



Justice Reinvestment in North Carolina

Justice Reinvestment Work Group

Analysis and Policy Options

February 21, 2011

Council of State Governments Justice Center

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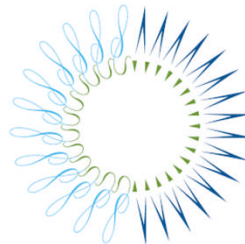
Funders/Partners

Justice Reinvestment

*a data-driven approach to reduce corrections spending
and reinvest savings in strategies that can
decrease crime and strengthen neighborhoods.*



BJA
Bureau of Justice Assistance
U.S. Department of Justice



THE
PEW
CENTER ON THE STATES

Public Safety
Performance
Project

Justice Reinvestment Process

1

Analysis

Collect & examine quantitative data

- Reported crime & arrests
- Court disposition & sentencing
- Jail population
- Probation and community corrections programs
- Prison admissions, population & releases

April - June

2

Implementation

Engage input from stakeholders

- Behavioral health & treatment providers
- Law enforcement
- Judges
- Prosecutors
- Defense bar
- Victim advocates/survivors
- County officials
- Community corrections
- Probation

May – October

3

Accountability

Develop & present a comprehensive analysis of the state's criminal justice system

Develop a framework of policy options that together would increase public safety and reduce/avert taxpayer spending

October - February

Stakeholder Engagement

- BAART Community Health Care
- Carolina Justice Policy Center
- Center for Community Transitions
- Charlotte-Mecklenburg Police Department
- Coastal Horizons Center
- Community Success Initiative
- Conference of District Attorneys
- Congregations for Social Justice
- Defense Attorneys
- Disability Rights NC
- District Court Judges
- Durham Crisis Response Center
- John Locke Foundation
- NC Association of County Commissioners
- NC Coalition Against Sexual Assault
- NC Justice Center
- NC Police Executives Association
- NC Sheriffs' Association
- NC Victim Assistance Network
- Partnership for a Drug-Free NC
- Prison Fellowship
- Probation officers and managers
- Sentencing Services
- SouthLight
- Superior Court Judges
- TASC
- TROSA
- UNC School of Government
- Z Smith Reynolds Foundation

Justice Reinvestment in North Carolina

Big Picture

TOUGH

*Hold offenders accountable
for the harm they caused
and for not reoffending*

SMART

*Ensure that dollars have the
greatest impact on crime
at the least cost*

North Carolina's criminal justice system embodies this framework with:

- Long sentences to punish and incapacitate serious, violent & repeat offenders

- Probation supervision & cost-effective sanctions/treatment for nonviolent offenders

The current system falls short in fulfilling these two principles by not:

- Mandating supervision after release from prison
- Ensuring swift and certain sanctions for violations of supervision
- Increasing sentences for repeat B&E offenders until the fourth conviction

- Focusing supervision & treatment on offenders that will benefit the most
- Holding offenders beyond 100% only when they misbehave
- Providing second chance incentives for first time felony drug offenders

