May 29, 2025

Governor Josh Stein
20301 Mail Service Center
Raleigh, NC 27699

Via electronic mail

Dear Governor Stein,

We write on behalf of FAMM and thousands of North Carolinians asking you to please use your clemency authority to its fullest extent during your time in office. FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families.

Clemency is a bedrock of the American criminal justice system – understood as a critical check on excessive sentencing and a mechanism of redemption since the ratification of the U.S. Constitution. Unfortunately, throughout the country and in North Carolina, excessive sentences have become the rule rather than the exception. Nationally, one in seven incarcerated people is serving a life or virtual life sentence. In North Carolina, there are 4,171 people serving life or virtual life sentences of 50 years or longer.[1] There are also many serving sentences longer than 15 years with no hope for relief or a second chance outside of the clemency powers bestowed upon your office. We know that long sentences do not make us safer. They are a drain on public safety resources and fail to deter crime. It is the certainty of being caught and held accountable, not the severity of punishment, that deters criminal behavior.

We encourage you to review as many clemency petitions as possible and grant clemency where the petitioning individual has shown a clear record of rehabilitation, would not be an elevated risk to public safety upon release, and has a good home plan. Your predecessor created a Juvenile Sentence Review Board[2] as part of his Task Force on Racial Equity.[3] However, that laudable work resulted in a miniscule number of clemency grants. We hope that you will go significantly further and consider broader categories of relief.

We believe that clemency consideration should be open to everyone regardless of offense. Determinations should be made based on a person's record of rehabilitation and readiness for release at the time of review. We know that many North Carolina families and communities are

[1] The Sentencing Project (2024). U.S. Criminal Justice Data. https://www.sentencingproject.org/research/us-criminal-justice-data/.
[2] Governor Roy Cooper Executive Order No. 208, Establishing the Juvenile Sentence Review Board. https://governor.nc.gov/documents/files/executive-order-no-208/open.
[3] North Carolina Governor Roy Cooper's Task Force on Racial Equity. https://ncdoj.gov/trec/reports/

prepared to assist with reentry, and hope that the state's Reentry 2030[4] work will also facilitate increased clemency grants.

We believe that everyone whose clemency petition makes it to your desk should receive a fair and individualized assessment. However, we would like to highlight three populations of incarcerated people for whom clemency is an urgent and appropriate consideration.

1. **People who were under 25 at the time of their offense**. Research has shown that, due to their still-developing brains, people under the age of 25 have diminished culpability and greater propensity for rehabilitation and change than is currently reflected in North Carolina sentencing laws. Fortunately, people mature as they age – even those who have committed serious offenses. For example, Washington, D.C. allows judges to resentence individuals who committed an offense before their 25th birthday once the individual has served 15 years of their sentence. As of June 2023, 195 people had been released under this expanded second look law and only 4 percent rearrested.[5]
2. **People who are currently over the age of 55**. Research has shown that elderly individuals are the least likely to reoffend yet the most expensive to incarcerate. American prisons were not designed to serve as gerontological wards, and our communities are not best served by spending finite resources on incarcerating the elderly. Older adults who return to the community after serving long sentences pose little public safety risk. One study found that only 1 percent of people released at age 55 or older after serving sentences for violent crimes were reincarcerated for any new crime within three years.[6] Similarly, in Maryland, 200 people were released from prison after a state court found the jury instructions used in their trials to be unconstitutional. Their average age when released was 64, and all had served 30 years or more. As of May 2021, only 3 percent had been re-incarcerated.[7]
3. **People with serious medical conditions**. There is little penological purpose to incarcerating people who are dying, too debilitated to offend, too compromised to benefit from rehabilitation, or too impaired to be aware they are being punished. You have many such people in North Carolina state prisons with little to no risk of recidivism, and the cost of caring for them takes up a quarter of the Department of Adult Correction's annual $2 billion budget. Correctional health care costs totaled $429.1 million in fiscal year 2023-24.[8] Yet, the state's Medical Release and Extension of the Limits of Confinement laws are lacking, with ungenerous, ill-defined criteria and significant categorical

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[4] North Carolina Department of Adult Correction, Reentry 2030. https://www.dac.nc.gov/divisions-and-sections/rehabilitation-and-reentry/reentry-2030.

[5] Testimony of Warren Allen at Hearing on B25-291 before the Committee on the Judiciary and Public Safety of the Council of the District of Columbia (2023). https://www.sentencingproject.org/app/uploads/2023/06/Warren-Allen-Safer-Stronger-Amendment-Act-2023-Testimony.pdf.

[6] Prescott, J.J., Pyle, B., and Starr, S.B. (2020). Understanding Violent-Crime Recidivism. Notre Dame Law Review, 95:4, 1643-1698. http://ndlawreview.org/wp-content/uploads/2020/05/9.-Prescott-et-al..pdf

[7] Millemann, M., Chapman, J.E., and Feder, S.P. (2022). Releasing Older Prisoners Convicted of Violent Crimes: The Unger Story, U. MD. L.J. RACE, RELIGION, GENDER & CLASS, 21:2, 185-247, https://secondchanceslibrary.org/wp-content/uploads/2022/06/Releasing-older-prisoners.pdf

[8] NC Health News, NC prisons struggle to meet health care demands amid rising costs, staff shortages (2025). https://www.northcarolinahealthnews.org/2025/03/11/nc-prisons-face-growing-health-care-costs/#:~:text=Health%20care%20costs%20totaled%20$429.1,the%20fiscal%20year%202023%2D24.

exclusions.[9] Leaving prison affords people access to community-based health care or end-of-life support for a fraction of the cost incurred behind bars. North Carolina can use those savings to protect the public by investing in evidence-based programs including services for victims of crime.

Please provide strong consideration for people seeking clemency under these categories. It would this be a righteous use of your clemency powers, and lessen the burdens on North Carolina families, taxpayers, and the prison system. Clemency is one of the most powerful tools at your disposal. Data and evidence show that you can embrace public safety while leading with justice and mercy. These values are intrinsically linked.

Thank you for your time and consideration of our views. We would appreciate the opportunity to discuss this, as well as the state's Reentry 2030 work, with your staff further. Please reach out to mcharles@famm.org and mgoellner@famm.org anytime.

Sincerely,

Matthew Charles
State Legislative Affairs Manager

Maria Goellner
Senior Director of State Policy

[9] FAMM Compassionate Release Memo: North Carolina (2025). https://famm.org/wp-content/uploads/2025/04/NC-Memo-2025-FINAL-1.pdf. *See also* FAMM Compassionate Release Report Card: North Carolina. https://famm.org/wp-content/uploads/2022/10/nc-report-card-final.pdf.