



**MINUTES**  
**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION MEETING**  
**December 13, 2024**

The North Carolina Sentencing and Policy Advisory Commission met on Friday, December 13, 2024, at the North Carolina Judicial Center in Raleigh, North Carolina.

**Members Present:** Chairman Charlie Brown, Natalia Botella, Honorable James Gailliard, Lindsey Granados, Honorable Tracey Johnson, William Lassiter, Honorable James Mixson III, Luther Moore, Judge Fred Morrison, Jr., Calvin Suber, Judge Scott Ussery, Honorable Michael Waters, Elizabeth Watson, Patrick Weede, and Chief A.Z. Williams.

**Guests:** Brandeshawn Harris (DAC), Emily Mehta (AOC RPP), Julianna Kirschner (AOC RPP), Meagan Pittman (AOC RPP), Eddie Caldwell, Jr. (NCSA), Lauren Earnhardt (NCSA), Cortney Goodwin (NCSA), Joseph Oder (IDS), Ben Thomas (NLPLS), William Crozier (DJJ DP), and Andrew Berger-Gross (NCDOC).

**Staff:** Michelle Hall, John Madler, Tamara Flinchum, John King, Meghan Boyd Ward, Julio Cazares, Melissa Lugo, Sierra Satterfield, Dylan Saunders, and Shelley Kirk.

**INTRODUCTIONS**

Chairman Brown called the meeting to order at 10:00 a.m. and asked members and guests to introduce themselves. He presented the minutes from the September 13, 2024 meeting and called for a motion. James Mixson moved to adopt the minutes as written; Calvin Suber seconded the motion and it carried. Chairman Brown informed Commissioners of the 2025 meeting dates: March 7, June 6, September 12, and December 12, and that the Sentencing Practices Subcommittee would next meet February 7. He then reviewed the agenda.

**SENTENCING PRACTICES SUBCOMMITTEE UPDATE**

Chairman Brown recognized Meghan Boyd Ward, staff, for an update on the Sentencing Practices Subcommittee (See Presentation). Ms. Boyd Ward reminded Commissioners that the Subcommittee was formed at the request of the Commission after staff completed a study examining Sentencing Practices. She explained after reviewing the findings, the Commission wanted to examine them more closely, identify if offenders are being treated differently, and recommend changes if necessary. The Subcommittee first met in November and reviewed approaches and findings from other states' studies, reviewed the study and the findings, discussed findings and issues raised by the Commission at its March meeting, and identified issues for further study.

Ms. Boyd Ward shared commonalities between similar studies conducted by government entities; most reports made a finding of some level of disparity, which was also found throughout the academic literature. She noted that there were two additional key points from the reports from other states: (1), while reports on an individual basis were unique, the process followed was largely the same; and (2), studies tended to identify similar issues and recommendations falling into four categories: needing more data/info; sentencing; beyond the sentencing phase; and, systemic change to the system.

Next, Ms. Boyd Ward reviewed the development, elements, and key findings from the Commission's 2023 study. The Commission conducted a similar study in 2002; renewed interest in the topic in 2020 prompted a new study mirroring the original. Ms. Boyd Ward explained that the elements of the study consisted of a literature review, studies from other states, and bivariate and multivariate statistical analyses. The findings of the bivariate results, which included of a comparison of the North Carolina population and felony convictions, demonstrated differences. Further, the multivariate findings determined that while legal factors were the most important in predicting sentencing outcomes, the findings surrounding extralegal factors warranted additional study.

Ms. Boyd Ward then described the Subcommittee's discussion of the Study findings and issues raised by the Commission. First, she reminded the Commission of the questions the Subcommittee was exploring: Are the goals of Structured Sentencing being realized? Are sentences consistent? Do similarly-situated offenders (those with similar offenses and similar criminal histories) receive similar sentences? To assess these questions, the Subcommittee used the elements of the Felony Punishment Chart as a framework: offense class (and type), criminal history, dispositions, and duration. Ms. Boyd Ward added that at this first meeting, the Subcommittee was able to cover the topics of offense class, offense type (person, property, drug, "other"), criminal history, and charge (habitual felon). She also shared that in assessing each of these topic areas, as well as the global questions identified, Subcommittee members adhered to a set of evaluative questions to assist their work.

On the topic of offense class, Ms. Boyd Ward provided a summary of the study findings and some additional analysis staff conducted after the Commission's March meeting. Of note from the Subcommittee discussion, she added, were the findings regarding most frequent convictions by race that indicated White offenders are most often convicted of possession of methamphetamine, while Nonwhite offenders are most often convicted of possession of a firearm by a felon. Ms. Boyd Ward said the discussion on possession of a firearm by a felon focused on that it is a status offense, the offense does not meet the structured sentencing classification criteria for a Class G felony, and there may be differences in charging practices across districts.