Overview

Summary of Analyses

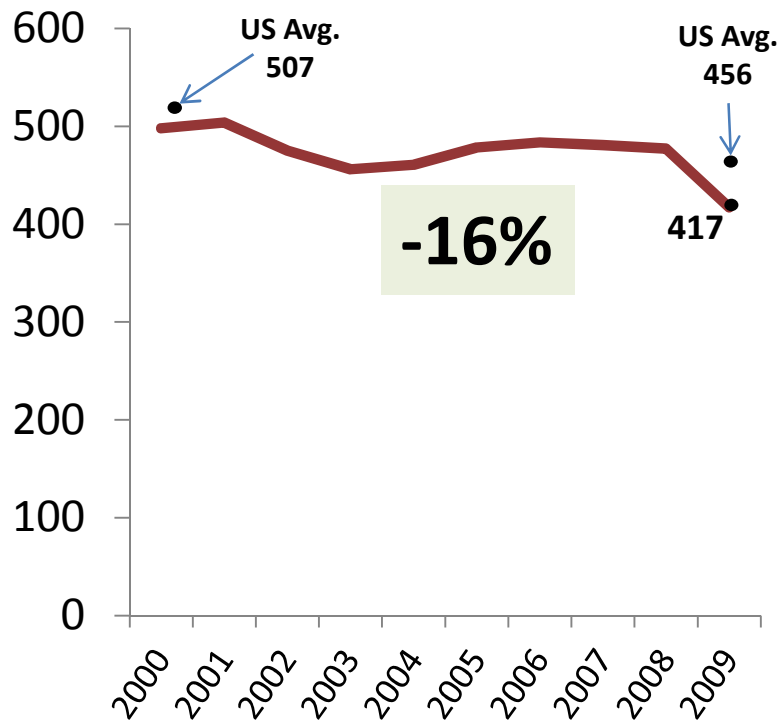
Policy Framework & Additional Options

Projected Population, Fiscal,
and Public Safety Impact

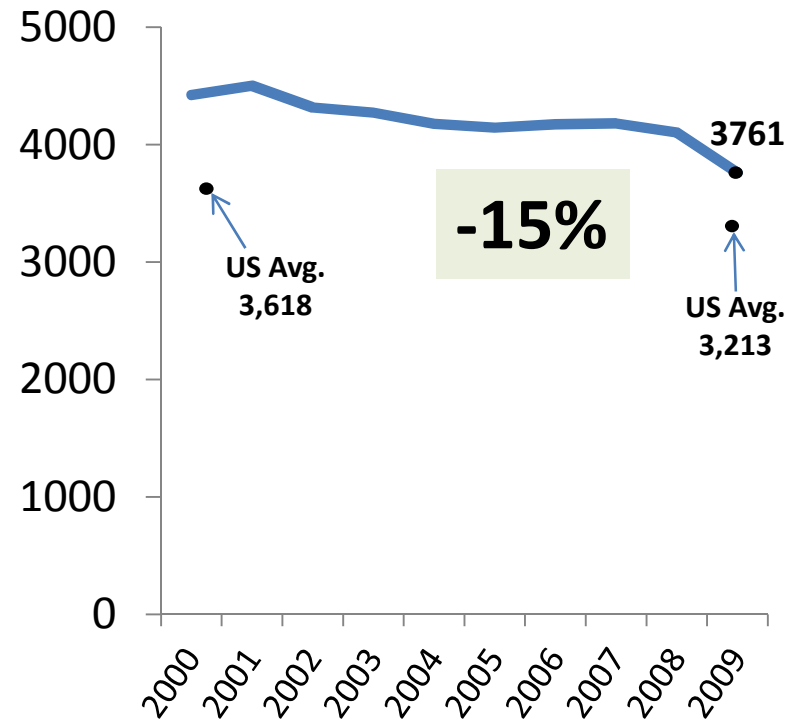
North Carolina Crime Rate Has Declined Since 2000

Violent & Property Crime Rates per 100,000 (2000-2009)

Violent



Property



The State's Prison Population Increased 29 Percent Since 2000

- DOC Expenditures:
 - \$899 million – FY00
 - \$1.51 billion – FY09
 - **68% Increase**

Average “County Jail Backlog” not included in graph:

FY06: 322

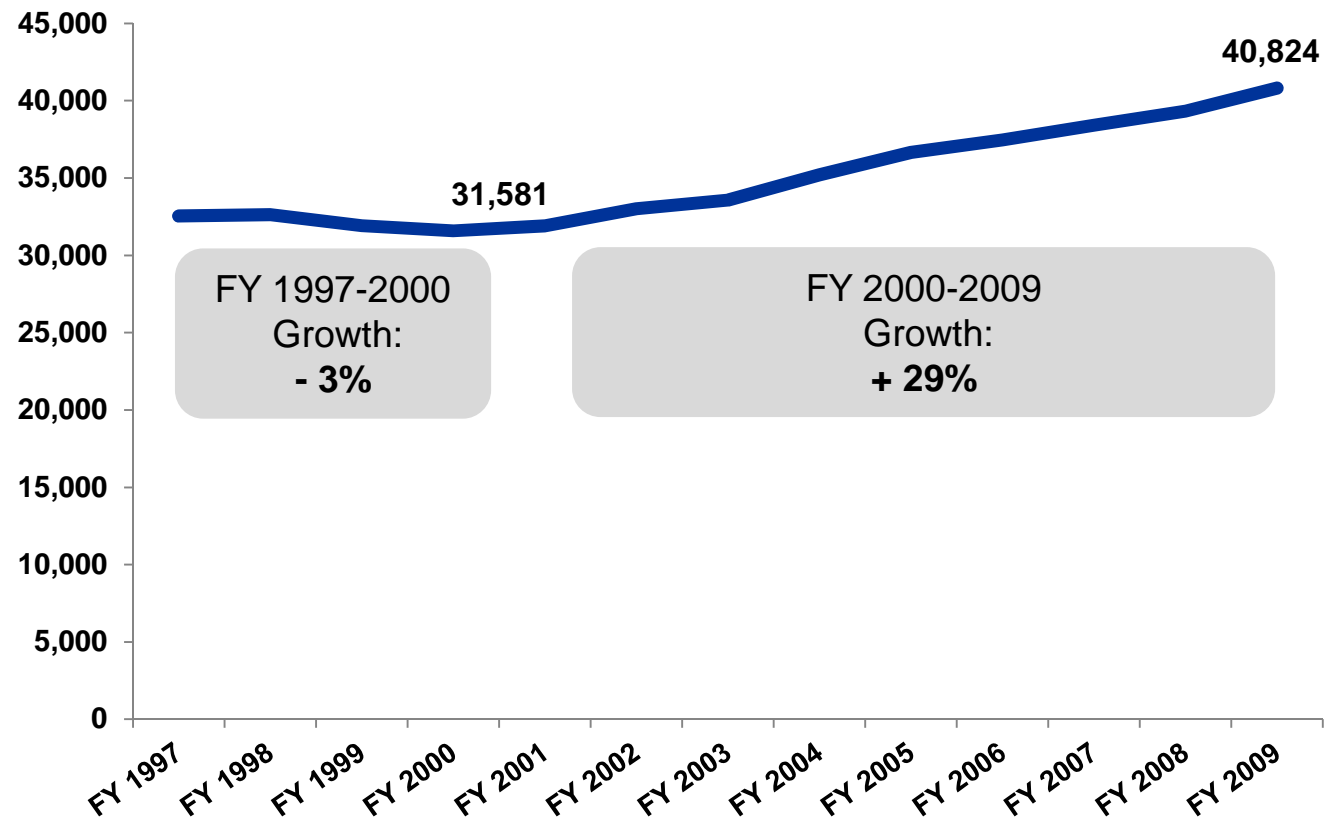
FY07: 32

FY08: 146

FY09: 244

Oct-Dec 2009:
900+

North Carolina Prison Population FY 1997 - 2009



Source: North Carolina Department of Correction, Annual Statistical Reports and online Prison Offender Population Statistics;
<http://www.doc.state.nc.us/rap/index.htm>.

