

Joint Appropriations Subcommittee on Justice and
Public Safety

The Impact of the Justice
Reinvestment Act on Probation and
Post-Release Supervision Programs

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Today & Tuesday

- Today: JRA and Probation/Post-Release Supervision; workloads; staffing; steps taken by the Department; survey of Probation Officers
- Tuesday: Community Corrections in detail

Structure of the Presentation

- Brief overview of JRA
- The Probation and Post-Release Supervision (PRS) programs
- How JRA changed correction law in NC, and its specific impact on the PRS program
- Issues the Legislature may want to address in the upcoming session

Key Point

- The new mandates written into law in the Justice Reinvestment Act (JRA) require further action on the part of the Legislature because:
- 15,000 more felons will be released from prison this year--and every year--who are now, by law, required to be supervised. Current staffing levels are inadequate for this increased responsibility.

Where the Probation & Post-Release Supervision Program Fits

- The probation & post-release program falls under the Department of Public Safety (DPS), Community Corrections Section
- Authorized budget for FY 2012-13: \$135,653,835
- Budgeted Personnel: 2,249 FTEs
- 105,631 individuals under supervision today

Probation, Parole and Post-Release Supervision Defined

- Probation is a period of court-ordered community supervision of an offender as an *alternative* to imprisonment (a suspended sentence)
- Parole is the conditional release of an offender prior to the end of his/her sentence
- Post-Release Supervision (PRS) is a period of supervision after the completion of an active prison sentence

The Purpose of Post-Release Supervision

- Post-release supervision is a re-integrative program.
 - Created by the Structured Sentencing Act of 1993 to replace parole supervision for offenders who had served long prison sentences
 - Conditions of PRS are set by the Post-Release Supervision and Parole Commission
 - Length set by statute in JRA: B1-E felons are now supervised for 12 months
 - F-I felons are now supervised for 9 months

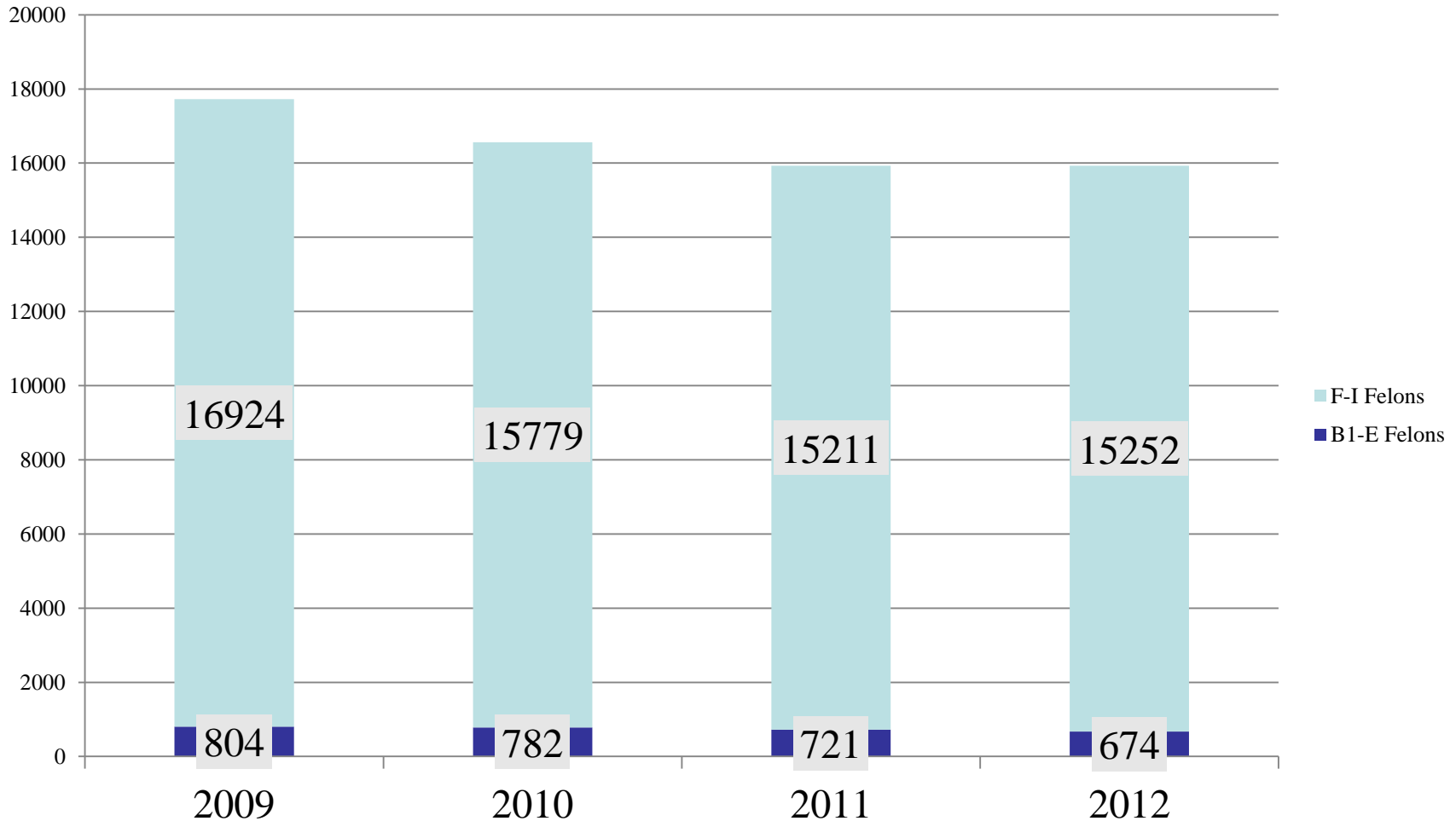
The Justice Reinvestment Act of 2011: An Overview

