

HABITUAL STATUS OFFENDERS

TASK FORCE FOR RACIAL EQUITY IN CRIMINAL JUSTICE
NOVEMBER 5, 2020

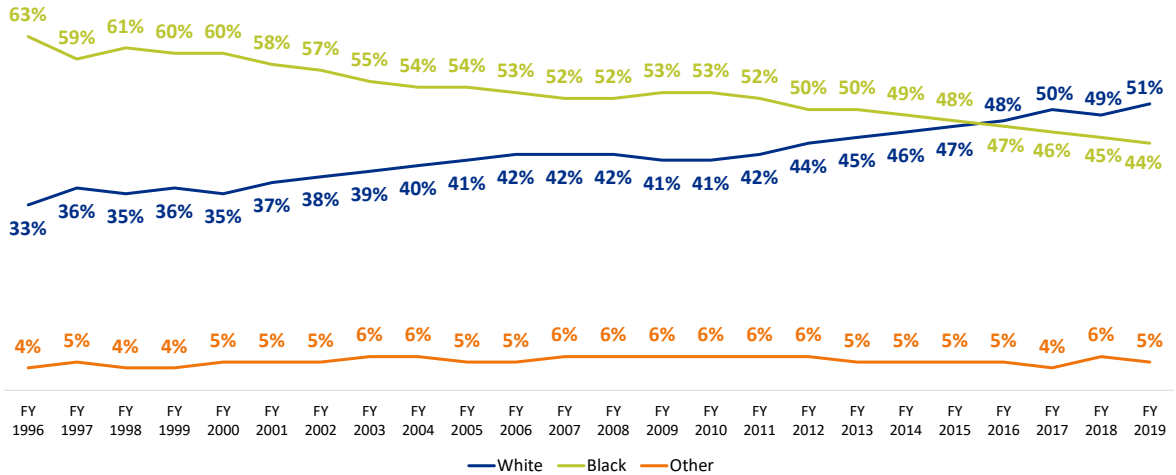
Data Source and Limitations

A *SENTENCING EPISODE* IS IDENTIFIED FROM COURT RECORDS AS THE SENTENCE IMPOSED FOR THE *MOST SERIOUS CONVICTION ON A GIVEN DAY OF COURT*.

- Data from Sentencing Commission’s annual Statistical Report on convictions and sentences imposed.
- Based on data entered into AOC’s management information system by the court clerk following the imposition of the sentence.
- Covers all North Carolina counties.
- Unit of analysis is convictions disposed of in a *sentencing episode* in FY 2019 - referred to as “conviction” for simplicity.
- Bivariate analysis only.

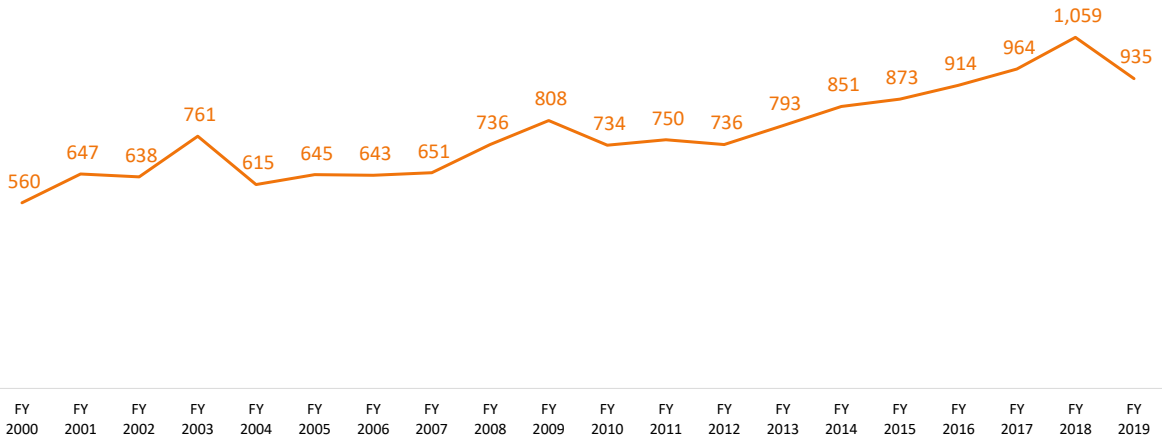
NOTE: The unit of analysis differs from the unit of analysis used in the AOC’s Trial Court Caseload Statistics. See [Comparison of Statistical Reports and AOC’s Trial Court Caseload Statistics](#) for detail.

