



**MINUTES**  
**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION MEETING**  
**September 12, 2025**

The North Carolina Sentencing and Policy Advisory Commission met on Friday, September 12, 2025, at the North Carolina Judicial Center in Raleigh, North Carolina.

**Members Present:** Chairman Charlie Brown, Jonnell Carpenter, Senator Warren Daniel, Lindsey Granados, Judge Greg Horne, Joe Houchin, William (Billy) Lassiter, Sherri Lawrence, Honorable Jim Mixson, Luther Moore, Haley Phillips, Caitlin Poe, Senator Benton Sawrey, Honorable Jimmie Silver, Calvin Suber, Honorable Michael Waters, Elizabeth Watson, Patrick Weede, Chief A.Z. Williams, and Judge Valerie Zachary.

Guests: Director Ryan Boyce (AOC), Secretary Eddie Buffaloe, Jr. (DPS), Secretary Leslie Cooley Dismukes (DAC), Emily Mehta (AOC RPP), Meagan Pittman (AOC RPP), Julianna Kirschner (AOC RPP), Amber Barwick (NCCDA), Joshua Hummel (IDS), Justin Davis (DAC), Torie Keeton (DAC), William Crozier (DPS DJJD), Susan Sitze (NCGA), Hannah Kendrick (NCGA), Michael Johnston (NCGA), Eliza Darden Smith (NCGA), Marie Evitt (NCSA), Cortney Goodwin (NCSA), and Judge Fred Morrison, Jr. (departing Commissioner).

**Staff:** Michelle Hall, John Madler, Ginny Hevener, Tamara Flinchum (and GEB Grover), John King, Meghan Boyd Ward, Julio Cazares, Mel Lugo, Sierra Satterfield, Shelley Kirk, and Nicole Smith (Intern).

**INTRODUCTIONS AND RECOGNITION OF NEW/OUTGOING COMMISSIONERS**

Chairman Brown called the meeting to order at 10:00 a.m. and asked members and guests to introduce themselves. He introduced the following new Commissioners and read their biographies:

- Jonnell Carpenter, representing the Community College System.
- Senator Benton Sawrey, representing the Senate.
- Sherri Lawrence, representing the Attorney General.
- Haley Phillips, representing the Chair of the Post-Release Supervision and Parole Commission.
- Caitlin Poe, representing the Lt. Governor.
- The Honorable Jimmie Silver, representing the Association of County Commissioners.

Chairman Brown next introduced, Nicole Smith, an intern with the Sentencing Commission.

Chairman Brown presented a resolution recognizing outgoing Commissioner Judge Fred Morrison, Jr., noting his long service to the Commission. Luther Moore moved to adopt the resolution; Lindsey Granados seconded the motion and it carried. Judge Morrison made remarks upon receiving his resolution.

Chairman Brown presented resolutions recognizing several outgoing Commissioners for their service, who were absent: Natalia Botella, Senator Danny Britt, Jr., James Gailliard, and Senator Mujtaba Mohammed. Mr. Moore moved to adopt the resolutions; Michael Waters seconded the motion and it carried. Chairman

Brown presented the minutes from the June 6, 2025, meeting and called for a motion. Mr. Waters moved to adopt the minutes as written; Deputy Secretary Billy Lassiter seconded the motion and it carried.

Chairman Brown informed Commissioners of the remaining 2025 meeting date on December 12, and reported the 2026 SPAC Meeting dates of March 13, June 5, September 11, and December 11. He then reviewed the agenda.

## **JUSTICE AND PUBLIC SAFETY AGENCY INITIATIVES – 2025-2027**

### *Department of Public Safety*

Chairman Brown recognized Eddie Buffaloe, Secretary of the Department of Public Safety (DPS), to provide an overview of the Department's initiatives for the next two years (*see Presentation*). Secretary Buffaloe began by providing an overview of the Department's mission, values, and goals. The Secretary provided information on each of the divisions that comprise DPS: Administration, Emergency Management, National Guard, and Samarcand Training Academy. Commission members asked questions about the firearm training center at the Academy that provides law enforcement with real world scenario training such as a school shooting.