- JRA was created as a response to steady increases in prison population (and costs) *despite* decreased rates of crime.
- Some of JRA's provisions:
 - Expanded the authority of probation officers
 - Shifted emphasis to “evidence-based practices”
 - Mandated post-release supervision for all felons who serve an active sentence
 - Limited the circumstances under which probation could be revoked

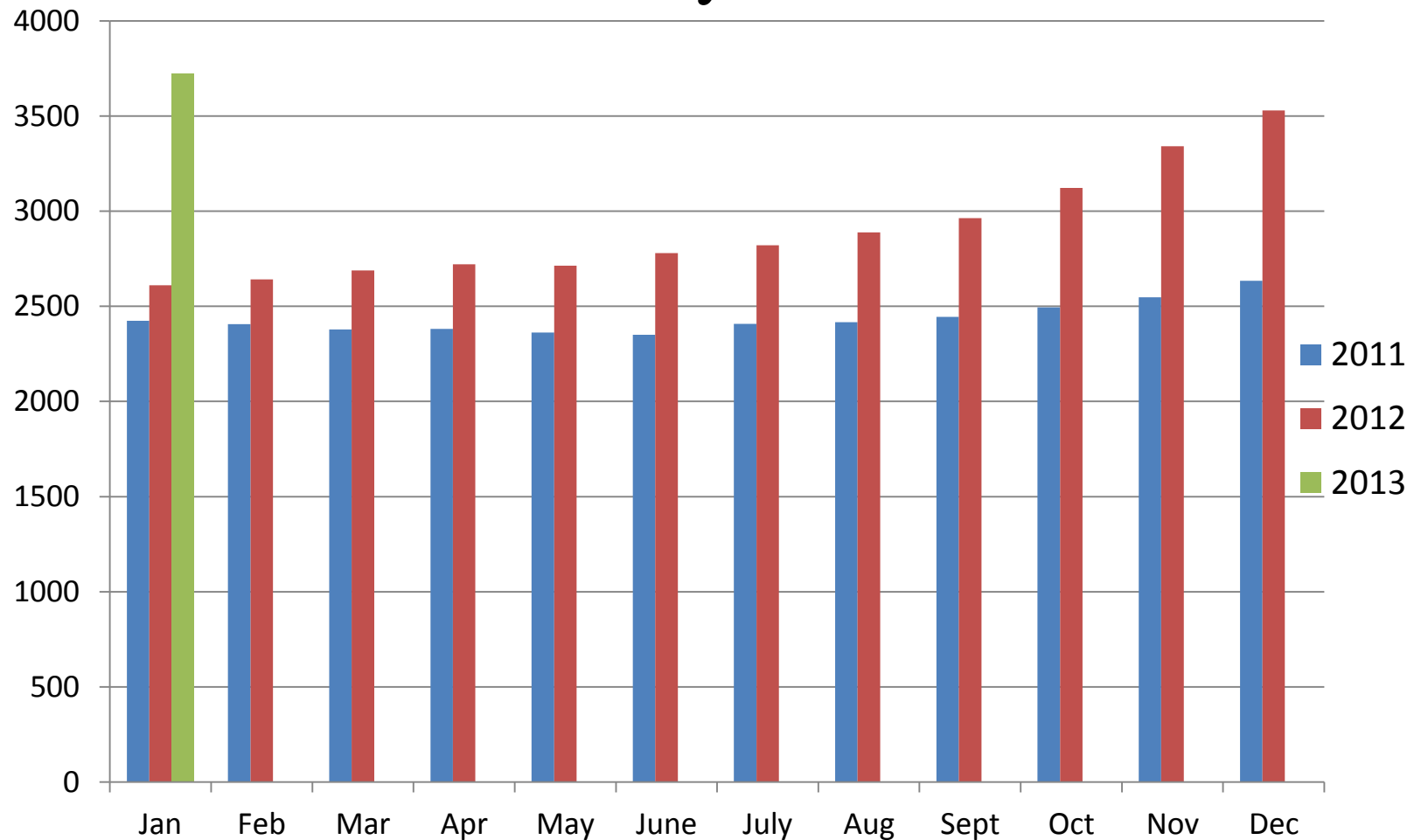
Why Did JRA Expand PRS?