Until Recent Changes DOC Supervised Probationers the Same Regardless of Risk

Min Risk

**9% Rearrested
Within 1 Year**

Low Risk

**14% Rearrested
Within 1 Year**

Mod Risk

**23% Rearrested
Within 1 Year**

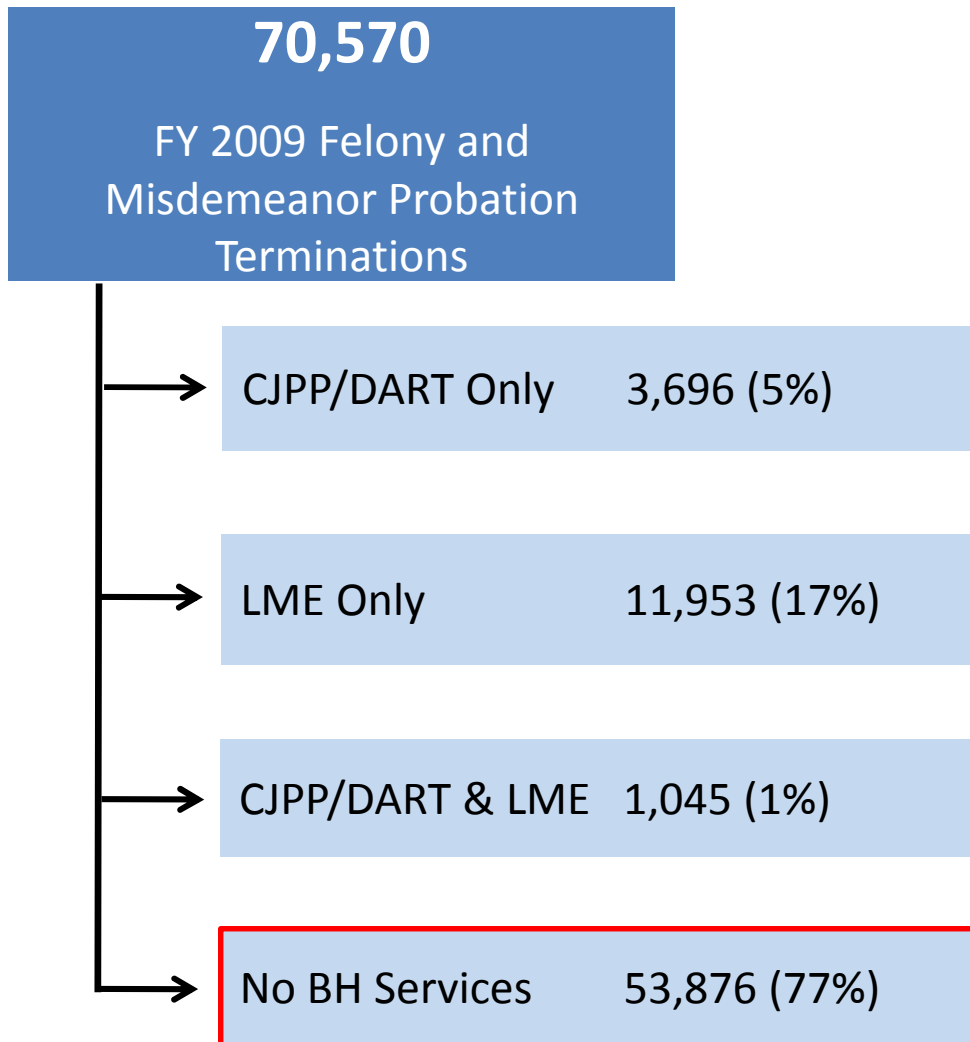
High Risk

**31% Rearrested
Within 1 Year**

No focus of supervision resources, programs, and interventions on the highest risk population

Shortage of program capacity to effectively address criminogenic needs like substance abuse

