



**MINUTES**  
**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION MEETING**  
**March 1, 2024**

The North Carolina Sentencing and Policy Advisory Commission met on Friday, March 1, 2024, at the North Carolina Judicial Center in Raleigh, North Carolina.

**Members Present:** Chairman Charlie Brown, Tawanda Foster Artis, Natalia Botella, Honorable James Gailliard, Lindsey Granados, Representative Dudley Greene, Joe Houchin, Honorable Tracey Johnson, William Lassiter, Dr. Harvey McMurray, Honorable Jim Mixson, Luther Moore, Judge Fred Morrison, Judge Scott Ussery, Honorable Mike Waters, Elizabeth Watson, Patrick Weede, Chief AZ Williams, and Judge Valerie Zachary.

**Guests:** Honorable John Faircloth (former Commissioner), Julianna Kirschner (RPP, AOC), Becky Whitaker (IDS), Will Crozier (DJJDP, DPS), Senay AcikgozArikatla (DJJDP, DPS), Lauren Earnhardt (NCSA), and Cortney Godwin (NCSA).

**Staff:** Michelle Hall, Ginny Hevener, John Madler, Tamara Flinchum, John King, Mel Lugo, Meghan Boyd Ward, Julio Cazares, Sierra Satterfield, and Shelley Kirk.

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

Chairman Brown called the meeting to order at 10:01 a.m. and asked members and guests to introduce themselves. He introduced our newest Commissioner, Tawanda Foster Artis, representing the North Carolina Community College System. Chairman Brown then presented a resolution recognizing the service of outgoing Commissioner Representative John Faircloth. Luther Moore moved to adopt the resolution; Jim Mixson seconded the motion, and the motion carried. Representative Faircloth made remarks upon receiving the resolution.

Chairman Brown presented the minutes from the December 8, 2023, meeting and called for a motion. Mr. Moore moved to adopt the minutes as written; Mike Waters seconded the motion and the motion carried. Chairman Brown reminded Commissioners of the 2024 meeting dates: June 7, September 13, and December 13, and reviewed the agenda.

**SENTENCING PRACTICES STUDY: REVIEW AND DISCUSSION**

Chairman Brown then recognized Michelle Hall, staff, to provide an update on the Commission's sentencing practices report and the report's findings (*see* Handout and Presentation). She reminded the Commission the sentencing practices report was designed to evaluate and report on the current state of sentencing and to examine whether the Structured Sentencing Act is fulfilling its intended purpose. The underlying purpose of the study of examining sentencing was to determine if, and to what extent, legal and extralegal variables were factors in determining an offender's sentencing outcome.

Ms. Hall first reviewed the 2002 Sentencing Practices study which was the Commission's first examination of sentencing practices. Disparity was defined as unfavorable decisions where extra-legal factors (factors not able to be considered under the law) influenced sentencing outcomes. Among other methods, the 2002 study used multivariate analysis ultimately finding that legal factors, such as offense type and criminal history, did affect sentencing outcomes and discretionary factors. Furthermore, the 2002 study found some extralegal factors (age, sex, method of disposition, prosecutorial district, and defense attorney type) also influenced sentencing outcomes. Ms. Hall stated the 2002 study served as a potential baseline for the Commission to consider the 2023 study.

Judge Valerie Zachary asked what Ms. Hall meant by defense attorney type. Ms. Hall responded that defense attorney type referred to whether a case was handled by a privately retained attorney or a court-appointed attorney (including both public defenders and privately assigned counsel). The 2002 study found the defense attorney type, specifically having a privately retained attorney, influenced the sentencing outcomes in a favorable direction for an offender.

Next, Ms. Hall reviewed the timeline and background for the current, 2023 study. It was undertaken in response to internal interest from the Commission in reexamining issues from the 2002 study as well as from external interest including the Governor's Task Force on Race Equity in Criminal Justice, the Conference of Superior Judges, and Conference of District Attorneys. Ms. Hall explained the 2023 study examined the same decision points, or sentencing outcomes, as the 2002 study, except for the duration of an offender's sentence. She reviewed the components of the study, enhancements to the methodology used (including the incorporation of multi-level modeling), and new data elements.