Secretary Buffaloe provided information on the Office of Recovery and Resiliency and the Division of Alcohol Law Enforcement (ALE). He highlighted ALE's new National Integrated Ballistic Information Network, which helps law enforcement solve violent crimes by cataloging ballistic evidence, such as cartridge casings and bullets, from different crime scenes. Mr. Waters commented on how transformative the program has been in providing his office with leads on cases.

Secretary Buffaloe provided information on the Division of Juvenile Justice and Delinquency Prevention (DJJDP). He noted that there are over 40,000+ juvenile complaints, with some of the top offenses being simple assault, breaking and entering a vehicle, and vehicle larceny. He went on to say that last year about 3,000 kindergarteners were suspended from school. Further, he said that within Juvenile Detention Centers, they are seeing longer on average detention stays of around 39 days. Judge Valerie Zachary inquired about the most common reported school-based incidents in younger students. Deputy Secretary Lassiter responded that the Department of Instruction reports fighting as the most common. Chairman Brown wondered how many of these students had individualized education plans (IEP). Deputy Secretary Lassiter responded that it depends on the child, but many do not have an IEP because of their young age. He went on to say that almost 50% of school suspensions are students with special needs. Lindsey Granados asked whether the increased length of stay in detention was due to the shift of older juveniles to the adult criminal justice system. Secretary Buffaloe stated that it was.

Secretary Buffaloe noted that bed space is a continuing issue and that housing juveniles can be very expensive with it costing \$300 per day in a Detention Center and \$379 per day in a Youth Development Center (YDC). Additionally, he explained that 99% within a YDC have a mental health diagnosis and 50% have more than one mental health diagnosis. Chairman Brown asked about staffing issues specifically in YDCs. Secretary Buffaloe responded that the new step pay plan helped but that it created compression. Overall, the vacancy rate has gone from 67% during the pandemic to an average of 35% currently, he stated.

Secretary Buffaloe concluded his remarks by discussing the Office of Violence Prevention, Victim Compensation Services, and other initiatives happening within DPS including the Gang Prevention Task

Force, Advisory Council on Cannabis, and Advisory Council for Student Safety and Well-Being. He noted that each of these initiatives were newly created in 2025 through Executive Orders by Governor Josh Stein. Chairman Brown asked how the departmental separation between DPS and the Department of Adult Corrections (DAC) was going. Secretary Buffaloe said it was almost complete other than a few accounting functions. Luther Moore asked what the overall vacancy rate was at DPS and what resources would they need to address the problem. Secretary Buffaloe said it is 22%, approximately 6,000 employees. Jim Mixson asked where the deficit was the worst. The Secretary explained that it was within DJJDP and that largely it is due to the low starting salary of \$37,000. Mr. Moore asked about the vacancy rate in Mecklenburg County. Deputy Secretary Lassiter said that the Cabarrus Regional Juvenile Detention Center would be the closest facility. It is their largest facility, with detention and youth development center beds. They have a 47% vacancy rate. He went on to note that the law enforcement agencies in the surrounding counties offer higher minimum starting salaries. Jimmie Silver asked whether DPS has considered locality pay like the federal government. Secretary Buffaloe answered that it has been discussed but not authorized.

Chairman Brown asked what the current situation was for juvenile detention space. Secretary Buffaloe responded that negotiations with Mecklenburg County over their facility have ceased and DPS is looking for alternatives for more bed space. Deputy Secretary Lassiter went on to explain that the lack of bed space is due in large part to recent changes in the law requiring juveniles transferred to adult court be held in juvenile detention until age 18, which results in an average length of stay of 8 months. He also explained that the General Assembly had provided funds to build an additional detention facility and the Department is in the process of trying to build that facility. Senator Warren Daniel explained that the General Assembly has many demands on funding and that it must balance all interests within the state. He discussed competing salary interests.

Finally, Chairman Brown asked about the status of victim assistance funding through the federal government. Secretary Buffaloe noted that funding rates are flat, and the funding streams are slow, they are not at the levels of what they used to be. Chairman Brown thanked the Secretary for his presentation and remarks.