Ms. Boyd Ward then explained next topic, criminal history, include the purpose, the study's multivariate findings, and additional analysis. The Subcommittee had raised questions about the composition of prior record level (PRL) including: how old are the convictions and how far apart are they from the current conviction? Members also asked how often are status points used in PRL calculations and whether/how other states use them? Staff had shared with the Subcommittee that there is no automated data system that provides the composition of priors used to determine an offender's PRL. In learning this, the Subcommittee wondered if Odyssey (eCourts) could provide a better resource for PRL.

Ms. Boyd Ward then covered the third topic discussed by the Subcommittee, charge, specifically the habitual felon charge. She again shared the purpose, study findings, and additional analysis conducted by staff. Of particular interest to the Subcommittee were the observed differences by race for habitual felons. Here, she explained that the Subcommittee learned that there are no data on the eligible pool of habitual

offenders, which is directly related to the lack of information on PRL. Again, the Subcommittee wondered how differences in charging practices across districts might factor into the observed differences among habitual felons. Ms. Boyd Ward noted that the Subcommittee wanted more information about the underlying offenses, including the type, whether it was a more or less serious conviction than was used to receive habitual felon, and finally, how old were the prior convictions compared to the current offense.

Ms. Boyd Ward concluded with a summary of the areas for further analysis that the Subcommittee identified. First, for offense class, they instructed staff to explore the differences in most frequent convictions by class and race. Second, to better understand criminal history, the Subcommittee instructed staff to investigate options for creating a prior record database. Third, in regard to charge/habitual felon, the Subcommittee instructed staff to assess underlying charges by race, as well as the type and age of the prior convictions. Finally, Ms. Boyd Ward said there were still many more topics to explore at the next Subcommittee meeting on February 7, 2025.

### **JUVENILE RESOURCE PROJECTIONS**

Chairman Brown recognized Sierra Satterfield, staff, to present the Youth Development Center (YDC) Population Projections (FY 2025-FY 2029) and accompanying Juvenile Disposition Quick Facts for FY 2024 (see Handouts). Ms. Satterfield thanked the Division of Juvenile Justice and Delinquency Prevention (DJJDP) staff for providing the data for the project and for their collaboration. Ms. Satterfield explained that two sources of data were used to produce the projections: FY 2024 data on delinquent dispositions and stock data (i.e., juveniles that are in a YDC on June 30, 2024). The projections consider the decline of the stock population and the buildup of the new YDC population over the projection period, which includes new YDC commitments that occur through the imposition of a Level 3 disposition or due to a probation violation or a revocation of post release supervision (PRS). She explained for this cycle, the projections take into account recent legislation (House Bill 834) which redefined “delinquent juvenile” to exclude youth aged 16- and 17-years who commit a Violent offense (i.e., Class A – E felony).

Ms. Satterfield then reviewed the five-year YDC projections (see Handout, Table 1). She noted the YDC population was 204 on June 30 and 223 on December 13; the average for FY 2025 to date was 207. She stated that DJJDP provided capacity information for the projection and explained that the projection is within capacity for all five years.

Ms. Satterfield reviewed the assumptions used in the projection, including growth rates, YDC admission type, lag time, and length of stay. Chairman Brown asked about the data used to determine growth rates, specifically, the State Bureau of Investigation (SBI) violent crime rate used to determine growth rates. Deputy Secretary William Lassiter said that Juvenile Justice (JJ) and SBI have different ways of measuring violent crime. SBI tracks data by calendar year whereas JJ tracks data by fiscal year. He added that there was an increase in violent crime since the COVID-19 pandemic, but it plateaued and started to decrease. Chairman Brown was also curious about the difference between the slight increase in the SBI violent crime rate and the perceptions from prosecutors. Mike Waters discussed how young people were recruited by older adults to commit crimes, particularly firearm offenses. Deputy Secretary Lassiter added that he hopes this will stop happening with the new legislation in HB 834. Lindsey Granados asked where 16- and 17-years olds would be housed [pretrial] under HB 834. Deputy Secretary Lassiter responded they would be housed in juvenile detentions, not local jails, and then highlighted detention capacity.

Ms. Satterfield next provided the statistical characteristics of the two populations that informed the projections, the FY 2024 dispositions and the stock population (the YDC population on June 30, 2024).

