

North Carolina Sentencing and Policy Advisory Commission  
<http://www.nccourts.org/Courts/CRS/Councils/spac/>

## ALTERNATIVES TO INCARCERATION UNDER NORTH CAROLINA'S STRUCTURED SENTENCING LAWS

U.S. Sentencing Commission Symposium on  
Alternatives to Incarceration  
July 14-15, 2008

## Evolution of North Carolina's Sentencing Reform

- Problem of overcrowding in the state's prisons in the 1980's led to:
  - Federal lawsuits
  - "Revolving door" justice
  - Sentences losing meaning
  - Erosion of public confidence in the criminal justice system

## Evolution of North Carolina's Sentencing Reform

A faint, stylized image of a balance scale is visible in the background of the slide, symbolizing justice and balance.

- Solutions to address the problem:
  - Accurate projections of correctional needs
  - Balancing sentencing policies with correctional resources through:
    - Prioritizing
    - Adequate funding
  - Truth in sentencing

## Legislative Reform: 1990-1993

A faint, stylized image of a balance scale is visible in the background of the slide, symbolizing justice and balance.

- 1990:
  - Establishment of the N.C. Sentencing and Policy Advisory Commission and its mandated responsibilities
- 1993:
  - Passage of the Structured Sentencing Act
- 1993:
  - Passage of the State-County Criminal Justice Partnership Act

# Implementation: Structured Sentencing

## ■ New Sentencing Structure

- felony and misdemeanor grids
- offense class and prior criminal record
- 60 felony grid cells: sentence ranges, duration and disposition
- judicial discretion in a mandatory grid

|    | I<br>0 Points                | II<br>1-4 Points | III<br>5-8 Points | IV<br>9-14 Points | V<br>15-18 Points | VI<br>19+ Points |                  |
|----|------------------------------|------------------|-------------------|-------------------|-------------------|------------------|------------------|
| A  | Death or Life Without Parole |                  |                   |                   |                   |                  |                  |
| B1 | A                            | A                | A                 | A                 | A                 | A                | DISPOSITION      |
|    | 192 - 240                    | 230 - 288        | 269 - 336         | 307 - 384         | 346 - 433         | 384 - 480        | Aggravated Range |
|    | 144 - 192                    | 173 - 230        | 202 - 269         | 230 - 307         | 260 - 346         | 288 - 384        | Mitigated Range  |
| B2 | A                            | A                | A                 | A                 | A                 | A                |                  |
|    | 157 - 196                    | 189 - 237        | 220 - 276         | 251 - 313         | 282 - 353         | 313 - 392        |                  |
|    | 125 - 157                    | 151 - 189        | 176 - 220         | 201 - 251         | 225 - 282         | 251 - 313        |                  |
| C  | A                            | A                | A                 | A                 | A                 | A                |                  |
|    | 73 - 92                      | 100 - 125        | 116 - 145         | 133 - 167         | 151 - 188         | 168 - 210        |                  |
|    | 58 - 73                      | 80 - 100         | 93 - 116          | 107 - 133         | 121 - 151         | 135 - 168        |                  |
| D  | A                            | A                | A                 | A                 | A                 | A                |                  |
|    | 64 - 80                      | 77 - 95          | 103 - 129         | 117 - 146         | 133 - 167         | 146 - 183        |                  |
|    | 51 - 64                      | 61 - 77          | 82 - 103          | 94 - 117          | 107 - 133         | 117 - 146        |                  |
| E  | I/A                          | I/A              | A                 | A                 | A                 | A                |                  |
|    | 25 - 31                      | 29 - 36          | 34 - 42           | 46 - 58           | 53 - 66           | 59 - 74          |                  |
|    | 20 - 25                      | 23 - 29          | 27 - 34           | 37 - 46           | 42 - 53           | 47 - 59          |                  |
| F  | I/A                          | I/A              | I/A               | A                 | A                 | A                |                  |
|    | 16 - 20                      | 19 - 24          | 21 - 26           | 25 - 31           | 34 - 42           | 39 - 49          |                  |
|    | 13 - 16                      | 15 - 19          | 17 - 21           | 20 - 25           | 27 - 34           | 31 - 39          |                  |
| G  | I/A                          | I/A              | I/A               | I/A               | A                 | A                |                  |
|    | 13 - 16                      | 15 - 19          | 16 - 20           | 20 - 25           | 21 - 26           | 29 - 36          |                  |
|    | 10 - 13                      | 12 - 15          | 13 - 16           | 16 - 20           | 17 - 21           | 23 - 29          |                  |
| H  | C/I/A                        | I/A              | I/A               | I/A               | I/A               | A                |                  |
|    | 6 - 8                        | 8 - 10           | 10 - 12           | 11 - 14           | 15 - 19           | 20 - 25          |                  |
|    | 5 - 6                        | 6 - 8            | 8 - 10            | 9 - 11            | 12 - 15           | 16 - 20          |                  |
| I  | C                            | CI               | I                 | I/A               | I/A               | I/A              |                  |
|    | 6 - 8                        | 6 - 8            | 6 - 8             | 8 - 10            | 9 - 11            | 10 - 12          |                  |
|    | 4 - 6                        | 4 - 6            | 5 - 6             | 6 - 8             | 7 - 9             | 8 - 10           |                  |

A - Active Punishment    I - Intermediate Punishment    C - Community Punishment  
Numbers shown are in months and represent the range of minimum sentences

## Implementation: Resource Priorities

- Sentencing grid reflecting two main principles of Structured Sentencing:
  - prioritization of prison resources for the most serious and/or repeat offenders
  - expanded community-based alternatives for other offenders (including those previously prison-bound)

## Implementation: The Emergence of Community Corrections

- Community Corrections strategy as the cornerstone of Structured Sentencing
- Legislative commitment to this strategy through budgetary increases for probation staffing, and funding for local, community-based programs

## Implementation: The Emergence of Community Corrections

- Two levels of offender supervision in the community:
  - ⊕ Community ("regular") probation
  - ⊕ Intermediate probation
- Intermediate punishments to bridge the gap between prison and "regular" probation with higher levels of supervision, control, and accountability for offenders
- Continuum of correctional resources

## Implementation: Continuum of Sanctions

### Community

- Unsupervised Probation
- Fines
- Treatment Alternatives to Street Crime (TASC)
- Outpatient Substance Abuse and Mental Health Treatment
- Victim Restitution
- Community Service
- Regular Supervised Probation

### Intermediate

- Intensive Supervision Probation
- Electronic House Arrest
- Day Reporting Center
- Residential Facility
- Split Sentence/Special Probation
- Drug Treatment Court

### Active

- Prison
- Jail

## Evaluating the Community Corrections Strategy

- Use of community-based sanctions by the courts
  - North Carolina's comparative incarceration rate
  - Probation revocations
  - Recidivism rates
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