Chairman Brown asked whether multi-level modeling existed in 2002. Ms. Hall responded yes, but it was not used in the study. Commissioner Johnson asked whether the 2023 study examined whether both the race of an individual offender and whether they had retained or court appointed counsel influenced the outcome of their sentence. Ms. Hall responded that the models were constructed to hold all variables constant, in order to measure the effect of each on the outcome, but noted future bivariate analyses could be provided to look at those breakdowns by race and attorney type. Tracey Johnson stated she would be interested in seeing that analysis.

Dr. Harvey McMurray asked if offender income was included. Ms. Hall stated that the data primarily came from ACIS (Automated Criminal Infraction System), which does not include information on defendant income. Dr. McMurray asked if the presence of a court appointed attorney could be considered a proxy for income. Chairman Brown stated it could be related; however, it may not be a proxy noting the lack of a standard formula for deciding if someone is an indigent defendant. That determination is part of judicial discretion. Mr. Mixson stated not everyone fills out the court appointed counsel affidavit; people also choose to represent themselves or have familial help retaining an attorney. Mr. Waters remarked that in districts without a public defender office, there is no way for the district attorney to know whether an attorney is privately retained or court appointed on a particular case. Patrick Weede stated that, unfortunately, there may be a negative perception among defendants that a court appointed attorney may not provide the same level of service as a privately retained attorney and be less effective.

Ms. Hall moved to a brief review of the key findings from the academic literature review. Notably, there was no agreed upon definition of disparity in the literature. Most literature focused on the later stages in the criminal justice system process (i.e., conviction and sentencing). However, many studies also stated more data on earlier decisions (e.g., charging practices) would be informative. Generally, legal factors were found to be the strongest factors of sentencing outcomes. Furthermore, but with mixed results,

extralegal variables (e.g., race and sex) also were found to have an effect on sentencing decisions. Ms. Hall then reviewed studies from other states, including key findings from other Sentencing Commission studies on the topic. Findings generally mirrored those in the academic literature, often with a call for greater data availability.

Next, Ms. Hall reviewed findings related to the bivariate analysis of the statewide felony conviction data used in the study (FY 2019). Black and male offenders were overrepresented in the conviction data compared to statewide population data from North Carolina during the same timeframe. These analyses also showed differences in the distribution of felony convictions by sex, race, and age when examining offense class, prior record level, and type of punishment. She noted these differences did not mean disparity in sentencing outcomes was occurring but suggest further investigation using multivariate analysis was needed. To explain the statistical techniques used and findings from the next stage of analysis, Ms. Hall turned over the presentation to Dr. Mel Lugo, staff.

Dr. Lugo presented a visual depiction of the multi-level model structure and explained each of the components built into the model, which included level 1 (legal and extralegal individual-level variables), level 2 (district-level variables), and the three outcomes examined (misdemeanor conviction, less serious felony conviction, imposition of an active sentence). Dr. Lugo then further explained how many offenders were in each of the models examined and how many offenders received the outcome of interest. She noted that each outcome can be viewed as a progressive process from charging to sentencing.

Next, Dr. Lugo discussed the distribution of offenders for three models and emphasized that the demographic profile of offenders was similar across all models with the majority of offenders being male, aged 21 to 29, having a Class H Felony and property offense as their most serious charged or convicted offense. For all models, race was fairly split between white and nonwhite. Judge Scott Ussery asked if the Active Punishment model included split sentences. Dr. Lugo replied that it did not, only sentences that required commitment to prison or jail were examined.

