

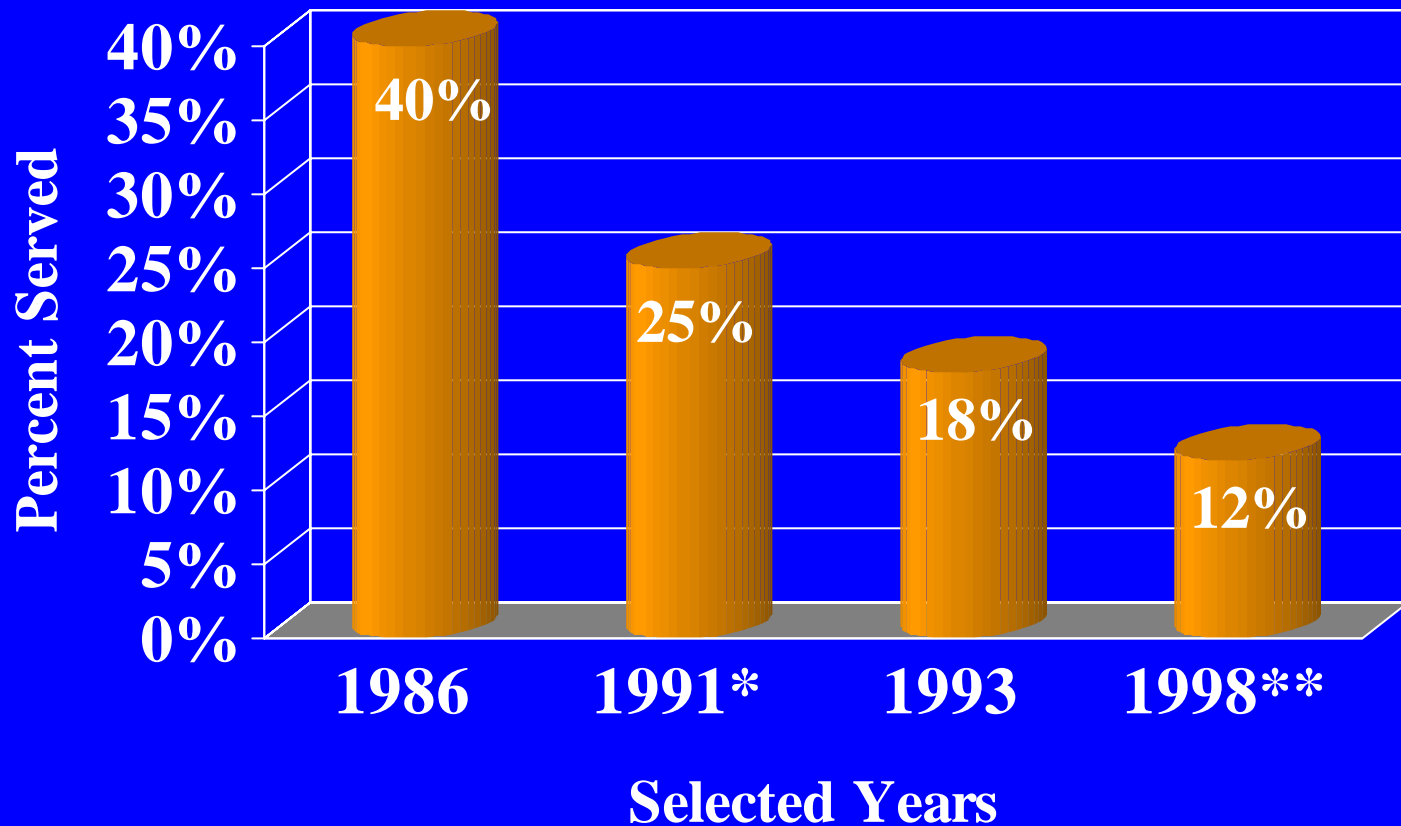
# **SENTENCING REFORM IN NORTH CAROLINA**

**Thomas W. Ross**

# **PROBLEMS IN THE CRIMINAL JUSTICE SYSTEM**

- **JUDICIAL SENTENCES LOSING MEANING**
- **FELONS SERVING ONLY A FRACTION OF SENTENCE**
- **MISDEMEANORS SPINNING THROUGH SYSTEM**
- **PROBATION VIOLATIONS ESCALATING**
- **OFFENDERS REFUSING ALTERNATIVES TO PRISON**
- **PUBLIC CONFIDENCE ERODING**

## PERCENT OF SENTENCE SERVED FOR FELONS



\* Sentencing Commission created

\*\* Projected with cap and no new prisons

# GOALS OF REFORM

- SET PRIORITIES FOR PRISON SPACE
- RESTORE TRUTH IN SENTENCING
- PROVIDE UNDERLYING RATIONALE FOR SENTENCING
- ENHANCE CONSISTENCY IN SENTENCING
- ENHANCE CERTAINTY IN SENTENCING
- MAKE EFFICIENT USE OF RESOURCES
- BALANCE SENTENCING POLICIES WITH RESOURCES

