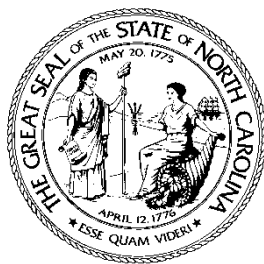


***North Carolina
Sentencing and Policy Advisory Commission***

**Justice Reinvestment Act
Implementation Evaluation Report**



***Project Conducted in Conjunction with the
Division of Adult Correction and Juvenile Justice of the
North Carolina Department of Public Safety***

Submitted pursuant to N.C. Gen. Stat. § 164-50 (2016)

April 15, 2017

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I. INTRODUCTION

In 2011, the North Carolina General Assembly directed the Sentencing and Policy Advisory Commission (Sentencing Commission) and the Division of Adult Correction and Juvenile Justice (DACJJ) of the Department of Public Safety (DPS) to jointly conduct ongoing evaluations regarding the implementation of the Justice Reinvestment Act (JRA).¹ This report constitutes the sixth report in compliance with the directive.

The Sentencing Commission's implementation evaluation reports have followed the process from the early stages of implementation of the JRA to the current, more settled phase of implementation. This report highlights recent legislative changes to the JRA, policies and practices that have been adjusted in 2016, new initiatives undertaken by agencies to further the goals of the JRA, and data examining the usage of JRA tools and preliminary outcomes under the JRA.²

The information for the report comes from updates provided by agencies at meetings of the Justice Reinvestment Implementation Report Subcommittee (*see infra*), from agency and organizational reports submitted to the Legislature, and from data collected by agencies. Given that the correctional system was most affected by the changes under the JRA, the management information system used by DPS, the Offender Population Unified System (OPUS), is the primary source for data presented in this report. Much of the information was obtained from DACJJ's Rehabilitative Programs and Services Section, as well as from their online Automated System Query (ASQ). Information about the Statewide Misdemeanant Confinement Program (SMCP) was obtained from the North Carolina Sheriffs' Association (NCSA).³

This first section of the report provides background on the JRA and subsequent, related legislation that made changes to it. Section II of the report includes information related to sentencing practices under the JRA (e.g., data on special probation and habitual felon status offenses). Section III provides information on community supervision including recent policy changes and data on the population of offenders under supervision in North Carolina. Section IV details the effect of the JRA on incarceration practices for both local confinement facilities and state prisons. Section V summarizes key findings from the report.

Justice Reinvestment Implementation Report Subcommittee

In response to the mandate to conduct ongoing evaluations of the implementation of the JRA, the Sentencing Commission established the Justice Reinvestment Implementation Report Subcommittee. The purpose of the Subcommittee is to gather information, review data when available, and report to the Commission any recommendations regarding the implementation of the JRA. The Subcommittee met two times after the submission date of the previous report (April 15, 2016): November 18, 2016, and March 24, 2017.

¹ N.C. Gen. Stat. (G.S.) § 164-50.

² See Appendix A for a full timeline of the JRA implementation.

³ See Appendix B for a full list of acronyms used in this report.

Background

In 2009, North Carolina's executive, legislative, and judicial leadership requested technical assistance from the Council of State Governments (CSG) Justice Center to study North Carolina's criminal justice system. The bi-partisan request was made in response to the state's increasing prison population and with the hope CSG would determine ways North Carolina could curb expenditures for building prisons as well as ways to reinvest in strategies to reduce corrections spending overall.⁴

From 2009 to 2010, CSG analyzed North Carolina data, examined the criminal justice system, and engaged stakeholders and policymakers to identify potential areas for improvement in sentencing, supervision, and treatment practices. CSG found that probation revocations and various sentence enhancements were two factors straining the prison system. CSG also noted the lack of supervision for many offenders leaving prison, as well as inadequately targeted treatment in the community. CSG developed and recommended a legislative package designed to increase public safety while curbing spending on corrections by reinvesting in community treatment.⁵

The policy options presented by CSG were incorporated into House Bill 642, The Justice Reinvestment Act. Representatives Bordsen, Faircloth, Guice, and Parmon introduced HB 642 in the North Carolina General Assembly during the 2011 Session. Both the House of Representatives and Senate ultimately passed the legislation with overwhelming support. Governor Perdue signed the JRA into law on June 23, 2011.

Major Provisions of the Justice Reinvestment Act

The JRA makes changes to North Carolina's court system and corrections system (encompassing prisons, probation, and post-release supervision (PRS)). The JRA also creates a statewide confinement program for misdemeanants, refocuses community resources, creates a new habitual breaking and entering felony offense, and modifies the punishment for habitual felons. A summary of the major provisions of the JRA is provided below, by system.⁶

Changes to the Court System

The JRA expands the existing drug diversion program⁷ to make it mandatory. All first-time offenders convicted of a misdemeanor or Class I felony possession of drugs or paraphernalia offense are placed in the program. However, the General Assembly subsequently amended the statute to allow a judge to find that an offender is inappropriate for the program⁸ (see Related Legislation).

⁴ Due to a confluence of factors, the prison population in North Carolina has declined since 2009. Legislative changes made to the felony punishment chart in 2009, as well as changes to earned time credits made in 2011, contributed to the decline. North Carolina has also experienced changes in demographic trends (including a decrease in the rate of growth in the state's population, particularly for males ages 16-24) and decreases in crime trends overall. (For a full report on North Carolina's prison population, see NC Sentencing and Policy Advisory Commission, *Prison Population Projections FY 2017-FY 2026*).

⁵ For the full report from CSG, see Council of State Governments Justice Center, *Justice Reinvestment in North Carolina, Analysis and Policy Framework to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety*, April 2011.

⁶ Additional information on the JRA is available in multiple places. See NC Sentencing and Policy Advisory Commission, *Justice Reinvestment Implementation Evaluation Report, 2012-2016*, available at

<http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/JRIReports.asp>; *The North Carolina Justice Reinvestment Act* by James Markham, UNC SOG, published December 7, 2012; and <http://www.sog.unc.edu/node/2044>.

⁷ G.S. 90-96.

⁸ Session Law (S.L.) 2013-210.

An habitual breaking and entering status offense is created; offenders who commit their second felony breaking and entering offense are eligible and, if convicted, are sentenced in Class E according to the felony punishment chart.⁹

The existing habitual felon law is modified under the JRA; habitual felons are sentenced four classes higher than the class of the current offense, but no higher than Class C.¹⁰

The JRA redefines Community and Intermediate punishments.¹¹ Community punishment is defined as any sentence other than an Active punishment, drug treatment court, or special probation (split sentence). Intermediate punishment is defined as supervised probation. It may include any other condition of probation. Drug treatment court and special probation (split sentence) are limited to Intermediate punishment sentences. The court has the discretion to impose supervised probation with no additional conditions as an Intermediate punishment.

The JRA creates short periods of confinement (“quick dips”) in jail as a new condition of probation.¹² The court is authorized to impose up to six days per month in jail. This condition can be imposed as part of a Community or Intermediate punishment.

Advanced Supervised Release (ASR) is created under JRA for certain offenders receiving active sentences.¹³ ASR allows judges, without objection from the prosecutor, to decide at sentencing whether eligible offenders will be ordered to this prison program which, if completed, leads to their release after serving a reduced minimum sentence.

Changes to Probation

The JRA codifies the use of risk and need assessments as a strategy in managing offenders and allocating resources in the community and directs DACJJ to perform an assessment on all offenders.¹⁴ Supervision and other resources are targeted based on offenders’ levels of risk and need.

The JRA expands delegated authority for probation officers. They are authorized to impose most of the current conditions of probation and to respond to violations by imposing quick dips. The officer may impose a quick dip without a court hearing if the offender signs a waiver.¹⁵

Under the JRA, prison time imposed for technical violations of probation (i.e., violations other than absconding or commission of a new crime) is limited. Originally, the penalty for a first or second technical violation of probation was set at 90 days imprisonment for a felon and up to 90 days for a misdemeanor.¹⁶ Subsequently, the law was amended to eliminate the Confinement in Response to Violation (CRV) period for misdemeanants sentenced to probation under the Structured Sentencing Act (SSA).¹⁷

⁹ G.S. 14-7.31.

¹⁰ G.S. 14-7.6.

¹¹ G.S. 15A-1340.11(2), (6).

¹² G.S. 15A-1343 (a1)(3).

¹³ G.S. 15A-1340.18.

¹⁴ G.S. 15A-1343.2(b1).

¹⁵ G.S. 15A-1343.2(e) and (f).

¹⁶ G.S. 15A-1344(d2).

¹⁷ S.L. 2015-191.

Changes to Prisons

See Advanced Supervised Release above – “Changes to Court System.”

Changes to Post-Release Supervision

PRS under the JRA is expanded to include all felons. After serving an active sentence, a period of nine months of supervision is required for Class F-I felons and five years of supervision is required for Class F-I felons convicted of a sex offense. The revocation period for these offenders is nine months. PRS for Class B1-E felons who are not convicted of a sex offense is expanded to twelve months; the revocation period is expanded to twelve months as well.¹⁸

Similar to probation, prison time imposed for technical violations on PRS is limited. The penalty for a first, second, or third technical violation is set at three months of imprisonment. Upon the fourth technical violation, the Post-Release Supervision and Parole (PRSP) Commission may revoke PRS and impose the rest of the prison sentence.¹⁹

Resources

The Criminal Justice Partnership Program (CJPP) is repealed under the JRA and the Treatment for Effective Community Supervision (TECS) program is created.²⁰ DACJJ is authorized to enter into contractual agreements with eligible entities for the operation of community-based corrections programs. TECS focuses on certain offenders: (1) offenders convicted of a felony; (2) offenders participating in the felony drug diversion program; and (3) offenders who are identified by DACJJ to have a high likelihood of re-offending and who have a moderate to high need for substance abuse treatment. Programs eligible for funding include substance abuse treatment programs, cognitive-behavioral programming, and other evidence-based programming (EBP).

Under the JRA, the SMCP is created.²¹ Most misdemeanants will be housed in local jails instead of state prisons. NCSA operates the SMCP; it was funded by court costs that went to the Statewide Misdemeanant Confinement (SMC) Fund; however, the General Assembly has subsequently changed funding to a direct appropriation.²² The SMCP finds space to house eligible misdemeanants in participating local jails. If the participating local jails are full, DACJJ houses the offenders. Originally, misdemeanants who received a sentence of between 91 and 180 days of confinement, excluding sentences for impaired driving²³ offenses, were placed under the SMCP; misdemeanants who received a sentence greater than 180 days were housed in the state prison system. However, the General Assembly subsequently amended the statutes to provide that all misdemeanants who receive a sentence greater than 90 days, and all offenders convicted of impaired driving offenses regardless of sentence length, will serve their time in participating local jails through the SMCP²⁴ (see Related Legislation).

¹⁸ G.S. 15A-1368.1 to -1368.2.

¹⁹ G.S. 15A-1368.3(c).

²⁰ G.S. 143B-1150 to -1160.

²¹ G.S. 148-32.1(b2) to (b4).

²² S.L. 2015-241.

²³ Impaired driving is also referred to as “driving while impaired” or “DWI.”

²⁴ S.L. 2014-100.

Effective Dates

The JRA went into effect in 2011 and early 2012 (see Table 1). Tracking the effective dates and events that determine offender eligibility is critical to proper application of the law.

The varied effective dates of the JRA created difficulties for agencies with regard to implementation. There is not a simple distinction between “old” and “new” law; practitioners must be aware of when each provision went into effect in order to determine which offenders are eligible for certain offenses, conditions, and punishments. The General Assembly has also amended the JRA (see Related Legislation), creating additional effective dates for new and amended JRA provisions which also must be tracked to ensure proper application of the law.

Table 1
JRA Effective Dates by Provision

Date	Application	Provision
July 1, 2011	N/A	TECS program SMC Fund
December 1, 2011	Probation violations occurring on or after:	CRV
	Offenses committed on or after:	Habitual Breaking and Entering Habitual Felon Redefine Community and Intermediate punishment Expand Delegated Authority Expand PRS
January 1, 2012	Pleas or guilty findings on or after:	Drug diversion ASR
	Sentences imposed on or after:	SMCP

Having multiple effective dates also created some inconsistencies: for example, an offender who committed a Class F-H offense prior to December 1, 2011, but who is not found guilty until after January 1, 2012, could be eligible for the ASR program even though they would not be subject to PRS. As more time passes under the new law, however, these inconsistencies will phase out (i.e., fewer cases will have offense dates prior to December 1, 2011).

Related Legislation

The Legislature passed the JRA in June 2011 and has made several amendments and clarifying changes since then. Table 2 provides a list of all JRA amendments, their effective dates, and their application. The first clarifying changes came in September 2011 before the JRA went into effect. S.L. 2011-412 clarified probation officers’ delegated authority for Community and Intermediate punishments. Confinement periods imposed through delegated authority must run concurrently and may total no more than six days per month for offenders on probation for multiple judgments. The legislation also specified that any time spent in confinement awaiting a hearing for a probation violation must be credited towards the CRV period, and that CRV periods must run concurrently for offenders on probation for multiple

offenses. This statute was amended in 2014 to prohibit any credit from being applied to the CRV period (*see infra*).

