

2016 Sentencing Commission Statistical Report Available

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Sentencing nerds rejoice. The North Carolina Sentencing and Policy Advisory Commission released its annual statistical report last week. The report is available [here](#).

This year's report covers data from fiscal year 2014/15. At this point, most of the data cover offenses that are fully within the post-Justice Reinvestment universe. That is, we are mostly looking at sentences for offenses committed on or after December 1, 2011, that include post-release supervision for all felonies and substantial limits on revocation of probation.

Most data in the report are very similar to previous years. Here are some of the highlights:

- As usual, a full quarter of all felony sentences imposed come just from two cells on the sentencing grid: Class H/Level I and Class H/Level II.
- 83 percent of felony offenders were men (84 percent last report).
- 48 percent of felony offenders were Black (49 percent last report).
- The Active/Intermediate/Community breakdown for felons was 38/32/30 percent (39/31/30 last report). I have a longstanding hunch that Community sentences are over-reported, because I think state computers may default to tagging a sentence as Community if it does not include at least one of the six probation conditions that, before December 1, 2011, had to be included in a sentence in order for it to qualify as Intermediate (background [here](#) if you don't remember those days.) The report acknowledges that possible discrepancy on page 12.
- The presumptive/mitigated/aggravated slash line was 69/27/4, which is almost identical to the 68/28/4 distribution in last year's report.
- Habitual felons continue to be sentenced in the mitigated range far more frequently than other defendants. Class D habitual felons received mitigated sentences 72 percent of the time. Class C habitual felon sentences came in at 62 percent mitigated, and Class E habitual felons at 55 percent.
- Fiscal year 2014/15 saw 1 death sentence (down from 4 in last report), 54 life without parole sentences (down from 71), and 5 [life with parole](#) sentences for defendants under 18 at the time of their crime (up from 1).
- There were 873 habitual felon sentences (up from 851), 154 [habitual breaking and entering](#) sentences ([identical](#) to last year), and 3 violent habitual felon sentences (up from 2).
- The [firearm enhancement](#) set out in G.S. 15A-1340.16A was used twice (down from 7 times last report).
- [Advanced Supervised Release](#) (ASR) sentences climbed to 90 (from 71 last report), fulfilling my prediction of an increase.
- There were 530 drug trafficking convictions (up from 474 last report).

Though it is not technically a matter of sentencing, the report includes information about the mode of disposition—guilty plea or jury trial—for the 29,238 felony sentences imposed last fiscal year. The percentage obtained by guilty plea is predictably high (97.8 percent). But it's interesting to note some of the nuances from district to district. For example, Cleveland County had nearly twice as many jury trials as some other counties with more than double its population. A

footnote on page three of the report indicates that six convictions statewide were the result of a bench trial in superior court, giving a sense of how frequently defendants exercise their relatively new constitutional right to [waive a jury trial](#). As in prior years, a hefty percentage of all [Class H and I felonies](#) (26 percent) were pled in district court.

I haven't even mentioned the report's wonderful data on misdemeanor sentences. I was particularly drawn to Tables 22 and 23, discussing average probation length and typical probation conditions for different types of misdemeanor sentences.

Thank you once again to the talented Sentencing Commission staff members who prepare the report. It is an accessible annual snapshot of North Carolina's approach to punishment and justice. I continue to think judges can use it to compare their own sentences to those of their peers, and that advocates can use it to make arguments about the appropriate sentence in a particular case. I am grateful to the Commission for its thoughtful approach to this important work.