- Council of State Governments' (CSG) Study found that probation revocations were one of the driving factors of correction costs in North Carolina.
 - Over half of admissions to prison are revocations of probation for technical violations.
- Many serious offenders were being released without supervision or a plan for re-integration into their communities.

Post-Release Supervision, Expanded



Post-Release Supervision Population, Month by Month



Costs

- Daily cost of prison per offender: \$75.54 per day, \$27,572 annually
- Daily cost of community corrections per offender: \$ 3.63 per day, \$1,325 annually

Caseload Consequences

- The expansion of PRS to include *all* felons dramatically increases the number of people requiring supervision (~15,000/year)
- Current active offender population: 105,000
- Current staff level: 1,504 PPO
- Current caseload average: 66/73 offenders per probation officer
- Caseload goal in statute: 60 offenders per officer

New Responsibilities for Probation Officers

- JRA expanded the authority of POs to include the ability to commit individuals to prison for short stays, without waiting for a hearing ('Quick dips') and allowed them to set more conditions for probationers
- More offenders = more chances to re-offend
- The shift to evidence-based practices entails more intensive tracking and data collection by POs on every one of their cases

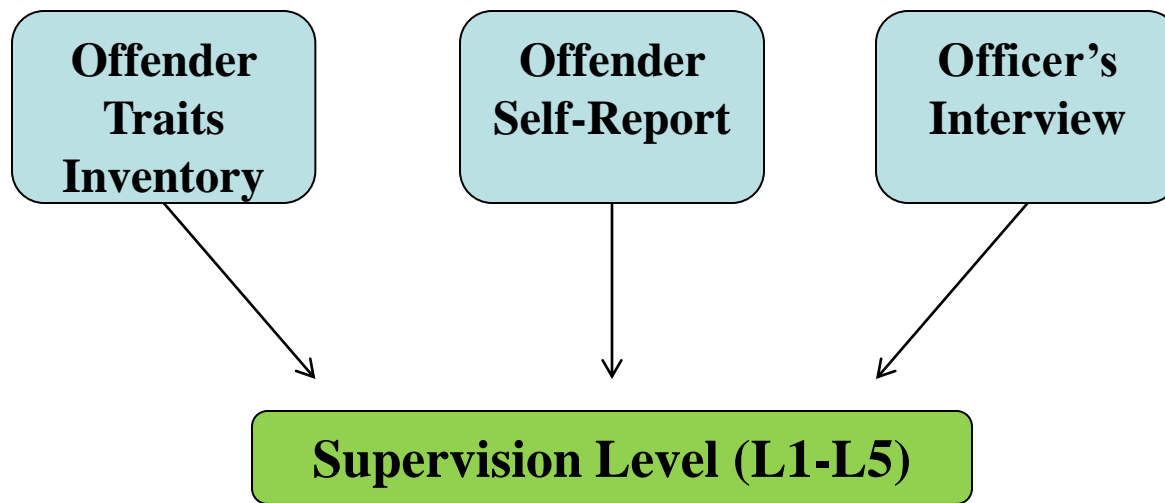
Evidence-Based Practices (EBP)

- Better data = better research = better results
- Sophisticated targeting of resources
- Each offender is analyzed using a risk-needs assessment ('criminogenic needs'). High-risk, high-need individuals are given more intensive support & supervision

Factors Determining Recidivism

- Recidivism is defined as: arrest, conviction and incarceration during a two-year period following release. (Source: NC Sentencing and Policy Advisory Commission)
- Risk factors: age, gender, prior criminal record, drug addiction, education level, unemployment

Risk-Needs Assessment



Supervision Levels

- Level One (L1): Highest Risks/Needs, most restrictive contact requirements and most severe responses to noncompliance
- Levels Four & Five (L4-L5): Lowest levels of Risk/Needs, least restrictive supervision levels, eligible for Offender Accountability Reporting (OAR)
- All officers now carry a blended caseload of all risk/needs levels

Addressing the Staffing Issue

- In the 2012 Session, the Legislature authorized DPS to reclassify vacant positions as PO positions
- DPS transferred 50 positions from Prisons to Community Corrections
- 31 positions have been filled so far; 19 are in process

Toward One Class of Officer

- Surveillance Officers (SOs): formerly helped with cases requiring intensive supervision, performing curfew checks, drug screens, searches and arrests
- DPS has begun to transition SOs: first, assigning them to monitor low-level offenders, then by reallocating the position and employee as a full caseload carrying PO