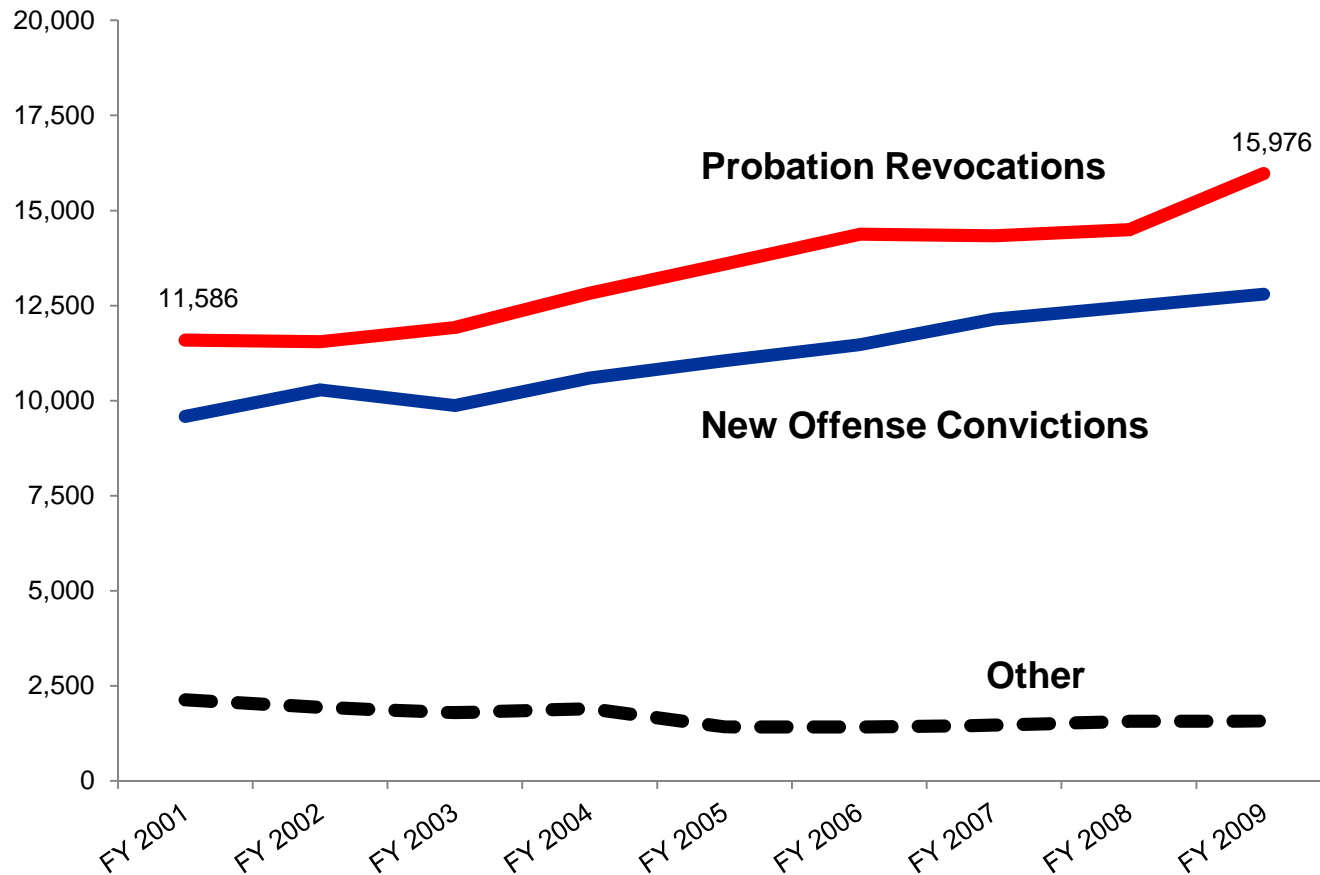
Approximately 50% of Probationers Need Services But Only 23% Receive them



- National estimates indicate approximately 50% of individuals in prison meet criteria for drug dependence or abuse and 17% meet criteria for serious mental illness
- 65 % of revoked probationers indicate having a substance use and/or mental health disorders (MH or SASSI Scores at or above 3) and in need of treatment
- There is some preponderance of service utilization among higher risk individuals
- Based on average length of stay in prison for revoked probationers, NC spends approximately \$204 million on each annual cohort of revoked probationers needing treatment

An Increasing Number of People Are Failing on Probation and Being Revoked to Prison

North Carolina Prison Admissions FY 2001 - 2009



Probation Revocations as % of Total Prison Admissions

FY 2001	50%
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FY 2009	53%
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76% of the probation revocations to prison were for violating the conditions of supervision in 2009

Source: North Carolina Department of Correction Annual Statistical Reports

Post-Release Supervision: No G/H/I Offenders Are Supervised After Serving Brief Periods of Time in Prison



Overview

Summary of Analyses

Policy Framework & Additional Options

Projected Population, Fiscal,
and Public Safety Impact

Policy Framework

1 Strengthen Probation Supervision

A Authorize probation officers to employ swift and certain responses to violations.

B Focus probation supervision on people most likely to commit crime.

2 Hold Offenders More Accountable

A Ensure all felony offenders serve a period of mandatory supervision upon release from prison.

B Permit longer sentences for people convicted two or more times for B&E.

C Increase time served for people who misbehave while incarcerated.

3 Reduce Risk of Reoffending

A Provide a second chance for people facing their first felony drug possession conviction.

B Allow judges to give an incentive for people in prison to complete programs that reduce recidivism.

C Focus CJPP resources on programs proven to reduce crime and recidivism.

1 Strengthen Probation Supervision

A Authorize probation officers to employ swift and certain responses to violations.

B Focus probation supervision on people most likely to commit crime.