#### *Administrative Office of the Courts*

Chairman Brown recognized Ryan Boyce, Director of the Administrative Office of the Courts (AOC), to present an overview of the Judicial Branch and an update on current initiatives (see Presentation). Director Boyce began by providing background on the AOC, its mission, services it provides, and the elected officials and employees it supports.

Director Boyce provided an update on AOC's technology initiatives. He discussed the continued expansion of eCourts to transition the state's court systems from approximately 40 different applications to a single, unified case management system. He spoke about AOC's continued efforts to expand and develop public facing components like eCourts' online Portal site and service kiosks. He mentioned the successful integration of eCourts' wireless access in every courthouse and equipping courthouses for remote court proceedings (CRAVE – Courtroom Audio Visual Experience). Judge Zachary asked if that was available in all 100 counties. Director Boyce stated that all county courthouses have the capabilities, but local sheriffs may use their discretion in deciding whether to use the technology. Chairman Brown pointed out that there are many benefits to virtual proceedings, including public safety, staffing needs, and overall cost-savings; however, district attorneys need to have the right case records ready which can make preparing for virtual hearings difficult when they do not know who is next. Mr. Waters related his different

experiences from the five counties in his district. He stated that this issue can be mitigated if the county has a strong defense bar with local attorneys available.

Director Boyce continued discussing the Portal initiative and the CRAVE program. He stated AOC is working with CISCO to improve and expand CRAVE capabilities to address judges' needs. Mr. Waters and Mr. Mixson discussed different ways CRAVE has improved court proceedings. Judge Zachary agreed with the program's benefits and its ability to improve equitable access to the justice system. Director Boyce noted that CRAVE is operational in 99 of 100 counties; Hoke County is currently constructing a new courthouse. Chairman Brown added that it has also helped with involuntary commitment proceedings.

Ms. Granados asked if AOC tracks kiosk usage to ensure that the kiosks are being used by the public. Director Boyce replied that AOC does track kiosk usage in the 14 counties that have them and has relocated them as necessary. They are currently located in 9 of the 10 highest-population counties and they are used most often in jails and magistrates' offices to make payments. Director Boyce described the other functions available through the kiosk and that they are still in the pilot stage but AOC will consider expanding them in the future.

Director Boyce concluded his technology update by stating that AOC is creating a new Case Statistics Dashboard that will launch in Fall 2025. Moving on to AOC Programs, he spoke about Chief Justice Newby's adverse childhood experiences (ACEs) informed courts and recovery courts. Chairman Brown asked whether recovery courts were previously known as drug treatment courts. Director Boyce replied that they include drug treatment courts, but they also include courts that address other issues, such as veterans' issues, mental health, and Driving While Intoxicated (DWI).

Judge Zachary asked how AOC decides who gets a recovery court. Director Boyce replied that all the stakeholders must first agree to support a recovery court. They also have to find either local or federal funds to run the program since there are no state funds currently available. Ms. Granados inquired about the process for starting a recovery court. Director Boyce replied that they need local officials to lead the effort, and that AOC has a team that provides technical support to the county.

Ms. Granados asked what the outcomes were for DWI Treatment Courts. Director Boyce replied that AOC is working with the UNC Collaboratory to identify the outcomes. The report should be out before the end of 2025. Joe Houchin asked how AOC is raising statewide awareness of recovery courts. Director Boyce explained that AOC has received federal funds to hold statewide conferences where interested parties can receive more information and discuss with participating counties.

Director Boyce concluded by updating the Commission on the Safe Babies Court program, AOC's improvements to the jury selection and serving processes, the Judicial Branch speakers bureau, and the AOC's All Things Judicial podcast.

#### *Department of Adult Correction*

Chairman Brown recognized Leslie Cooley Dismukes, Secretary of the Department of Adult Correction (DAC), to provide an agency overview and their initiatives (*see* Presentation). Secretary Dismukes noted that DAC is the largest agency in the state with 18,000 full-time employees and 32,000 offenders currently in custody. Secretary Dismukes also highlighted the community corrections population with 76,000 offenders on supervised probation and between 4,000 to 5,000 offenders on unsupervised probation.