The racial composition of felony convictions has changed since the implementation of Structured Sentencing

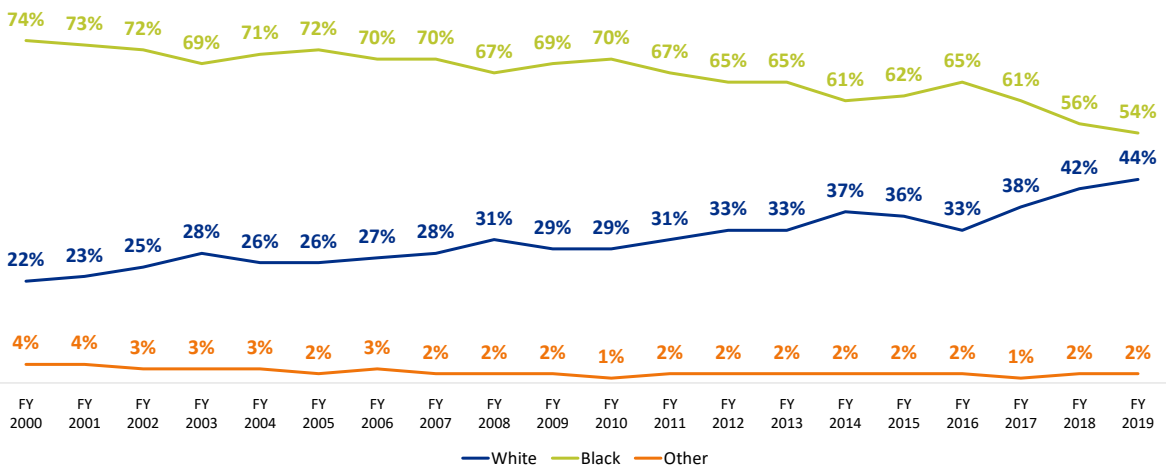


OFFENDERS SENTENCED AS HABITUAL FELONS (HFs)

After steadily increasing since FY 2012, habitual felon convictions decreased by 12% last fiscal year



Similar to felony convictions, the racial composition of habitual felon convictions has also changed



Top 5 Most Serious Substantive Offenses Associated with Habitual Felon Convictions

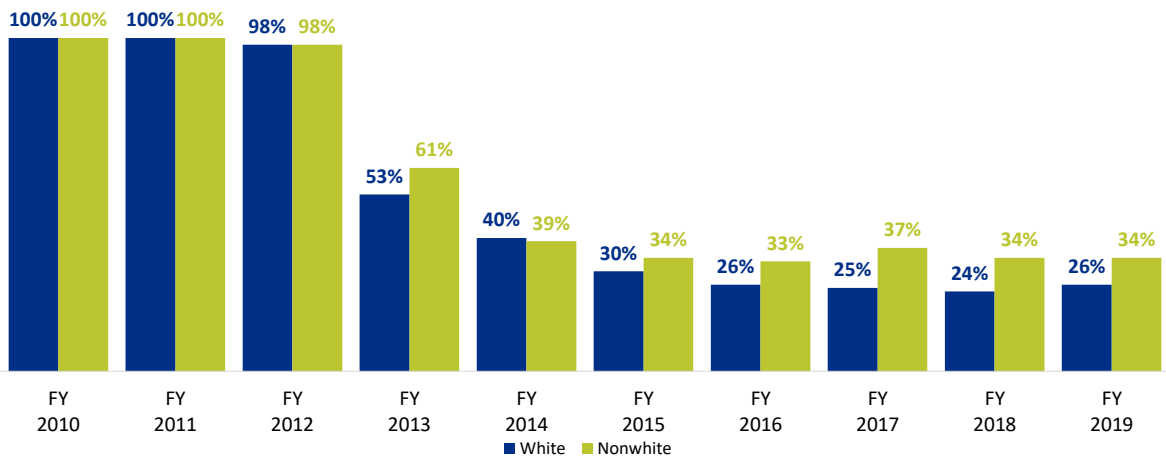
White

- Possess Methamphetamine (Class I)
- Breaking or Entering a Building (Class H)
- Possession of a Firearm by a Felon (Class G)
- Felony Larceny (Class H)
- Breaking or Entering a Motor Vehicle (Class I)