- Create a sanction period of up to three days in jail.
- Limit to a maximum of six days per month.
- Require approval from the chief probation officer or designee.
- Allow a probationer to waive his/her notice of a violation hearing.

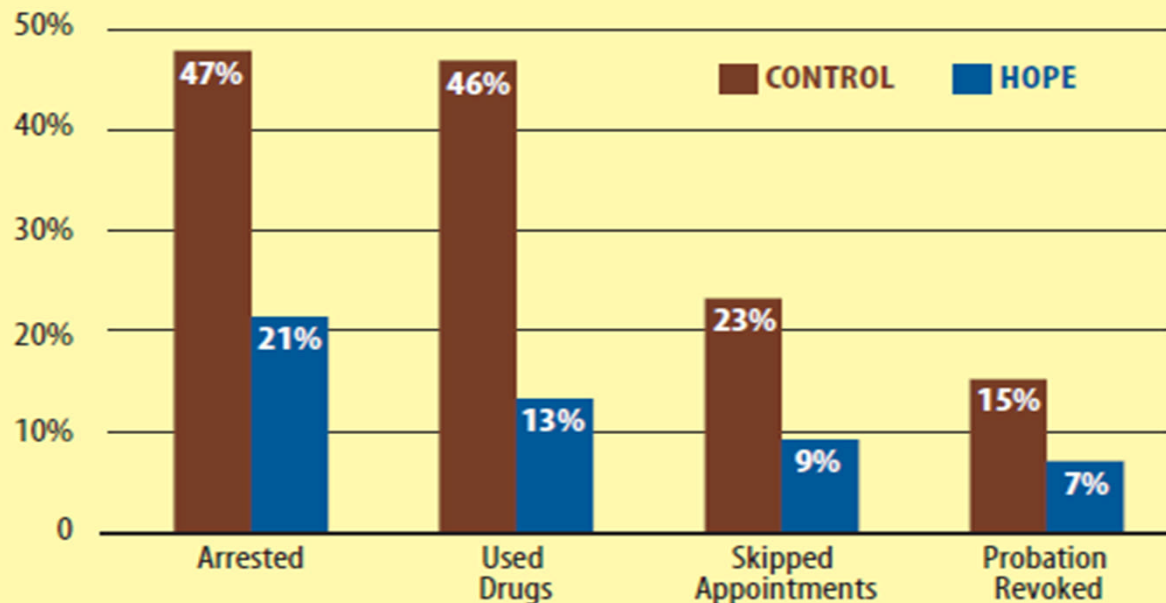
Research Suggests Short, Swift & Certain Sanctions Work Best to Reduce Recidivism

Georgia POM

Enabling probation officers to employ administrative sanctions & probationers to waive violation hearings reduced jail time three-fold, reduced time spent in court, and increased swiftness of responses to violations.

Hawaii HOPE

Court-run intensive, random drug testing with swift, certain, and brief jail sanctions.



1 Strengthen Probation Supervision

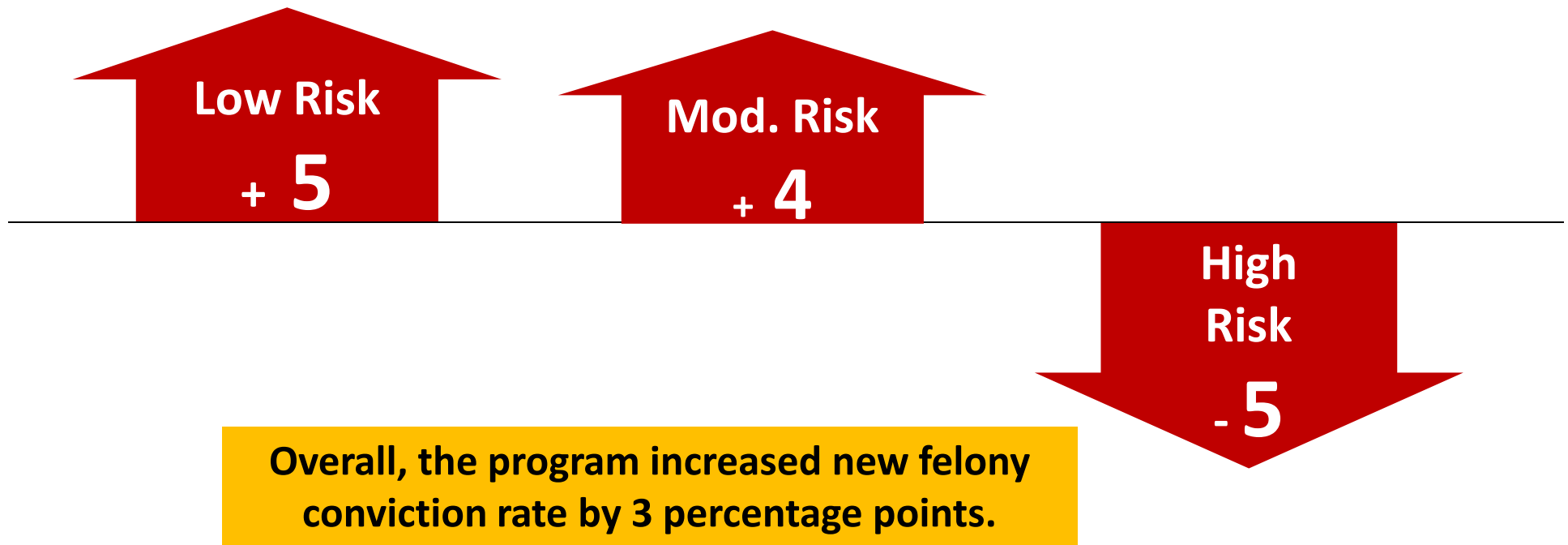
A Authorize probation officers to employ swift and certain responses to violations.