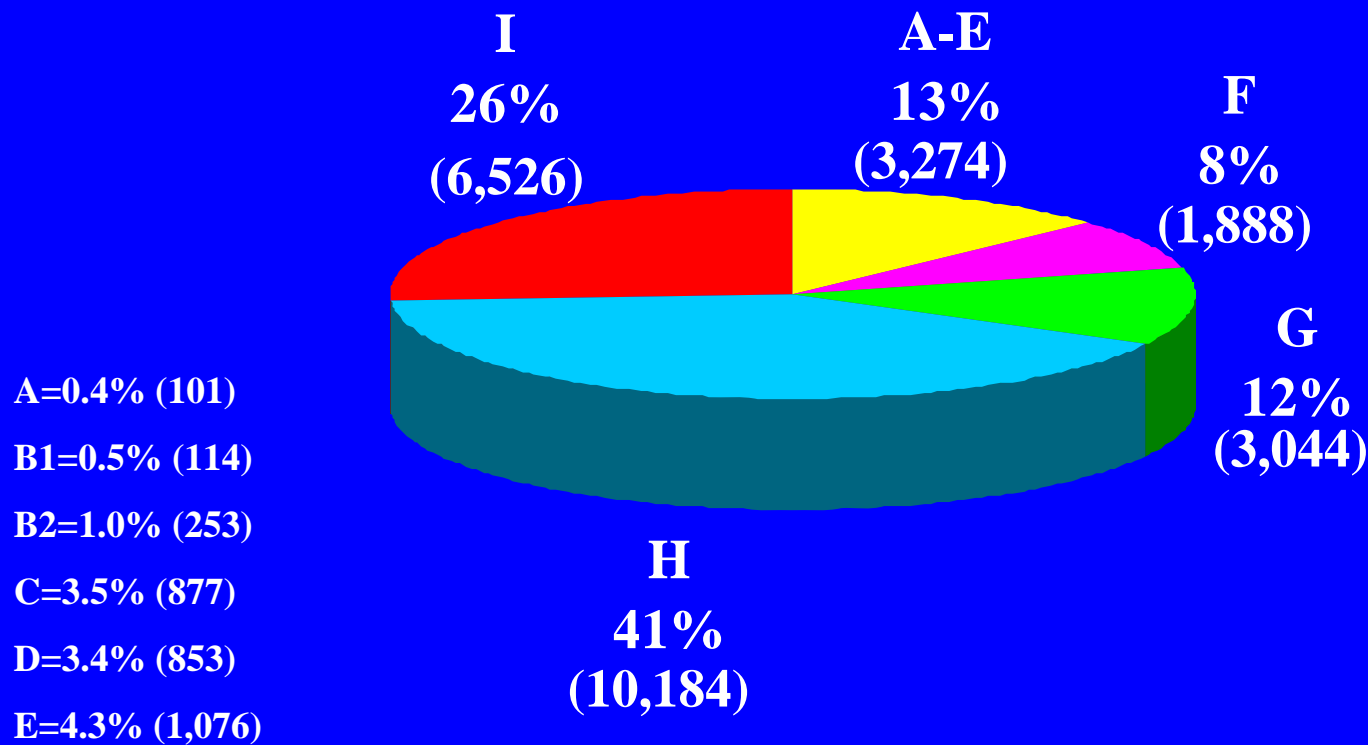
FELONY PUNISHMENT CHART

PRIOR RECORD LEVEL

OFFENSE CLASS

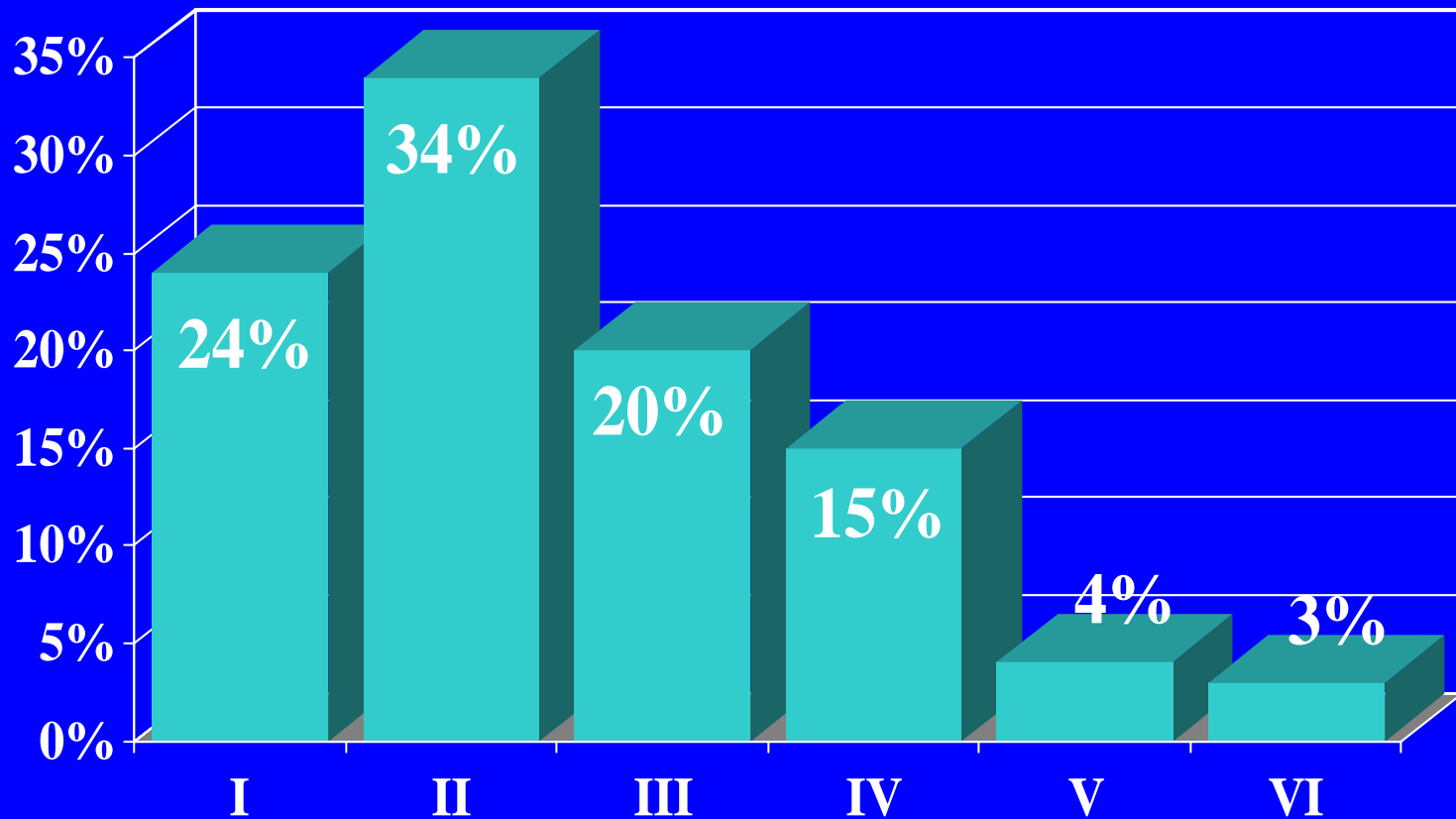
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts
A						
B1						
B2						
C						
D						
E						
F						
G						
H						
I						

# DISTRIBUTION OF FELONS BY OFFENSE CLASS



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Felony Statistical Report Data

# FELONY CONVICTIONS BY PRIOR RECORD LEVEL



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Felony Statistical Report Data

# DISTRIBUTION OF CONVICTIONS WITHIN THE FELONY STRUCTURED SENTENCING GRID FY 2003/04 FELONIES

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	43	18	21	15	4	0	101
B1	43	33	19	10	5	4	114
B2	93	83	40	25	6	6	253
C	103	149	232	258	70	65	877
D	261	257	162	117	28	28	853
E	402	397	133	98	27	19	1,076
F	587	588	423	195	52	43	1,888
G	584	996	719	544	111	90	3,044
H	2,349	3,178	2,142	1,729	466	320	10,184
I	1,449	2,678	1,154	850	210	185	6,526
TOTAL	5,914	8,377	5,045	3,841	979	760	24,916

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Felony Statistical Report Data



# TYPES OF PUNISHMENTS UNDER STRUCTURED SENTENCING

COMMUNITY	INTERMEDIATE	ACTIVE
<ul style="list-style-type: none"><li>▪ Unsupervised Probation</li><li>▪ Fines</li><li>▪ Day Fines</li><li>▪ Treatment Alternatives to Street Crime (TASC)</li><li>▪ Outpatient Substance Abuse and Mental Health Treatment</li><li>▪ Victim Restitution</li><li>▪ Community Service Work</li><li>▪ Regular Supervised Probation</li></ul>	<ul style="list-style-type: none"><li>▪ Intensive Supervision Probation</li><li>▪ Electronic House Arrest</li><li>▪ Day Reporting Center</li><li>▪ Residential Facility</li><li>▪ Boot Camp</li><li>▪ Split Sentence/Special Probation</li></ul>	<ul style="list-style-type: none"><li>▪ Prison</li><li>▪ Jail</li></ul>