In June 2012, the Legislature made additional clarifications to the JRA. S.L. 2012-188 clarified that offenders sentenced to Community or Intermediate punishments and ordered to perform community service shall pay a community service fee. This provision became effective July 16, 2012, and applies to any community service conditions ordered as part of a Community or Intermediate punishment on or after that date. The legislation amended the requirements for probation officers exercising delegated authority to allow two probation officers to witness a probationer's waiver of rights (previously one probation officer and his/her supervisor had to witness the waiver). It also clarified that judges can impose a CRV period of less than 90 days for misdemeanants (effective July 16, 2012). The legislation provides that the period of PRS is tolled during confinement for offenders re-imprisoned for violating conditions of PRS. This provision became effective on July 16, 2012, and applies to supervisees violating conditions of PRS on or after that date. S.L. 2012-188 amended the maximum sentences for drug trafficking convictions to allow for twelve months of PRS for drug trafficking convictions in Classes B1-E and nine months of PRS for drug trafficking convictions in Classes F-I. These maximum sentence lengths are effective for offenses committed on or after December 1, 2012. Lastly, S.L. 2012-188 granted the PRSP Commission expanded authority to conduct hearings using videoconferencing, effective December 1, 2012.

In June 2013, the Legislature again made clarifications to the JRA. S.L. 2013-101 amended the regular conditions of probation to make it clear that the requirement to not abscond applies to offenders on supervised probation only. It also amended the CRV statute to make it clear that the confinement period must consist of consecutive days (i.e., they cannot be separated). The legislation repealed the requirement that the Sentencing Commission report biennially on recidivism rates for offenders on probation, parole, and PRS participating in programming funded by the TECS program. These changes became effective June 12, 2013. The legislation also amended three maximum sentences specified for Class B1-E felonies that were incorrectly calculated in the original JRA bill. These maximum sentences are effective for offenses committed on or after October 1, 2013.

At the same time, the General Assembly changed one of the policies in the original JRA. S.L. 2013-210 allows the court to determine, with a written finding and agreement of the District Attorney, that an offender is inappropriate for conditional discharge under G.S. 90-96 for factors related to the offense. The JRA originally made this provision mandatory for certain offenders. This change applies to offenses committed on or after December 1, 2013.

In 2014, the Legislature made changes to the SMCP. Session Law 2014-100 eliminated the provision that mandates longer misdemeanor sentences be served in the state prison system, and instead required them to be served in local jails. Pursuant to the change, misdemeanants with sentences greater than 90 days, other than those sentenced for impaired driving, will serve their sentences in local jails that participate in the SMCP (misdemeanor sentences of 90 days or less will continue to be served in local jails). This change applies to persons placed on probation or sentenced to imprisonment on or after October 1, 2014. In addition, S.L. 2014-100 amended the statutes to require that all misdemeanants sentenced for impaired driving offenses, regardless of sentence length, serve their sentences in local jails that participate in the SMCP. This change applies to persons placed on probation or sentenced to imprisonment on or after January 1, 2015.

The General Assembly also changed the policy regarding the awarding of credit to the CRV period for felons. Session Law 2014-100 provided that the term of any CRV shall not be reduced by credit for time already served in the case. Any such credit shall instead be applied to the suspended sentence. Originally, the judge was required to award prehearing credit to the CRV period. This change applies to probation violations occurring on or after October 1, 2014.

In 2015, the Legislature again made changes to the application of CRVs. Session Law 2015-191 eliminated the CRVs for misdemeanants sentenced to probation under the SSA; the CRV remains as a sanction for offenders sentenced to probation for impaired driving offenses. The amendment also provided that the court may revoke probation for the misdemeanant after they have received two separate periods of short-term confinement, which may be imposed either by the court or by the probation officer through delegated authority. This change applies to persons placed on probation on or after December 1, 2015.

Table 2
JRA Amendment Effective Dates by Provision

Date	Application	Provision
July 16, 2012	PRS violations occurring on or after:	PRS period tolled during reimprisonment
	CRVs imposed on or after:	CRVs less than 90 days authorized for misdemeanants
December 1, 2012	Offenses committed on or after:	Drug trafficking maximum sentences increased
October 1, 2013	Offenses committed on or after:	Certain Class B1-E maximum sentences increased
December 1, 2013	Offenses committed on or after:	Drug diversion change
October 1, 2014	Probation violations occurring on or after:	Credit for time already served cannot be applied to CRV period
October 1, 2014	Persons placed on probation or sentenced to imprisonment on or after:	Misdemeanor sentences greater than 90 days (not impaired driving) to be served in SMCP
January 1, 2015	Persons placed on probation or sentenced to imprisonment on or after:	Misdemeanor impaired driving sentences to be served in SMCP
December 1, 2015	Persons placed on probation on or after:	SSA misdemeanants not eligible for CRVs
		SSA misdemeanants eligible for revocation after two previously imposed quick dip confinements
December 1, 2016	Offenses committed on or after:	Credit for time served on concurrent CRVs only applies to one sentence upon revocation
		Credit for time spent in custody as a result of PRS revocation applies to maximum sentence and not three-month reimprisonment

In 2016, the Legislature addressed two issues relating to credit for time served. Session Law 2016-77 clarified that upon revocation of two or more consecutive sentences as a result of a probation violation, the credit for time served on concurrent CRVs will be credited to only one sentence.²⁵ In addition, S. L. 2016-77 eliminated the application of credit for time spent in custody as a result of a PRS revocation against the three-month period of reimprisonment; the credit is applied toward the maximum prison term instead. These changes apply to offenses committed on or after December 1, 2016.

The General Assembly also changed one of the original provisions of the JRA. Session Law 2016-77 eliminated the State Community Corrections Advisory Board that was established as part of the TECS program and created the Justice Reinvestment Council, effective July 1, 2016. The purposes of the Council are to recommend policy enhancements to the JRA, assist in the continued education of criminal justice system stakeholders, support implementation of the JRA, and identify new initiatives that further the implementation of the JRA and the Adult Corrections Recidivism Reduction Plan. Finally, S.L. 2016-77 authorized the PRSP Commission and hearing officers to conduct all hearings regarding violations of PRS by videoconference, effective July 1, 2016.

II. SENTENCING PRACTICES

The primary changes to sentencing under the JRA included redefining Community and Intermediate punishments, modifications to the existing habitual felon status offense, the creation of a new status offense for habitual breaking and entering, and the establishment of ASR. The utilization of ASR and habitual felon status offenses could have an impact on prison bed resources; however, these options are currently used for only a portion of eligible offenders. The usage of these tools reflects the practices within local jurisdictions and therefore varies across the state.

Community and Intermediate Punishments

With the redefinition of Community and Intermediate punishments under the JRA, special probation (split sentence) is one of two punishment conditions limited to Intermediate punishment sentences (the other, drug treatment court, is not available statewide).

Table 3 examines the use of special probation from CY 2011 to CY 2016, with a breakdown by origin – whether special probation was ordered as part of the sentence at initial judgment or whether it was ordered through a modification of probation conditions. Of the 18,263 special probation sentences ordered in CY 2016, 87% were ordered as part of the sentence at initial judgment. The data indicate a slight decrease in the use of special probation at initial judgment, and a corresponding slight increase in the use of special probation at probation modification. Felons and misdemeanants were nearly equally likely to have their special probation sentences ordered at initial judgment (86% and 88% respectively) and to have them ordered through a modification (14% and 12% respectively).

²⁵ For the Sentencing Commission's study of CRV credit and consecutive sentences, see NC Sentencing and Policy Advisory Commission, *Justice Reinvestment Implementation Evaluation Report, 2015*.

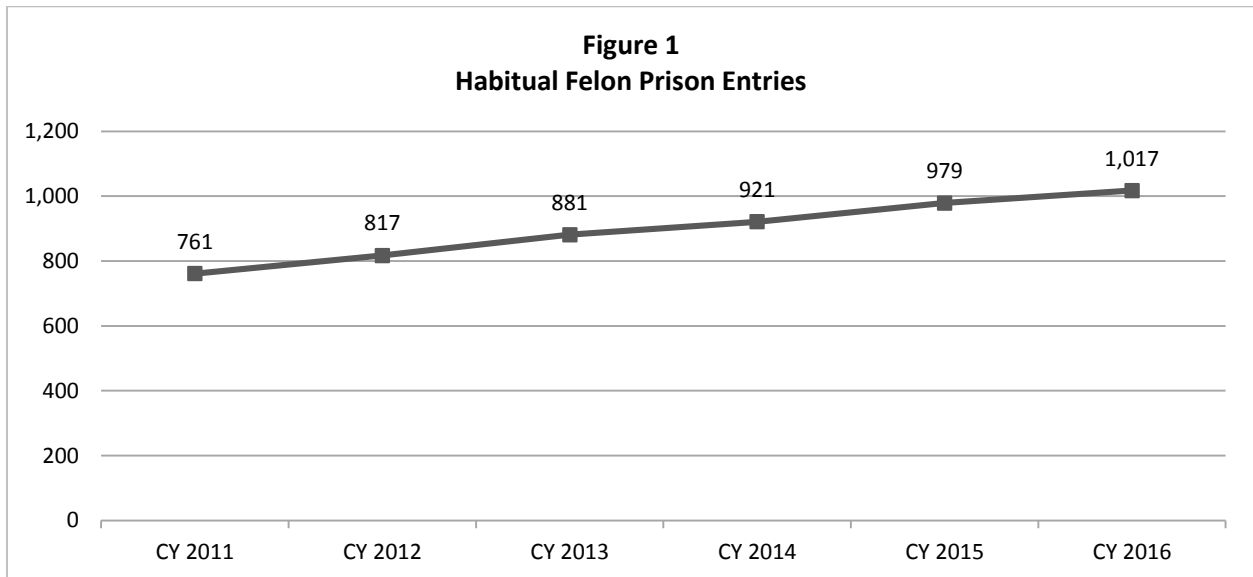
**Table 3
Special Probation by Origin**

Origin	Use of Special Probation					
	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015	CY 2016
Initial Judgment	85%	83%	86%	89%	88%	87%
Probation Modification	15%	17%	14%	11%	12%	13%
Total	19,943	20,184	19,792	18,799	18,377	18,263

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Habitual Felon

The effect of the modifications under the JRA to the habitual felon law can be seen by examining the composition of habitual felon sentences by offense class. Under the JRA, habitual felons are sentenced in Class C, D, or E depending on the offense class of their substantive offense. Figure 1 shows the number of habitual felon convictions from CY 2011 to CY 2016. Habitual felon penalties that are more proportional with the underlying offense have likely contributed to the increase in habitual felon convictions over this time period. Overall, the volume of habitual felon prison entries increased 34% from CY 2011 (prior to the JRA) to CY 2016. This increase comes during a time period of primarily decreasing felony convictions.



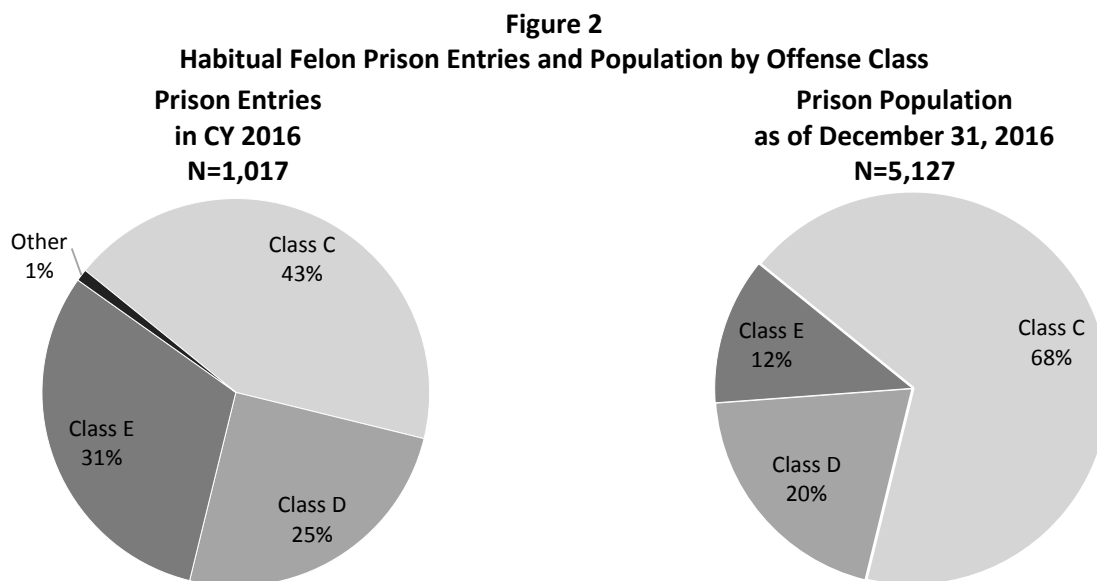
SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, Automated System Query (ASQ)

Figure 2 examines the offense class distribution of habitual felon prison entries and the habitual felon prison population. In CY 2016, most of habitual felon prison entries were sentenced as Class C (43%). As of December 31, 2016, the majority of the habitual felon prison population (68%) was sentenced as Class C. Habitual felons sentenced in Class D and Class E receive shorter sentences than those sentenced in Class C, which largely explains the difference in the offense class distribution for entries and

population. Although modifications to the habitual felon law have affected the offense class composition of habitual felon convictions and possibly the volume of convictions, the practice of sentencing habitual felons in the mitigated range has continued. In FY 2016, 57% of Class C, 70% of Class D, and 53% of Class E habitual felons were sentenced in the mitigated range.²⁶

Habitual felons continue to account for a substantial proportion of the prison population. Overall, habitual felons accounted for 14% (or 5,127) of the December 31, 2016, prison population of 35,664. Although there was a substantial increase in habitual felon prison entries over the same time period, the population of habitual felons in prison has decreased 3% since December 31, 2011 (with a population of 5,269).

