



National Association of Sentencing Commissions

A publication of NASC

Winter 2016

2016 NASC Conference: August 7th - 9th

The Executive Committee is pleased to announce that the Utah Sentencing Commission is hosting the 2016 conference. It will be held in Salt Lake City, Utah, beginning Sunday August 7th and concluding Tuesday, August 9th. More details will be forthcoming.

In the meantime, please pass along any suggestions for specific presenters or specific topics to be included in the conference to an Executive Committee member.

Rick P. Kern Memorial Award

The Executive Committee is seeking nominations for the Rick P. Kern Memorial Award.

The recipient of this award serves as the Keynote Speaker for the annual NASC conference.

Established in 2012 to honor Richard P. Kern, the Director of the Virginia Criminal Sentencing Commission from 1994 until his 2011 passing, the award recognizes an individual who has contributed greatly to the development of sentencing policy and research.

Any NASC member may nominate an individual. Nominations must be submitted by March 25, 2016 to admin@TheNASC.org. The form is available on the NASC web site (<http://www.thenasc.org/>).

NASC Bylaws

During the August 2015 NASC Conference there was initial discussion as to Executive Committee membership.

- Should all NASC members be eligible for election to the Executive Committee?
- Should there be restrictions that only members from sentencing commissions or

Spotlight On: North Carolina

The North Carolina Sentencing and Policy Advisory Commission has the continuing duty to monitor and review the criminal justice and corrections systems and the juvenile justice system to ensure that sentences and dispositions remain uniform and consistent and that the goals and policies established by the State are being implemented by sentencing and dispositional practices. Additional duties of the Commission include studying the implementation of the Justice Reinvestment Act (JRA) across the state, tracking and reporting on recidivism of the adult and juvenile systems in alternating years, and developing annual prison population projections.

The recent work of the Commission has produced two new pieces of legislation, a revamping of juvenile justice risk scoring and assessments, groundwork for policy recommendations pertaining to mental health services for offenders in local confinement facilities, and continued reliable and accurate prison population projections.

Legislative Proposals

In compliance with its mandate to make recommendations for the modification of sentencing laws and policies, the

sentencing councils are eligible for election?

- If non-commission and council members are eligible, should there be a limit on the number that may serve on the Executive Committee at any given time?
- Should there be a limit to the number of Executive Committee members from an organization or from each geographic jurisdiction that may serve on the Committee at any given time?

Watch your email for a survey from the Executive Committee. It is looking for input in order to draft bylaw amendments to be voted upon during the 2016 national conference.

Commission was asked to study the statutory provisions related to the awarding of time credits against sentences of imprisonment and confinement. In particular, two issues were unclear:

1. should credit be awarded if the original charge is not the same as the charge at conviction, and if so, what should define the nexus of the two charges, and
2. when does a previously imposed sentence “use up” credit for later convictions.

The Commission recommended changes to the credit for time served statute, N.C.G.S. 15-196.1, that the General Assembly passed and was effective December 1, 2015.

The second piece of legislation stemmed from the Commission’s mandate to conduct ongoing evaluations regarding the implementation of the JRA. The Commission was asked to study the ways the courts were using periods of confinement in response to violations (CRVs) with misdemeanants on probation. The Commission found that the short sentence lengths available for misdemeanants did not always allow offenders time to return to probation after serving the CRV as intended (*i.e.*, the confinement period “used up” most of their

remaining suspended sentence). In addition, the court frequently terminated probation following the confinement period. This early termination conflicted with the intent of the JRA to rehabilitate offenders in the community. In response, the Commission recommended eliminating the CRV sanction for misdemeanants. The General Assembly passed this proposal as well, and it was effective December 1, 2015.

Juvenile Justice

In June of 2014, the Commission established a Research and Policy Study Group to examine current research findings for policy implications that could potentially impact recidivism rates. The Study Group elected to focus on two major issues: juveniles and mental health.

Utilizing recent reports produced pursuant to the Commission's ongoing mandate to study juvenile recidivism and the effectiveness of the Juvenile Crime Prevention Council grant recipients, the Study Group made findings related to the accuracy of assessing juvenile risk and need, program effectiveness for certain juveniles, and the accurate appraisal of existing programs. The Study Group developed five proposals, subsequently adopted by the Commission, for the North Carolina Department of Public Safety's (DPS) Division

of Adult Correction and Juvenile Justice (DACJJ). The proposals were designed to achieve better outcomes and a more efficient use of existing resources for juveniles. One of the proposals was to revisit and adjust the risk levels to increase the predictive value of the levels and create a more reliable foundation upon which to determine resource priorities. In response, DACJJ revised their risk levels from three levels to five levels, with plans to start training on the new levels in the near future.

Mental Health in Local Confinement Facilities.

Staff conducted site visits to understand mental health services within local jails—from entry to exit. After considering the information learned from the site visits, the Study Group plans to discuss possible proposals to address some of the issues identified. Among the issues the Study Group will examine are identification of persons with mental illness, possible gaps in the continuity of care, resource availability while incarcerated, and the role of the mental health system while a client is incarcerated.

Prison Population Projections

The Commission's original mandate included developing a computerized simulation model to be used to prepare prison population

projections. Using this model, the projections are prepared on an annual basis in conjunction with the North Carolina DPS-DACJJ and are used to help determine long-term resource needs. For the majority of the past decade, the accuracy of the prison population projections has been within 2%. The projected prison population for June 2015 was 37,236; the actual average population for June 2015 was 37,468 - a difference of 232 beds, or less than 1%.

In 2016, the Commission will continue to work with DPS-DACJJ on the juvenile proposals, study mental health services for inmates in local jails, examine the implementation of the JRA, produce its biennial adult recidivism study, and update its prison population projections.

The mission of the National Association of Sentencing Commissions 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.

<http://thenasc.org>