# FELONY PUNISHMENT CHART

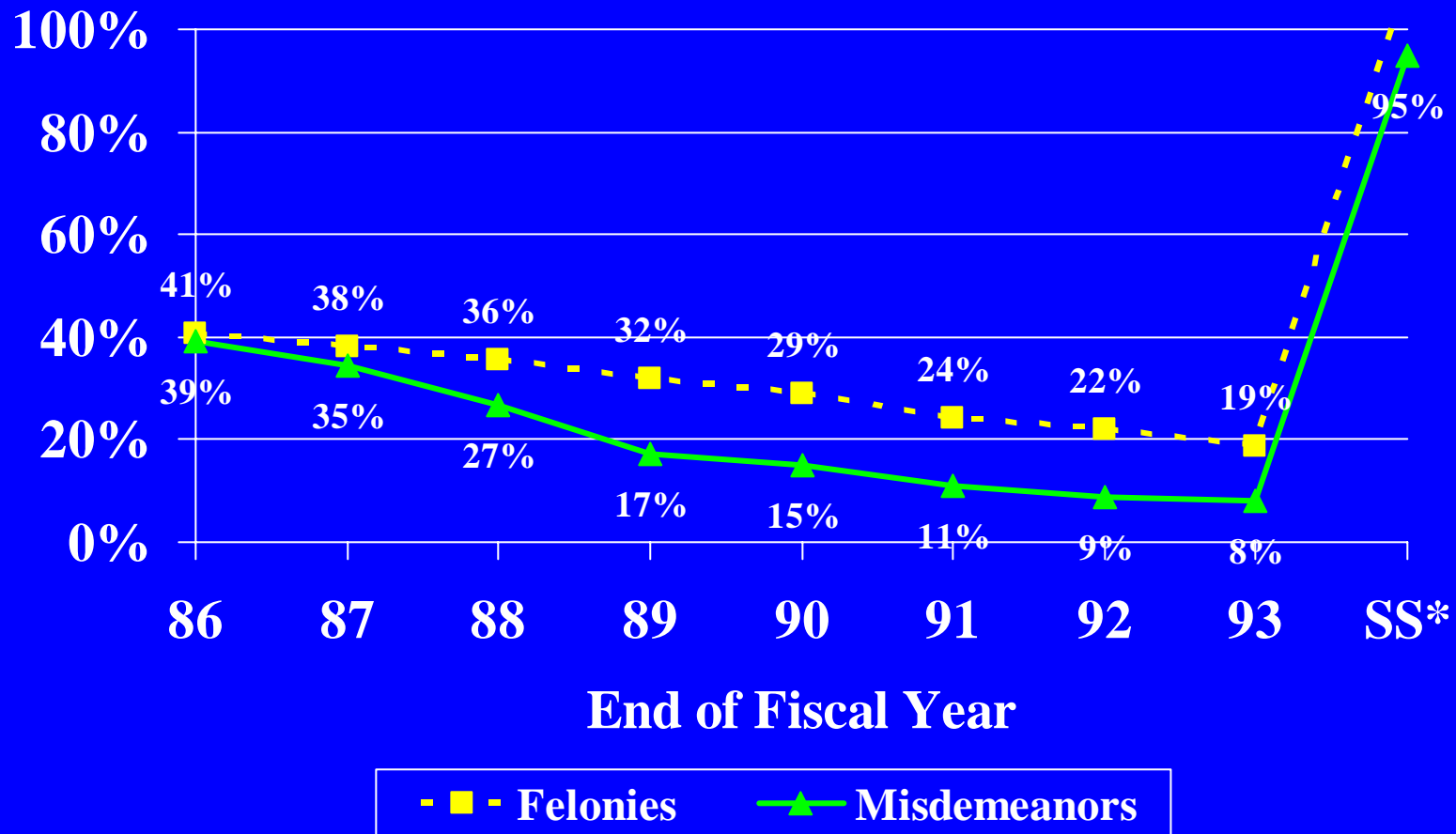
OFFENSE CLASS

PRIOR RECORD LEVEL						
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts
A	Death or Life Without Parole					
B1	A	A	A	A	A	A
B2	A	A	A	A	A	A
C	A	A	A	A	A	A
D	A	A	A	A	A	A
E	I/A	I/A	A	A	A	A
F	I/A	I/A	I/A	A	A	A
G	I/A	I/A	I/A	I/A	A	A
H	C/I/A	I/A	I/A	I/A	I/A	A
I	C	C/I	I	I/A	I/A	I/A

Note: A – Active Punishment I – Intermediate Punishment C – Community Punishment

\* Numbers shown are in months and represent the range of minimum sentences.

