

C o n f e r e n c e o f D i s t r i c t A t t o r n e y s
N O R T H C A R O L I N A

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May 9, 2014

The Honorable W. Erwin Spainhour
Senior Resident Superior Court Judge
PO Box 70
Concord, NC 28026-0303

Dear Judge Spainhour:

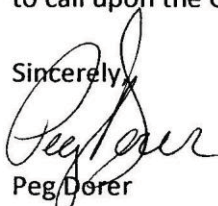
The Conference of District Attorneys’ Executive Committee met last week to discuss a number of issues including some of the policies and procedures that have been implemented as a result of the passage of Justice Reinvestment legislation. I am writing at the Executive Committee’s direction to follow up with the Sentencing and Policy Advisory Commission on these policies and procedures.

The Executive Committee has expressed continued concern over the manner in which “Confinement in Response to Violation” periods (CRVs) are credited to consecutive sentences upon revocation of probation. It is our understanding that when a probationer with multiple suspended sentences set to run consecutively upon activation, violates probation and receives a 90-day CRV in each case, the 90 days is credited not just once but to each of the consecutive sentences. This sets up a situation where a person is actually benefitting from probation violations. It does not seem possible that was the intent of the legislature. We understand that the Sentencing and Policy Advisory Commission is studying this anomaly. The Conference of District Attorneys strongly supports your efforts to evaluate the calculation of CRVs and any recommendations you may develop.

Advanced Supervised Release (ASR) is another area of concern for District Attorneys. This is not a procedure that District Attorneys supported before the passage of Justice Reinvestment and has consequently not been utilized with much frequency. The Conference of District Attorneys recommends that ASRs be eliminated as an option in the sentencing structure.

Thank you so much for your consideration and study of these issues. As the Sentencing and Policy Advisory Commission continues their very important and valuable, please do not hesitate to call upon the Conference of District Attorneys if we can do anything to assist.

Sincerely,



Peg Dorer
Director

Cc: Maureen Krueger
 Susan Katzenelson

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