Dr. Lugo provided a summary of the multi-level model results for the three discretionary points examined. The first model examined whether a felony charge was reduced to a misdemeanor conviction. Dr. Lugo noted that legal factors were the strongest predictors of receiving a misdemeanor conviction with the strongest effects found for other offenses (less likely to receive a misdemeanor conviction) and credit for time served (more likely to receive a misdemeanor conviction). Person offenses were the third strongest predictor for this model with offenders who had a person offense being more likely to receive a misdemeanor conviction compared to those with a property offense.

The second model focused on whether a felony charge was reduced to a less serious felony conviction. Dr. Lugo highlighted that none of the district characteristics were significant, and the strongest effects were found for offenders with a drug offense and a higher charge class with these offenders being significantly more likely to have a felony charge reduction. The last model examined whether an Active punishment was imposed. Dr. Lugo noted that having a jury trial and being in a higher prior record level were the strongest predictors with these offenders being more likely to receive an Active punishment. She also highlighted that the only offense type variable that was a significant predictor of receiving an Active punishment were person offenses. Specifically, offenders who had a person offense were significantly more likely to receive an Active punishment compared to offenders with a property offense. Mr. Weede observed that having credit for time served made favorable outcomes less likely. He questioned whether it was an issue of not being able to make bail. Ms. Hall explained that what was included in the models was an indication of whether there was any credit for time served or not, but not

the amount of time served. Judge Zachary noted that credit for time served appeared in the less likely list in two of the models but the more likely list in the third model. Ms. Hall explained that a factor that makes the outcome less likely in the first two models is similar to a factor that makes the outcome more likely in the third model, in each case the results are not favorable to the offender.

Joe Houchin asked if the Active Punishment model included sentences to credit for time served. Ms. Hall replied that they did not look at that but that they could. Judge Ussery pointed out that the judge usually imposes the sentence and notes the credit, the Department of Adult Correction figures out whether the credit covers the entire sentence.

Representative Dudley Greene asked if the study considered whether the offender had multiple offenses. Dr. Lugo replied that the study focused on the most serious offense in a sentencing episode. Ms. Hall added that they did not look at the offenses as a package.

Dr. Lugo then discussed a series of tests that were conducted to establish fidelity in the models (i.e., confidence builders). She explained these tests were partly driven by feedback from Commission members and stakeholders. Dr. Lugo described each of the confidence builders which included testing methodological improvement for the most serious charge class, assessing the strength of legal versus extralegal factors using stepwise modeling, and the examination of criminal history. For the first test, Dr. Lugo noted that running the models with the original 2002 methodology did not impact the findings; the results remained unchanged. Dr. Lugo highlighted that the second test involving stepwise modeling reaffirmed that legal factors were the most salient factors in explaining the outcomes. Lastly, Dr. Lugo noted that the last test examining criminal history warrants further investigation given the effect of race and prior record level on the outcomes.

Dr. Lugo turned over the presentation to Ms. Hall to discuss the similarities and differences between the 2002 and 2023 sentencing practices studies. Ms. Hall highlighted that making comparisons between the two studies allowed for an assessment of whether practices have remained the same or changed, have improved, or if there are any areas in need of change. She also noted caveats in comparing the two studies which included new data, improved statistical techniques, and changes to the criminal justice system, such as modifications to the felony punishment chart and changes that occurred due to the Justice Reinvestment Act of 2011.

Ms. Hall continued by emphasizing that a key similarity between the two studies is that legal factors remain the most salient predictors for discretionary decisions while some extralegal factors (i.e., sex, age) influenced decisions as well. She also noted that the core differences were found concerning the magnitude of class and prior record level, which was not as strong in the current study. Additional differences highlighted between the two studies included the shifting of offense types in direction and magnitude, race being a significant yet weak predictor in two of the models examined in the current study, and district characteristics were generally not significant in the 2023 study. Mr. Moore asked what it meant that race was significant but a weak effect; Ms. Hall explained that while race was predictive of the outcome in two models, it was not as strong of a predictor as some of the other factors.