While nearly all habitual felons are sentenced to active punishment, based on the statute, it is possible that an habitual felon in Class E could receive a non-active sentence, depending on prior record level. ASQ indicates that there were 2 Class E habitual felon entries to probation in CY 2016.



Note: The category “other” includes safekeepers, CRVs, and possible discrepant data.
SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, Automated System Query (ASQ)

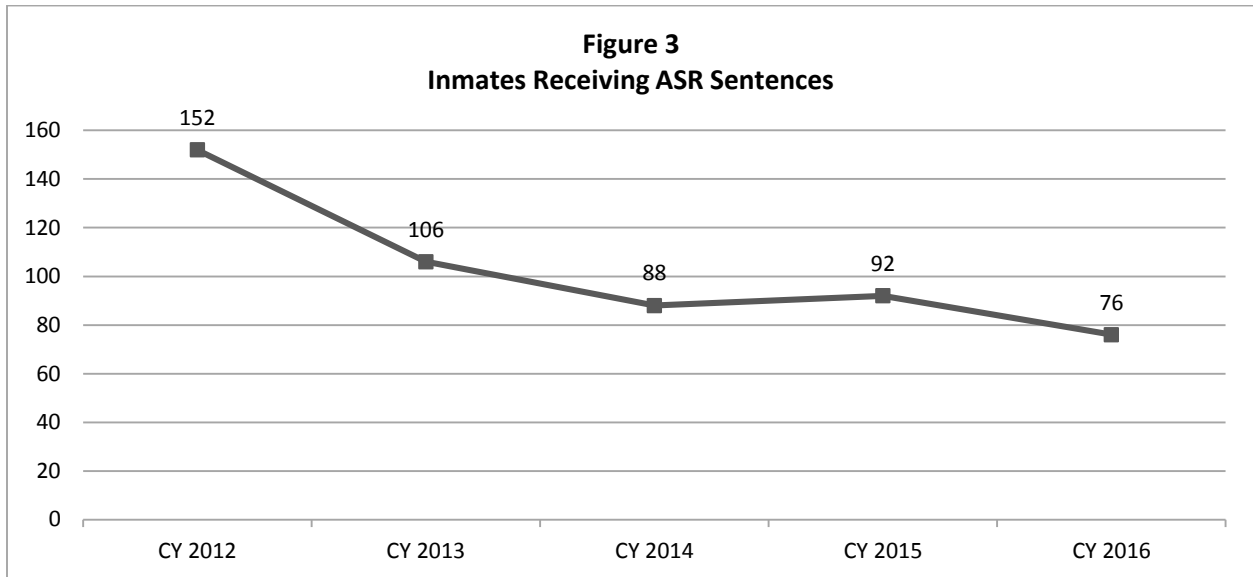
Habitual Breaking and Entering Felon

Based on ASQ data, there were 137 entries to prison and 2 entries to probation in CY 2016 for offenders convicted and sentenced for the habitual breaking and entering offense, which is a Class E felony. Usage decreased 6% from CY 2015 (with 146 prison entries). Since implementation, felony habitual breaking and entering has been infrequently used, despite the potentially large pool of offenders eligible to be convicted and sentenced for this status offense.

²⁶ See NC Sentencing and Policy Advisory Commission, *Structured Sentencing Statistical Report for Felonies and Misdemeanors*, 2017.

Advanced Supervised Release

Data from DPS indicate the continued limited usage of ASR. Figure 3 provides information on the overall number of inmates receiving ASR sentences since implementation of the sentencing option. The number of inmates receiving ASR sentences decreased from CY 2015 to CY 2016 (from 92 to 76 respectively). The offense class composition of ASR sentences has been fairly consistent over the past few years. The majority of offenders (59%) receiving ASR sentences were sentenced in Class D and Class E for their most serious offense. However, the most serious offense may not be the offense for which ASR was imposed.



SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Data on ASR usage by county of conviction indicate that ASR has been used in 61 of the 100 counties in the state over the past five years. In CY 2016, it was used in 25 counties, with 5 counties accounting for 50% (or 38) of inmates receiving an ASR sentence.

In CY 2016, 101 inmates with an ASR sentence exited prison. DPS data indicate that the majority (87%) were released at their ASR date (i.e., following completion of their reduced minimum sentence length).

Expansion of Initiatives

To further the principles set forward in the JRA, DPS has worked to identify and extend targeted services and EBP to be used at the sentencing stage. One initiative (described below), the Pre-Sentencing Investigation Pilot, has been expanded since its inception, with plans to expand further in the upcoming year.

Pre-Sentence Investigation Pilot Expansion

In 2014, DPS started a Pre-Sentence Investigation (PSI) pilot program in Chatham County and subsequently expanded it to Orange County. In this program, probation officers compile information on offenders and prepare reports for the court's use at sentencing. Officers use the same risk and need

assessment (RNA) they use at intake with offenders who are sentenced to probation. DPS reports that these PSIs will provide more information to help the court make sentencing decisions based on risk and needs, decide whether an ASR sentence would be appropriate, and determine what specific supervision conditions should be imposed. In addition, the PSI will help the court match conditions based on offender risk and potentially provide pathways for certain offenders to move from supervised to unsupervised probation. PSIs will also assist DPS in assigning those offenders sentenced to probation to the appropriate officers and allow identified treatment services to begin immediately after sentencing. Since 2015, DPS has been training probation officers in the nine surrounding counties on how to conduct PSIs for offenders sentenced in Orange or Chatham counties. In 2017, DPS will request ten new probation officer positions to expand this pilot.

III. COMMUNITY SUPERVISION

The majority of the changes under the JRA affected how offenders are supervised in the community. As JRA provisions have been further amended by legislation, adjusted by policy, or reexamined based on initial outcomes, community supervision has continued evolving. Each year following the enactment of the JRA, the field becomes more settled and established in their understanding and usage of the available tools. Correspondingly, each year offers more information and data related to the use of available tools, their effectiveness, and whether practices have been implemented with fidelity to the intent of the JRA. DPS has demonstrated willingness to continually reexamine its policies and practices for improvement and has made enhancements to existing practices, many in response to available data. The information provided below describes any changes in policies and practices that affected Community Corrections (where relevant) alongside data (where available). As a point of reference for this section, the community corrections population (which includes both probationers and post-release supervisees) was 97,882 on December 31, 2016.

Risk and Need Assessment and Supervision Level²⁷

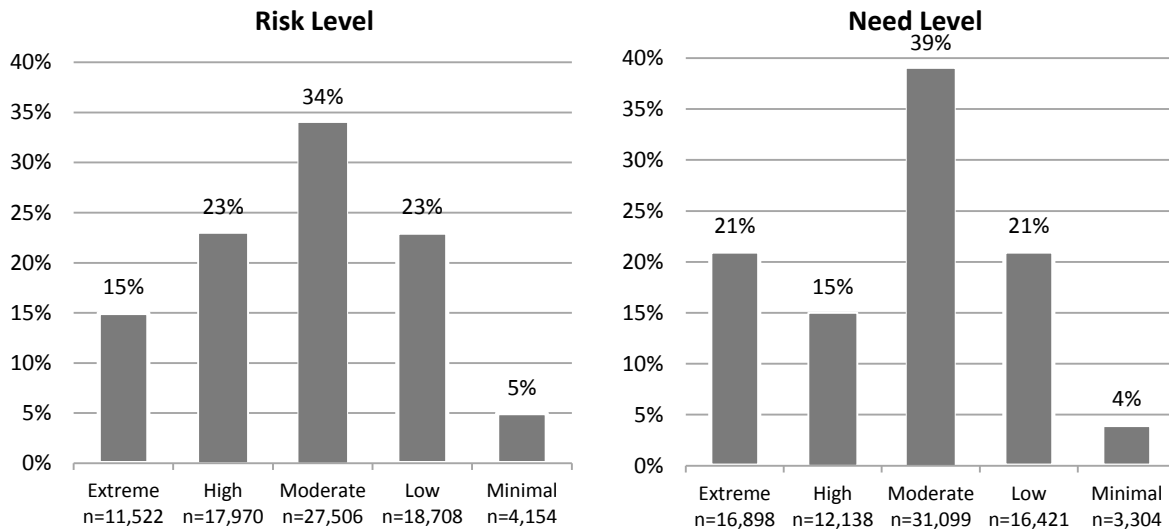
For supervision of the community corrections population, the JRA requires DPS to use a validated instrument to assess each offender's risk of reoffending and criminogenic needs to place the offender in the appropriate supervision level. The Offender Traits Inventory-Revised (OTI-R) is used to assess offender risk and the Offender Self-Report and the Officer Interview and Impressions are used to assess offender need. Using these instruments, there are five risk levels and five need levels: extreme, high, moderate, low, and minimal. Figure 4 examines the risk and need level distribution of the community corrections population. Most offenders were assessed as either moderate risk or moderate need (34% and 39% respectively); a small proportion were assessed as either minimal risk or minimal need (5% and 4% respectively).

An offender's supervision level, which determines the minimum contact requirements for supervision, is determined by the intersection of the offender's risk and need level (see Appendix C). There are five supervision levels; Level 1 is the most restrictive. As shown in Figure 5, most of the community corrections population was in Supervision Level 2 (34%), while the smallest proportion of the community

²⁷ See NC Sentencing and Policy Advisory Commission, *Justice Reinvestment Implementation Evaluation Report*, 2013, for a more detailed description of these instruments.

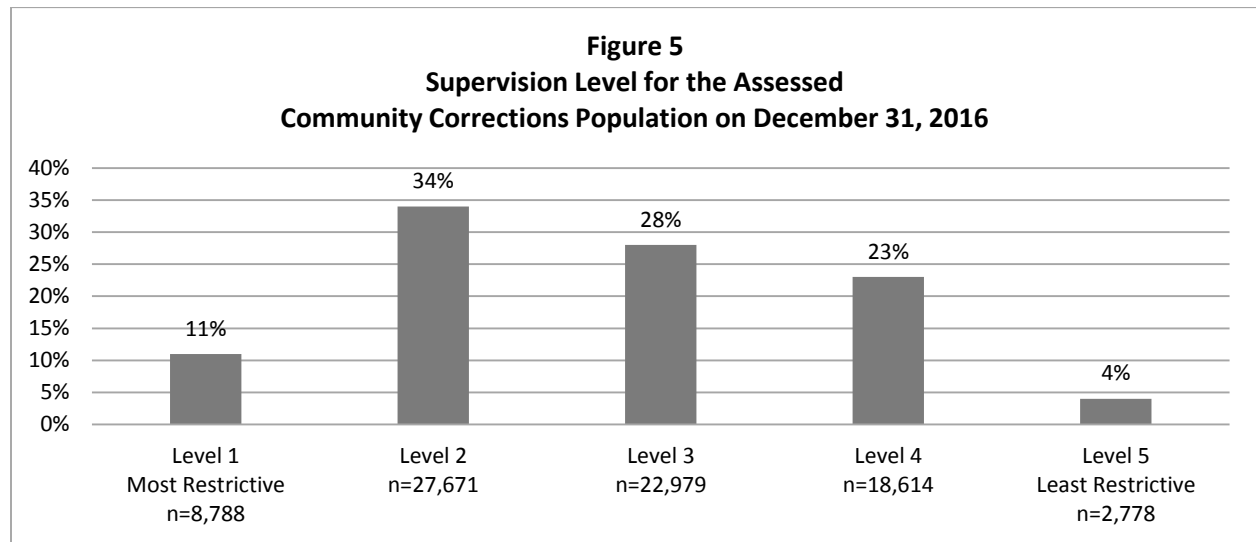
corrections population was in Supervision Level 5 (4%).²⁸ Since the risk assessment was updated in 2012 from the OTI to the OTI-R, the supervision level distribution has remained stable from year-to-year.

