

Justice Reinvestment in North Carolina

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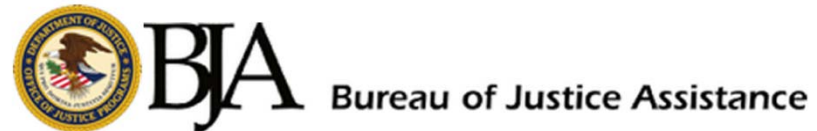
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“A data-driven justice reinvestment approach . . . to reduce spending on corrections and reinvest in strategies to increase public safety.”

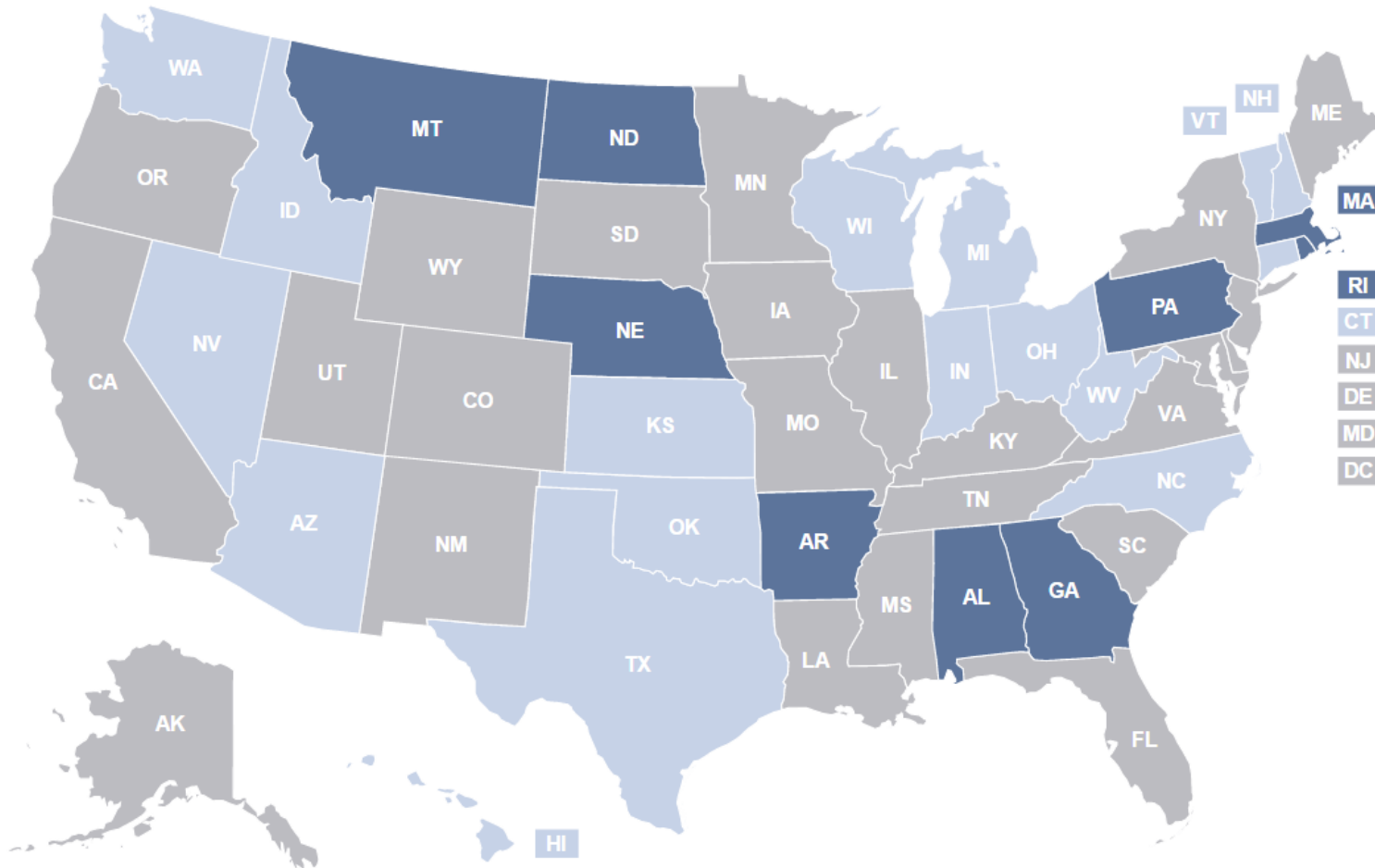
– Council of State Governments



States receiving technical assistance from the CSG Justice Center

Current States

Past States



Findings

1. Over half of new prison entries are revoked probationers
2. Most inmates leave prison with no supervision in the community
3. Treatment and supervision resources not allocated in an evidence-based way
4. Unusual number of misdemeanants in prison