Secretary Dismukes emphasized that operational capacity is a significant issue given staff vacancies. Secretary Dismukes continued that there are increasing admissions which is at odds with recent national research stating the prison population is declining. Mr. Waters and Ms. Granados commented on potential factors that may contribute to the prison population. In comparison to the pandemic period, Mr. Waters noted that forensic testing (e.g., drug testing) is moving at a faster rate for serious cases that result in long sentences. Ms. Granados highlighted the work from the Sentencing Practices Subcommittee concerning the top 5 offenses and how Possession of Firearm by Felon is now one of the top offenses; emphasizing the shift in offenses for the prison population.

Next, staff issues were discussed; Secretary Dismukes commented that recruiting is going well, however, retention is an issue. In response to Judge Zachary's question about exit interview feedback, Secretary Dismukes noted that it is not the salary that is the issue, but the culture. Specifically, excessive overtime and the inability to use cell phones to stay in contact with their families. Secretary Dismukes stated that DAC is working on applications to improve access to technology at work. These improvements include the ability for staff to use tablets to better manage inmates, complete critical training, and access emails.

Secretary Dismukes also discussed facility conditions, noting an external assessor had rated most facilities rated as poor or in fair condition. She highlighted that there are limited funds to address facility maintenance issues. Secretary Dismukes noted additional efforts to improve staff experiences by decreasing the amount of time on shifts; however, overtime is still mandatory given current staffing vacancies. Judge Zachary asked how Craggy Correctional Center is operating at their current capacity (only 26 available beds) given staffing issues. Secretary Dismukes stated that they are borrowing staff from nearby well-staffed facilities. In response to Mr. Moore's question regarding safety in prisons, Secretary Dismukes said it is safe, however, there are staff who have expressed concerns with safety.

Secretary Dismukes then discussed staff salaries. She highlighted that North Carolina has the third lowest paying salary for a Correctional Officer in the nation and is the lowest among southeast states in Registered Nurse salaries. Secretary Dismukes commented that while travel nurses are paid more, their inconsistent employment contributes to an attrition problem. Secretary Dismukes also noted that the prison population is aging significantly which increases the duty of care and substantially impacts the budget. Secretary Dismukes discussed that the increased needs of inmates with mental health and substance use disorders along with screening and treating for communicable diseases is one of the largest expenditures. In a follow-up to Mr. Moore about inmate mortality, Secretary Dismukes stated that most are natural or from overdoses.

Secretary Dismukes next outlined efforts to address contraband. One effort is the use of a regional mail center tasked with searching mail, packages, and legal papers. Ms. Granados commented that her private attorney letterhead was being used without her knowledge for official "legal" mail; she then asked if there is anything that can be done. Secretary Dismukes stated she would reach out to the North Carolina Bar Association about this issue. Secretary Dismukes then discussed the potential use of QR codes to replace paper mail but there is pushback from federal court due to the appeal process that requires paper. Judge Zachary asked about the testing procedures for mail. Secretary Dismukes discussed that the Crime Lab is overworked so DAC relies on a visual assessment, however, they are moving towards using equipment that will scan items for contraband. Secretary Dismukes also stated that they are working with the Drug Enforcement Administration to address the use of drones to deliver contraband.

Secretary Dismukes noted a number of additional objectives which included requests to increase correctional officer salaries by 6.5%, obtaining body cameras, working on an Artificial Intelligence drone

pilot program, and using the Recidiviz data platform to assist with case management. Secretary Dismukes also discussed the North Carolina Prison Education Consortium where state stakeholders come together to discuss how best to deploy education in our prison facilities. This year, education completion increased by 45% and certifications, such as the 10-Hour Occupational Safety and Health Administration certification, also increased.

Secretary Dismukes noted that they are working with the Department of Commerce to provide job resources through the North Carolina Jobs Exploration in Transition program. Using tablets, offenders can view employers in NC JET who noted themselves as second chance employers along with any available jobs. Secretary Dismukes also mentioned that offenders can build out resumes and view their case management information on the tablets. In terms of Local Reentry Councils (LRCs), Secretary Dismukes noted that there are 17 LRCs that are funded by the state; 11 additional LRCs were created solely from agency funding. LRCs provide partnerships in the community to promote successful transitions into the community and can help assist in work opportunities.