Projected Staffing Requirements

Caseload Scenario: 60 offenders

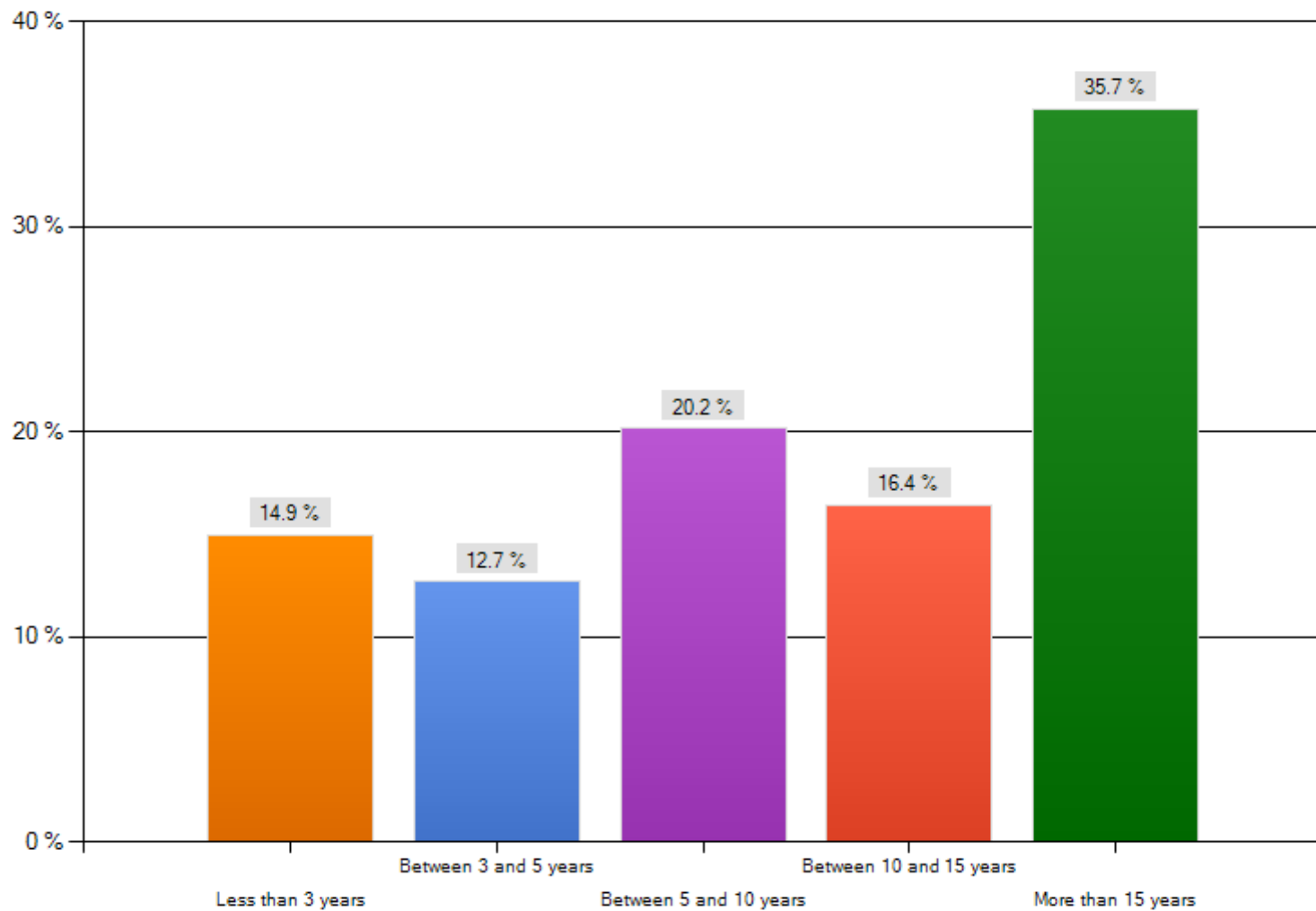
Fiscal Year	Projected Population	Current PO Staff	Required PO Staff	Additional POs Needed
FY 12-13	101,910	1,504	1,520	16
FY 13-14	104,912	1,709	1,749	40
FY 14-15	110,645	1,709	1,844	135
FY 15-16	114,575	1,709	1,910	201
FY 16-17	116,476	1,709	1,941	232

G.S. 15A-1343.2(c): “It is the goal of the General Assembly that, subject to the availability of funds, caseloads for probation officers supervising persons who are determined to be high or moderate risk of rearrest as determined by the Department’s validated risk assessment should not exceed an average of 60 offenders per officer.”