Figure 4
Risk and Need Level for the Assessed
Community Corrections Population on December 31, 2016



SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Figure 5
Supervision Level for the Assessed
Community Corrections Population on December 31, 2016

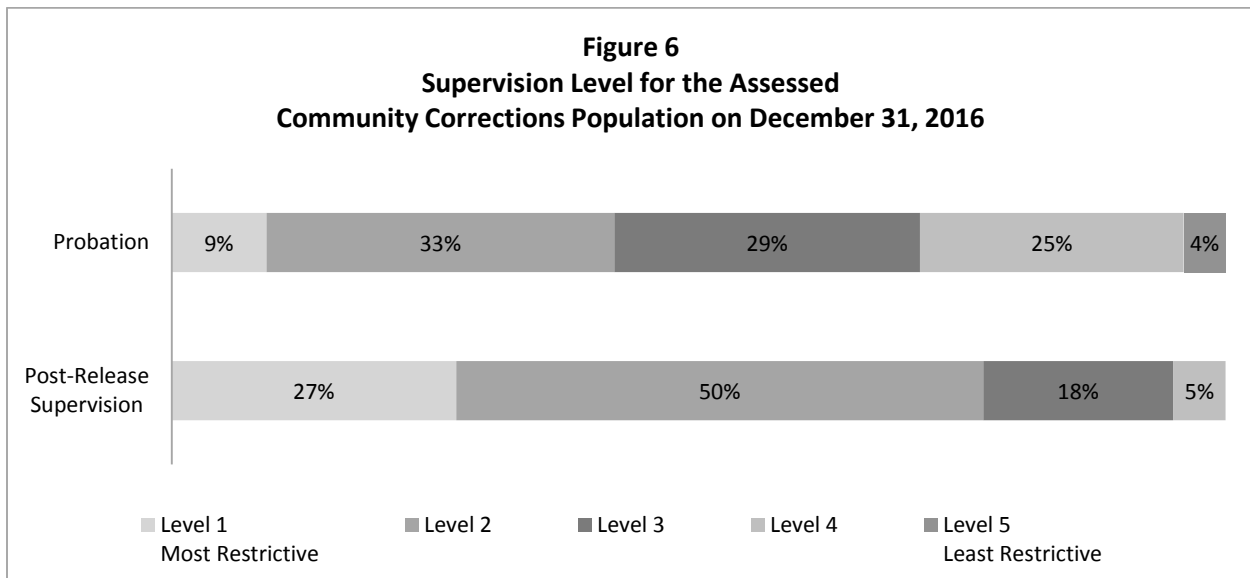


SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Community Corrections supervises all non-active offenders (i.e., supervised probationers, post-release supervisees), in the community, regardless of their status as a felon or misdemeanor. Once in the community, the various groups are not supervised based on their group status but based on their risk,

²⁸ The supervision level distribution for Figure 5 is based on DPS’s RNA process. Additional risk assessments are completed for sex offenders and impaired driving offenders that may result in supervision at a higher level than indicated by the RNA.

need, and supervision level. Little variation was found when comparing the supervision level composition of felony and misdemeanor probationers. As such, the supervision level composition of all offenders on probation was compared to offenders on PRS (see Figure 6). When comparing the two populations, the PRS population was more likely to be supervised in the more restrictive supervision levels (i.e., Levels 1 and 2) than the probation population. Seventy-seven percent of offenders on PRS were in Supervision Level 1 (27%) and Supervision Level 2 (50%), the most restrictive supervision levels, while only 42% of probationers were in Supervision Level 1 (9%) and Supervision Level 2 (33%).



Note: There were no Level 5 post-release supervisees on December 31, 2016.

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Caseloads

The JRA set a caseload goal for probation officers of 60 probationers to 1 officer for offenders who are determined to be high or moderate risk.²⁹ To achieve this goal, DPS created a new template model. The new model, implemented in 2014, separates offenders by risk level, reducing caseloads for officers with higher risk offenders and increasing caseloads for officers with lower risk offenders. In some of the more rural areas across the state, probation officers maintain an “All Risk” template because staffing levels, frequency of court sessions, and/or the makeup of the offender population do not make it feasible to separate caseloads by risk. To assist DPS in reaching its caseload goal, the General Assembly appropriated funding for 175 new probation officer positions. In 2015, DPS completed the hiring process for all 175 positions. As a result of the new template model and the additional positions, DPS was able in 2016 to achieve caseloads of 60 high or moderate risk offenders to 1 officer and 120 low risk offenders to 1 officer.

Mental Health Random Control Study

As reported in 2015, DPS launched a random control study with the UNC School of Social Work in 2014 to develop more effective responses to the increasing population of offenders under community

²⁹ G.S. 15A-1343.2(c).

supervision with mental health needs.³⁰ Officers participating in the study carry specialized caseloads and utilize evidence-based strategies for managing offenders with serious and persistent mental illness (SPMI). The caseload goal is 40 probationers to 1 officer. DPS received a grant from the Governor's Crime Commission to support the study and conducted it in two counties, Wake and Sampson. In 2016, DPS received additional funding to expand the study. With the help of a Smart Supervision Grant from the U.S. Department of Justice, DPS is implementing the study in six counties: Brunswick, Durham, Guilford, McDowell, Mecklenburg, and Orange. As part of the expansion, DPS is looking at the lessons they learned in the first phase of the study and making improvements. First, they developed a new selection process for identifying the officers who participate in the study. Under this process, DPS reviews the officer's past case planning activities and also surveys offenders he or she supervised. In the survey, the offender is asked to rate the officer's fairness toward them, whether they worked to establish trust, and whether they held the offender accountable. DPS found this selection process to be more effective and intends to use it in the future to identify appropriate officers for other pilot programs as well. In addition, officers, as well as their chief probation officers, will receive additional training in identifying and responding to SPMI offenders, including Crisis Intervention Training, where it is available, and Mental Health First Aid.³¹

The Department is also utilizing licensed social workers to oversee the clinical supervision of this special population. However, the chief probation officer will be included in the oversight of the clinical supervision to make sure that the Department is responding to the offender's behavior and not just focusing on their treatment.

Finally, DPS is piloting a Functional Ability Rating System for each offender; this is in addition to the RNA. The officer will complete the tool each month and review the results with the social worker. This additional information will enhance the officer's supervision strategies for these offenders.

While the study will not be expanded beyond the current six counties, DPS does plan to utilize specialized mental health caseloads in four other counties: Wake, Pitt, Buncombe, and Forsyth. In addition, 23 counties in North Carolina are participating in the Stepping Up Initiative, and DPS believes they could use this strategy in conjunction with that initiative.³² The Department will be requesting ten new probation officer positions in 2017 to expand the use of specialized mental health caseloads.

Treatment for Effective Community Supervision

TECS programs provide EBPs to reduce recidivism. Priority populations for TECS include offenders convicted of a felony and those identified as having a high likelihood of reoffending and a moderate/high need for substance abuse treatment.³³ TECS programs are funded through an appropriation from the General Assembly and the Department uses the funding to contract with vendors for the provision of services and the operation of community-based programming. CY 2013 represented the first full year of operation of the TECS program.

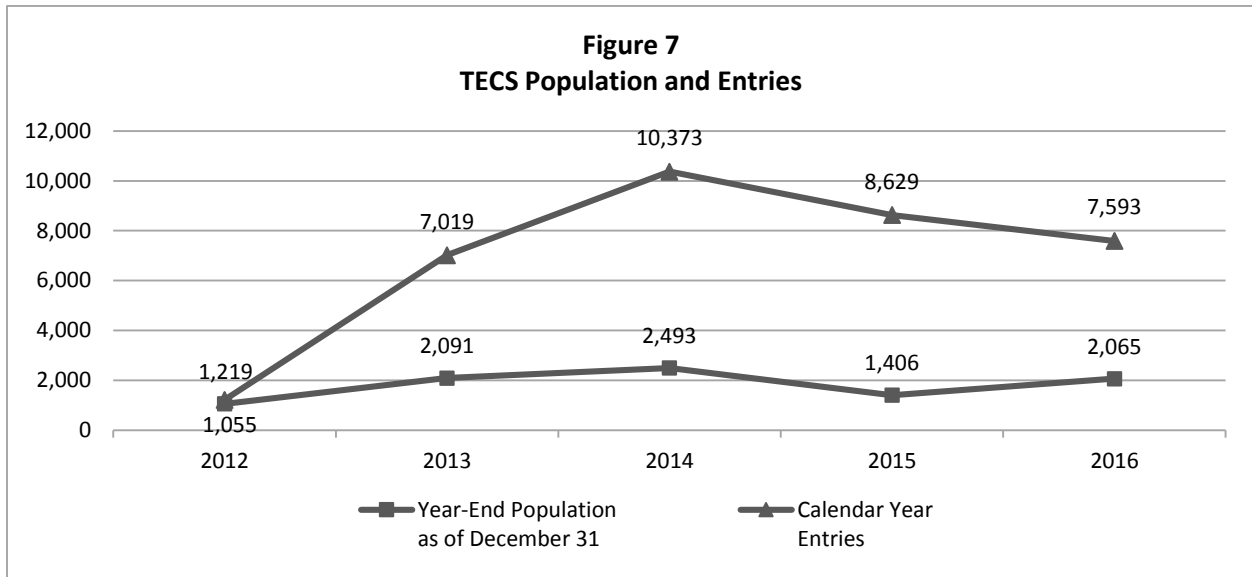
³⁰ According to DPS, as of February 12, 2016, 30% of the community corrections population was identified as having a mental health issue.

³¹ Mental Health First Aid is a course that teaches citizens how to help and respond to people that may be experiencing mental health issues and/or crisis. For more information, see <https://www.mentalhealthfirstaid.org/cs/>.

³² The Stepping Up Initiative is a national initiative to reduce the number of people with mental illnesses in local jails. For more information on the Initiative, see <https://stepuptogether.org/>.

³³ G.S. 143B-1154.

In CY 2016, 7,593 offenders entered the TECS program; 2,065 offenders were enrolled in TECS on December 31, 2016 (see Figure 7). The number of TECS entries and the TECS population in 2016 were similar to those in 2013, the first full year of operation of the TECS program. The decrease in TECS entries and population from 2014 to 2015 was likely related to the beginning of a new three-year contract cycle on July 1, 2015, with new vendors beginning operation at that time and other vendors discontinuing operations.



SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

In CY 2016, 5,298 offenders exited TECS. The majority fell in Supervision Levels 2 and 3 (3,053 or 58%). Very few offenders were in Supervision Level 5 (19).³⁴ Figure 8 shows completion rates for all offenders exiting TECS in CY 2016 by supervision level.^{35,36} The overall completion rate for all TECS participants was 17%. Completion rates were highest for participants in Supervision Level 4 (24%) and lowest for participants in Supervision Level 1 (11%).

TECS services include the two traditional TECS programs, substance abuse and cognitive behavioral intervention (CBI) classes (now referred to as Recidivism Reduction Services, or RRS), as well as transitional housing, temporary housing, intensive outpatient treatment (IOP), community intervention centers (CIC), and local reentry councils.

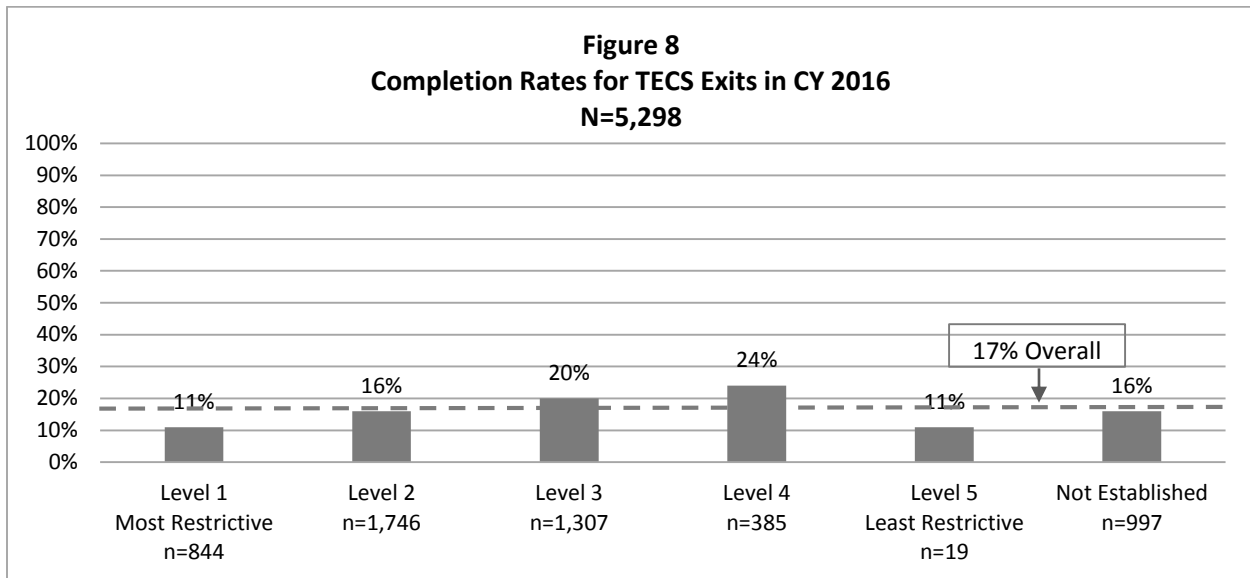
The overwhelming majority of offenders served through TECS programs have participated in RRS programs. In 2015 DPS issued a request for proposals (RFP) soliciting vendors for RRS to provide four core services: CBI, CBI Boosters, regular outpatient substance abuse therapy, and aftercare/relapse prevention. In addition, vendors were required to offer mandatory supportive services of employment skill building, education, and health and nutrition classes, with optional services of family counseling,

³⁴ Throughout the report, results for offenders in Supervision Level 5 should be interpreted with caution due to small numbers and, when applicable, are noted in figures and tables.

