

REPORT ON RACE, EQUITY AND CRIMINAL JUSTICE



January 2021

North Carolina Conference of District Attorneys

Executive Summary

In August of 2020, the Conference of District Attorneys formed the Working Group on Race, Equity and Justice. The Working Group met biweekly to review data, policies and practices that relate to the handling of cases within the criminal justice system focusing on identifying initiatives that further promote fairness. The Conference Working Group categorized recommendations in four broad areas to include professional representation, alternatives to prosecution, pretrial custody and sentencing outcomes. The recommendations are summarized as follows:

Quality and Professionalism in Representation: The Conference of District Attorneys recommends:

- Increased cognitive bias training for prosecutors and other criminal justice and allied professionals;
- Increased data collection and training for both prosecutors and indigent defense representatives to address racial and other disparities in the criminal justice system; and
- Study of indigent defense services to assess training, compensation and quality of representation.

Alternatives to Prosecution / Opportunities for Success: The Conference of District Attorneys recommends:

- Funding to increase the availability of quality mental health and substance use disorder resources statewide;
- Data collection of the number and types of cases resulting in dismissals through successful diversion; and
- Expansion of the use of conditional discharge under Chapter 15A, upon agreement by the prosecutor, as an alternative to prosecution.

Pretrial Custody and Alternatives: The Conference of District Attorneys recommends:

- Timely mandatory first appearances for all felony and misdemeanor charges;
- Training for law enforcement and magistrates on the use of citations and summons in lieu of arrest for non-violent offenses;
- Review and update of district bond policies by local court stakeholders;
- Elimination of the minimum \$1000 secured bond requirement when a defendant fails to appear, leaving the decision in the discretion of the judicial official; and
- Study of a preventative detention policy to promote public safety.

Sentencing Outcomes: The Conference of District Attorneys recommends:

- A complete multivariate analysis and corresponding study be completed by the North Carolina Sentencing and Policy Advisory Commission to identify potential disparities in case dispositions;
- Continued adherence to truth in sentencing policies as embodied in structured sentencing laws;

- Training for prosecutors, defense attorneys and judges on advanced supervised release and extraordinary mitigation laws; and
- Establishment of pilot sites to conduct presentencing investigations and provide reports to the Court to inform judicial decision-making on dispositional outcomes.

Following is an in-depth explanation of the Working Group's analysis, conclusions and detailed recommendations.

Introduction

Prosecutors throughout North Carolina continuously work to seek justice and protect our communities. We are committed to the fair administration of justice and seek to use our authority and discretion without bias or partiality as set forth in the oath we undertake. Public trust and confidence in our role as ministers of justice is of paramount importance to the work we do. As such, we are dedicated to ongoing evaluations of how prosecutorial practices impact criminal justice outcomes. In the wake of national civil unrest over perceived inequities in the criminal justice system, the Conference of District Attorneys established the Working Group on Race, Equity and Justice.

The North Carolina Conference of District Attorneys was established as a state agency in 1983 under General Statute §7A-411, “to assist in improving the administration of justice in North Carolina by coordinating the prosecution efforts of the various district attorneys, by assisting them in the administration of their offices...” The agency, headquartered in Raleigh, provides legal education, practical skills training, technical assistance, special prosecution, other prosecution services and materials for all prosecutors and administrative professionals throughout the state. The Conference, governed and directed by the forty-three Elected District Attorneys, also works with the legislature on issues related to criminal law and the criminal justice system. The Conference also works to develop consensus among the district attorneys to improve the administration of justice within our state.