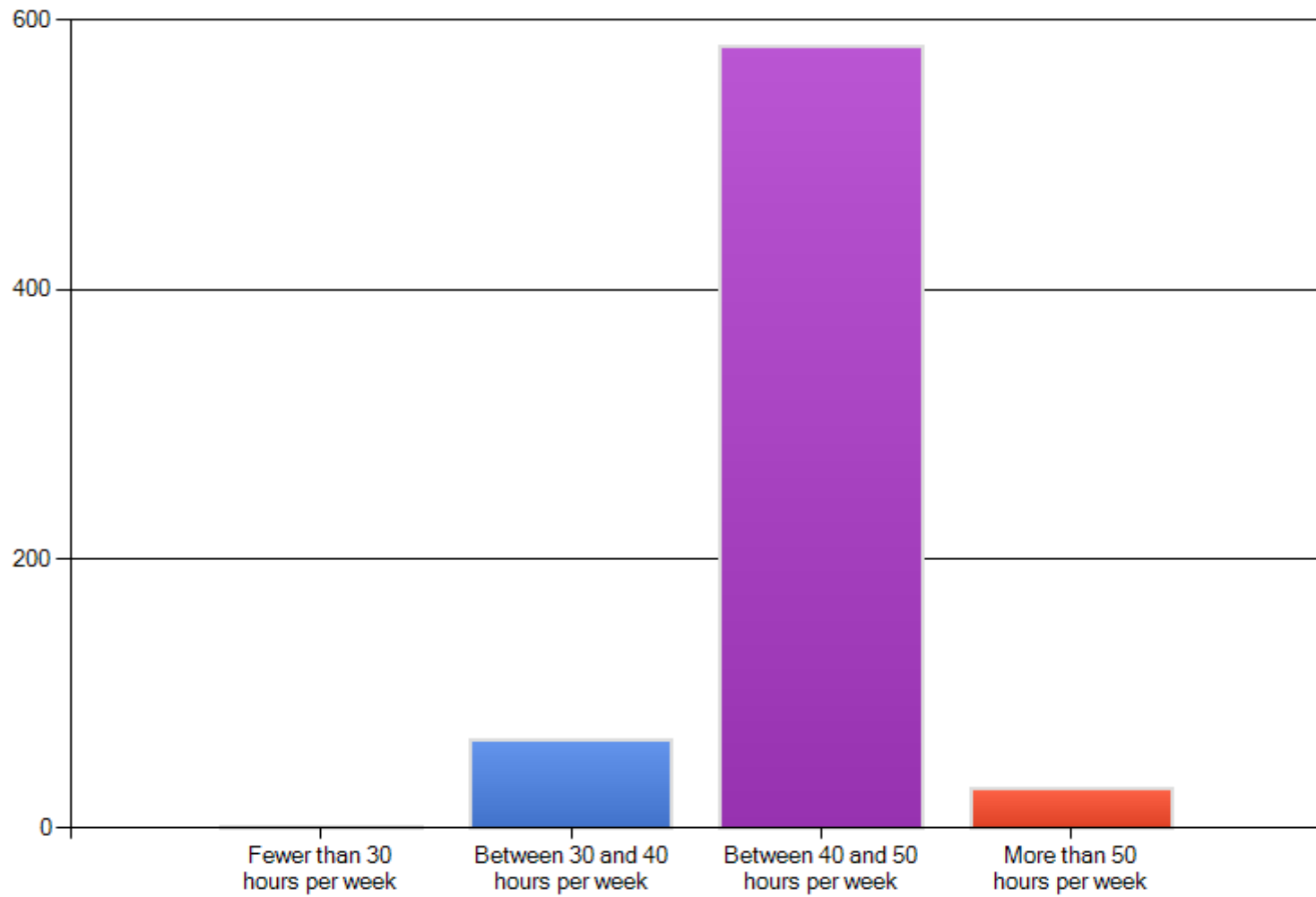
Notes From the Field

- Fiscal Research conducted a survey of all 1,500 current POs about the implementation of JRA and its impact on their workloads
- 674 responses in less than two days
- Some preliminary results:

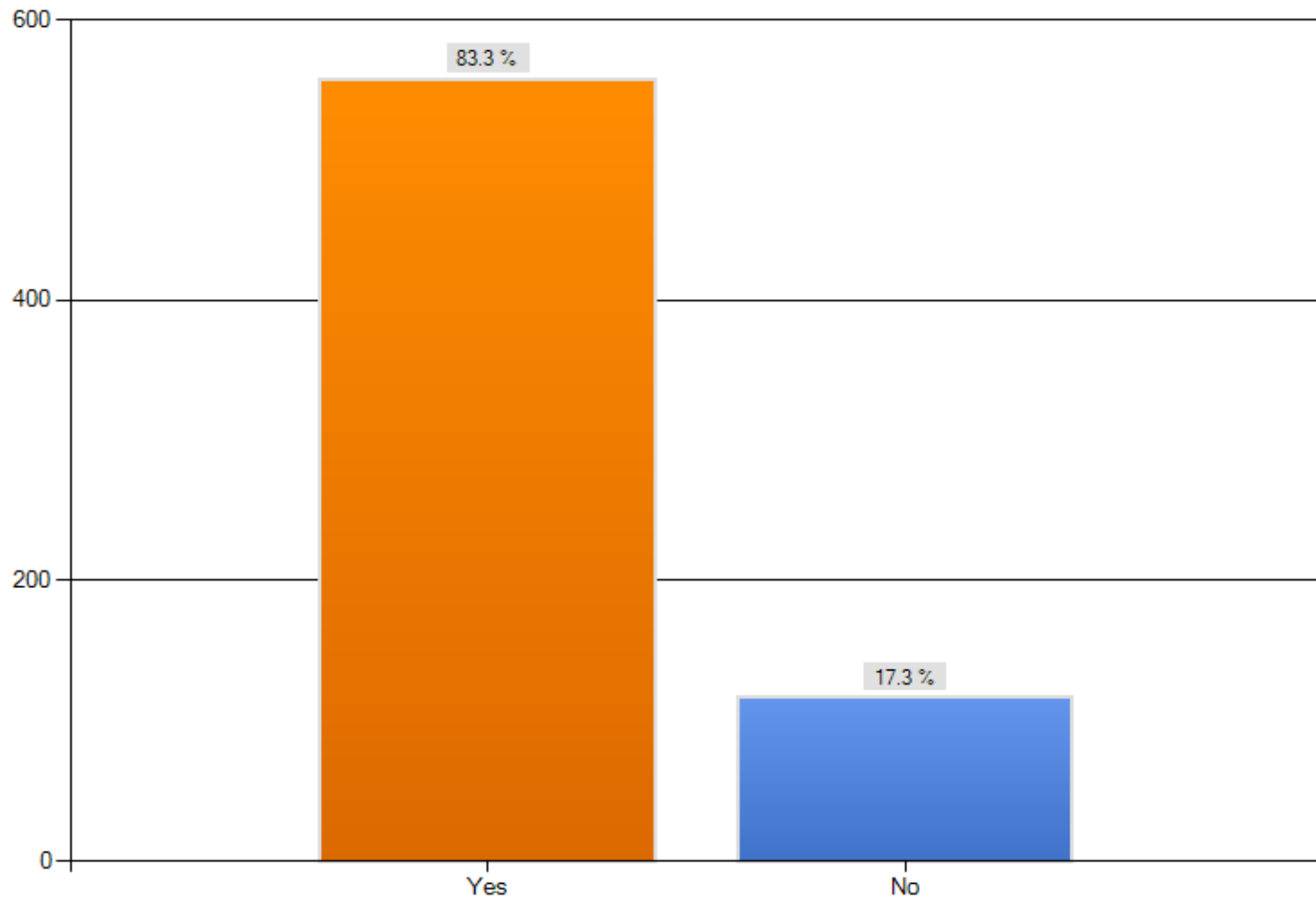
How long have you been employed as a probation officer?



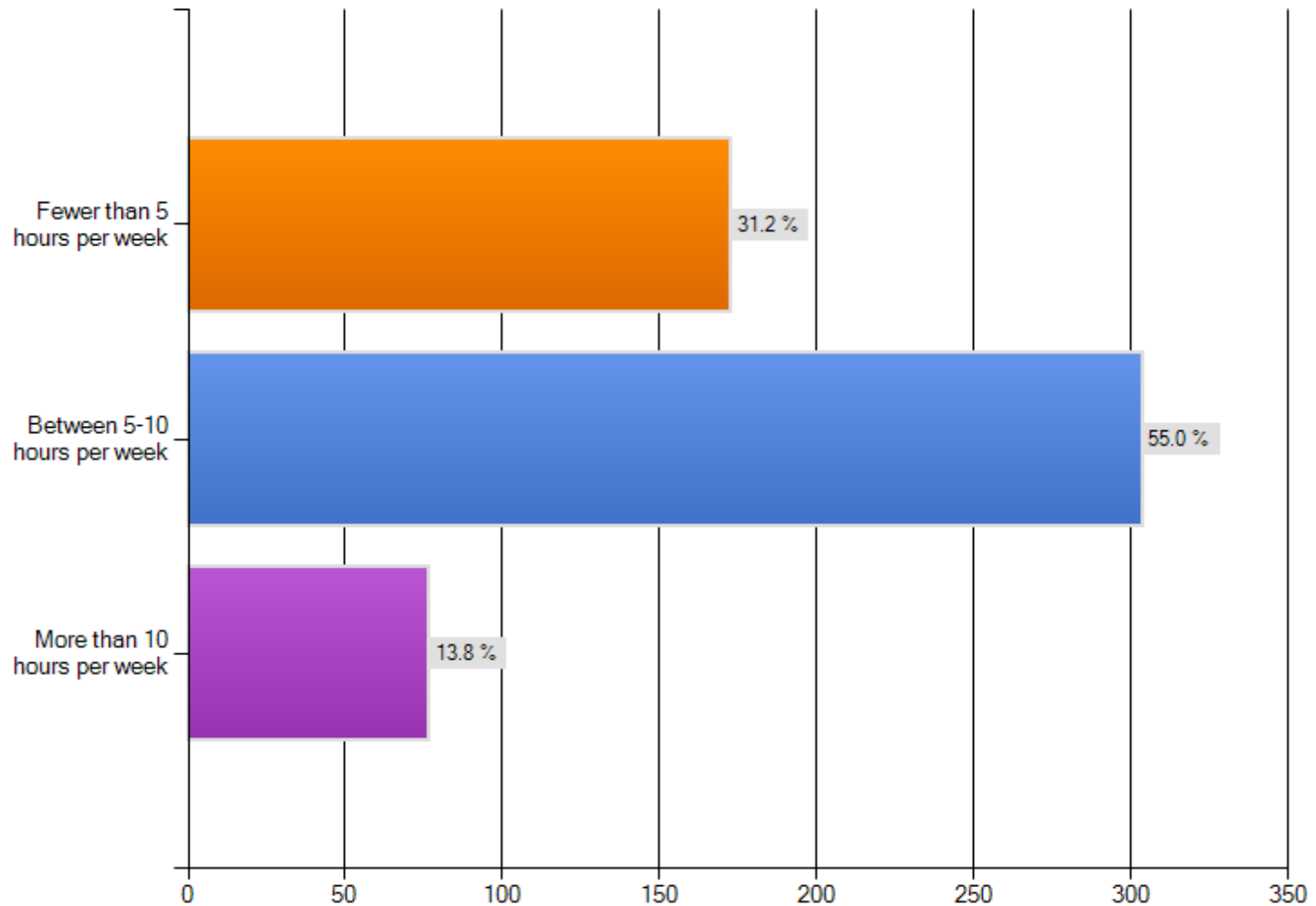
How many hours do you typically work each week?