³⁵ Completed means the offender completed all the requirements of the program. Reasons for not completing TECS include probation violations, participation refusal, inappropriate referral, absconding, never reporting to the program, and release.

³⁶ Offenders with no supervision level established are typically offenders within the first 60 days of supervision during which the RNA process is being completed or offenders who have absconded supervision prior to completion of the RNA process.

parenting, and child care education courses to supplement the curriculum. Through the initial RFP, and a subsequent one issued in March of 2016, the Department was able to award contracts to 21 vendors who will provide services in 97 counties in 2017.



Note: Results for offenders in Supervision Level 5 should be interpreted with caution due to small numbers.
SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Recognizing the importance of stable housing to offender success, DPS has added housing programs under TECS; however, the ability to acquire housing options has been met with mixed success. Transitional housing is provided for homeless, non-sex offender, adults. Currently, the Department has 64 beds available in transitional housing, 8 of which are beds for females. While there is not a target risk or need level for transitional housing eligibility, the Department reports that the population is usually more medium and high risk offenders. While offenders stay in transitional housing, they have access to CBI programming and employment skill-building. Temporary housing, which is reserved for sex offenders, has been more difficult to obtain due to the lack of availability across the state. This is short term housing, less than 30 days, and there is no programming available. The Department reported that current housing contracts will expire in March of 2017. The Department put out a Request for Bids at the end of 2016 for both transitional and temporary housing. The goals are to increase the number of beds available as well as the number of sites available across the state. For females, the Department is considering a regional approach.

In 2016, DPS did not use TECS funds for IOP services. IOP services are a particular challenge because while not many offenders need the services, it is a very expensive service for those who do. The Department is reviewing the need for IOP services and is considering taking a regional approach, dividing the state into clusters and contracting vendors by clusters.

The Department added CICs and local reentry councils to TECS in 2014. CICs are non-residential centers that serve high-risk and high-need offenders who are not complying with the conditions of probation. As the TECS program developed, these centers no longer fit the model of delivering services. The Department reported that, as of October 2016, all CIC programs have been closed. Local reentry councils coordinate local services to help offenders released from prison to reintegrate into the community. This

program is just beginning. DPS reported that there are five programs that are currently funded, three that have not been funded yet, and that the Department hopes to expand into eight additional counties over the next two years.

Delegated Authority

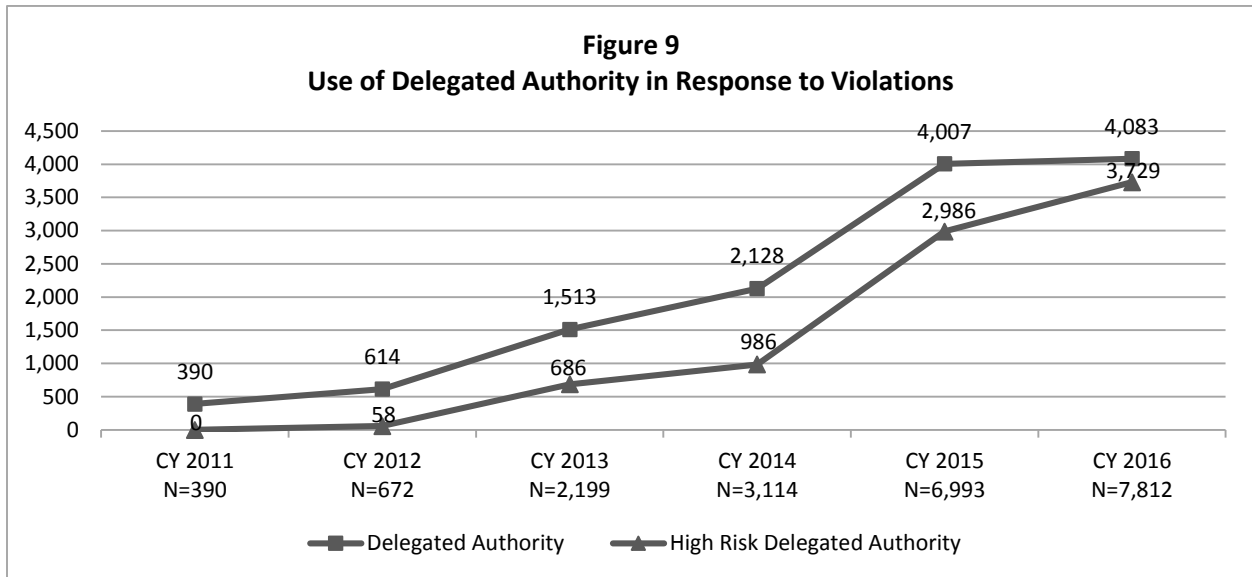
Prior to the JRA, probation officers had delegated authority from the court that enabled them to graduate sanctions in response to non-compliant offenders. The JRA expanded probation officers' delegated authority in order to provide more tools for addressing offenders' risk and needs and to better manage offenders unwilling to comply with conditions of probation. The expansion of delegated authority did not extend to supervision of offenders on PRS. As a result, the tools reported in this section cannot be used on the PRS population. Information reported below is limited to the probation population, unless noted otherwise.

The Department adopted a "Swift and Certain Sanctions" model to deal with offender non-compliance; officers respond to all detected offender non-compliance as soon as possible by imposing additional conditions of probation or other sanctions. Available sanctions for probationers include quick dip confinements, curfews, electronic house arrest, community service, and/or increased reporting requirements. This model also informs how probation officers "staff" cases; decisions related to offender non-compliance are made based on the nature of the violation(s) and the appropriate corresponding response. Responses are intended to be graduated in terms of severity, with officers first using less restrictive responses (where appropriate) to address non-compliance before using the more restrictive options.

For high risk offenders, officers have the additional option to use high risk delegated authority. Those offenders determined to be high risk according to the Department's risk assessment tool, the OTI-R, are eligible to have conditions added to their probation without being in violation. An OTI-R score of 50 or higher is considered to be high risk. Officers staff high risk delegated authority cases with chief probation officers to decide when and which offenders may need additional conditions. Available conditions include referrals to substance abuse treatment or CBI classes, electronic house arrest, or other controlling conditions. Quick dip confinement may not be imposed through high risk delegated authority.

The use of delegated authority and high risk delegated authority has increased substantially over the past few years. It should be noted that probation officers can only use delegated authority on offenders sentenced to probation under Structured Sentencing. Since driving while impaired (DWI) offenses are not sentenced under Structured Sentencing, probation officers supervising those offenders cannot use delegated authority on them. Instead, they must take those offenders back to court in order to address violations, which can take up to six months. The probation officer lacks the ability to respond immediately to probation violations, and some studies have indicated that immediate responses to violations may reduce recidivism among impaired driving offenders. In addition, having different rules for different offenders makes the probation officer's job more complicated as he or she has to use different case management strategies depending on the offender's offense. In 2017, the Department will be seeking statutory authorization to use delegated authority on driving while impaired offenders.

As shown in Figure 9, probation officers used delegated authority and high risk delegated authority 7,812 times in CY 2016, a 12% increase over CY 2015 (6,993).³⁷ The use of high risk delegated authority largely accounts for that increase, with a 25% increase in use over the past year (from 2,986 to 3,729). Following a sharp increase in use from CY 2014 to CY 2015, the use of delegated authority only increased 2% from CY 2015 to CY 2016. The Department indicated the most frequently ordered sanction under delegated authority and high risk delegated authority in the past year was a curfew.



SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Short-Term Jail Confinement

Short-term jail confinement, or quick dip confinement, is a tool of delegated authority used as an immediate response to offender non-compliance. While quick dip confinements can be ordered by the court at sentencing or at a probation violation hearing, they are most often used by probation officers through expanded delegated authority under the JRA. Quick dip confinements are imposed in two- or three-day increments, and cannot exceed six days per month during any separate three months of the offender’s period of probation.

DPS continues to refine policies regarding the use of quick dip confinement. DPS emphasizes that when staffing cases officers consider all of the graduated sanctions available to respond to non-compliance; quick dip confinement is not appropriate for all violations. For example, it is Departmental policy that quick dip confinement should not be the first response to non-compliance and cannot be used as a response to non-willful violations (e.g., monetary violations).

Offenders have the statutory right to a court hearing before a quick dip confinement can be issued, but offenders may waive their right to a hearing through written waiver with DPS; DPS reports that approximately 3% of offenders decline to waive this right.

³⁷ An offender may be represented more than once in these data if there are multiple violation dates.

Overall, 5,101 offenders accounted for 5,941 quick dip confinements in CY 2016. As shown in Table 4, the usage of quick dip confinement increased over the past year (from 5,183 to 5,941, or 15%), following more substantial increases in the first few years of implementation. Of the 5,941 quick dip confinements ordered in CY 2016, 55% were for two-day periods and 45% were for three-day periods.

Also shown in Table 4, quick dip confinements were ordered nearly equally for felons and misdemeanants from CY 2013 to CY 2016. The proportion of misdemeanants receiving quick dips may increase in future years as a result of a legislative change, effective December 1, 2015. The court may revoke probation for misdemeanants following two separate periods of quick dip confinement, which may be imposed either by the court or by the probation officer through delegated authority.³⁸

**Table 4
Quick Dip Confinement**

Offense Type	Quick Dip Confinements Ordered							
	CY 2013		CY 2014		CY 2015		CY 2016	
	#	%	#	%	#	%	#	%
Felony	332	48	912	48	2,698	52	3,041	51
Misdemeanor	367	52	973	52	2,485	48	2,900	49
Total	699	100	1,885	100	5,183	100	5,941	100

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Although offenders in all supervision levels were eligible for quick dip confinement in CY 2016, the overwhelming majority (76%) of quick dip confinements ordered in CY 2016 were for offenders in Supervision Levels 2 and 3 (see Table 5).³⁹ The largest proportion of felons receiving quick dips were in Supervision Level 2 (42%), and the largest proportion of misdemeanants receiving quick dips were in Supervision Level 3 (40%). A higher percentage of felons with quick dips ordered were in Supervision Level 1 compared to misdemeanants (20% compared to 15% respectively).

Offenders serve quick dip confinements in the local jail and, as a result, have some impact on that resource. The North Carolina Jail Administrators' Association (NCJAA) reported that these offenders were difficult to process at first because of their short sentences but that it became easier once they became familiar with the judgments. NCJAA also pointed out that, because of the immediacy of the sanction, these offenders tend to bring more contraband into the jail than other offenders. Overall, this population has caused an increase in the jail populations, especially on the weekends when more offenders serve their quick dip confinements. DPS and NCJAA continue to work together to try and resolve these issues and reduce the impact of quick dip confinements on the local jails.

³⁸ G.S. 15A-1344(d2), as amended by S.L. 2015-191.

³⁹ From initial implementation (July 1, 2012) through November 30, 2015, offenders eligible for quick dip confinements were only those in Supervision Levels 1, 2, and 3 – offenders with the highest levels of supervision. In response to legislative changes, effective December 1, 2015, DPS revised its policy to reflect that offenders in all supervision levels are eligible for quick dip confinement.