The Conference directed the Working Group on Race, Equity and Justice to review and evaluate current prosecution and court practices that may contribute to disparate results. The Working Group consisted of eight Elected District Attorneys from across the State representing twenty-one counties and a variety of geographical areas including both metropolitan and rural populations:

- Lorrin Freeman, District Attorney, Prosecutorial District 10, Wake County – Co-Chair
- Seth Banks, District Attorney, Prosecutorial District 35, Avery, Madison, Mitchell, Watauga, and Yancey Counties – Co-Chair
- Robert Evans, District Attorney, Prosecutorial District 8, Edgecombe, Nash and Wilson Counties
- Matt Scott, District Attorney, Prosecutorial District 20, Robeson County
- Jason Ramey, District Attorney, Prosecutorial District 22, Caswell and Rockingham Counties
- Avery Crump, District Attorney, Prosecutorial District 24, Guilford County
- Spencer Merriweather, District Attorney, Prosecutorial District 26, Mecklenburg County
- Ashley Hornsby Welch, District Attorney, Prosecutorial District 43, Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain Counties.

The Working Group held a series of meetings over the course of four months with the purpose of identifying initiatives that further promote fairness. This included evaluating the impact of the criminal justice system on minorities and disadvantaged people who may suffer mitigating circumstances such as substance abuse disorders and/or mental health diagnoses. They hosted

numerous presentations from the North Carolina Sentencing Policy and Advisory Commission, representatives from the Governor’s Task Force for Racial Equity in Criminal Justice and the House Select Committee on Community Relations, Law Enforcement & Justice to specifically evaluate the effect of prosecutorial decision-making on racial disparities. Conference staff conducted research and reported on pre-trial release and bail policies in North Carolina as well as analyzed existing diversion programs, both pre-charge and post-charge, across the state. In an effort to assess the effectiveness of preventative detention programs and presentencing investigations and reports, the Working Group’s effort was also informed by presentations from other district attorneys and superior court judges

After extensive review, discussion and consideration of the presentations, materials and research, the Working Group concluded that substantial progress has been made in the exercise of prosecutorial discretion as it relates to current societal understandings of justice and community safety. There also exist opportunities for improvement.

The Working Group presented the following proposed recommendations to the Conference of District Attorneys’ Executive Committee for approval and distributed the final report to all Elected District Attorneys. This report is the result of that process and contains the recommendations and positions of the Conference of District Attorneys.

It should be noted as prosecutors and other professionals within the judicial system work towards developing policies to ensure fairness, it is important that policymakers and community members also focus efforts and funding in areas that, if left ignored, will continue to propel individuals into the criminal justice system. For example, it is evident that broader societal inequalities such as the lack of access to health care, mental health services and substance abuse treatment programs often exacerbate activity that can lead to interface with the criminal justice system. Additionally, disparities in economic opportunities, wages and wealth, can cause routine court requirements to have unequal impacts on individuals. Many of the disparities identified within the criminal justice system flow from disparities in services and support of marginalized populations within our communities. While these disparities surface within the criminal justice system, they cannot be corrected there and must be addressed by a broader community approach prior to the criminal activity that introduces individuals into the system.

Quality and Professionalism in Representation

Our justice system works best when the State is represented by fair-minded, unbiased prosecutors determined to seek justice and when those facing criminal charges are represented by well-trained, vigorous defense counsel. Resources, training and accountability measures are the best tools to ensure this optimum is achieved.

The American Bar Association has adopted standards for prosecutors that caution against excessive size of caseloads stating that such a caseload “endangers the interests of justice in fairness, accuracy, or the timely disposition of charges, or has significant potential to lead to the

breach of professional obligation.”¹ In almost all instances, prosecutors across North Carolina carry caseloads that are substantially larger than recommended. Experts in combatting implicit bias in prosecutorial discretion routinely recommend adopting a slower, more deliberate process in evaluating cases². Additional resources for underfunded prosecutor offices are an important component to improving the delivery of justice.