B Focus probation supervision on people most likely to commit crime.

- Require DOC to use a validated risk instrument.
- Direct DOC to focus supervision and treatment resources towards people assessed as higher risk.
- Reduce supervision resources spent on probationers most likely to be successful:
 - Class 1, 2, 3 misd. assessed as low risk.
 - Class A1 misd., and felony probationers assessed as low risk and violation free for up to 9 months

Focusing on low risk offenders can actually increase crime

Impact of Ohio Community Based Correctional Facility Program on New Felony Conviction Rate Compared with Probation Supervision



*2010 Evaluation of Ohio Community Based Correctional Facilities & Halfway Houses. University of Cincinnati

2 Hold Offenders More Accountable

A Ensure all felony offenders serve a period of mandatory supervision upon release from prison.

B Permit longer sentences for people convicted two or more times for B&E.

C Increase time served for people who misbehave while incarcerated.

- Require 9 months post-release supervision for Class F-I felons.
- Require 5 years of post-release supervision for Class F-I felons required to register for sex offenses.
- Mandate a set 90-day revocation period for condition violations to ensure most offenders will still be released on supervision.

CURRENT Distribution of Supervision Resources

Minimum
Risk

Low Risk

Moderate
Risk

High Risk

Unsupervised

Supervised

Probation

49,466

Misdemeanor Probationers



37,995

Felony Probationers



Release from Prison

21,745

Felony Class F-I, Misdemeanor Class A1 & 1-3



3,195

Felony Class B-E



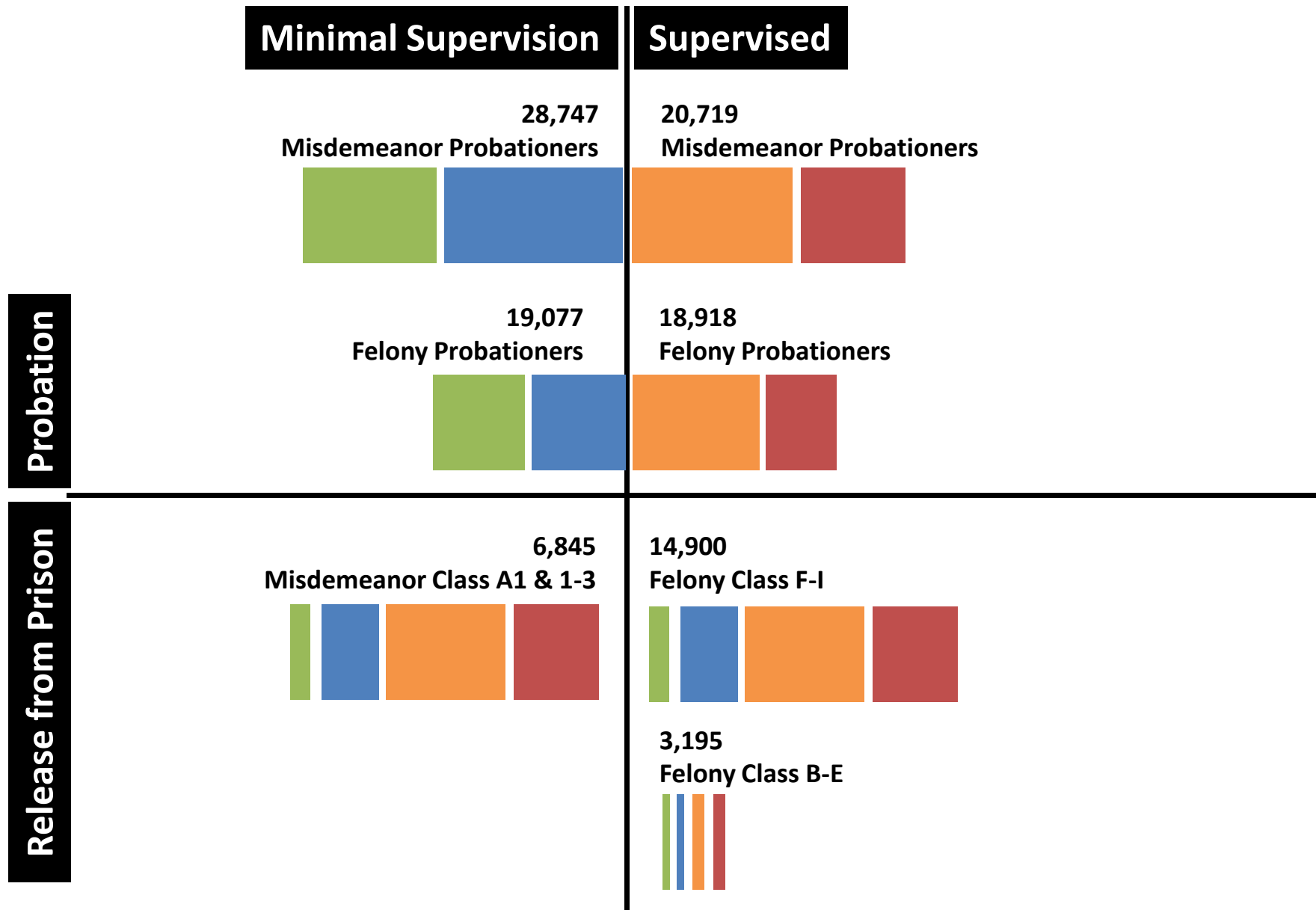
PROPOSED Distribution of Supervision Resources