Secretary Dismukes provided a response to an earlier question from Secretary Buffaloe about the money needed to cover staff vacancies; she highlighted there are a number of budgetary issues to consider, such as addressing lapsed salaries, an operating budget with a 100 million dollar deficit, and outstanding vendor payments. Aside from budgetary concerns, Secretary Dismukes that the Reentry 2030 initiative is critical objective for DAC and she noted their website provides updates on each of the goals that have been accomplished so far. She emphasized that Reentry 2030 is a multi-agency collaboration to support successful reentry.

Additionally, Secretary Dismukes stated that the Governor signed Executive Order No. 21 that established a Gang Prevention and Intervention Task Force in which she is serving as the co-chair. The task force is tasked with disrupting gang involvement through prevention strategies (i.e., school-based programming) and dismantling existing networks through interventions in prisons.

In response to Reentry 2030, Chairman Brown asked further clarification about Objective 4 and the no cost aspect for offenders. Secretary Dismukes responded that this is tied to improving economic mobility for formerly incarcerated individuals, such as free technical training provided by LRCs. The presentation concluded with Chairman Brown thanking Secretary Dismukes for her inspiring discussion on alternatives to address budgetary and staffing concerns.

### **LEGISLATIVE SESSION SUMMARY AND IMPACT**

Chairman Brown recognized John Madler and John King, staff, to provide a summary of the 2025 Session of the General Assembly and the impact of the enacted bills on correctional resources. Mr. Madler began by stating that the 2025 legislative session convened on January 8 and adjourned July 31, but that the General Assembly was scheduled to reconvene monthly for limited purposes. Mr. Madler directed the Commission members to the summary report that staff compiled which contained summaries of the new provisions related to criminal and juvenile justice. That report also included the Sentencing Commission's findings on the consistency of each felony provision with the Offense Classification Criteria and with Structured Sentencing. Mr. Madler pointed out the second handout that contained the new offenses, reclassified offenses, and punishment change provisions by offense class (see Handouts).

Mr. Madler reviewed a chart showing the number of new felony provisions by offense class groupings: Classes A-D, E-G, and H-I. The offenses in each group would be subject to similar sentencing provisions

based on the felony punishment chart. Beginning with Classes A-D, Mr. Madler stated that the new provisions were primarily in Classes D and C. He provided an overview of some of the provisions, highlighting the new offenses for when a felon possesses a firearm while committing a new felony.

Mr. King stated that the Sentencing Commission is required to provide impact projections for each bill that affects criminal penalties or juvenile justice in addition to the broader mandate to project correctional and delinquent populations. The impact projections estimate the number of prison beds that will be affected by any proposed changes. The potential impact depends on the number of convictions involved, offense class, type of punishment imposed, and sentence length.

Speaking specifically about the new Class B1-D felonies, Mr. King pointed out that any convictions for these offenses will impact the prison population since, with few exceptions, all Class A-D felony convictions require an active sentence. The prison bed impact will depend on the actual number of convictions. Mr. King added that the reclassifications of Class E and Class G felonies in this session to Class D felonies will have prison bed impact since Class D requires active sentences and longer sentences than Classes E and Class G.

Regarding Classes E-G, Mr. Madler stated that most of the provisions were in Class G followed by Class F. He noted that many of the provisions were less serious versions of the new Class A-D offenses and reviewed several of the provisions.

Mr. King noted that convictions in this offense class range do not have the same 1 conviction to 1 prison bed impact that Class A-D felonies do since offenders in this range could receive probation rather than an active sentence. Prison bed impact will depend on the number of convictions that occur and the prior record level of the offenders convicted of these new crimes. As for the 2 offenses reclassified in this offense class range, Mr. King said impact would be expected because as the offense class increases, so does the percentage of convictions resulting in active sentences. The higher the offense class, the longer the sentences become as well.