Prosecutors and law enforcement statewide rely on the Conference of District Attorneys to deliver necessary training. Through the Conference, we are committed to identifying and providing training to prosecutors, law enforcement and allied professionals that increases their competencies and improves their decision-making ability. For nearly a decade, North Carolina prosecutors have participated in focused programs equipping them to recognize and confront implicit and confirmation bias. The Conference was the first statewide conference of prosecutors in the nation to offer such training. We are committed to continual training that will promote equity and fairness. District Attorneys will continue to convene best practice forums to improve service to our citizens and partnerships with our communities. We understand that our effectiveness depends on our communities believing in the fairness of the system.

It is equally important that every defendant receive vigorous and competent representation. Issues of quality representation and the amount and manner in which attorneys performing indigent defense work are compensated have long been a concern of the General Assembly, the Office of Indigent Defense, and District Attorneys. Without a well-trained, vigorous defense, defendants often are not able to avail themselves of provisions under the law designed to protect their interests. In recognition of the importance of quality representation, the North Carolina Indigent Defense Services Commission has adopted performance guidelines in the handling of non-capital³ and juvenile delinquency proceedings.⁴ In 2016, the North Carolina Commission on the Administration of Law and Justice made recommendations designed to improve indigent defense services in North Carolina. These recommendations included “providing oversight, supervision, and support to all counsel providing indigent defense services;...implementing uniform training, qualification and performance standards and workload formulas for all counsel providing indigent services; (and) providing reasonable compensation for all counsel providing indigent defense services.”⁵ Since that time, a workload study has been conducted of Public Defenders Offices by Indigent Defense Services in collaboration with the National Center for State Courts showing a need for additional staff to meet optimal caseload capacity.⁶

¹ Fourth Edition (2017) of the *CRIMINAL JUSTICE STANDARDS for the PROSECUTION FUNCTION*, Fourth Edition, Standard 3-1.8.

² *Implicit Bias: A Primer for Courts*, Kang, Jerry, National Center for State Courts, August 2009.

³ *Performance Guidelines for Non-Capital Criminal Cases at the Trial Level*, adopted November 12, 2004, ncids.org/Attorney/Standards-Guidelines.

⁴ *Performance Guidelines for Attorneys Representing Juveniles in Delinquency Proceedings*, adopted December 14, 2007, ncids.org/Attorney/Standards-Guidelines.

⁵ *Improving Indigent Defense Services, Criminal Investigation and Adjudication Committee*, North Carolina Commission on the Administration of Justice, October 2016.

⁶ *North Carolina Office of Indigent Defense Services Workload Assessment*, Final Report, Research Division National Center for State Courts, February 2019.

Recommendations:

- **The Conference of District Attorneys will develop and provide education on cognitive bias in the criminal justice process for prosecutors, their staff and officers of justice. The training will focus on investigation, charging, and prosecutorial decision-making and will include recognizing cognitive bias and reducing its impact. These programs will follow recommendations of the American Bar Association and the National District Attorneys Association National Prosecutions Standards to support the impartial, unbiased pursuit of justice.**
- **Implicit bias training will be taught to all new prosecutors. District Attorneys will encourage their staff to attend implicit bias training throughout their prosecutorial career.**
- **Additional funding should be provided to the Conference of District Attorneys and District Attorneys in order to enhance data collection, technology, training opportunities and staffing in this renewed effort.**
- **Additional funding should be provided to the Office of Indigent Defense Services to enhance data collection, technology, training opportunities, and public defender staffing.**
- **Indigent Defense Services should provide regular training focused on implicit and other cognitive biases to lawyers, including public defenders, investigators and other professional staff.**
- **The State Bar should adopt a provision allowing for implicit and other cognitive bias training to be categorized as continuing legal education in ethics.**
- **A feasibility study should be conducted to determine the manner in which uniform training, qualification, and measured performance standards for criminal defense indigent representation can be implemented and reasonable compensation for all counsel providing indigent services can be provided as recommended by the North Carolina Commission on the Administration of Justice.**

Alternatives to Prosecution / Opportunities for Success⁷

As prosecutors, it is important that we are proponents of personal responsibility for individual actions. Our system of justice is designed to hold individuals accountable when they violate the law. We also have a responsibility to seek justice for victims of crime. While prosecutors are