Minimum
Risk

Low Risk

Moderate
Risk

High Risk



2 Hold Offenders More Accountable

A Ensure all felony offenders serve a period of mandatory supervision upon release from prison.

B Permit longer sentences for people convicted two or more times for B&E.

C Increase time served for people who misbehave while incarcerated.

- Create a new Class E sentencing option for people convicted two or more times of a felony B&E or second degree burglary offense (currently Class H or G offense).
- Modify the current habitual felon law to allow nonviolent offenders convicted four or more times to be sentenced at no more than two offense classes above the current underlying conviction.
- Maintain the current violent habitual felon law.

2 Hold Offenders More Accountable

A Ensure all felony offenders serve a period of mandatory supervision upon release from prison.

B Permit longer sentences for people convicted two or more times for B&E.

C Increase time served for people who misbehave while incarcerated.

- Require people convicted of felony offenses without any misconduct in prison to serve only 100 percent of their minimum sentence.
- Hold people convicted of felony offenses beyond 100 percent of their minimum sentence when they do not comply with prison rules and regulations.

3 Reduce Risk of Reoffending

A Provide a second chance for people charged with their first felony drug possession charge.

B Allow judges to give an incentive for people in prison to complete programs that reduce recidivism.

C Focus CJPP resources on programs proven to reduce crime and recidivism

- Expand the existing conditional discharge program to include Class I drug possession felonies.
- Exclude possession with intent to sell or deliver.
- Require that all people charged with Class I felony drug possession without any prior felony convictions be offered the opportunity to participate in the conditional discharge program.
- Require high-risk, high-need offenders to complete treatment.

3 Reduce Risk of Reoffending

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C Focus CJPP resources on programs proven to reduce crime and recidivism

- Allow judges to rule at sentencing whether a person may be eligible to reduce their sentence length to the mitigated range upon completion of prison-based programs recommended for that individual by DOC.
- Notify victims if offender is eligible for this option.

3 Reduce Risk of Reoffending

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B Allow judges to give an incentive for people in prison to complete programs that reduce recidivism.

C Focus CJPP resources on programs proven to reduce crime and recidivism

- Target CJPP programs toward high-risk and moderate to high need felony offenders.
- Assign operational responsibility for overseeing CJPP to the Division of Community Corrections.
- Move from a funding formula to a system of direct contracting between DOC and certified or licensed substance use professionals that provide services and use practices that have a demonstrated evidence base.

Policy Framework

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Additional Option 1

Limit length of time a person can be incarcerated when he or she has violated a condition of probation supervision.

- Cap, at 90 days, how long someone may be incarcerated when that individual violates the conditions of his/her probation supervision, but has not committed a new crime or absconded from supervision.
- Require continuation of the unfinished probation term upon release after serving 90 days in prison.
- Count the incarceration period served in prison or jail toward that person's underlying suspended sentence.
- Require such individuals who subsequently complete their suspended sentence to serve an additional nine months of post-release supervision.

Additional Option 2

Increase length of post-release supervision for serious offenders.

- Increase the length of post-release supervision from 9 months to 18 months for individuals convicted of felony class B1-E offenses.
- Provide that, when serious offenders violate the conditions of their supervision (but do not commit a new crime), the term of their incarceration will last 90 days and the portion of the 18 months not served prior to revocation will be served upon his or her return to the community
- Maintain, at nine months, the maximum term of incarceration a person can serve for committing a technical violation of their community supervision.

Additional Option 3

Divert misdemeanors from prison.

- Divert people convicted of misdemeanors who are currently being sentenced to prison to either jail or probation supervision.
- Ensure that people convicted of misdemeanors who are diverted from prison and placed on probation may still be mandated to prison when they fail to comply with conditions of supervision.