Ms. Granados asked how staff factored in the other felony charge that will go with a conviction of possession of a firearm by a felon while committing a felony, especially if it is more serious. Mr. King responded that staff has data on the number of convictions for possession of a firearm by a felon but not on whether they were committing another felony and whether they possessed, brandished, or discharged the firearm. Staff developed scenarios based on percentages of the existing offense being convicted under the new offenses. Caitlin Poe asked if staff had looked at charges for the equivalent federal offense (18 U.S. Code § 924(c)). Mr. King replied that they had not looked at federal data.

Judge Zachary asked how staff takes into account consolidated charges. Mr. King responded that they focus on the most serious conviction so it does not matter if the charges are consolidated or concurrent, the most serious conviction will drive the sentence. Judge Zachary asked how they take plea bargains into account. Ginny Hevener responded that they do not take plea bargains into account because some of the charges may not result in convictions, the impact analyses are based on convictions. If new offenses do result in convictions, they will show up on the prison population projections. Staff takes other things, like consecutive and concurrent sentencing, into account in the average time served in the prison population projections. Ms. Hall added that incarceration notes contain multiple pieces from different agencies. The AOC might include charging information, Sentencing Commission staff focus on convictions that result in prison impact. However, staff will expand the data they look at when they feel that will provide the General Assembly with a more complete picture.

Chairman Brown commented that the large number of new Class G provisions, the difficulty in projecting their impact since there are so many cells on the punishment chart that allow for an Intermediate or Active punishment, and the questions from the Commission members, highlighted for him the differences between projecting the impact of a change and applying the model for population projections. Ms. Hevener responded that both are based on the same data but that staff has to use a threshold analysis when there is no data for a new offense, indicating how many convictions would be necessary to create a need for one additional prison bed. Sometimes staff can look at existing offenses or similar offenses to get an estimate of the potential number of convictions. The prison projections, however, will take into account convictions for new offenses once they start to occur. Senator Daniel asked how much time has to pass before there is data on the use of a new offense. Ms. Hevener replied that it takes at least two years because the offense is usually implemented in the middle of the first fiscal year (December 1) and then it takes time to arrest and convict offenders. She added that data also depends on whether AOC assigns a code to the offense.

Regarding Classes H-I, Mr. Madler explained that the new offenses were primarily in Class H. He reiterated that many of the new offenses were less serious version of the offenses in the higher offense classes and he reviewed several of the provisions.

Similar to new Class E-G felony convictions, Mr. King noted that prison bed impact for the new Class H and I felonies will depend on the number of convictions that occur and the prior record level of the offenders convicted of these new crimes. Among the five reclassifications in this offense class range (all to Class H), Mr. King noted that these offenses have previously had few, if any, convictions and therefore staff would expect any impact to be small.

Haley Phillips asked how staff accounts for probation revocations. Ms. Hevener responded that it is included in the threshold estimates and the prison population projections but it is less significant in the threshold estimates because revocations usually occur in the second year and beyond. Mr. King added that it is incorporated into the average lag time from sentencing to revocation.

Mr. Madler reviewed the new punishment enhancements. He pointed out that there were seven new punishment enhancements and highlighted the punishment for the new offense of habitual domestic violence. Under that statute, the punishment increases one offense class for each subsequent conviction, up to Class C.

Chairman Brown asked if the requirement to sentence to the aggravated range for a conviction of failure to stop in the event of a crash that resulted in death was the first such instance of that required punishment. Mr. Madler responded that it was the second instance, that punishment is also required for the offense of aggravated felony death by vehicle.

Mr. King noted that these punishment changes are expected to have prison bed impact, but the amount of impact will depend on the number of convictions, the offense class of the conviction being sentenced one class higher, and the prior record level of the offender.

Turning to misdemeanor criminal provisions, Mr. Madler reviewed a chart showing the number of new and reclassified provisions by offense class, pointing out that Classes 1 contained the most changes this session. He provided an overview of the misdemeanor punishment enhancements that were the same as two of the felony punishment enhancements.



Mr. King informed the Commission that the new misdemeanor offenses are not expected to have prison bed impact since misdemeanants serve their active sentences in county jails.