⁷ The Conference of District Attorneys anticipates the results of a Harvard School of Law and Economics Study on Prosecutor Decision-Making to be completed in early 2021. Those results may yield additional recommendations.

ultimately responsible for deciding how cases will be resolved, victim's voices have a place in this process, as has been recently reaffirmed with the adoption of the new Crime Victim Rights Constitutional Amendment in 2018.⁸

Public safety is best achieved when individuals are able to live stable lives that do not intersect with the criminal justice system. This does not require obtaining a conviction in every instance. Addressing the underlying issues that lead to criminal behavior such as substance use or mental illness may be the most effective means of achieving that end. In charging and processing criminal offenses, opportunities for diversion or conditional discharge should be taken into consideration when appropriate. For both law enforcement and prosecutors, diversion programs serve several purposes:

- (1) Relieving court dockets and conserving judicial resources for more serious cases;
- (2) Treating underlying behavioral health problems that lead to criminal activity;
- (3) Reducing the incidence of offender recidivism by providing an alternative to prosecution, and/or incarceration by providing community-based rehabilitation, which would be more effective and less costly than incarceration; and
- (4) Benefiting society by the training and placement of previously unemployed or underemployed persons.

Factors for prosecutors to consider include the prior history of the defendant, the type of offense, the particular relationship of the case to other criminal justice goals, and specifically the availability of suitable treatment and educational facilities. Currently, there is minimal data to indicate the number of cases prosecutors resolve through diversion efforts and the success of offenders who receive these opportunities.

The Conference of District Attorneys recognizes there are many variants of diversion programs across the state and successful programs are particularly dependent upon available local resources. To assess the availability of programs and resources, the Working Group directed a statewide diversion survey of all District Attorney offices. The results show there are vast differences in treatment options and services to effectively support diversion programs. Many rural areas of our state have a significant lack of sufficient mental health and substance use disorder treatment programs to support diversion efforts. Opportunities for formal diversion programs tailored to meet the needs of offenders vary widely depending on available resources, options and services.

Recommendations:

- 1) Provide funding to increase the availability of mental health and substance use disorder resources, making them more readily accessible across North Carolina.**
- 2) Expand the use and scope of 15A-1341(a4) - H or I Felony or Misdemeanor to allow more offenders the opportunity to be considered for conditional discharge while**

⁸ Commonly referred to as "Marsy's Law," Session Law 2018-110 sought to amend Section 37 of Article I of the North Carolina Constitution, Rights of Crime Victims. This constitutional amendment was adopted by the voters with 62% voting in favor of it.

continuing the exclusion of DWIs and maintaining the current joint motion of the defendant and prosecutor requirement.⁹

- 3) Develop court data systems that capture data regarding cases disposed of by participation in a diversion program.**

Pretrial Custody and Alternatives

Studies show that individuals charged with minor offenses who remain in prolonged pretrial detention have increased challenges when attempting to reenter the community successfully. Detention can lead to the loss of employment, disruption in housing and medical care, and increased isolation. District Attorneys believe only those individuals who pose a pretrial risk of reoffending or not appearing in court should be detained.

The current bail system gives individuals charged with a criminal offense the opportunity to be released from custody before their case is resolved. North Carolina General Statutes provide the following conditions of release to be set by a magistrate or judge: 1) a written promise to appear; 2) unsecured bond; 3) designated custody of person or organization; 4) secured bond; and 5) electronic monitoring. The statute further states that the first three should be imposed unless there is concern the defendant will not appear for court or will pose a danger to any person. This rationale is congruent with the Eighth Amendment of the U.S. Constitution which provides protections from “excessive bail” requirements.¹⁰