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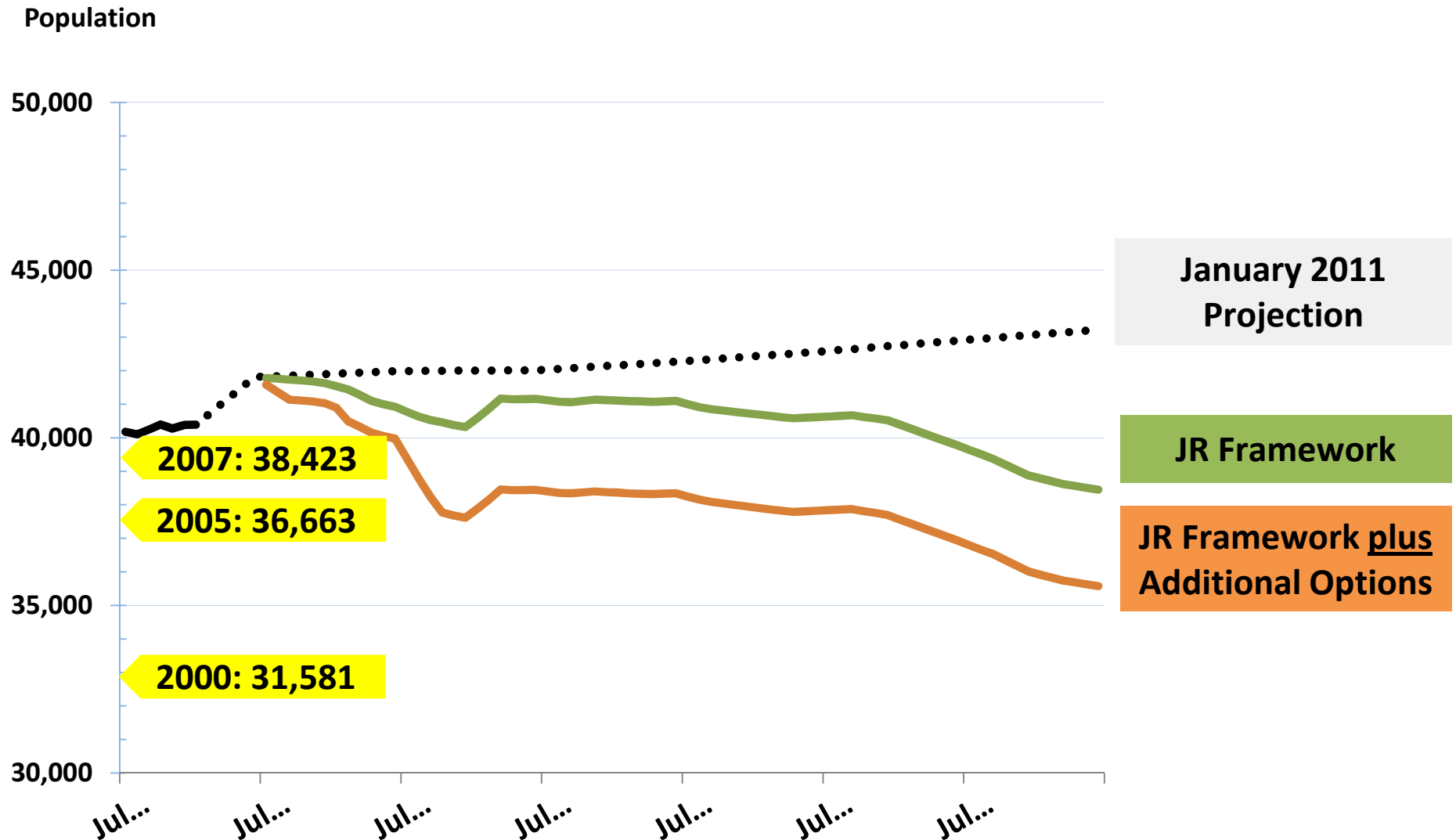
► Projected Population, Fiscal,
and Public Safety Impact

Projected Impact on Corrections Growth & Spending

- **The projected growth in the state prison system is avoided.**
 - Averts the 1,409 person projected increase between FY 2011 and FY 2017.
 - Gradually reduces the prison population down to FY 2007 levels by FY 2017.
 - Averts \$267 million in additional spending through FY 2017 that would have been required to construct and operate additional facilities to accommodate this growth.
- **The state saves more than \$125 million in corrections costs between FY 2011 and FY 2017**
 - Saves the state \$11 million in the next biennium and saves \$125 million by FY 2017 through implementing the policy option framework.
 - Saves the state almost \$72 million in the next biennium and saves \$365 million by FY 2017 when implementing the policy option framework plus the additional options.

Projected Impact on the Prison Population

North Carolina Prison Population: July 2010 through June 2017



Impact on Corrections Spending

	Status Quo	JR Framework	JR Framework <u>plus</u> Additional Options
FY2017 Prison Population	43,220	38,776	35,898
6 Year Cost / (Savings)	\$267 million	(\$125 million)	(\$365 million)
2 Year Cost / (Savings)	\$48 million	(\$11 million)	(\$72 million)
<i>Reinvestments</i> Prison-Based Programs CJPP Treatment Additional PPO Staff	0	\$2 million \$6 million 0	\$2 million \$13 million \$2.5 million
Net 2 Year Cost (Savings)	\$48 million	(\$3 million)	(\$54.5 million)

Projected Impact on Public Safety

- **Increases public safety by monitoring a higher risk group of people currently being released unsupervised**
 - Provides supervision to 15,000 felons otherwise released from prison without any supervision required.
- **Reduces recidivism rates among those on supervision**
 - Expands and targets effective programming to those with higher risk and needs who are more likely to benefit.
 - Combines treatment with swift and certain sanctions which can reduce probation revocations by 20 percent.
 - Reinvests \$8 million (\$17.5 million with additional policy options) in strengthening supervision and treatment programs.

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