**Table 5
Quick Dip Confinement by Supervision Level in CY 2016**

Supervision Level	Quick Dip Confinements Ordered				Total	
	Felon		Misdemeanant			
	#	%	#	%	#	%
Level 1 (Most Restrictive)	611	20	425	15	1,036	17
Level 2	1,287	42	1,058	36	2,345	40
Level 3	934	31	1,173	40	2,107	36
Level 4	182	6	194	7	376	6
Level 5 (Least Restrictive)	3	0	14	1	17	0
Not Established	24	1	36	1	60	1
Total	3,041	100	2,900	100	5,941	100

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Outcomes Following a Quick Dip Confinement

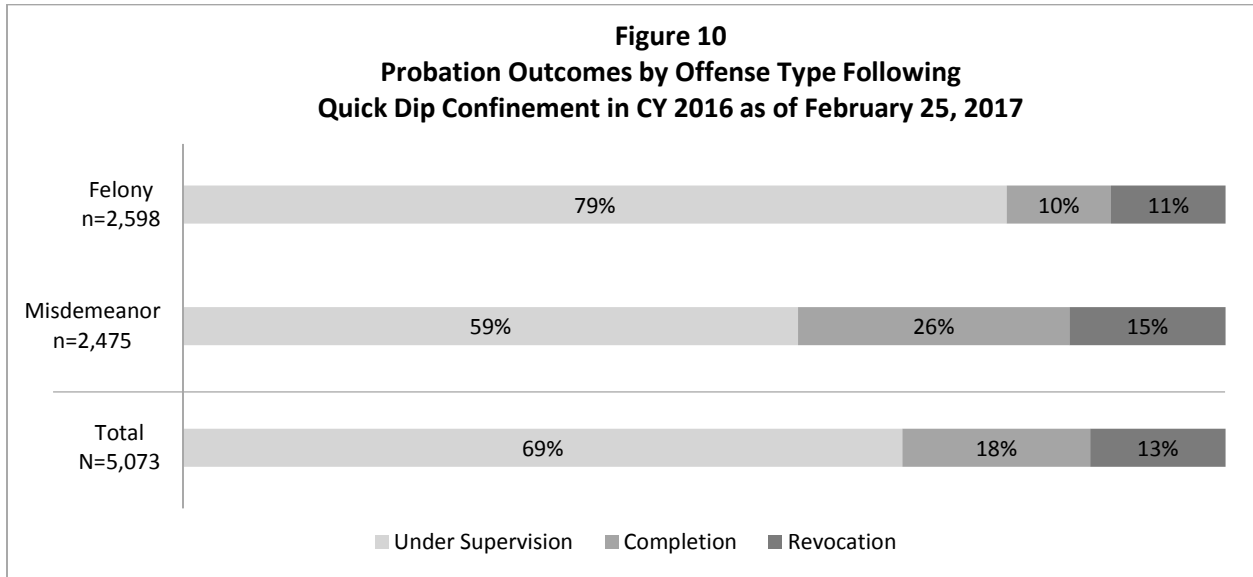
In order to determine the effect of quick dips on the probation population, follow-up measures are used to identify outcomes for all offenders receiving a quick dip during CY 2016. Given probation outcomes are identified as of February 25, 2017, the follow-up period varies for probationers with a quick dip. Overall, a subsequent violation process was reported for 72% (or 4,301) of offenders with quick dip confinements ordered in CY 2016. Probationers in Supervision Level 1 had the highest rate of subsequent violations (80%).

Figure 10 and Table 6 provide preliminary outcomes, comparing felony and misdemeanor probationers, as of February 25, 2017, for the 5,101 distinct offenders ordered a quick dip in CY 2016.^{40,41} The majority of felons and misdemeanants remained under supervision following their quick dip (79% and 59% respectively). However, misdemeanants were more likely than felons to complete their probation following a quick dip (26% and 10% respectively) or to have a probation revocation following their quick dip (15% and 11% respectively). Misdemeanants would be expected to have higher completion rates than felons during this timeframe considering their shorter probation supervision lengths. Misdemeanants would also be expected to have higher revocation rates following a quick dip than felons considering probation can be revoked following two quick dips for misdemeanants.

Table 6 further examines probation outcomes by supervision level. As of February 25, 2017, the majority of probationers remained under supervision following their quick dip regardless of their supervision level. Completion was least likely to have occurred for probationers in Supervision Level 1 (12%), and revocation was least likely to have occurred for probationers in Supervision Level 4 (8%).

⁴⁰ Completion refers to completion of probation supervision, a positive early termination of probation, a probation modification from supervised to unsupervised probation, or a change in jurisdiction resulting from an offender moving out of North Carolina.

⁴¹ Of the 5,101 quick dips ordered in CY 2016, outcomes were not reported for 28 offenders identified as “other.”



Note: Twenty-eight offenders identified as “other” were excluded from the figure. Given probation outcomes are identified as of February 25, 2017, the follow-up period varies for probationers with a quick dip.
SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Table 6
Probation Outcomes by Supervision Level
Following Quick Dip Confinement in CY 2016 as of February 25, 2017

Supervision Level	Probation Outcomes as of February 25, 2017						Total
	Under Supervision		Completion		Revocation		
	N	%	N	%	N	%	
Level 1 (Most Restrictive)	607	71	98	12	148	17	853
Level 2	1,408	70	342	17	264	13	2,014
Level 3	1,241	68	379	21	195	11	1,815
Level 4	231	71	70	21	26	8	327
Level 5 (Least Restrictive)	4	33	3	25	5	42	12
Not Established	31	60	8	15	13	25	52
Total	3,522	69	900	18	651	13	5,073

Note: Twenty-eight offenders identified as “other” were excluded from the table. Results for offenders in Supervision Level 5 and those without an established supervision level should be interpreted with caution due to small numbers. Given probation outcomes are identified as of February 25, 2017, the follow-up period varies for probationers with a quick dip.

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Administrative Response Pilot

The Department launched an Administrative Response Pilot in June of 2013 to collect and track information on offender outcomes related to officer responses to behavior. Participating probation offices track when officers respond to offender behavior and the effect of officer actions on offender behavior. The information tracked serves to remind officers to respond to non-compliance as soon as possible. In 2016, the pilot was expanded to at least one officer and one chief in all 31 districts, as well as to five full units across the state.

The Department learned through the pilot that while their graduated sanction model was successful in responding to negative behavior, the model needed a robust incentive program to offer responses to positive behavior. While some areas established local incentive programs, incentives to encourage positive behavior had not been part of the Department's statewide approach. DPS also reported the usefulness of the automated components of the program. For those participating in the pilot, there is an additional screen included in the automated case plan that shows a list of incentives available for the officer to use when an offender exhibits positive behavior (e.g., negative drug screen). In 2016, the Department developed an incentive grid to guide the officer's use of incentives. The grid categorized offenders by supervision level and positive behaviors by time: short-term, routine, or long-term; it then prescribes appropriate responses. The Department found that using the same incentives in every situation was not effective. The use of both positive and negative responses creates a more holistic behavior log that officers can use to inform the judiciary when and if the offender must return to court. Due in part to the lessons learned from this pilot, the Department revised its probation policy from a "non-compliance policy" to a "Comprehensive Behavior Management" policy to ensure that officers are responding to all behavior, both positive and negative.

Confinement in Response to Violations

CRVs were designed as a response to technical violations of probation that would address offender non-compliance, while also reducing the number of offenders whose probation is revoked. Probationers under supervision for a felony, or for a misdemeanor (sentenced prior to December 1, 2015),⁴² can be ordered to serve a CRV. The General Assembly and the Department made substantial changes to the practice of the CRV for felons in 2014 and 2015 (*see supra*, Related Legislation). Significant legislative changes were made affecting misdemeanor CRVs in 2015, based on a recommendation from the Sentencing Commission. Those legislative changes in effect created a pathway to revocation for misdemeanor probationers via quick dip confinement, providing that the court may revoke probation for the misdemeanant after they have received two separate periods of short-term confinement, which may be imposed either by the court or by the probation officer through delegated authority. This change went into effect for misdemeanants placed on probation on or after December 1, 2015.⁴³

Felons who are found in violation of their probation for technical violations (e.g., missed appointments, positive drug screens) can be ordered to serve a 90-day CRV period. In 2016, the majority of offenders sentenced to a CRV were eligible to serve that period of confinement in the CRV Centers (*see infra*, CRV

⁴² G.S. 15A-1344(d2).

⁴³ G.S. 15A-1344(d2), as amended by S.L. 2015-191.

Centers). On December 31, 2016, 477 offenders were serving a CRV with most (343 or 72%) serving their CRV periods in a CRV Center.⁴⁴

Probation data for CY 2016 indicate a total of 6,131 CRV dispositions ordered as a result of probation violation hearings – 45% for felons and 55% for misdemeanants (see Table 7). The majority of CRV dispositions (97% or n=5,959) were for offenders with a single CRV disposition. Overall, there was a 25% decrease in CRV dispositions over the past year, with a 3% decrease in CRV dispositions for felons and a 37% decrease in CRV dispositions for misdemeanants. It is likely that some portion of the decrease in CRV dispositions for misdemeanants is attributable to the legislative change that went into effect just before the end of CY 2015.⁴⁵

The average length of stay for CRV dispositions increased from 59 days in CY 2012 to 74 days in CY 2016. This is due in part to the General Assembly changing the policy regarding the awarding of credit to the CRV period for felons.⁴⁶

Table 8 further examines CRV dispositions by supervision level. The largest proportion of both felons and misdemeanants with CRV dispositions were in Supervision Level 2 (38% each). A higher percentage of felons with CRV dispositions were in Supervision Level 1 compared to misdemeanants (21% compared to 12% respectively).

**Table 7
Offenders with CRV Dispositions**

Offense Type	Offenders with CRV Dispositions							
	CY 2013		CY 2014		CY 2015		CY 2016	
	#	%	#	%	#	%	#	%
Felony	3,025	34	3,087	34	2,853	35	2,775	45
Misdemeanor	5,896	66	6,086	66	5,331	65	3,356	55
Total	8,921	100	9,173	100	8,184	100	6,131	100

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

⁴⁴ DPS opened two pilot CRV Centers in December 2014. During the initial pilot, CRV Center beds were classified as prison beds. Following the pilot, DPS reclassified CRV Center beds as treatment beds effective January 1, 2016. From January 2016 forward, offenders in CRV Centers are not considered part of the prison population.

⁴⁵ Pursuant to S.L. 2015-191, effective December 1, 2015, CRVs are eliminated as an available sanction for misdemeanants sentenced to probation under Structured Sentencing; the CRV remains a sanction available for offenders sentenced to probation for impaired driving offenses.

⁴⁶ Pursuant to S.L. 2014-100, effective October 1, 2014, the term of any CRV shall not be reduced by credit for time already served in the case, any such credit shall instead be applied to the suspended sentence.

Table 8
Offenders with CRV Dispositions by Supervision Level in CY 2016

Supervision Level	CRV Dispositions				Total	
	Felon		Misdemeanant			
	#	%	#	%	#	%
Level 1 (Most Restrictive)	596	21	418	12	1,014	16
Level 2	1,052	38	1,271	38	2,323	38
Level 3	696	25	1,000	30	1,696	28
Level 4	239	9	448	13	687	11
Level 5 (Least Restrictive)	9	0	24	1	33	1
Not Established	183	7	195	6	378	6
Total	2,775	100	3,356	100	6,131	100

Note: Results for offenders in Supervision Level 5 should be interpreted with caution due to small numbers.
SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Outcomes after Serving a CRV

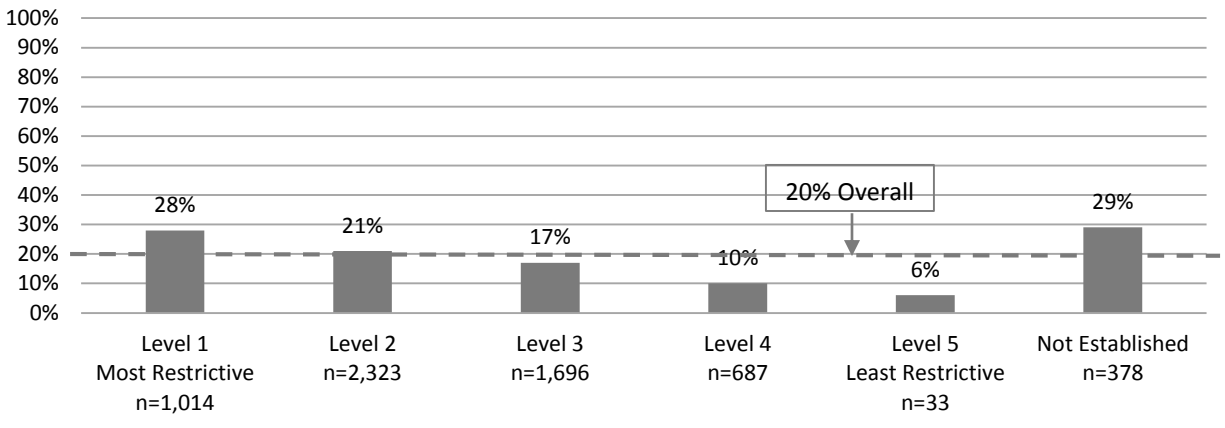
The intent of the CRV was for offenders to receive programming and treatment during confinement, possibly leading to improved outcomes after their return to supervision in the community. In order to determine the effect of CRVs on probationers, preliminary probation outcomes (with a variable follow-up period as of February 25, 2017) are examined (including subsequent violations and probation status following the CRV) for CY 2016 CRV dispositions. In addition, preliminary recidivism outcomes (recidivist arrests) for an early cohort of CRV offenders are summarized.