Regarding method of disposition being a strong predictor in both studies, Mr. Weede referred to Judge Greg Horne's observation at a previous meeting that the court has more information about the defendant as the result of a jury trial than it does with a plea bargain. He asked if it would be possible to incorporate that observation into the report. Ms. Hall responded that staff could modify the report to contextualize a finding if necessary.

Ms. Hall then began the discussion portion of the presentation by returning to the overarching questions the study investigated: Are the goals of structured sentencing being realized? Are sentences consistent? She explained how the results to interpret each of the models shown. The first set of model results were the legal factors, which were grouped by structured sentencing grid components, charge class and prior record level. Chairman Brown pointed out that prior record level had no effect in the second model. Judge Ussery stated that prior record should have an effect on sentencing but, practically speaking, the judge will usually accept the deal that is worked out between the prosecutor and the defense attorney.

Lindsey Granados asked about the interaction among the offenses in the higher classes in the second model, citing a sex offense being reduced to kidnapping as an example. Ms. Hall stated that they could look at sex offenses specifically, in instances where they were the most serious charge. Chairman Brown responded that a charge reduction from a sex offense is likely in the second model, a felony charge to a less serious felony, but criminal history may not change the possibility of a reduction.

Natalia Botella added that since many individuals are charged with a higher class felony, most individuals will likely get a reduction, and the number of class reductions may matter. Mr. Weede also stated that the higher prior record level has an impact on the length of the sentence. Mr. Waters suggested that there was a difference in arrest practices between 2002 and 2019. Law enforcement started getting federally funded positions because of the increasing crime rate. Chief AZ Williams added that arrest and charging policies depended on the philosophy of the chief or the sheriff in each jurisdiction. Chairman Brown recessed for lunch, noting discussion would continue afterward.

#### **SENTENCING PRACTICES STUDY: REVIEW AND DISCUSSION (Cont'd)**

Chairman Brown again recognized Ms. Hall, staff, to continue her presentation on the Sentencing Practices Study by resuming with the next set of legal factors, the type of offense (i.e., property, person, drug, and other offenses). Ms. Hall noted that the non-trafficking drug offense type in the current study was a strong predictor of getting a less serious felony conviction in the second model while it was the opposite in the 2002 study. Chairman Brown questioned if that might be a result of the changing view of drug offenses. Judge Ussery noted that the conditional discharges under G.S. 90-96 would not be included. Ginny Hevener, staff, responded that the dataset would include those who failed under conditional discharge and were convicted.

Ms. Hall turned to the next set of legal factors related to charges, noting they were not included in the first model. The habitual felon charge variable had a substantial effect in the second model (less serious felony conviction), with those being less likely to receive a less serious felony conviction. Mr. Houchin asked if the habitual felon factor was based on offenders charged or offenders eligible to be charged. Ms. Hall responded that it was based on offenders charged; it was not possible to determine offenders who were eligible based on existing data. Mr. Houchin suggested that factor could be affected by different charging practices in each district.

Ms. Hall moved onto the model results for the demographic extralegal factors. She noted that age was significant across all three models. Mr. Moore asked when people stop committing crimes. Ms. Hall replied that the average age of offenders is increasing, but staff couldn't state definitively if the age-crime curve distribution has shifted. Chairman Brown asked if that finding was different from the 2002 study. Ms. Hall replied that it was generally the same as the 2002 study. Chairman Brown asked if the current study included the effect of raising the age of juvenile jurisdiction. Ms. Hall responded that the sample was

based on FY 2019 convictions, therefore the data predate Raise the Age (December 1, 2019), the COVID-19 pandemic, and the changes to the information management system for the court system.

Ms. Hall noted the findings for sex were similar in both studies. She noted that although race is significant in this study (different from the 2002 study), the effect was weak. Ms. Granados asked why race was not significant in the 2002 study but was significant in this study. Ms. Hall explained that staff tried to look at it the same way as in 2002 but it was an open question as why it changed. Chairman Brown added that the results surprised him as well and that was why staff did so much research and conducted all of the confidence builders Dr. Lugo had described earlier. Ms. Botella asked if staff controlled for offense type. Ms. Hall replied that they controlled for all other factors in the model.