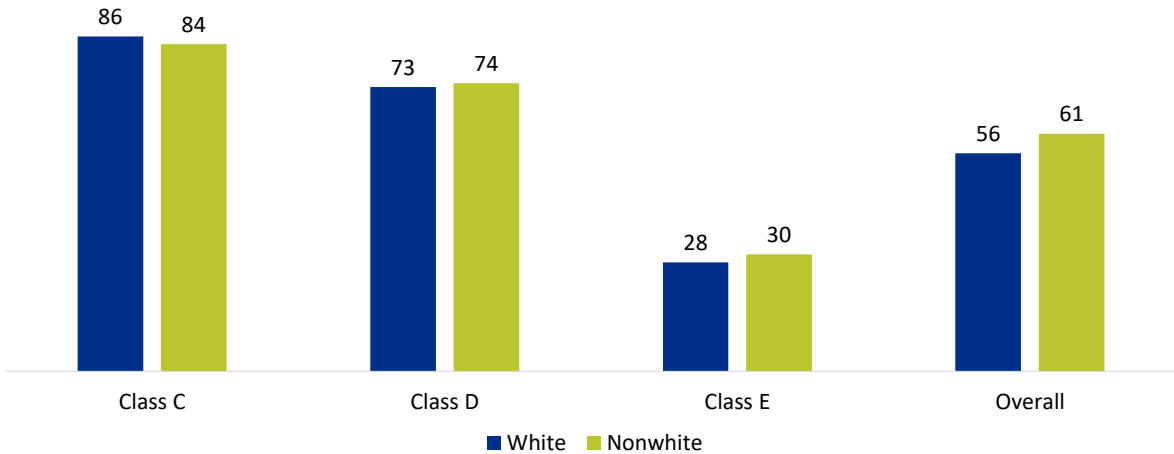
Nonwhite

- Felony Possession of Cocaine (Class I)
- Possession of a Firearm by a Felon (Class G)
- Breaking or Entering a Building (Class H)
- PWISD Cocaine (Class H)
- Trafficking Opium or Heroin (Class F)

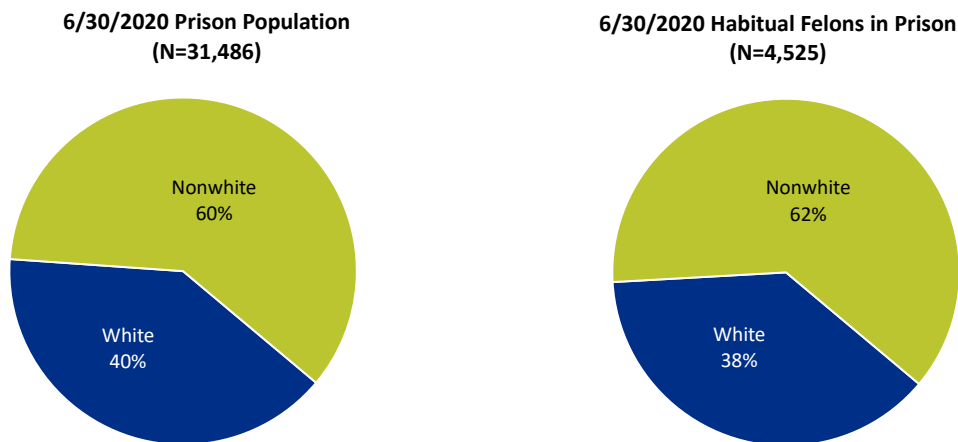
Following classification changes in 2011, a greater percentage of nonwhite offenders have been sentenced in Class C compared to white offenders



Minimal differences in average minimum sentence imposed were found by race



The proportion of habitual felons by race nearly matched that of the prison population as a whole



Note: The prison population figure excludes DWIs, CRVs, and jail backlog.

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, Automated System Query (ASQ)

Habitual Felons

How many offenders have been sentenced as habitual felons?

- 935 in FY 2019, decreasing for the first time since FY 2012
- 8% of white offenders and 13% of nonwhite offenders (11% total) charged as HFs were not convicted as HFs but of some other felony

Have trends in the composition of habitual felons by race changed over time?

- Like felony convictions, the composition of habitual felon convictions has changed over time, with the percentage of black offenders decreasing and the percentage of white offenders increasing

Are sentencing practices different by race?

- A greater percentage of nonwhite offenders are sentenced in Class C compared to white offenders
- Sentence lengths were similar for white and nonwhite offenders, with little variation in the distribution by sentencing range
- The percentage of habitual felons in prison by race is similar to the percentage for the prison population as a whole

OFFENDERS SENTENCED AS VIOLENT HABITUAL FELONS (VHFs)

Violent Habitual Felons

How many offenders have been sentenced as violent habitual felons?

- 53 offenders from FY 2000 through FY 2019
- An average of 3 per year
- In the past 3 years, only 2 VHF charges did not result in VHF convictions

What are the gender, race and age breakdowns for those sentenced as VHFs?

- All were male
- 79% were nonwhite and 21% were white
- 10% were 30 years of age or younger; 66% were over age 40

What are the most frequent underlying convictions for those sentenced as VHFs?

- Murder (1st degree, 2nd degree, attempted)
- Rape/Sexual Offense (1st degree, 2nd degree, attempted)
- Robbery with Dangerous Weapon (completed, attempted)
- Assault with Deadly Weapon (intent to kill, serious injury, LEO)