Tracey Johnson inquired about the use of the term “stock population” to which Chairman Brown responded that it is a statistical term, but staff could investigate different words to use instead, to describe the population on the last day of the fiscal year. Lastly, trend data (FY 2020 – FY 2024) were reviewed. Ms. Satterfield highlighted the similarities and differences over the past five years regarding delinquent dispositions, offense classification, delinquency history level, the number of level three dispositions, and YDC population characteristics. Luther Moore asked what the juvenile trend data would be if the COVID-19 pandemic never happened. Ms. Hall responded that Raise the Age (RtA) complicated matters because that and the COVID-19 pandemic occurred around the same time. Deputy Secretary Lassiter added that JJ projected a 60% increase in delinquent complaints because of RtA and that is where JJ is at now. He continued that it took longer than anticipated to reach what was projected because of the pandemic and when comparing pre-RtA to now, JJ is seeing a decrease in the number of delinquent complaints for 16- and 17-year-olds.

## **IMPACT OF HURRICANE HELENE**

### ***Department of Public Safety***

Chairman Brown recognized William Lassiter, Deputy Secretary, DJJDP, Department of Public Safety (DPS), to provide an update on the impact of Hurricane Helene on the Department and Division. Deputy Secretary Lassiter stated DPS is addressing an estimated \$50 billion dollars’ worth of damage in North Carolina due to the hurricane. DJJDP had three facilities affected by the hurricane: Asheville’s multipurpose group home with detention beds (no estimated date for reopening at this time), the Madison County facility (reduced population by half to compensate), and the Macon County group home (since reopened). Deputy Secretary Lassiter sadly noted that the Madison County facility lost their lead facility manager due to the flooding. Six of the court counselor offices in Western North Carolina were also damaged, and many of the Western Juvenile Crime Prevention Council (JCPCs) lost their buildings and have been relocated to different sites. Currently, all court services are up and running in some capacity.

Mr. Moore asked whether the offices that were damaged were located near rivers and, if so, if they should be relocated to avoid future damage. Deputy Secretary Lassiter replied that the offices were located near rivers, particularly the Madison County location, and would likely take a long time to repair due to flooding. Chairman Brown added that there is also an annex jail and the Department of Social Services office further up the hill. Deputy Secretary Lassiter stated that that is where DPS placed a Federal Emergency Management Agency (FEMA) trailer and the juvenile detention facility.

### ***North Carolina Sheriffs’ Association***

Chairman Brown next recognized Eddie Caldwell, Executive Vice President and General Counsel to the North Carolina Sheriffs’ Association (NCSA), to provide an update on the impact of Hurricane Helene on local jails (see Presentation). Mr. Caldwell stated that on September 26, the NCSA President activated the Statewide Disaster Assistance Network (SDAN). The SDAN is designed to put sheriffs’ offices in contact with each other to move staff and resources from offices in unaffected areas to offices in affected areas as quickly as possible. Each response is also assigned a reference number so the necessary FEMA reimbursements can occur. SDAN operates until there is no longer a need for assistance. The last request for assistance due to Hurricane Helene was filled on November 17 and there have not been any new requests. In total, 79 counties offered assistance through the program and 78 were utilized. Mr. Caldwell listed the types of assistance provided. He noted that 326 inmates were moved to facilities outside the disaster area and listed the counties that moved inmates.

Chairman Brown asked if facilities that needed to move inmates, needed to move all of them. Mr. Caldwell replied that some facilities were able to keep some while other facilities were required to move all. Mr. Caldwell listed the additional challenges faced by the affected county jails (see Presentation). He explained that there was an increase in the jail backlog due to Hurricane Helene, but as of December 11, the backlog was eliminated.

Regarding the Statewide Misdemeanant Confinement Program (SMCP), Mr. Caldwell stated that there were currently 70 receiving counties but that 19 of those had a bed count of zero. Therefore, there are currently 51 counties actively receiving SMCP inmates. He listed four receiving counties that stopped receiving due to Hurricane Helene; all but one have subsequently resumed. The usage of SMCP beds has fluctuated from 91% capacity before the hurricane to 88% as of December 11. No participants have dropped out of the SMCP program since the hurricane and NCSA anticipates bed space allocation numbers to return to normal as jails return to operating regularly.

Judge Fred Morrison asked if any sheriffs' personnel went into the neighboring counties of Tennessee. Mr. Caldwell replied that they had not due to the different laws and procedures in other states. Patrick Weede asked if the inmates with pending cases who were moved have been returned to their original county. Mr. Caldwell responded that while they do not track pending case information, there was no known issues with returning inmates to their counties based on their case status. Mr. Moore asked what lessons were learned from this disaster. Mr. Caldwell replied that they realized there was no need to send out the FEMA updates because sheriffs already had the information from being in the field, and that self-deployments between sheriffs in different counties (sending resources outside of SDAN) caused resources to be allocated to counties that may not have needed them.