Dr. McMurray stated that the race finding did not fit with the disproportionate number of people of color in prison. Mr. Waters suggested that socioeconomic factors may be involved, such as not revoking probation because of failure to pay restitution, may influence the prison population. However, these factors may not come into play at sentencing. Judge Zachary also added differences in socioeconomic status could impact sentencing whether an individual receives a break or not, which is hard to capture in the data.

Secretary Billy Lassiter questioned whether the nonwhite offenders may have been up charged to begin with which allowed for more room for favorable outcomes at sentencing. Chairman Brown questioned whether this was an example of the system correcting for bias. Ms. Granados stated that the finding was hard to square with her anecdotal experience, however, charging occurs before counsel has gotten involved and that area is not included in this study. Ms. Hall added that earlier stage decisions were not captured in this study and the results are strictly focused on conviction and sentencing. The data do not represent the volume of total charges coming. She added that there might be a correction happening at the sentencing and conviction stage for possible disparity occurring at earlier stages, which is what some other studies in this arena have found. Dr. McMurray suggested that staff should qualify remarks when presenting the findings, given that the effect of race on outcomes is small. Ms. Hall referred back to the bivariate findings and noted that overrepresentation is present, however, there may be off-ramps or dismissal practice not captured in this study that could impact the findings.

Chairman Brown reminded the members that the study was conducted to understand sentencing as a whole and not just the race variable. Mr. Weede asked if the dataset included sentences to credit for time served, specifically, split sentences. Ms. Hall replied split sentences were not considered as an active punishment in the model. Dr. McMurray wondered about whether having a package of convictions, and the number of convictions in the package, would have an impact on the finding; were observations with multiple convictions weighted? Ms. Hall responded that observations with multiple convictions were not flagged, but those instances might have an effect on outcomes; it could be further examined.

Chairman Brown recognized Dr. Will Crozier from the Department of Public Safety. Dr. Crozier asked about the interaction effect between variables. Dr. Lugo responded that the models shown do not include an interaction effect, however, this was explored fully in the confidence builders, particularly relating to the offender's prior record level or lack thereof.

Judge Zachary asked whether staff looked at the race of the victim. Ms. Hall replied that that information was not available in ACIS and therefore could not be included. Ms. Hall then discussed the model results for the systemic extralegal factors, which included attorney type, method of disposition, and credit for time served. Ms. Hall noted that jury trial and credit for time served were strong effects and were

significant in all models. She highlighted that credit for time served was a new variable in the current study. Chairman Brown asked what percentage is considered significant. Ms. Hall explained that the percentages indicate the magnitude of the effect, but that significance is based on a statistical threshold. Dr. Lugo added that the percentages represent the probability of getting that outcome.

Judge Zachary asked if there was any way for the Administrative Office of the Courts (AOC) to capture socio-economic data. Mr. Waters replied that there would be an issue with accuracy given that the indigent affidavits are self-reported and not verified. Judge Zachary then asked how race is measured. Julianna Kirschner, a representative from AOC responded that race in ACIS is based on the perception of magistrate or clerk, which could lead to accuracy issues, unless they ask the defendant to self-report.

Ms. Hall then presented the last set of model results which focused on district-level characteristics. She noted that overall, most of the district-level characteristics were not significant across the models. Chairman Brown asked how the district level characteristics results compared to the 2002 study. Ms. Hall replied that staff did not use all the same variables but that some from the previous study were significant, including population density.

Chairman Brown observed that the findings merit further study and suggested that he would appoint a subcommittee. Dr. McMurray moved that the chair appoint a subcommittee to study the findings from the Sentencing Practices Study and report back to the Sentencing Commission. Ms. Johnson seconded the motion and the motion carried.

Mr. Moore asked how long this process would take and if staff have capacity. Ms. Hall replied that staff have capacity, but it is also dependent on the examinations generated by the subcommittee. Judge Zachary asked what the role would be of the subcommittee. Chairman Brown replied that it would examine the findings and develop recommendations where necessary.