Of the 6,131 CRV dispositions in CY 2016, 20% (n=1,237) resulted in a subsequent violation process (as of February 25, 2017). (See Figure 11.) Of those, a subsequent violation process was reported for 27% of felons (n=741) and 15% of misdemeanants (n=496) with a CRV disposition. The average time to the subsequent violation process was slightly longer for felons (152 days compared to 126 days for misdemeanants). Probationers in Supervision Level 1 had the highest rate of subsequent violations (28%), with a progressively decreasing rate of subsequent violations for Supervision Levels 2, 3, and 4.

Preliminary probation outcomes for offenders ordered a CRV disposition in CY 2016 are provided in Figure 12 and Table 9.⁴⁷ Outcomes differed for felons and misdemeanants (see Figure 12). As expected, felony probationers were more likely to remain under supervision than misdemeanor probationers following a CRV, due to their longer probation sentence lengths. Conversely, misdemeanor probationers were expected to have higher rates of terminal CRV considering their shorter probation supervision lengths. A slightly higher percentage of misdemeanants (17%) than felons (12%) had their probation terminated upon completion of the CRV period (i.e., CRV and terminate).

⁴⁷ Terminal CRV refers to a CRV period that uses up all of the time on the suspended sentence. CRV and terminate refers to terminating probation upon completion of the CRV period.

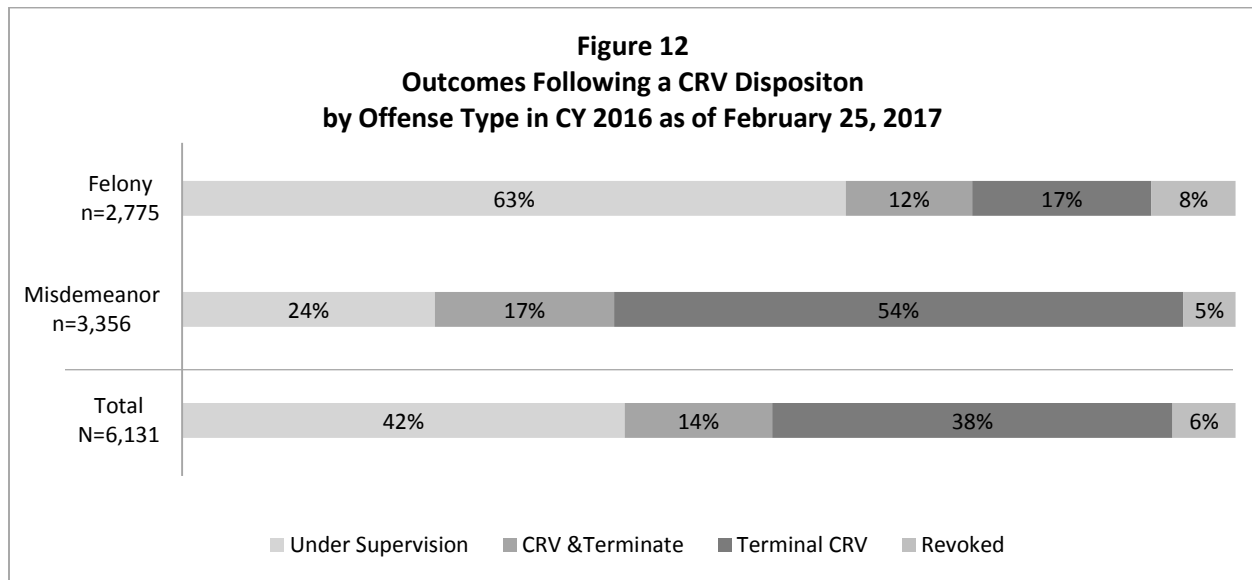
Figure 11
Subsequent Violations Following a CRV
Disposition in CY 2016 as of February 25, 2017



Note: Results for offenders in Supervision Level 5 should be interpreted with caution due to small numbers. Given probation outcomes are identified as of February 25, 2017, the follow-up period varies for probationers with a CRV.

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Figure 12
Outcomes Following a CRV Disposition
by Offense Type in CY 2016 as of February 25, 2017



Note: Given probation outcomes are identified as of February 25, 2017, the follow-up period varies for probationers with a CRV.

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

As shown in Table 9, compared to other probation outcomes, probationers in Supervision Levels 1 and 2 were more likely to remain under supervision following a CRV disposition (51% and 45% respectively), while probationers in Supervision Levels 3 and 4 were more likely to have a terminal CRV (41% and 49% respectively). The examination of probation outcomes within the context of offense type (Figure 12) and supervision level (Table 9) reveals that felony/misdemeanor status is the primary driver (more so than supervision level) in determining what happens following a CRV, likely due to the differences in sentence lengths for felons and misdemeanants.

Table 9
Outcomes Following a CRV Disposition by
Supervision Level in CY 2016 as of February 25, 2017

Supervision Level	CRV Outcomes as of February 25, 2017								Total
	Under Supervision		CRV & Terminate		Terminal CRV		Revocation		
	N	%	N	%	N	%	N	%	
Level 1 (Most Restrictive)	511	51	116	11	297	29	90	9	1,014
Level 2	1,028	45	330	14	821	35	144	6	2,323
Level 3	633	37	281	17	702	41	80	5	1,696
Level 4	237	34	100	15	335	49	15	2	687
Level 5 (Least Restrictive)	11	33	6	18	16	49	0	0	33
Not Established	150	40	46	12	140	37	42	11	378
Total	2,570	42	879	14	2,311	38	371	6	6,131

Note: Results for offenders in Supervision Level 5 and those without an established supervision level should be interpreted with caution due to small numbers. Given probation outcomes are identified as of February 25, 2017, the follow-up period varies for probationers with a CRV.

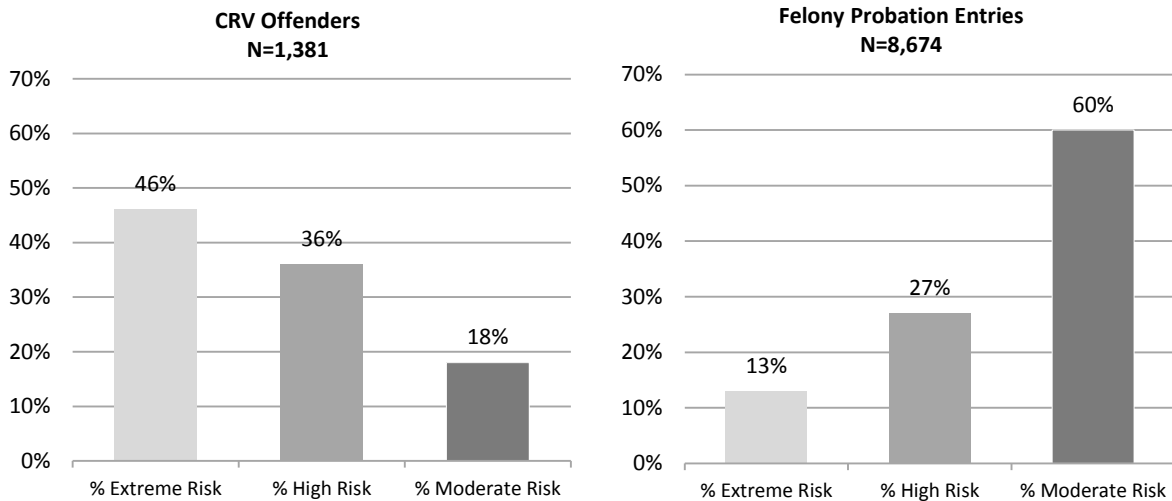
SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

Beyond some of the immediate probation outcomes described above, a 2016 study by the Sentencing Commission provides a preliminary examination of the longer-term effects of CRVs on offender behavior.⁴⁸ The study focused on an early cohort of CRV offenders released from prison in FY 2013 (N=1,381), with limited programming during their confinement, and compared this cohort to a similar group of felony probationers. The results were promising in terms of the effectiveness of CRVs on offender outcomes.

As shown in Figure 13, the majority of CRV offenders in the FY 2013 sample were assessed at the highest risk levels, while the majority of felony probationers were assessed at the moderate risk level. When controlling for risk, CRV offenders assessed as extreme and high risk had lower recidivist arrests (48% and 44% respectively) compared to felony probation entries (57% and 49% respectively) within the same risk levels (see Figure 14). The lower recidivist arrest rates for CRV offenders were particularly surprising given the higher proportion of CRV offenders in the highest risk levels and that the CRV offenders had already experienced one failure on probation (i.e., technical violation(s) for which the CRV was imposed). The difference in recidivist arrests diminished for offenders assessed as moderate risk; this finding warrants future examination to provide additional insight on the effectiveness of CRVs for offenders of differing risk levels. With the subsequent implementation of CRV Centers and the addition of targeted programming (see *infra*, CRV Centers), future recidivism reports will provide more insight into these early indicators of lower recidivism rates for CRV offenders in the highest risk levels.

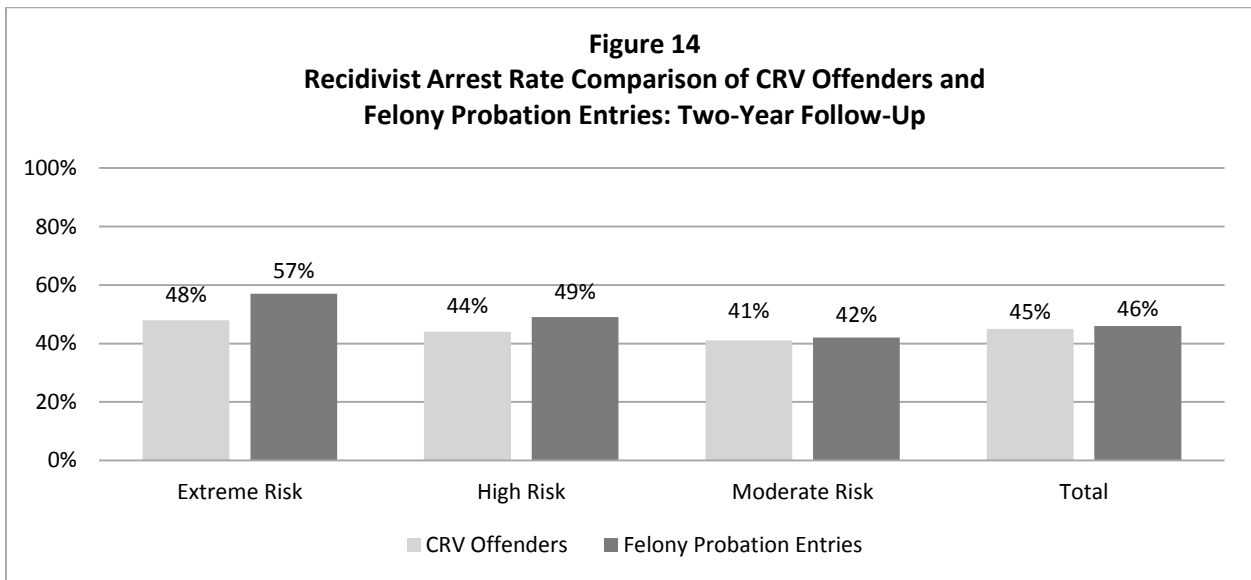
⁴⁸ See NC Sentencing and Policy Advisory Commission, *A Preliminary Analysis of CRV Offenders Released from Prison in FY 2013*, 2016.

Figure 13
Risk Level Comparison of CRV Offenders and Felony Probation Entries



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Figure 14
Recidivist Arrest Rate Comparison of CRV Offenders and Felony Probation Entries: Two-Year Follow-Up



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

CRV Centers

As DPS continued to expand and update policies and programs to further the rehabilitative goals of the JRA, it sought to improve and tailor its approach to the CRV population. In 2014, DPS began its pilot program for designated CRV Centers, where offenders serving CRVs would go to specific facilities and not be included in the general prison population. To create the CRV Centers, the Department repurposed two previously closed prison facilities in Burke and Robeson counties. The Burke CRV Center

has a capacity of 248 beds for male offenders and the CRV Center in Robeson has beds for 192 male offenders. The CRV Centers began receiving offenders in December of 2014.⁴⁹

All felons ordered to serve a CRV serve it in a CRV Center unless they are found ineligible. According to DPS policy, an offender is ineligible for acceptance at a CRV Center if any of the following criteria apply:

- The offender is female.
- The offender has pending charges that are a Class E felony or higher.
- The offender has a concurrent active sentence they are also serving.
- The offender has chronic medical issues that are unstable or is under psychotropic medications.

As of 2016, the screening process for both centers has been centralized in Raleigh. Eligible offenders are sent to the CRV Center location closest to them. If an offender is later found to be ineligible, they are transported back to a prison facility.

Each CRV Center is managed by a facility director and assistant facility director, a residential manager, and several unit and assistant unit supervisors. The CRV Centers also have case managers (former correctional officers), probation officers, and chief probation officers on staff.