Legislation

- 2011 Justice Reinvestment Act
- 2011 Technical Corrections Act
- 2012 Technical Corrections Act
- 2013 Clarifying Changes Act
- 2014 Jail Credit Clarifications
- 2015 CRV eliminated for misdemeanants
- 2016 JRA Amendments

THE NORTH CAROLINA
Justice Reinvestment Act

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Finding: Over half of new prison entries are revoked probationers

Limit Judges' Authority to Revoke

Before JRA

- Judge could revoke for any single violation of probation

2015: CRV repealed for misdemeanants

- Substitute 2-3 day "quick dips" for CRV

After JRA

- Revocation limited to:
 - New criminal offense
 - Absconding

All other violations:

- 90-day "Confinement in Response to Violation" (CRV)
- After two CRV periods, court may revoke

Pathways to Revocation for Technical Violations

Felony



Misdemeanor

Placed on
before 12/1/15



Misdemeanor

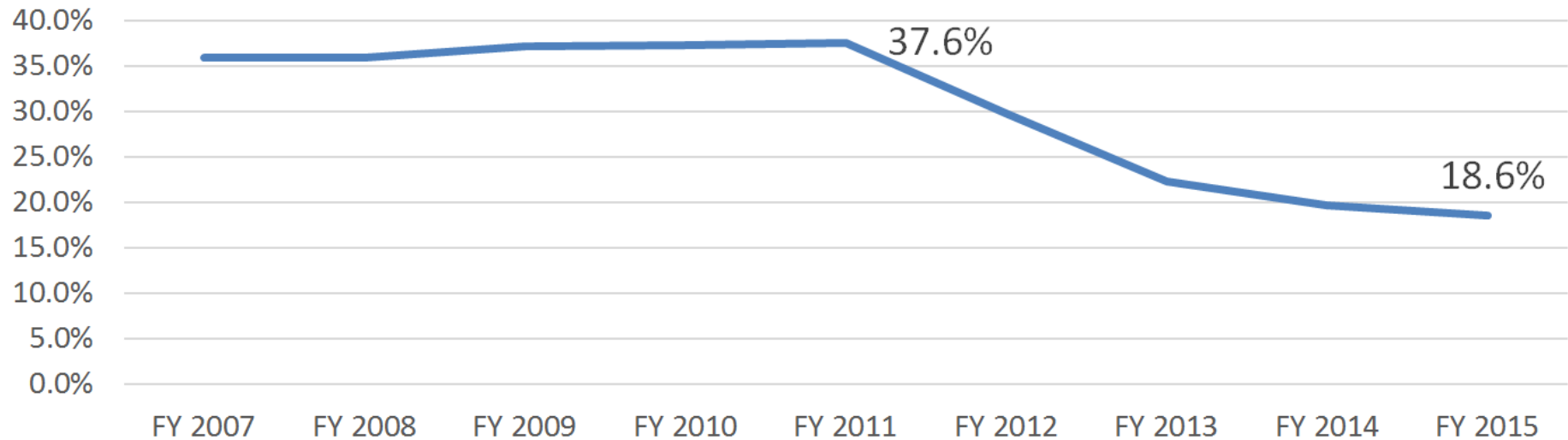
Placed on on/after
12/1/15



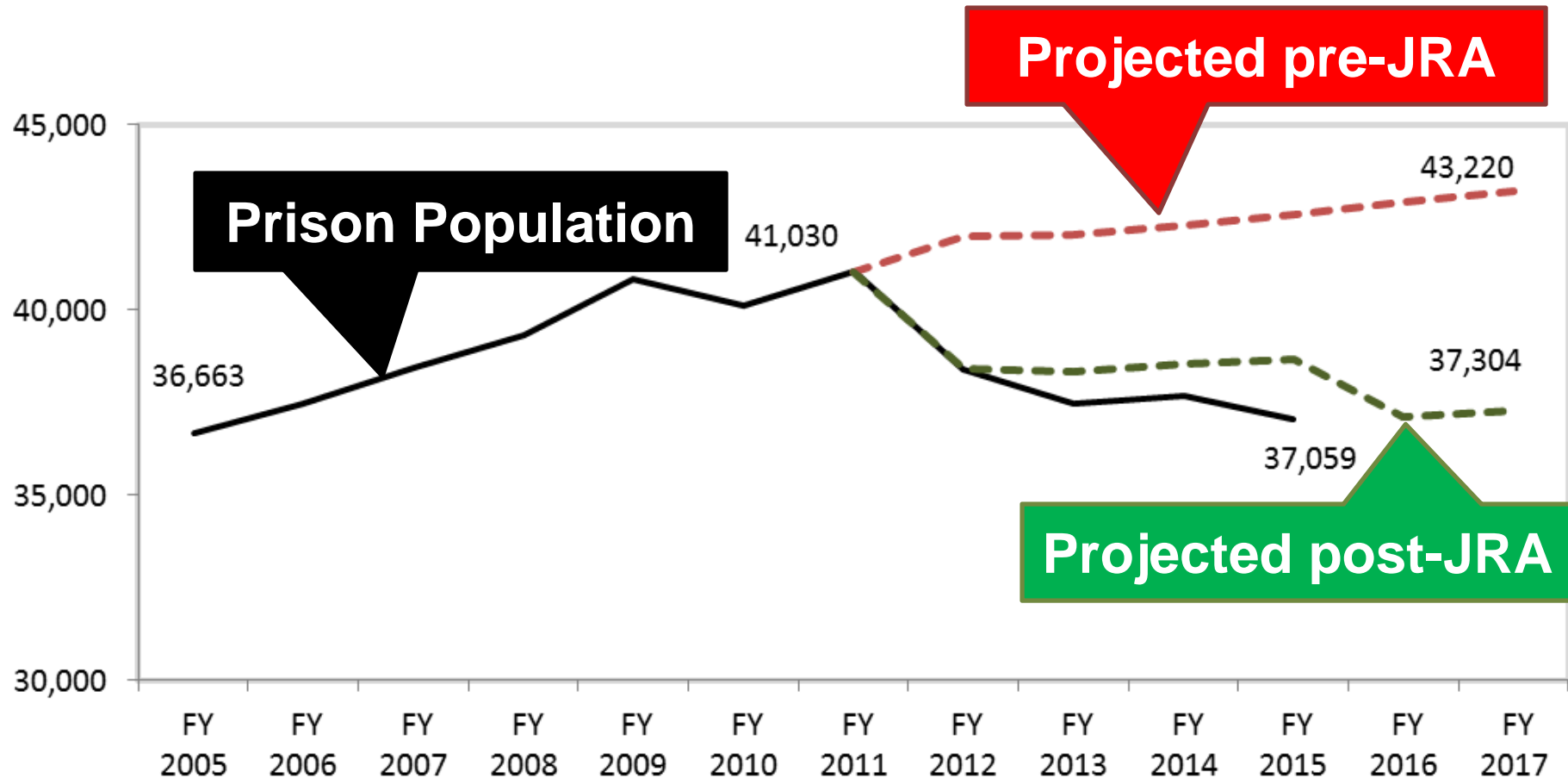
DWI



Probation Revocation Rate



Prison Population



Finding: Most inmates leave prison with no supervision in the community

Post-Release Supervision (PRS) for All Felons

Before JRA

- 9-month PRS for Class B1-E felons

After JRA

- 9-month PRS for Class F-I felons
- 12-month PRS for Class B1-E felons
- 60-month PRS for sex offenders

Finding: Treatment and supervision resources not allocated in an evidence-based way

Expand Delegated Authority

Before JRA

- Probation officer had limited authority to impose new conditions in response to violation