Chairman Brown asked if SMCP beds were a resource to use to deal with backlog. Mr. Caldwell responded that if there were inmates backlogged, there was not an overcrowding problem. In the case of overcrowding, inmates could be transferred to SMCP counties or other neighboring counties with available bed space. Mr. Moore asked if the sheriffs were involved with supporting the local boards of elections in the affected counties during the recent election. Mr. Caldwell stated the NCSA works closely with the State Board of Elections to develop protocols which are then sent to sheriffs and they are encouraged to contact their local boards. Each county is different as to the sheriff's level of involvement.

### ***Department of Adult Correction***

Next, Chairman Brown recognized Brandeshawn Harris, Chief Deputy Secretary, Department of Adult Correction (DAC), Operations, to provide an overview of the impact of Hurricane Helene (see Presentation). Chief Deputy Secretary Harris told Commissioners that whenever there is a report of a weather-related incident approaching, DAC works closely with state and local emergency management to gather information so they can plan accordingly. In the case of Hurricane Helene, they did not know where the hurricane would strike so they decided to shelter in place. The Department stocked up on the necessary supplies for the facilities that could be affected and closed the facilities that did not have a congregate setting.

Chief Deputy Secretary Harris reported that after the hurricane, DAC had to establish communication with the institutions, district offices, and local staff to check on status of the facilities and the wellbeing of staff and offenders. Twenty-one locations reported loss of electricity and network capability (14 institutions and 6 offices), 7 institutions reported loss of water services, affecting approximately 3,900 offenders, and 5 institutions reported damages due to flooding from rising water levels.

Chief Deputy Secretary Harris pointed out that the Department had to take care of DAC staff as well as inmates. A total of 106 staff members reported damages or total losses of their home and/or vehicles, and hundreds were unable to report to work due to damage, flooding, or downed trees. The Department established a communication plan to connect with staff, including deploying 3 Starlink receivers and 5 satellite phones to needed locations. DAC provided meals, water, and generator fuel. Using facilities where operations were suspended due to staffing, DAC established 2 Initial Resource Centers for staff to pick up supplies and/or utilize for overnight accommodations and hygiene needs.

Regarding offenders, Chief Deputy Secretary Harris reported relocation missions for 5 institutions began shortly after the storm passed due to the projected timeframes for repairs to sewer systems and restoration of water. There were 2,195 offenders relocated to 17 other institutions throughout the state with no major incidents reported. She added that 2 facilities in Spruce Pine remained closed, affecting approximately 1,500 inmates, but that DAC has reopened Craggy Correctional Institution and Western Correctional Center for Women.

Chief Deputy Secretary Harris concluded with a lesson the Department learned from this event: it is always good to have emergency beds and not just temporary beds. DAC had additional prison capacity because of the beds that were suspended due to staffing shortages. Once they were able to move staff to those facilities, they were able to use those beds for long term housing of inmates.

Mr. Moore asked what the DAC would do differently in hindsight. Chief Deputy Secretary Harris replied that they would have evacuated the units if they had known the sewers would fail, but there was no indication of that before the storm arrived. Chairman Brown asked how many years Chief Deputy Secretary Harris had been with the DAC. She responded that she started with the Department in 2019 and related some of the natural and manmade events she had been through and how DAC responded.

### ***Administrative Office of the Courts***

Chairman Brown next recognized Emily Mehta, Manager, Research, Policy, and Planning, Administrative Office of the Courts (AOC), to provide an overview of the impact of Hurricane Helene on AOC. Before Ms. Mehta began her presentation, Mr. Mixson commended her and the AOC for their response to the hurricane and for the work they have done with the clerks following it.

Ms. Mehta explained that several courthouses were closed as a result of the hurricane; Chief Justice Paul Newby issued an Emergency Order to allow alternative filing locations and to assist the counties where courthouses were closed. Only the courthouse in Madison County sustained serious damage, with flooding and damage to paper court records. AOC contracted with a disaster relief vendor to restore those records, but it is projected to take a long time. This has prompted discussions between AOC and the Clerk of Courts Conference about how to handle paper court records and what to do about gaps in the records, especially for those counties that are legacy counties (i.e., not in the Enterprise Justice (Odyssey) system yet) where the paper record is the court record.

Many of the impacted counties are Enterprise Justice (Odyssey) counties and needed internet access to function. Ms. Mehta noted that AOC was able to provide Starlink satellite internet access to get those counties back online by the end of that week. A couple of counties activated their Continuity of Operations Plans but not as many as expected. AOC Human Resources is focusing on better educating counties on how and when to activate their plans.

