

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

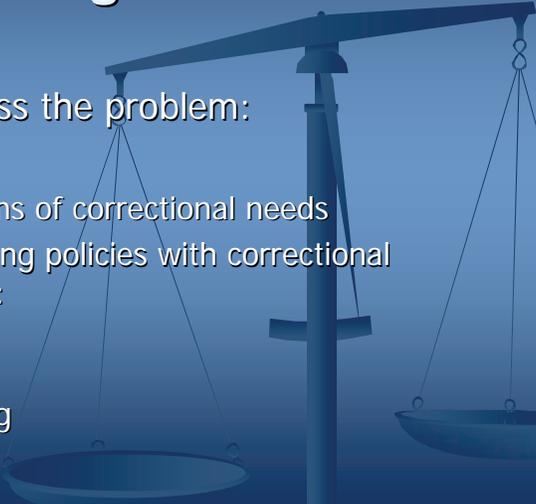
ALTERNATIVES TO INCARCERATION UNDER NORTH CAROLINA'S STRUCTURED SENTENCING LAWS

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

Evolution of North Carolina's Sentencing Reform

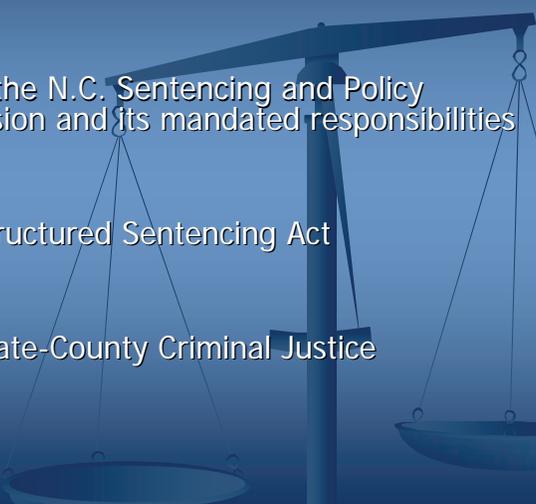
- Problem of overcrowding in the state's prisons in the 1980's led to:
 - Federal lawsuits
 - "Revolving door" justice
 - Sentences losing meaning
 - Erosion of public confidence in the criminal justice system

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 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
A	Death or Life Without Parole						
B1	A	A	A	A	A	A	DISPOSITION
	240 - 300	288 - 360	336 - 420	384 - 480	Life Without Parole	Life Without Parole	Aggravated Range
	192 - 240	230 - 288	269 - 336	307 - 384	346 - 433	384 - 480	PRESUMPTIVE RANGE
B2	A	A	A	A	A	A	Mitigated Range
	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	
	94 - 125	114 - 151	132 - 176	151 - 201	169 - 225	188 - 251	
	58 - 73	80 - 100	93 - 116	107 - 133	121 - 151	135 - 168	
D	A	A	A	A	A	A	
	73 - 92	100 - 125	116 - 145	133 - 167	151 - 188	168 - 210	
	44 - 58	60 - 80	70 - 93	80 - 107	90 - 121	101 - 135	
E	A	A	A	A	A	A	
	64 - 80	77 - 95	103 - 129	117 - 146	133 - 167	146 - 183	
	38 - 51	46 - 61	61 - 82	71 - 94	80 - 107	88 - 117	
F	I/A	I/A	A	A	A	A	
	25 - 31	29 - 36	34 - 42	46 - 58	53 - 66	59 - 74	
	15 - 20	17 - 23	20 - 27	28 - 37	32 - 42	35 - 47	
G	I/A	I/A	I/A	A	A	A	
	16 - 20	19 - 24	21 - 26	25 - 31	34 - 42	39 - 49	
	10 - 13	11 - 15	13 - 17	15 - 20	20 - 27	23 - 31	
H	I/A	I/A	I/A	I/A	A	A	
	13 - 16	15 - 19	16 - 20	20 - 25	21 - 26	29 - 36	
	8 - 10	9 - 12	10 - 13	12 - 16	13 - 17	17 - 23	
I	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	C/I	I	I/A	I/A	I/A	
	4 - 5	4 - 6	6 - 8	7 - 9	9 - 12	12 - 16	
	4 - 6	4 - 6	5 - 6	6 - 8	7 - 9	8 - 10	
	3 - 4	3 - 4	4 - 5	4 - 6	5 - 7	6 - 8	

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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