After JRA

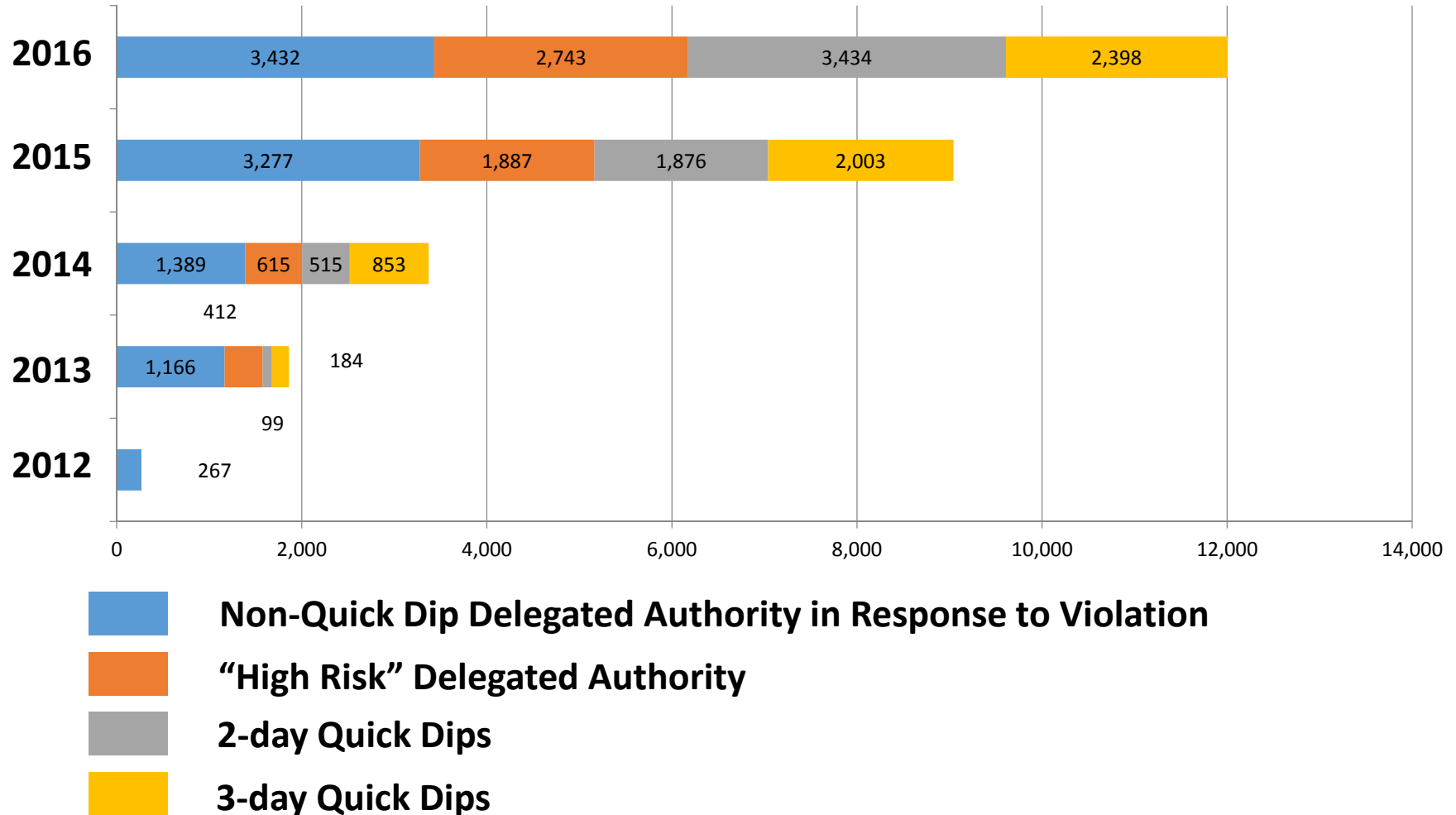
- Probation officer has expanded authority to impose more conditions in response to violations or risk level
 - Includes power to impose “quick dips” in the jail in response to violation

Delegated Authority

- Community service
- Substance abuse assessment, monitoring, or treatment
- Electronic house arrest
- Curfew with monitoring
- Educational/vocational programs
- Quick dip confinement

Note:
Delegated
authority does
not apply in
DWI cases

Delegated Authority Utilization



Finding: Unusual number of misdemeanants in prison

Change Place-of-Confinement Rules

Before JRA

- Felons: Prison, except at sheriff/board request
- Misdemeanants:
 - 1-90 days: Local jail
 - 91+ days: Jail or prison in judge's discretion

After JRA

- Felons: Prison
- Misdemeanants:
 - 1-90 days: Local jail
 - 91+ days: SMCP
 - 18 months: SMCP
 - Ex

Since 2015:

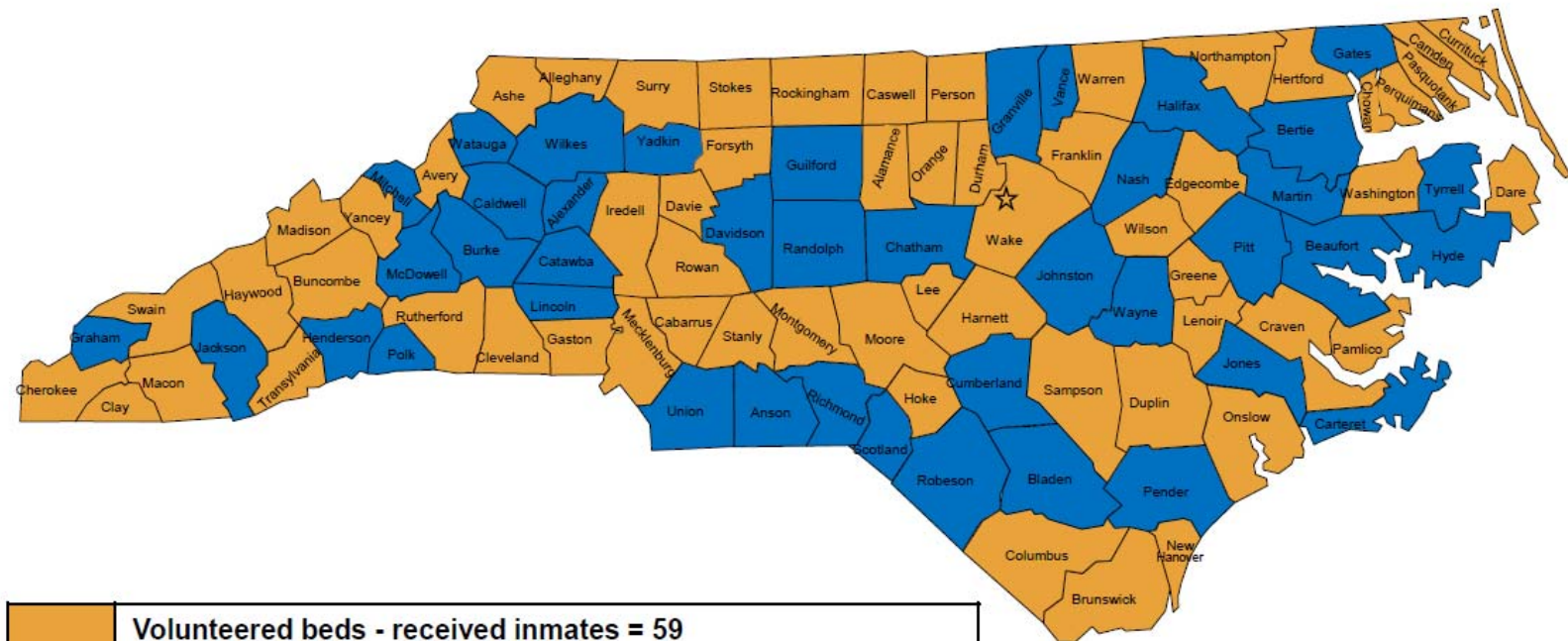
- 1-90: Local jail
- 91+: SMCP
- ALL DWI: SMCP

Statewide Misdemeanant Confinement Program (SMCP)

- Process:
 - Judge commits defendant to SMCP
 - N.C. Sheriffs' Association identifies space in a jail that has volunteered space to the program
 - If no space, defendant goes to DAC
 - SMCP reimburses the custodian (\$40/day)

Statewide Misdemeanant Confinement Program

Counties that have Volunteered Beds to the Statewide Misdemeanant Confinement Program (SMCP)



	Volunteered beds - received inmates = 59
	Not volunteered beds = 41

SMCP Numbers

- As of 31 January 2017:
 - Capacity: 1737 beds
 - Population: 1102 inmates
 - DWI population: 160
 - 2015 year-end Fund balance: \$50 million
 - 2016 reimbursements paid: \$18 million
 - 2016 medical payments: \$1 million

Other Changes

- Advanced Supervised Release created
- G.S. 90-96 deferral expanded
- Habitual felon law amended
- Habitual breaking/entering created

Advanced Supervised Release (ASR)

Before JRA

- No felon released before serving minimum sentence

ASR sentences

2016: 79

2015: 90

2014: 71

After JRA

- ASR gives opportunity for early release upon completion of “risk reduction incentives” in prison
 - Only certain Class D-H defendants eligible
 - Requires trial judge and prosecutor approval

G.S. 90-96 Deferral Expanded

Before JRA

- Optional deferral program for first-time drug offenders
 - Mostly misdemeanants
- If successful on G.S. 90-96 probation, conviction is dismissed

After JRA

- Mandatory deferral program for first-time drug offenders

Returned to
discretionary status
in 2013

Habitual Felon Law

Before JRA

- Fourth/subsequent felony sentenced as Class C felony, regardless of offense class
 - E.g., Class I → Class C

After JRA

- Four-class enhancement for fourth/subsequent felony, capped at Class C
 - Class I → Class E
 - Class H → Class D
 - All others → Class C

914 habitual felon sentences in 2016

Habitual Breaking/Entering

Before JRA

- None

- 2016: 158 sentences
- Note: B/E is still most common substantive offense associated with the regular habitual felon law (96/914)

After JRA

- Second/subsequent felony breaking/entering offense may be sentenced as Class E felony

Questions?

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