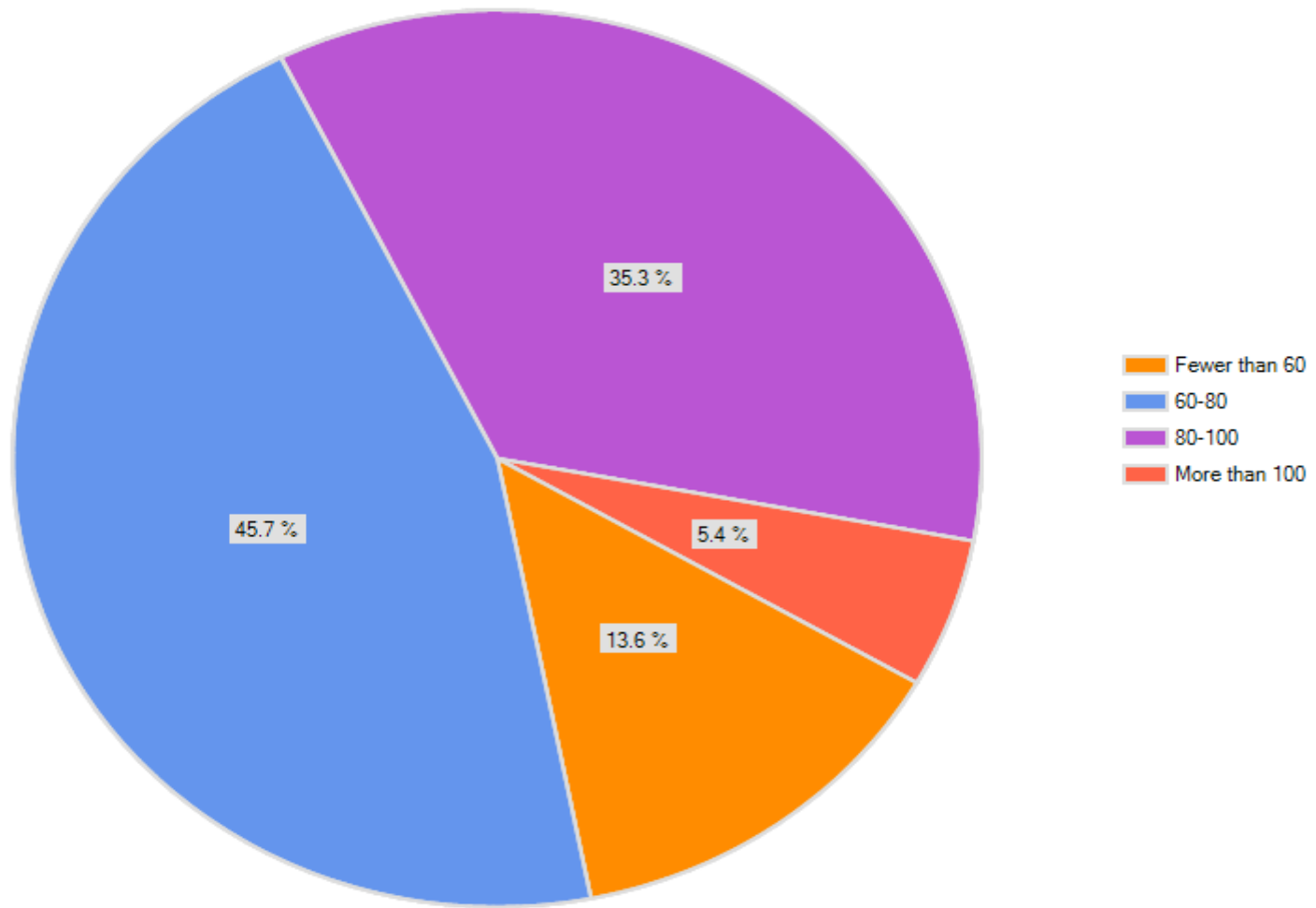
Has your workload increased since the implementation of JRA?