Mr. Madler presented one bill of interest. House Bill 429, the 2025 Public Safety Act, amended G.S. 15A-1354 by removing the presumption that multiple sentences of imprisonment run concurrently unless the court specifies they run consecutively; the court must make a determination in each case and make a finding on the record stating the reason for that determination. This change is effective December 1, 2025, and applies to offenses committed on or after that date.

Mr. King noted that, historically, sentences have been mostly concurrent. Due to the lack of a presumption, and the requirement that judges make findings for each determination, sentences for multiple convictions could shift to mostly consecutive, or anywhere in between. He pointed out that if there is an increase in consecutive sentences, prison impact will occur due to the increase in time served. The size of the impact on the prison population will depend on the number and offense class of each of the sentences imposed that would be served consecutively.

Chairman Brown asked the Commission members for their thoughts on that change. Judge Greg Horne suggested there will be unintended consecutive sentences because the judges are used to the presumption of concurrent sentences. Mr. Waters agreed, pointing out that the judges will have to say something in every case now. Judge Horne observed that the School of Government will have to train the judges on this change or there will be nothing in the record to guide the clerk, and that AOC will have to develop a separate form for recording the reason for the determination. Mr. Waters stated that courts move slower because of eCourts and that clerks will have their own preferences, probably for consolidation, because of the workload. Ms. Granados stated that clerks will have more judgment forms to fill out and that the judgment form will at least need another check box. She questioned why there had to be a finding in every case if there is no presumption, the judge currently makes a finding when they depart from the presumption. She believed that the change will cause a lot of problems, including the external perception of what judges are doing at sentencing. The presumption existed for a reason. Judge Horne stated that clerks get in a routine, some will ask about whether the sentences are concurrent or consecutive but the record will not have any information otherwise. A lot of cases will be sent back for resentencing.

Mr. Madler concluded by informing the members that the Sentencing Commission reviewed 95 bills, which contained over 300 criminal provisions, as part of its statutory duty to review proposed criminal provisions for consistency with Structured Sentencing and completed 74 prison impact analyses as part of its statutory duty to assist the General Assembly with incarceration notes for new criminal bills.

## **PROJECTION UPDATES**

### *Prison Population Projection Update*

Chairman Brown recognized Mr. King to provide an update on the prison population projections (see Handout). Mr. King stated that the handout provides information on the accuracy of the current prison population projection and a look at prison population trends. In terms of the accuracy of the projections, he highlighted that the average prison population for June 2025 was 32,608 compared to the projected population of 31,708, a difference of 900 (or 2.8%).

Mr. King pointed out that the actual and projected prison populations were within prison capacity. He noted that the average June 2025 population was above Standard Operating Capacity, but below the

Expanded Operating Capacity (EOC). Mr. King added that the prison population is projected to increase each year and will exceed EOC by the end of the 10-year projection period.

Mr. King also reviewed historical trends for the accuracy of the Commission's prison projections, as well as the prison population. He mentioned that the target accuracy of projections is within 2% in the first and 5% for later years and that this year's first-year projection was within that target. In terms of prison population trends, Mr. King said the prison population has increased 12% since the pandemic low of July 2021, which includes a 3% increase in the past year. He noted that despite these increases, the prison population is still 7% below the pre-pandemic level (March 2020) and 11% below where the prison population was 10 years ago (July 2016).

In closing, Mr. King stated that staff have begun working on conviction data from AOC in preparation for the new projections and will be receiving data from DAC soon.

#### *Juvenile Resource Projection Update*

Chairman Brown recognized Sierra Satterfield, staff, to present an update on the YDC Population Projection (see Handout). Ms. Satterfield began by acknowledging that the mandate and the process for producing the YDC projections were similar to the adult prison projections. The original projections were developed using FY 2024 court or disposition data and resident YDC population data as of June 30, 2024, and were presented to the Commission in December 2024. Ms. Satterfield explained that the YDC population is challenging to project because the Juvenile Disposition Chart was purposefully designed to be flexible and the YDC population is small (in the low hundreds).