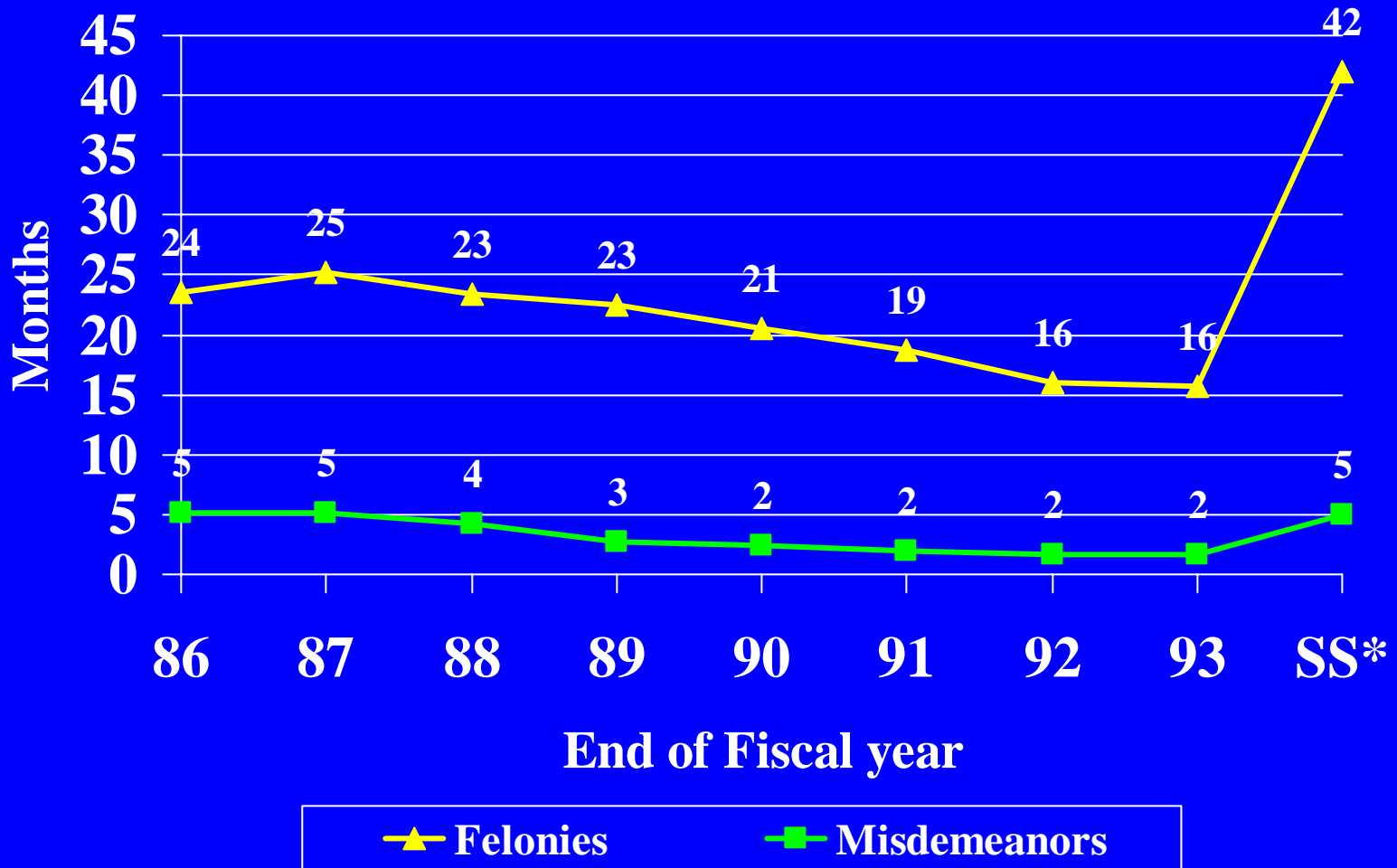
## Average Percent of Sentence Served



\*FY 2003/04 Structured Sentencing Data

SOURCE: NC Sentencing and Policy Advisory Commission and NC Department of Correction