While pre-trial detention should be limited for the above-mentioned purposes, it is also important there be a way to protect the community when an offender poses a public safety threat. The recent focus on the impact of the money bail system on the disadvantaged is important. As practices adapt to consider a defendant’s ability to pay when setting conditions of release, a mechanism to require the detention of dangerous offenders becomes increasingly important. Current law includes very limited circumstances where the public can be protected by someone who should be detained with certainty. N.C.G.S. 15A-533(c) allows a judge to order that a defendant be held without bond only in cases of a capital offense. Additionally, N.C.G.S. 15A-533 (d, e, f) provides a rebuttable presumption that a defendant be held without bond in certain situations but does not cover all instances in which a defendant may pose a public safety risk. An in-depth study of alternatives to money bail that will continue to promote public safety while seeking to ensure equal treatment of defendants, irrespective of their ability to pay, should be conducted.

⁹ This recommendation would eliminate the disqualifying provisions of a conviction of a prior misdemeanor involving moral turpitude and a prior term of probation under current law.

¹⁰ *NC Department of Public Safety Governor’s Crime Commission Recommendations*, dated June 4, 2020. The Working Group reviewed the work completed by the Governor’s Crime Commission on the topic of pretrial release. The Conference of District Attorneys supports the recommendations for pretrial reform submitted by the Governor’s Crime Commission.

Recommendations:

- **Timely first appearances should be mandatory for individuals held in custody for all felony and misdemeanor charges;**
- **Law enforcement and magistrates should receive enhanced training on the use of citations and summons in lieu of arrest for non-violent offenses;**
- **Districts should review and update bond policies with input from all judicial stakeholders and provide training for judges and magistrates¹¹;**
- **15A-534(d3) should be amended to remove the minimum required bond of \$1000 in those cases in which a defendant fails to appear on a charge that is pending, leaving the appropriate bond in the discretion of the judicial official,**
- **The Legislature should establish a study commission consisting of representatives of all criminal justice stakeholder groups to conduct a study on pretrial preventative detention and its implementation in North Carolina. A process for preventative detention should be considered to keep defendants of certain crimes in custody where there is clear and convincing evidence that no condition of pretrial release will ensure safety of the community. This study should include, but not be limited to evaluation of probable cause hearings, creating meaningful first appearances in the most serious cases, and expansion of rebuttable presumptions requiring detention.**

Sentencing Outcomes

Aware of national debate around the issue of mass incarcerations, the Conference of District Attorneys has actively reviewed sentencing practices in North Carolina over the last few years, including issuing a report in 2017 on the topic. As found in that report, while much public attention focuses on long active sentences for drug possession charges, the reality of who is in prison in North Carolina and why they are there is different.

In 1993, North Carolina adopted Structured Sentencing following an in-depth study and work by the North Carolina Sentencing and Policy Advisory Commission. Structured Sentencing introduced into our justice system the concept of truth-in-sentencing, that an offender would serve a minimum sentence set by the court pursuant to statutory parameters and imposed at the time of disposition. Following years of the release of individuals from prison who had served only portions of their sentence due to overcrowding of our correctional institutions, this new sentencing policy sought to restore victims' and the public's confidence in the judicial process, while also shifting more nonviolent offenders to community supervision. Under Structured Sentencing, prison time was prioritized to be assigned to those offenders who were the most serious. Criminal offenses were recodified according to new punishment levels with nonviolent

¹¹ While N.C.G.S. 15A-535 provides that the Resident Senior Superior Court Judge in consultation with the Chief District Court Judge must devise and issue bond policies for their judicial district, it is recommended that each district convene stakeholders to review pretrial practices and provide input on how they can best be improved.

drug and property crimes being assigned the lowest classifications and crimes against people being assigned the highest. The amount of active time a judge could impose for a felony crime was significantly reduced for offenses with the commitment that the time ordered would be served.¹² Today in 2020, the prison population is the lowest it has been in North Carolina since 1995.¹³ In that same period of time, our state's population has increased by fifty percent.¹⁴ While sentencing laws in this state have been revised, including the enactment of the Justice Reinvestment Act that expanded reentry services to offenders and reduced penalties for habitual felons, the basic tenets of Structured Sentencing have remained in place. District Attorneys are committed to the continuation of these core values in how correctional resources are utilized and maintaining certainty in sentences to be served in order to maintain public trust.