Ms. Satterfield noted that in FY 2025, the projection was 188 and the average June population was 221. The capacity was provided by Juvenile Justice, and the capacity for FY 2025 was 196. Ms. Satterfield reminded the Commission that Juvenile Justice has flexible space, or what they call "flex beds" that can alternate between detention and YDC beds. The accuracy of the projection is assessed by examining the projection within context of the actual minimum and maximum YDC populations. The FY 2025 projection was 188, the highest population was 227 and the lowest was 197 in FY 2025. The projected population was just below the lowest population.

Ms. Satterfield concluded by pointing to the average YDC population by month and by fiscal year. She mentioned there had been stability from July 2021 through July 2023, but from July 2023 onward, there has been a gradual incline in the YDC population. There have been some increases from the start to the end of the fiscal year, particularly with FY 2024 and FY 2025.

Ms. Satterfield noted that staff have already received data for the upcoming YDC projections from Juvenile Justice and plan to have them completed by the end of the year. Chairman Brown asked Deputy Secretary Lassiter to explain flex beds. He responded that they could alternate between YDC and detention beds, depending on need.

#### *SMCP Capacity Projection Update*

Chairman Brown recognized Meghan Boyd Ward, staff, to present an update on the Statewide Misdemeanant Confinement Program (SMCP) projections (see Handout). Ms. Boyd Ward thanked the North Carolina Sheriffs' Association staff for their assistance with the projections. She reminded the Commission that the SMCP is a voluntary program that counties can participate in and house

misdemeanants who are serving sentences of at least 90 days and all DWI misdemeanants. The projection is required by statute for publication in February each year.

Ms. Boyd Ward noted that SMCP capacity was 899 beds on June 30th, while the projected capacity for the same period was 921, only a 2% difference, sharing that this was the second most accurate projection since the Commission began producing them. During the fiscal year, the lowest capacity was 866 and highest was 957 beds.

Ms. Boyd Ward explained that the projection itself is for a five-year period and in this year's projection, due to some assumptions indicating relative stability, capacity was projected to increase 1% over the period (from 921 in FY 2025 to 928 in FY 2029). She noted that despite declines in capacity over time, capacity has remained able to meet demand. Lastly, she shared that the projected capacity has primarily remained within the highest and lowest recorded capacity for each fiscal year.

### **SUBCOMMITTEE UPDATES AND COMMISSION WORKPLAN**

Chairman Brown recognized Michelle Hall, staff, to provide information on the Sentencing Practices Subcommittee and on the recently formed Drug Offense Classification Subcommittee (*see* Presentation). Before beginning the subcommittee updates, Ms. Hall provided a brief overview of FY 2025-26 Sentencing Commission Workplan (*see* Handout). Turning to the subcommittees, Ms. Hall began with the Sentencing Practices Subcommittee. As a review for the new Commissioners, she gave a short history of the study, the Commission's review of it, and the formation of the Subcommittee to examine the findings in more detail. The Subcommittee reviewed the findings within the framework of the felony punishment chart and then related to extralegal factors. Ms. Hall shared the areas identified for further analysis. She provided an update on staff efforts to work with the Government Data Analytics Center to get data to develop a prior record database. She presented the Sentencing Practices Subcommittee membership list and announced the next meeting is scheduled for October 24, 2025.

Ms. Hall introduced the Drug Offense Classification Subcommittee. She reviewed the Commission's mandate and process for reviewing proposed criminal offenses. The Offense Classification Criteria apply to all felony offenses except drug offenses; instead, the Commission reviews proposed drug offenses by comparing them to the classification of existing drug offenses. At its June 6 meeting, the Commission discussed being able to provide more feedback to the General Assembly regarding proposed drug offenses, so it formed the Subcommittee to develop a method for reviewing proposed drug offenses. Ms. Hall presented the Drug Offense Classification Subcommittee membership list and announced that its first meeting is scheduled for November 14, 2025.

### **INSTRUCTIONS TO STAFF AND ADJOURNMENT**

Chairman Brown thanked the guests for attending and welcomed the new and returning Commission members. He adjourned the meeting at 3:01 p.m.

Respectfully submitted,

Shelley Kirk  
Administrative Secretary