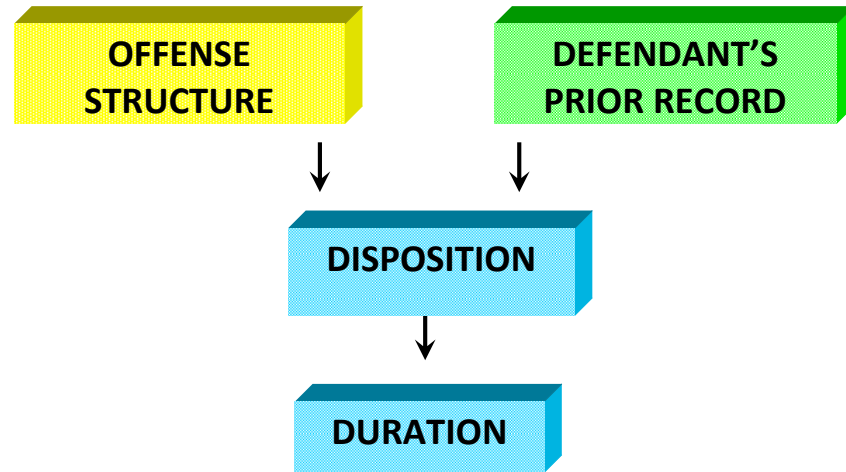
**Sentencing Policies Should be Truthful**

**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**



Offense Class	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
<b>A</b>	Death or Life Without Parole Defendant Under 18 at Time of Offense: Life With or Without Parole					
<b>B1</b>	A	A	A	A	A Life Without Parole	A Life Without Parole
	240 - 300	276 - 345	317 - 397	365 - 456		
	<b>192 - 240</b>	<b>221 - 276</b>	<b>254 - 317</b>	<b>292 - 365</b>	<b>336 - 420</b>	<b>386 - 483</b>
<b>B2</b>	A	A	A	A	A	A
	157 - 196	180 - 225	207 - 258	238 - 297	273 - 342	314 - 393
	<b>125 - 157</b>	<b>144 - 180</b>	<b>165 - 207</b>	<b>190 - 238</b>	<b>219 - 273</b>	<b>251 - 314</b>
<b>C</b>	A	A	A	A	A	A
	73 - 92	83 - 104	96 - 120	110 - 138	127 - 159	146 - 182
	<b>58 - 73</b>	<b>67 - 83</b>	<b>77 - 96</b>	<b>88 - 110</b>	<b>101 - 127</b>	<b>117 - 146</b>
<b>D</b>	A	A	A	A	A	A
	64 - 80	73 - 92	84 - 105	97 - 121	111 - 139	128 - 160
	<b>51 - 64</b>	<b>59 - 73</b>	<b>67 - 84</b>	<b>78 - 97</b>	<b>89 - 111</b>	<b>103 - 128</b>
<b>E</b>	I/A	I/A	A	A	A	A
	25 - 31	29 - 36	33 - 41	38 - 48	44 - 55	50 - 63
	<b>20 - 25</b>	<b>23 - 29</b>	<b>26 - 33</b>	<b>30 - 38</b>	<b>35 - 44</b>	<b>40 - 50</b>
<b>F</b>	I/A	I/A	I/A	A	A	A
	16 - 20	19 - 23	21 - 27	25 - 31	28 - 36	33 - 41
	<b>13 - 16</b>	<b>15 - 19</b>	<b>17 - 21</b>	<b>20 - 25</b>	<b>23 - 28</b>	<b>26 - 33</b>
<b>G</b>	I/A	I/A	I/A	I/A	A	A
	13 - 16	14 - 18	17 - 21	19 - 24	22 - 27	25 - 31
	<b>10 - 13</b>	<b>12 - 14</b>	<b>13 - 17</b>	<b>15 - 19</b>	<b>17 - 22</b>	<b>20 - 25</b>
<b>H</b>	C/I/A	I/A	I/A	I/A	I/A	A
	6 - 8	8 - 10	10 - 12	11 - 14	15 - 19	20 - 25
	<b>5 - 6</b>	<b>6 - 8</b>	<b>8 - 10</b>	<b>9 - 11</b>	<b>12 - 15</b>	<b>16 - 20</b>
<b>I</b>	C	C/I	I	I/A	I/A	I/A
	6 - 8	6 - 8	6 - 8	8 - 10	9 - 11	10 - 12
	<b>4 - 6</b>	<b>4 - 6</b>	<b>5 - 6</b>	<b>6 - 8</b>	<b>7 - 9</b>	<b>8 - 10</b>
	3 - 4	3 - 4	4 - 5	4 - 6	5 - 7	6 - 8

<b>RANGE</b>
Aggravated
<b>PRESUMPTIVE</b>
Mitigated

<b>DISPOSITION</b>
C – Community
I – Intermediate
A – Active

# Process Followed

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Components of sentencing decision discussed

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Subcommittees developed proposals