Since the implementation of Structured Sentencing, the Sentencing and Policy Advisory Commission has completed only one multivariate analysis study of disparities in the criminal justice system nearly twenty years ago. Of specific interest to The Working Group was the current differences between our state population demographics and the over-representation of minorities in our prison system: blacks make up only 22% of North Carolina's population but 52% of North Carolina's prison population. District Attorneys are committed to the fair administration of justice and seek to use their authority without bias or partiality. It is appropriate to seek to identify policies and procedures in the handling of cases that may contribute to disparities in the number of minorities serving active sentences.

In North Carolina, law enforcement initiates the vast majority of criminal cases and makes the charging decisions. After cases are investigated, prosecutors receive the investigative files and make the required decisions during the course of each case. The Working Group focused on any disparities occurring after charges were initiated, including the processes and decisions leading to pleas, trials and convictions, in order to assess if prosecution decision-making was affecting any disparities. This analysis included identifying the most serious offense charged and the most serious offense of conviction. In addition to reviewing statistics on all felony offenders, the Working Group also looked specifically at offenders convicted as habitual felons, drug traffickers and juveniles who received life sentences. The Working Group requested and received multiple data-focused presentations from the North Carolina Sentencing Policy and Advisory Commission staff. Unfortunately, for numerous reasons, more robust data on areas of interest is not readily available.

Key findings resulted in the following conclusions:

Felony Charges

- Felony charges resulted in felony convictions 61% of the time; 47% of the time the most serious offense charged and offense of conviction were the same offense class.

¹² *The North Carolina Sentencing and Policy Advisory Commission: A History of its Creation and its Development of Structured Sentencing*, November 2000, updated August 2009.

¹³ NC Department of Public Safety, www.ncdps.gov/adult-corrections.

¹⁴ US Census Bureau, www.census.gov.

- The racial composition of felony convictions has changed since the implementation of Structured Sentencing, from 1996 when 63% of convictions were minority offenders and 33% were white offenders, to 2019 when 44% of convictions were African-American offenders and 51% of convictions were white.
- In fiscal year 2019, the majority of convictions were for white offenders overall, but the majority of convictions in Classes A-E were for black offenders. In fiscal year 2019, white offenders convicted of felonies were more frequently convicted as charged compared to nonwhite offenders.
- Male offenders were more likely than female offenders to be convicted as charged.

Habitual Felons

- In examining the charge data associated with FY 2019 convictions, most habitual felons charged as habitual felons were convicted as habitual felons (89%). The remainder of those charged as habitual felons (11%) were convicted of some other felony.
- Differences were found for white and non-white offenders: 92% of white offenders and 87% of non-white offenders charged as habitual felons were convicted as habitual felons. The remainder of those charged as habitual felons (8% and 13% respectively) were convicted of some other felony.

Drug Trafficking

- Drug trafficking convictions have generally declined over the past 10 years (2009-2019).
- Of those individuals convicted of drug trafficking during FY 2019, 40% were white offenders, 44% were black offenders, and 16% percent were designated as other.
- The majority of drug trafficking convictions were sentenced as Class F for a minimum sentence of 70 months active and a maximum sentence of 93 months active. The overall active sentence rate for drug trafficking convictions was the same for white as nonwhite offenders. However, the data seems to indicate a racial disparity in the trafficking class for which offenders were convicted resulting in disparity in sentence lengths in some classes.

Juvenile

- The population of juveniles serving life sentences comprised a very small percentage of the overall life sentence prison population. There have been 20 juvenile offenders sentenced to life without parole since 2010, while 22 juvenile offenders have been sentenced to life with parole since 2013. African Americans were overrepresented amongst these offenders but the relatively small number of cases limits the ability to form specific conclusions.

