

**North Carolina Task Force for Racial Equity in Criminal Justice-**

**Working Group #4**

**Meeting #9**

Date: 13 October 2020

Time: 8:00 AM EST

Chairperson: Henderson Hill

In Attendance: Hill, Henderson; Stein, Josh; Dyer, Karen; Pollard, Mary; Earls, Anita; Restucha-Klem; Mercedes; Cooper, Ameshia; Locklear Clark, Brooke; McGhee, Jasmine; Robinson, Michael; Hawkins, Mike; Spolar, Ellen; Thornburg, Alan; Benison, Malia

Not In Attendance: n/a  
  
[Meeting Livestream Recording](https://www.youtube.com/watch?v=02xuwX8YzIA)

**MEETING MINUTES**

1. **Welcome** 
   * *Pollard* moves to approve the minutes from 10.6, *Hawkins* seconds
   * *Hill* provides a welcome and thank you to participating guests
2. **Presentation on Second Look Act** 
   * *Hill* introduces *Dr. Nellis* to the WG members before her presentation on the Second Look Act.
   * *Dr. Nellis* speaks to progress in the state regarding Second Look Act. She notes her book titled *The Meaning of Life*, which calls for an across the board maximum sentence of no more than 20 years. D.C. seems to be the main jurisdiction that is attempting to adopt in-part the proposal. She then pulls up graphs that demonstrate the growth rate of persons sentenced to LWP, LWOP, and death sentences. These long-term sentences are causing build up in NC prisons. Other jurisdictions have tried to resolve this similar issue by reducing sentence lengths and limiting the types of crimes that are subject to such sentences. Dr. Nellis does not recommend developing “carve outs” when approaching the Second Look Act because it will only generate and/or perpetuate issues down the road. Encourages adoption of the Second Look Act by also involving victim’s families from early on. Dr. Nellis states that this encourages healing through the process.
     1. *Hill* notes that she highlighted one of the critical stakeholders: the victim’s families. TREC is committed to including that stakeholder into our conversations of harm.
3. **Presentation: Homicide – Public Safety, Restoration and Redemption.**
   * *Hill* introduces *Sheriff McFadden* from Mecklenburg County.
   * *McFadden* thanks the workgroup members and gives some personal background information. Notes that in his jurisdiction, they do not use the words “jail” and “inmate”; rather, they use “detention center” and “resident.” Sheriff notes that they have a ~90% clearance rate for homicide cases. Sheriff then speaks about the disparities in sentencing. He notes that many young persons are caught up in crime, and the extreme sentencing that they receive generates more harm than what was initially caused. He also notes that risk to the community from an individual dramatically decreases after some time passage. Sheriff also talks about his initial exposure to the idea of rehabilitation versus punishment. Sheriff believes that there needs to be a middle ground between the two. Sheriff also notes that the Second Look Act should focus on allowing individuals to express remorse.
4. **Discussion:** [**Prison Discipline Proposed Recommendations**](https://justice365.sharepoint.com/:w:/r/sites/TaskForceMemberSharePoint/_layouts/15/Doc.aspx?sourcedoc=%7BC3E53FE2-1DCF-4716-B8CC-E40D6286EDCB%7D&file=Prison%20Discipline%20Rec%20Research.docx&wdLOR=cC103740C-E8CA-BD4D-92EA-655B23E82F66&action=default&mobileredirect=true)
   * *Restucha-Klem* introduces the guests for presenting.
   * *Ishee* provides an introduction to the WG members. Has been working in NC for ~1.5 years. Since COVID, DPS has reduced their overall prison population since January of this year. Last fall DPS conducted strategic plans for prison. The plans are set for a 5-year term and included over 600 staff persons to help develop the plan. Part of the plan is to make all NC prisons and associated hospitals accredited and in compliance with the [600] standards, whether it be for prison discipline, infrastructure, HR departments, etc. Restrictive housing is currently underreivew. DPS has engaged a committee including staff, correctional officers, wardens, mental health persons, etc. to look at compliance with standards of restrictive housing and the process of disciplinary action with residents. Ishee notes that there is significant opportunity to reduce stay in prisons through these proposed plans to restrictive housing. Ishee also notes they hired a Director for Prison Performance in addition to the regulation from ACA to