Regarding the impact on the court system, Ms. Mehta pointed out that there was a considerable decrease in filings and dispositions in October but both resumed in November. Overall, there was a brief delay but no lasting impact on pending cases (see Handout). Chairman Brown asked if any of the courthouses that were closed solely because they did not have internet access. Ms. Mehta replied that the courthouses that were closed also had physical access issues so communication was not the only issue preventing them from operating.

Mr. Moore asked what lessons AOC learned from the event. Ms. Mehta responded that there was a person in Human Resources responsible for continuity of operations who could provide a more complete answer, but she observed a need for proper communication when reporting damages so that the proper FEMA codes could be used to get reimbursed accurately. Overall, it was a heroic response by everyone involved and AOC appreciated everyone's ability and willingness to work and adapt.

### **EFFECTS OF INCARCERATION ON EMPLOYMENT OUTCOMES**

Chairman Brown recognized Ms. Hall, staff, to start a presentation on the relationship between employment and recidivism. She noted her presentation was intended to provide context and background for the subsequent presentation from Andrew Berger-Gross, a Senior Economist with the North Carolina Department of Commerce, Labor and Economic Analysis Division (LEAD).

Ms. Hall noted that the data presented in her section of presentation were from the most recent Commission recidivism study, which examined an exit sample of prisoners and probationers from FY 2021. A broad overview of prisoner and probationer employment status was provided, with Ms. Hall noting that probationers demonstrated higher rates of prior employment (i.e., two years prior to contact with the criminal justice system) than prisoners. She remarked, however, during the two-year follow-up, the total percentage of employed probationers and prisoners was comparable (53% and 54%, respectively).

Next, she provided an overview of the industries in which probationers and prisoners were employed; substantial portions were employed in food service, manufacturing, and construction. Data on the relationship between involvement in the criminal justice system and median earnings were shown, which indicated that involvement in the criminal justice system had a depressing effect on median wages. As more time passed between contact with criminal justice system, earnings increased; however, median earnings for both prisoners and probationers remained below that of the general population. Lastly, she noted that employed probationers and prisoners were generally less likely to recidivate.

Mr. Weede asked about whether more information regarding those who had work release opportunities was available. Ms. Hall answered that staff planned to delve further into data regarding work release and jobs during incarceration and was collaborating with DAC to explore those data in the near future.

Mr. Berger-Gross then began his section of the presentation noting that data regarding employment outcomes and work release was available on the Department of Commerce website. He next explained the Common Follow-up System, a repository of individual-level data on employment outcomes for people in North Carolina that was created to facilitate workforce program evaluations. This system also includes data on justice-involved individuals, which was used to conduct comprehensive evaluations of programs aimed at this population. Mr. Berger-Gross described the results of an analysis comparing a cohort of individuals exiting prison in 2016 who found work after release with another group of peers released that year who did not obtain employment. The former group, according to these results, were 20% less likely

to return to prison than the latter group. Furthermore, Mr. Berger-Gross delineated the relationship between earnings and recidivist outcomes. Individuals who were earning poverty-level wages at a minimum were less likely to recidivate than those who earned less than these wages. Additional information presented by Mr. Berger-Gross demonstrated that individuals who left prison continued to retain lower earnings and lower rates of employment compared the general population of North Carolina, due in large part to the lack of applicable work experience, lack of specific work-related skills, and fewer positions available for offenders in higher-paying industries. Mr. Berger-Gross also pointed out how larger economic forces, such as the expansion or contraction of the job market in particular industries can have a powerful effect on offender employment rates. Finally, Mr. Berger-Gross described the projects that are currently underway at the Department of Commerce and the types of analyses that they are expected to produce in the future.

Chairman Brown opened the floor for questions. Mr. Waters asked about data and evaluation related to reentry programs. Mr. Berger-Gross answered that they are currently evaluating these programs and working with various agencies in the process. He also described the limitations surrounding the ways that the Department of Commerce is able to determine whether a program is successful or not. Representative Gailliard asked about the relationship between gender and employment for offenders. Mr. Berger-Gross described how employment rates were similar for men and women, but that women earned substantially less on average.

#### **INSTRUCTIONS TO STAFF AND OTHER BUSINESS**

Chairman Brown thanked the guests and the staff for their presentations and reminded the members that the Sentencing Practices Subcommittee will be meeting on Friday, February 7, and the next full Commission meeting will be Friday, March 7, 2025.

#### **ADJOURNMENT**

Chairman Brown adjourned the meeting at 1:57 p.m.

Respectfully submitted,

Shelley Kirk  
Administrative Secretary