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Full Commission debated

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Input from stakeholders

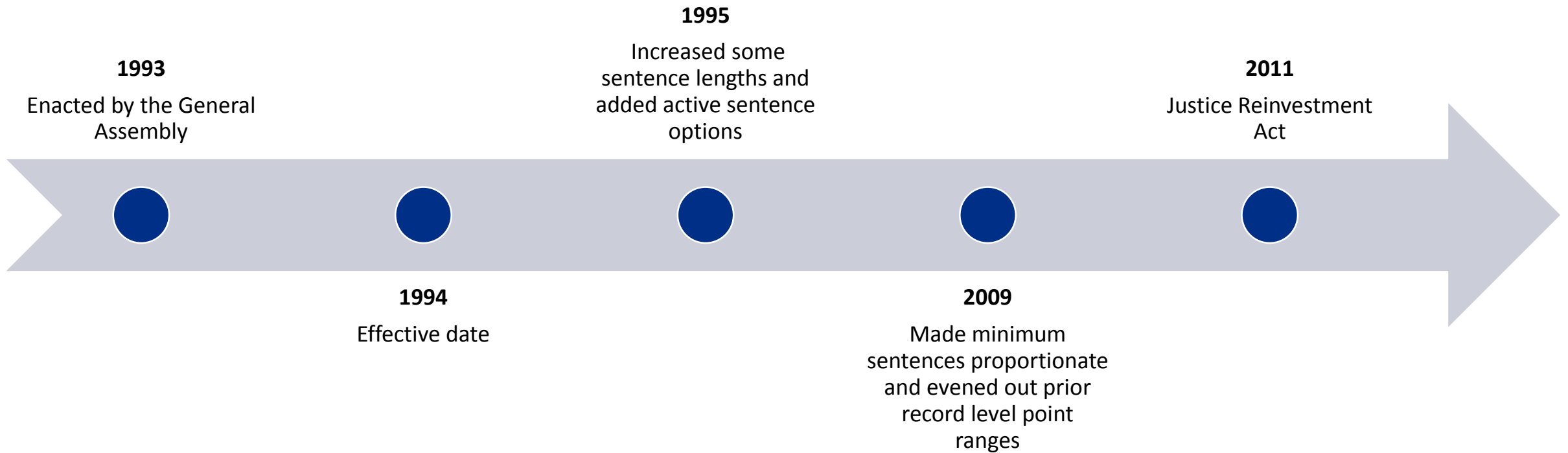
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Interim reports to Legislature

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Final report to Legislature

# Structured Sentencing Timeline





# Maintaining Structured Sentencing

## Continuing Duties of the Commission

- 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)
- Respond to legislative requests for study

# Monitor Sentences Imposed Under Structured Sentencing

- Purpose: Look for trends that could point to sentencing policies being implemented in practice differently than anticipated
  - Are sentencing practices supporting the goals of SSA?
- Completed through Annual Statistical Reports
- Report presents
  - Information on the number of felony and misdemeanor convictions
  - Distribution of felony and misdemeanor convictions within their respective punishment charts
  - Types of punishments imposed
  - Issues of interest, e.g. habitual felon convictions, firearm convictions, and drug trafficking convictions

# Annual Population Projections

- Purpose: Advance the goal of balancing sentencing policies with available correctional resources by understanding capacity needs and availability
- SPAC developed population simulation models for projecting the future correctional facility populations of the Department of Correction and the Department of Juvenile Justice and Delinquency Prevention
- Performed in conjunction with the Department of Public Safety
- For the majority of the past decade, the accuracy of the model has been within 2%

# Evaluate Implementation of Justice Reinvestment

- Purpose: Are the policies of JRA prioritizing the best use of criminal justice resources?
- Performed via the Justice Reinvestment Implementation Subcommittee, in conjunction with DACJJ
- Culminates in JRA Implementation Report, published to the General Assembly by April 15, annually
- Previous reports have included recommendations that resulted in legislation, ultimately passed into law

# Review Criminal Justice Legislation and Potential Impact

- Purpose: Further the goal that similarly situated offenders should receive similar sentences
- Completed through the Legislative Review process, sometimes through Legislative Review Subcommittee
- Use offense classification criteria, designed in the creation of the SSA, to find whether the proposed legislation is consistent with the criteria
  - Make recommendations when bill may be inconsistent
- Complete Fiscal Notes at request of General Assembly Fiscal Staff
  - Provide the projected impact, if known, of how many beds may be needed if the bill is passed, as determined by current sentencing practices

# Biennial Recidivism Reports

- Purpose: Evaluate the effectiveness of correctional programs as defined by increased public safety through reduced recidivism
- Produced for adult population and juvenile populations, in alternating years in conjunction with DACJJ
  - Published to the General Assembly annually in May
- Examines recidivism in the form of new arrest, conviction/delinquency adjudication, and incarceration in the follow-up period (two years for adults, three for juveniles)
- For the adult population, examines offenders entering probation and offenders released from prison in the corresponding FY

# Respond to Requests for Study

## Credit for Time Served Subcommittee

- Purpose: Evaluate existing credit for time served statutes for clarity and revisions necessary following the passage of the JRA
- Requested by Commissioner of Division of Adult Corrections

## DWI Subcommittee

- Purpose: Evaluate DWI sentencing laws, credit policies, and available treatment
- Requested by Legislative members

## Research and Policy Study Group

- Purpose: Evaluate current criminal justice research trends that may lend themselves to policy recommendations
- Requested by SPAC Commissioner



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