While these data points help identify where there may be over-representation by specific races in the criminal justice system, they are of limited value in pinpointing at which decision points disparities occur, as they do not take into consideration other relevant factors such as prior record level. A robust, multivariate analysis could answer more definitively the questions of whether

there is evidence of disparate treatment of offenders based on their race and gender by taking into account other factors such as an offender's prior criminal history that may influence charge reductions and differences in practices.

A major tenet of Structured Sentencing was to shift supervision of offenders to probation in the community in appropriate cases. At the time of Structured Sentencing's enactment, the law provided for presentencing investigations to be conducted and reports to be provided to the court in its discretion as a basis for the court's decision on sentence. This process is infrequently utilized. The Working Group reviewed a presentencing pilot project that has been implemented in Chatham and Orange Counties. The purpose of this program has been to assess an offender and their circumstances to better inform the court when sentencing an offender who may have greater success serving a sentence on probation with sentencing conditions that are tailored to the individual. The experience in these counties has been that offenders are more likely to meet the conditions of their sentence and successfully complete their probation if they are provided necessary services tailored to their needs. The Working Group believes this type of program could be implemented successfully with the appropriate leadership from the court.

Much focus has been given to whether new laws should provide for relief from long sentences for offenders, despite the overall reduction of eligible sentences that was part of the Structured Sentencing enactment. Within current Structured Sentencing laws, opportunities for deviation from mandated dispositional outcomes exist when the factors of a case provide appropriate grounds. These tools are rarely used. Increased understanding of the availability of these provisions may lead to higher utilization.

Recommendations:

- **The North Carolina Sentencing Policy and Advisory Commission should conduct a multivariate analysis in an effort to identify potential disparities in case outcomes for offenders and seek additional resources, if necessary, to conduct such a study.**
- **North Carolina should continue to adhere to a structured sentencing model as recommended by the NC Sentencing Policy Advisory Commission to ensure:**
 - **Truth-in-sentencing for North Carolina citizens and victims of crime;**
 - **Sentencing policies are consistent, rational and unbiased; and,**
 - **resource priorities are targeted for violent and repeat offenders.**
- **Establish pilot sites and staff with additional probation officers to conduct presentencing investigations and report to the court.**
- **Prosecutors, defense attorneys and judges should receive training on current provisions of the sentencing laws that allow for deviation from presumptive sentences such as advanced supervised release and extraordinary mitigation.**

Reentry

As ministers of justice, we must do our part to reduce crime, which includes reducing the number of citizens who fall back into criminal behaviors. For this reason, District Attorneys recognize the importance of providing support to those exiting the criminal justice system as they attempt to reenter our communities. To that end, District Attorneys have identified and supported changes in legislation to give people exiting the criminal justice system access to opportunities by expanding expungement eligibility. Drivers' license restoration programs, diversion opportunities and expungement clinics are all examples of how North Carolina District Attorneys regularly assist citizens in minimizing the impact of their actions, correcting behavior, and becoming successful members of our community.

The Conference of District Attorneys is committed to working with other partners to identify additional ways in which an individual exiting the criminal justice system can be best supported to avoid recidivism.

Conclusion

North Carolina District Attorneys have the individual and collective goals of protecting their communities while applying justice without bias. There are many tools currently available to prosecutors and others recommended in this report that can be used to promote fairness. Paramount to the work of District Attorneys is that victims are served, communities are safe and offenders are held appropriately accountable. These goals can best be achieved when the necessary resources and services are available across our State.

As prosecutors and others within the judicial system work towards developing policies to ensure fairness, it is important that policymakers and community members also focus efforts and funding in areas that, if left ignored, will continue to propel individuals into the criminal justice system. District Attorneys across North Carolina look forward to partnering with other elected leaders and our communities in striving to make our State more equitable.