Ms. Granados asked if the Commission looked at the effectiveness of rehabilitation programs, who has access those programs, and whether there was disparity there. Ms. Hall responded that the Commission examines program effectiveness in its biennial adult recidivism study, which will be published in April. Staff will provide an overview to the Commission of that report at its June meeting.

### **FY 2023 FELONY CONVICTIONS**

Chairman Brown recognized Sierra Satterfield, staff, to present the highlights from the felony section of the *FY 2023 Structured Sentencing Statistical Report*. Ms. Satterfield pointed out that the *FY 2023 Structured Sentencing Statistical Report* and corresponding Quick Facts would be available in the coming months (see Presentation).

Ms. Satterfield stated that the purpose of the Statistical Report is to monitor convictions and sentences under Structured Sentencing. In addition, the report can inform potential recommendations for modifications to Structured Sentencing. The unit of analysis in the report is based on offenders' most serious conviction on a given day in court. She pointed out that the presentation includes information on FY 2023 felony convictions, as well as comparisons to previous fiscal years where applicable. Ms. Satterfield stated that the AOC began transitioning from their long-time data management system, as the Automated Criminal Infraction System or ACIS, to Odyssey in February 2023. This new automated data system was piloted in four counties during FY 2023 – Wake, Johnston, Harnett, and Lee. The data for the

felony convictions represent the first fiscal year of data from Odyssey in those four counties; the remaining 96 counties still used ACIS.

During FY 2023, there were 26,232 felony convictions, a 2% increase over FY 2022. Ms. Satterfield noted that, despite this increase, felony convictions were still down compared to pre-pandemic FY 2019 (28,526). The median time to sentencing for FY 2023 felony convictions was 4 months longer than time to sentencing in FY 2019 (11 months in FY 2023 and 7 months in FY 2023).

Next, Ms. Satterfield presented information on the personal characteristics (e.g., sex, race/ethnicity, and age) of offenders with felony convictions last year. She also explained that Class H and Class I felonies comprised the largest numbers of convictions; property and non-trafficking drug convictions were the largest categories of convictions. Ms. Satterfield mentioned the percentage of Class H convictions has decreased over the past ten years, and in turn, there has been an increase in Class G and Class I convictions. Chairman Brown asked what may be causing the increase in Class G offenses. Ms. Hall responded that convictions for Possession of a Firearm by a Felon have been increasing. Ms. Satterfield highlighted the changes in the top five offenses between FY 2014 and FY 2023.

Ms. Satterfield stated that, over the past 10 years, the distribution of prior record level (PRL) has shifted toward the more serious levels. For example, in FY 2014, there were 12% of offenders in PRL V and IV, but this increased to 19% in FY 2023. She mentioned the percentage of active sentences has been stable over the past ten year. She also noted that 60% of felony active sentences were sentenced in the presumptive range, which is also historically typical. She shared additional information on active sentences, including active rates by offense class, PRL, and crime type. Shifting to nonactive (e.g., probation) sentences, Ms. Satterfield said that a suspended sentence was imposed for 61% of felony convictions in FY 2023. She compared the average length of probation to the average length of suspended sentences and noted that, as offense class decreased, so did the lengths of both probation and the suspended sentence.

Ms. Satterfield concluded with information contained in the Special Issues of the report. She noted that death and life sentences and drug trafficking convictions were close to FY 2019 levels. In addition, Habitual Felon convictions have increased slightly since FY 2021, and there were fewer convictions with Advanced Supervised Release than the previous fiscal year. Ms. Satterfield then shared some overall key points regarding FY 2023 felony convictions, pointing out how the Felony Punishment Chart has contributed to stability over time and the shift over time in the PRL distribution to more serious levels.