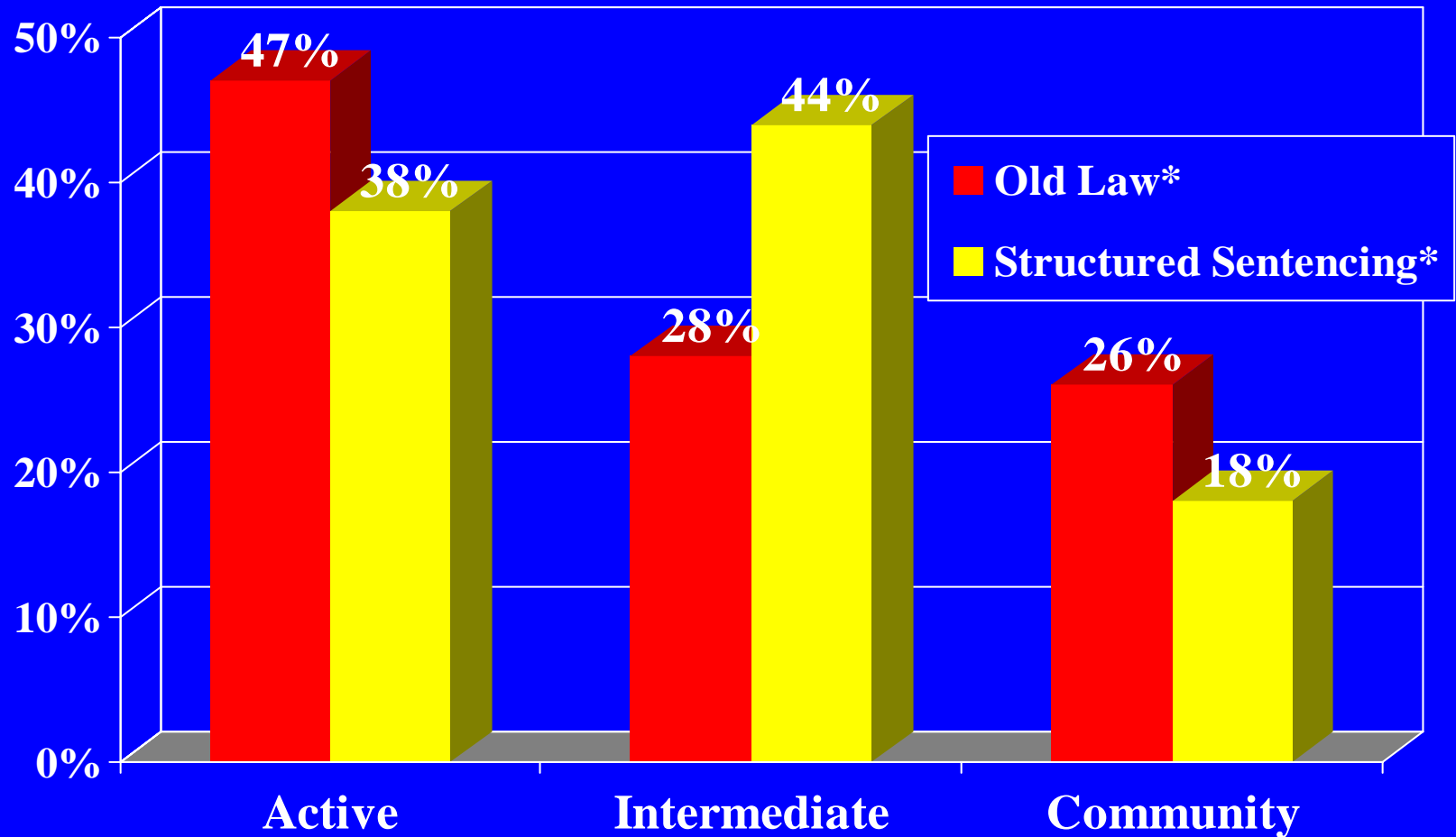
## Average Months Served in Prison



\*FY 2003/04 Structured Sentencing Data

SOURCE: NC Sentencing and Policy Advisory Commission

# TYPE OF PUNISHMENT IMPOSED FOR FELONS

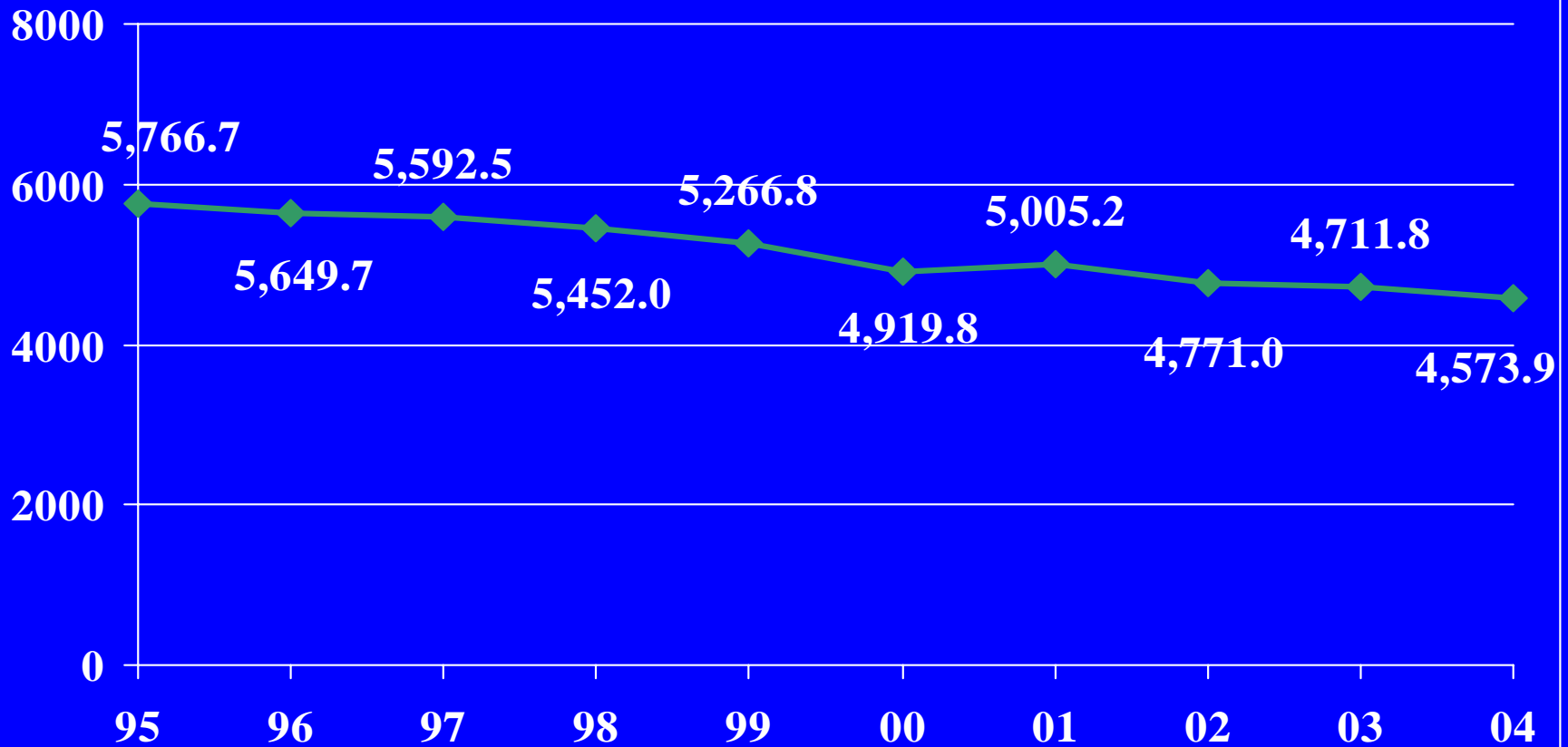


\* NC Sentencing and Policy Advisory Commission, FY 2003/04 Felony Statistical Report Data