act as an internal check on the prison system and compliance. They are also hiring an Administrator for Prison Institutions which will monitor key metrics across the board. They will research best practices for prisons across the country so that DPS may attempt to implement innovative ideas. Ishee also states the first ACA audit will begin in November, which should kickoff the strategic plans. Ishee also mentions phone expansions for residents, including those in restrictive housing although it will be more limited for these individuals. Residents will have tablets equipped with cell phones. They will also be able to access some recreational things such as music or games. Ishee states this should reduce some of the issues that arise from residents fighting for phone time.
     1. *Hill* asks if there are any efforts pertaining to gang membership and the issues that arise from requiring individuals to renounce membership.
     2. *Ishee* states that there are a few programs under review for this. The current program does not require individuals to renounce gang membership, but encourages them to make other choices and make different investments. The program has 3 main phases over the course of 9 months. Phase (1) and (2) deals with individuals who are mainly upset that they are subject to such a program, but by phase (3) individuals appear to benefit from and appreciate the program. Ishee notes that there are some individuals that slip back into gang membership once they are reintroduced into general population, so they are also working on programs that address aftercare of these individuals.
     3. *Pollard* states that she reviewed the strategic plan previously. Is there any way to ask DPS to report on how these efforts are directly impacting the racial disparities we are charged with addressing?
        1. *Ishee* states that as a publicly funded agency, these are demands that we should be responsive to. Releasing this data will be no problem.
     4. *Finholt* notes that individuals serving life sentences are still excluded from most of these programs and reform efforts. For gang membership programs, what about all the individuals with life sentences who are not able to access the program?
        1. *Ishee* agrees and states that they will be using that as a blueprint for the future to include such individuals. Currently there is only 1 facility that offers about 160 persons into the program at one time. There is a waiting list and people can only get into the program when a bed opens up. The beds in the 1 facility are only for those enrolled in the program.
   * *Thornburg* asks *Dr. Nellis* about the proposed Second Look Acts to jurisidictions. Has there been any progress in any of them? Is there anything we can look at implementing here such as Parole Commission looking at certain categories of offenses after 20 years? Whats the interplay of valid sentencing and involving reasonable review?
     1. *Dr. Nellis* mentions that there are about 4 or 5 jurisidcitions that have adopted some form of it. DC is the closest jurisdiction to nail the legislation but they use a “carve out” method. California also has one of the most progressive Second Look Act legislations. Suggests beginning at the data level of NC to see how many lifers are in prison and for what offenses. Also highlights the expansion to juveniles. Can provide a followup to the workgroup.
     2. *Thornburg* says a followup will be helpful, especially if involving victims right community.
   * *Pollard* suggests that we spend more time speaking about this because members have a lot more to unpack and discuss on this point.
5. **Updated** [**Work Schedule**](https://justice365.sharepoint.com/:w:/r/sites/TaskForceMemberSharePoint/_layouts/15/Doc.aspx?sourcedoc=%7BA213C71E-C883-4DA9-9874-BBDA55BA4128%7D&file=Workgroup%20%234%20Schedule.docx&action=default&mobileredirect=true) **& Next Steps**
   * WG members to email *Restucha-Klem* about which speakers they would like to hear from at later meetings.
   * Request for members to provide feedback on fines and fees recommendation prior to it going to Task Force for straw poll
   * Prison discipline survey to be distributed later in the week..
   * Draft templates for Second Look Act and Death Penalty proposals to be distributed to Working Group members to facilitate discussion and review by members.
   * *Hill* thanks everyone and concludes the meeting.