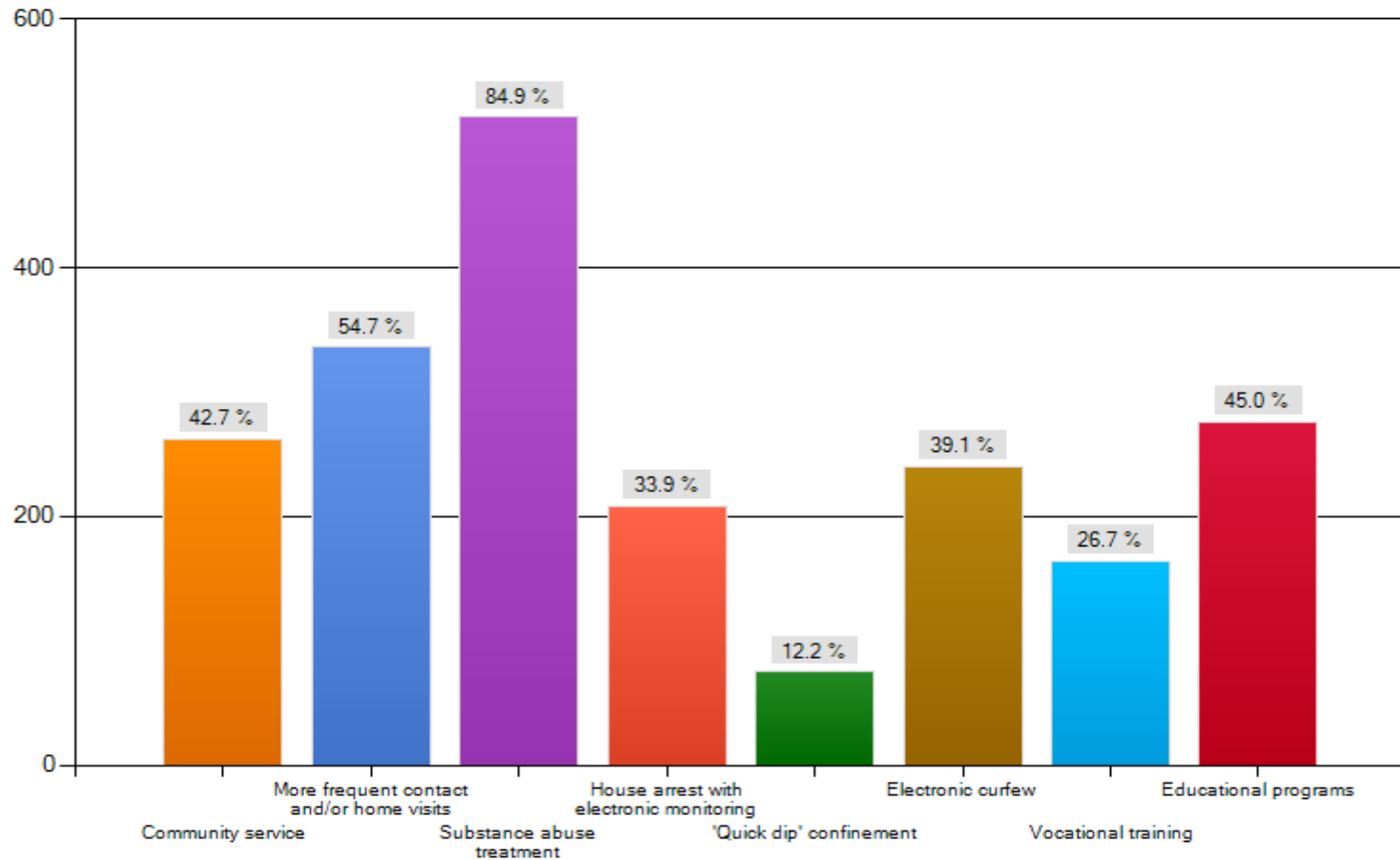
How much has your workload increased?



What is your current caseload?



Which of the following have you required of one of your probationers in the past 6 months?



The “Reinvestment” Part of JRA

- JRA was designed to balance itself: the cost savings from closing prisons was meant to offset increased costs elsewhere.
 - In 2010, the Legislature was able to reduce the Corrections budget by \$22 million due to declining prison admissions
 - In 2011, the Legislature closed four minimum custody prisons, eliminating 203 positions and saving \$5.4 million in FY 2011-12 and \$10.7 million in FY 2012-13

Conclusion

- In the upcoming session, the Legislature may wish to consider:
 - Whether to increase funding for PO positions in DPS; if so, how many positions and over what time period
 - Whether to mandate that the savings from other provisions in JRA be used in programs expanded by JRA