\*\* 1993 Pre-Structured Sentencing Data

# NC Crime Trends

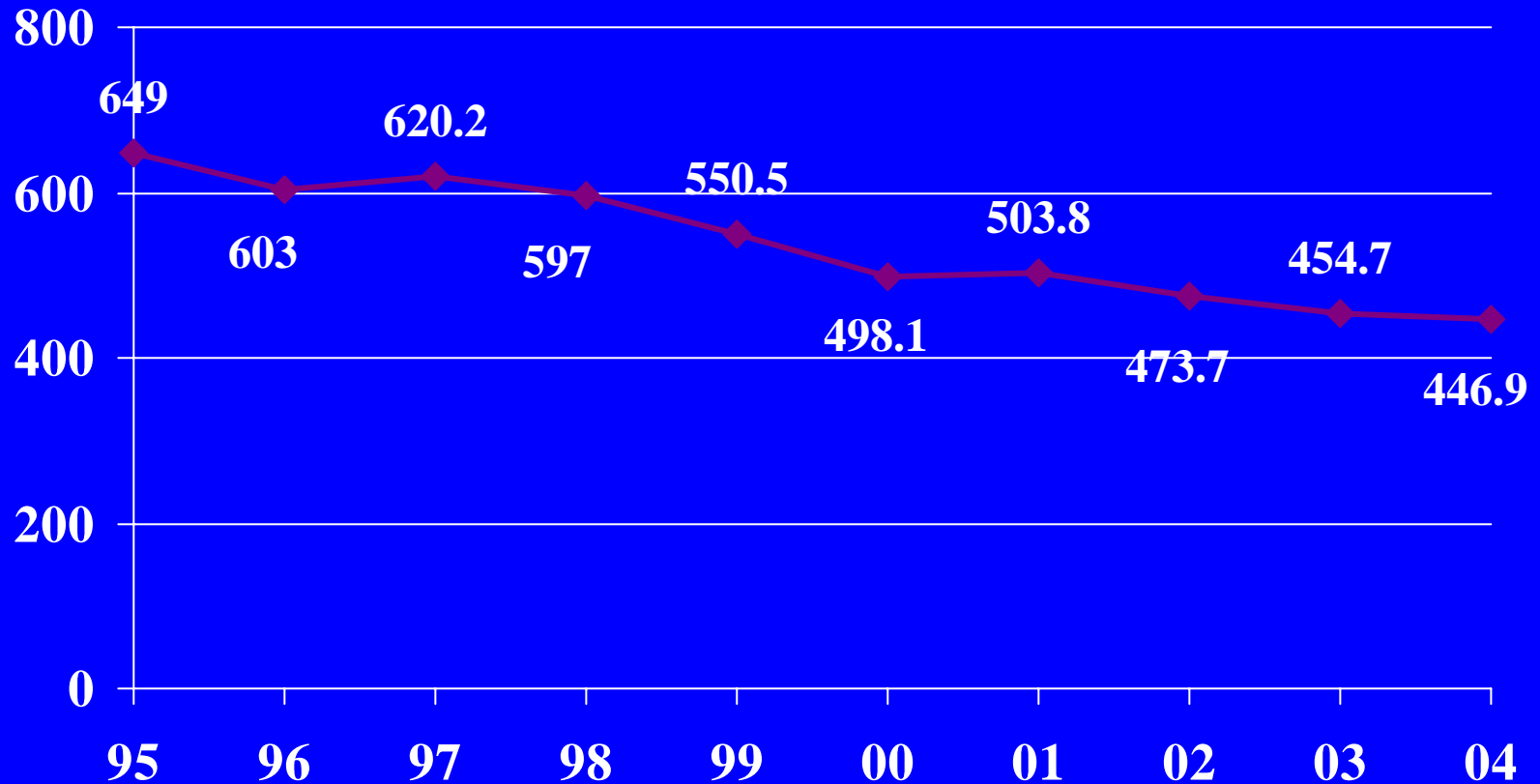
## Index Crime Rate



SOURCE: State Bureau of Investigation, 2004

# NC Crime Trends

## Violent Crime Rate



SOURCE: State Bureau of Investigation, 2004

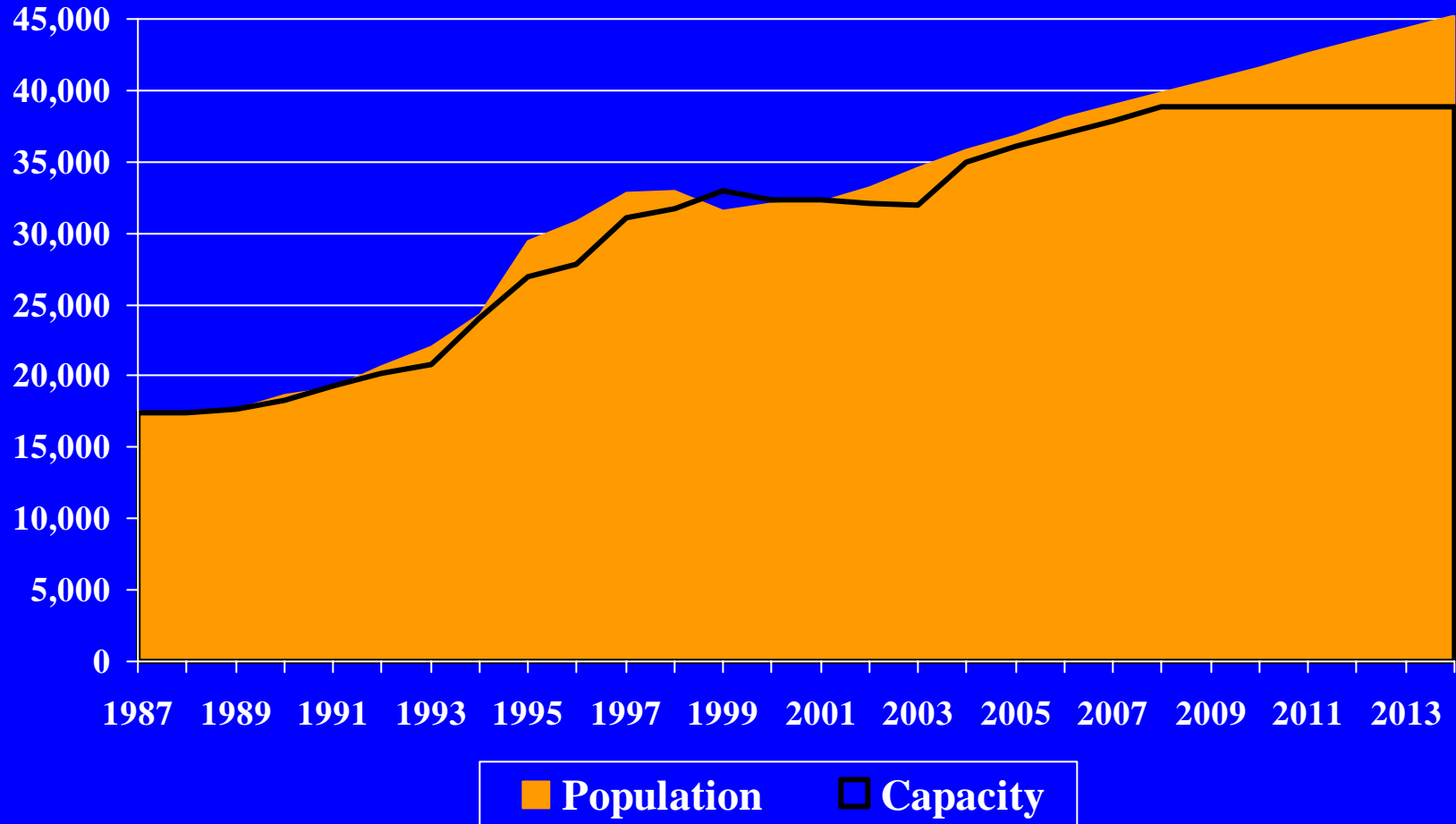
# THE N.C. CRIMINAL JUSTICE SYSTEM TODAY

- TRUTH IN SENTENCING RESTORED
- ANNUAL PROJECTIONS TO HELP PLAN PRISON CAPACITY
- NO PAROLE FOR OFFENDERS SENTENCED UNDER STRUCTURED SENTENCING
- PRISON CAP REPEALED
- VIOLENT OFFENDERS SERVING LONGER SENTENCES
- TOUGHER COMMUNITY PUNISHMENTS
- PUNISHMENT MORE CERTAIN AND CONSISTENT
- SENTENCING POLICY FORMULATED IN CONSIDERATION OF CORRECTIONAL RESOURCES



# NC Prison Population and Capacity

## Updated January 2005



Note: Prison capacity figures reflect Expanded Operating Capacity.

SOURCE: NC Sentencing and Policy Advisory Commission and NC Department of Correction

# **ADVANTAGES OF STRUCTURED SENTENCING**

- **PROMOTES TRUTH IN SENTENCING**
- **SETS PRIORITIES**
- **ALLOWS EFFICIENT USE OF RESOURCES**
- **ENHANCES CONSISTENCY AND CERTAINTY IN SENTENCING**
- **PROVIDES UNDERLYING RATIONALE FOR SENTENCING**
- **BALANCES POLICY WITH RESOURCES**