#### **FY 2024–FY 2028 STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM CAPACITY PROJECTION**

Chairman Brown recognized Meghan Boyd Ward, staff, to present the FY 2024–FY 2028 Statewide Misdemeanant Confinement Program (SMCP) Capacity Projections (see Handout and Presentation). Ms. Boyd Ward thanked the North Carolina Sheriffs' Association (NCSA) and staff for their contributions to the capacity projections. She explained the objective of the projection is to assess future capacity and to ensure that adequate bed space is provided. She also provided a brief overview of the program and which inmates are housed in jails. She noted that county participation in the SMCP is voluntary; receiving counties offer bedspace, while other counties send their inmates only.

Ms. Boyd Ward presented the average monthly population and capacity trends (see Presentation). When examining historical data, she noted that capacity remained relatively consistent throughout the first years of the program but began to decline in FY 2017. She then highlighted the effect of the pandemic on capacity, with declines in FY 2020 and FY 2021, compared to FY 2019. Capacity fluctuated in FY 2022



returning to near pre-pandemic levels at one point, before declining again. At the end of FY 2023, capacity was 916 beds.

Ms. Boyd Ward reviewed the key assumptions informing the projections, including the number of jail backlog cases (0 inmates as of December 31, 2023), sending and receiving status of counties, growth rates (-1% for year 1 and 0% for the remaining projection year), and new jail construction. All receiving and sending counties building jails were asked about SMCP participation and/or expansion; all responded as either undecided or no plans to add more beds during the projection period (FY 2024 to FY 2028).

Ms. Boyd Ward then presented the five-year projection scenario. For the scenario, the starting capacity is 964 beds (capacity on January 31, 2024). Capacity is projected to decrease in the first year of the projection (FY 2024) by 10 beds and then have no change in the remaining years of the projection (FY 2025 – FY 2028), resulting in a net change of 0% across the projection.

Ms. Boyd Ward discussed the key takeaways from the projections next. The scenario indicates minimal change over the projection period, but she emphasized that bed capacity may change based on the outcomes of planned jail projects in the coming years. She also noted that the projections should be interpreted with caution given unforeseen factors (e.g., staffing issues) and because participation in the SMCP is voluntary.

Chairman Brown thanked the members of the NCSA for their attendance and welcomed their input. Ms. Lauren Earnhardt, Deputy Executive Vice President, shared the work they have been doing to reduce the jail backlog with the Department of Adult Correction. Chairman Brown turned to questions from the Commission and Dr. McMurry asked about the participation rate and overall jail capacity. Ms. Earnhardt responded that there are 68 participating receiving counties and Chairman Brown thanked Ms. Boyd Ward for her presentation.

#### **NASC UPDATE AND 2024 CONFERENCE PLANNING**

Chairman Brown recognized Michelle Hall, staff, to present an update on the National Association of Sentencing Commissions (NASC) and the upcoming 2024 Conference (see Presentation). Ms. Hall informed members that the mission of NASC is to facilitate the exchange and sharing of information, ideas, data, expertise, and experiences and to educate individuals on issues related to sentencing policies, sentencing guidelines, and sentencing commissions. For background, she reviewed the NASC member states across the country and summarized some of the key aspects of the Commissions including date of formation, membership and duties.

Ms. Hall then reminded Commissioners that SPAC will host the NASC annual conference in August. The conference will be held at the Marriott City Center in downtown Raleigh on August 6 through August 8. The conference theme is a recognition of the 30th anniversary of NASC and will include reflections on how Commissions have contributed to changes in sentencing policy over time. She explained the duties of the NASC Executive Committee and those of the host state for the conference and asked for input from the Commission on session topics members would like to see covered at the conference.

**INSTRUCTIONS TO STAFF AND OTHER BUSINESS**

Chairman Brown thanked the staff for their presentations and reminded the members that the next full Commission meeting will be Friday, June 7, 2024.

**ADJOURNMENT**

Chairman Brown adjourned the meeting at 2:52 p.m.

Respectfully submitted,

Shelley Kirk  
Administrative Secretary