While serving their CRV period, offenders' days are structured with mandatory programming, chores, free time, and community service projects. Vendors providing intensive behavior modification programming are contracted through a bidding process; for 2016, the Department solicited bids and awarded a contract for their identified core services of CBI, substance abuse education, and journaling, as well as the computer lab. DPS has been able to increase programming to six days and evenings a week and has connected with community resources to bring additional programs into the CRV Centers. The Department has also secured additional computer lab programming. The Department is working to determine if offenders can have access to secure computer programs so they can work independently.

The sites use an evidence-based behavior management system which employs incentives and sanctions to reinforce or change behavior. Offenders are rewarded with certain privileges (e.g., use of a radio) for positive behavior (e.g., providing peer support when participating in programs). Conversely, any earned privileges can be taken away in response to negative behavior. Offenders also participate in weekly group facility meetings, designed to give them the opportunity to share grievances and issues with case managers and supervisors. The Department reports that these structured meetings have reduced the number of complaints from offenders and have increased compliance in the CRV Centers.

CRV Center Enhancements

DPS collected and examined information from the CRV Center pilot stage (2014-2015) to determine what enhancements were needed to improve the model. During the pilot phase, DPS identified several issues to be addressed including: improved mental health and medical care, the need for certain types of programming, eligibility for certain offenders, continued non-compliance at the CRV Centers, and implementing a stand-alone facility for females. Plans for CRV Center changes and enhancements are described below.

⁴⁹ Around the same time, DPS converted Eastern Correctional Institute into a hybrid facility, with a wing exclusively for female CRV offenders.

Offenders with mental health issues and severe medical issues are currently not eligible for the CRV Centers because the facilities do not have staff on hand with the expertise to provide such specialized care. The Department continues to work towards being able to provide this type of care in the CRV Centers, and has looked to neighboring prison facilities for resources to support some inmates with less severe mental health and medical issues. In 2017, the Department will consider reallocating staff in the Burke CRV Center so that it can serve adult male offenders who receive CRVs and who have some medical or mental health issues that require medications. Because offenders are housed in CRV Centers for a long period of time (90 days), they are more likely to require routine medical and dental care while in the CRV Center. Providing routine medical and dental care at the CRV Centers is challenging because the CRV Centers do not have medical facilities on-site. The Department is looking at the residential treatment facilities of DART-Cherry and Black Mountain, which faced similar issues, for ways to address these needs.

DPS reports that many offenders entering the CRV Centers need substance abuse treatment (different from the substance abuse intervention provided) and general education. Substance abuse treatment programs are typically much longer than the 90 days allotted for the felony CRV period, and DPS reports that partial programming can be more detrimental to the offender than not providing any substance abuse programming. It is difficult for other aspects of the programming to be successful if an offender has a serious substance abuse problem and is not able to receive treatment. The Department is exploring options to address this issue.

Initially, there was some confusion related to whether offenders on PRS should serve three-month revocation periods at CRV Centers. At first, the Department reported the PRSP Commission was sending post-release supervisees who had violated PRS and were ordered to serve a three-month revocation to the Centers. However, upon further review of the intent of the CRV Centers and the eligible population set forth in statute, DPS determined that only those probationers serving a 90-day CRV could do so at a CRV Center. Post-release supervisees will serve any three-month revocation periods in prisons. DPS is exploring the option of dedicating one prison unit just for post-release supervisees who are serving a three-month revocation period; it has designated the Odom Correctional Institution as the site for male offenders and the Swannanoa Correctional Center as the site for female offenders. The Department anticipates housing post-release supervisees in these units in 2017.

While DPS reports that offenders were generally receptive to the model of the CRV Center, some offenders continued to be non-compliant. DPS developed a disciplinary process a step above the sanctions that come along with the behavior management system. If needed, an offender can be sent to restrictive housing at a local prison for two to five days. In line with the CRV Centers' mission, the offender is sent with worksheets to complete that examine the behavior(s) leading to their disciplinary action. It is the goal of the CRV Centers to have staff visit with the offender within 24 hours of their placement in restricted housing. DPS continues to work on plans for chronic violators, recognizing that some offenders may remain non-compliant and negatively impact the other offenders in the CRV Centers. The Department hopes to create a process for removing offenders with chronic disciplinary issues and place them elsewhere for the remaining portion of their confinement period.

Given the initial success of the model serving male offenders, DPS recognizes the development of a stand-alone female center as a top priority. One of the challenges in creating a center for females is finding an appropriately sized facility; currently the Department has 75-80 females eligible for CRV Centers. While the Department believes that the stand-alone model created at Burke and Robeson is

superior to a CRV program offered within a prison facility, some programming for the female inmates ordered to a CRV remains available while DPS plans for a female CRV Center. At Eastern Correctional Institution, DPS designated one floor with four pods for females that were ordered to a CRV. DPS is not able to contract with private providers for the provision of certain types of programming for the pods, but the female offenders are receiving a hybrid of programming including programs already offered at Eastern to the general population, programs conducted by local probation officers, and some additional tools (such as journaling) that prison staff can provide. DPS has received positive reports from the females participating in these programs. In 2017, the Department will be pursuing converting a closed section of the Swannanoa Correctional Center for Women in Buncombe County to a stand-alone facility for the female offenders ordered to a CRV. The Department will be requesting operating funds from the General Assembly.

Another population that is currently excluded from the eligible pool of offenders for the CRV Centers are youthful offenders, categorized as offenders under the age of 18. There are federal requirements regarding housing youthful offenders in the same facilities as adult offenders, and currently, the CRV Centers are not equipped to meet those requirements. The males are housed at Foothills Correctional Institute and the females at Correctional Institution for Women. The offenders receive some additional programming in the units; at Foothills, probation officers from the Burke CRV Center go to the unit to provide social skill building sessions. DPS reported efforts to implement the juvenile justice model with this population whereby the family is incorporated into the offender's treatment. This is a small population and it must be housed separately, but DPS continues to look for ways to apply aspects of the CRV Center model.

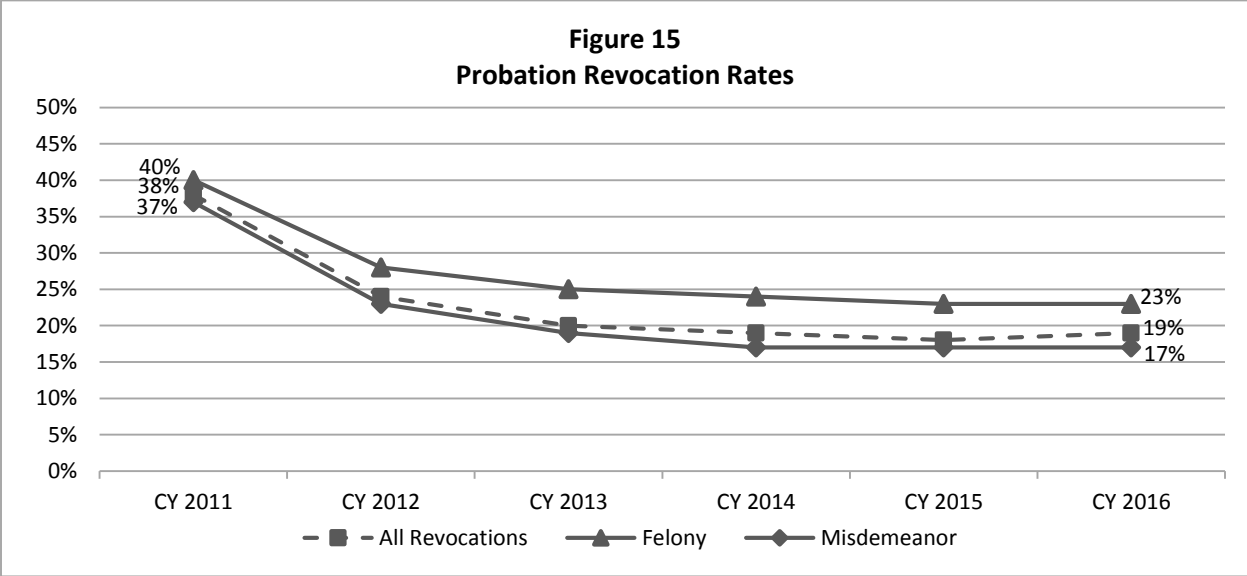
Finally, the Department continues to revise its policies, to improve the programming offered to offenders at the CRV Centers, and to learn as the Centers grow and develop. Currently, the Department surveys offenders when they leave the Centers; they provide feedback on the program and offer suggestions. DPS is planning to automate that survey in order to be more consistent and better evaluate the responses. DPS is also looking at using technology to provide video visitation for offenders. One of the problems with having only two CRV Centers in the state is that offenders may be placed far away from their families, making it difficult for them to visit. DPS is exploring the option of using video visitations to allow the offender to stay in contact with family, to which they may be returning upon release, and keep the family involved in the offender's progress.

Probation Outcomes

As the JRA was intended to limit certain types of entry to prison (e.g., revocations of probation for technical violations), it is important to examine data related to probation outcomes. Below, data are provided detailing exits from probation due to revocation and entries to prison for probation violations by type (e.g., absconding). Probation exits due to revocations have declined over the past five calendar years, but rates seem to have stabilized.

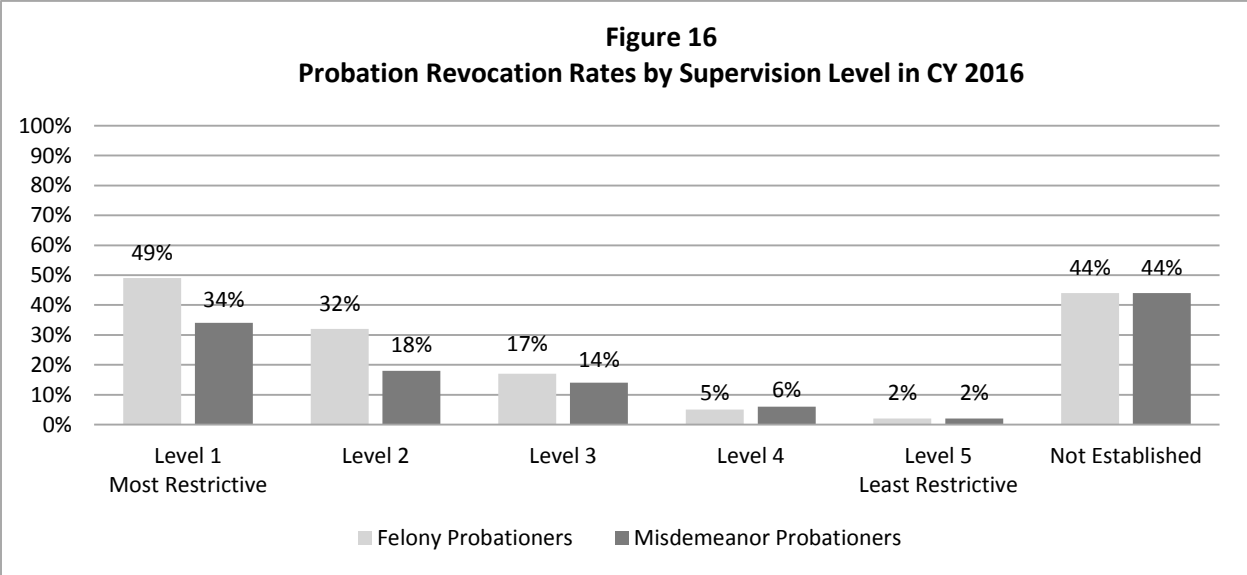
Probation Revocation Rates

Figure 15 shows probation revocations have stabilized following a large decline from CY 2011 to CY 2012. Nineteen percent of all probationers were revoked in CY 2016 compared to 38% in CY 2011. Twenty-three percent of felony probationers were revoked in CY 2016 compared to 40% in CY 2011 – a decrease of 43%. Misdemeanor revocations decreased 54% over this same time period.



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

Figure 16 examines probation revocation rates by supervision level. As expected, revocation rates were highest for probationers in Supervision Level 1 (49% for felony probationers and 34% for misdemeanor probationers), with a decreasing rate of revocations for Supervision Levels 2, 3, and 4. Felony probationers in Supervision Levels 1, 2, and 3 had higher revocation rates than misdemeanor probationers in the same levels. The revocation rates for felony and misdemeanor probationers whose supervision level had not been established were most closely aligned with the revocation rates for probationers in Supervision Level 1.



Note: Results for offenders in Supervision Level 5 should be interpreted with caution due to small numbers.
 SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, Automated System Query (ASQ)

Felony Prison Entries^{50,51}

As shown in Table 10, felony probation violation entries to prison have remained remarkably stable over the past few years, following slight shifts from CY 2013 to CY 2014. The largest proportion of probation violation entries in CY 2016 resulted from absconding supervision (39%), followed by new crime with a conviction (22%). Prison entries for revocation following the imposition of 2 prior CRVs continue to occur infrequently (1% in CY 2016). Entries for pre-JRA technical revocations have continued to decrease (to 27 in CY 2016).

Table 10
Felony Prison Entries for Probation Violations by Type

Type of Prison Entry	Felony Entries to Prison							
	CY 2013		CY 2014		CY 2015		CY 2016	
	#	%	#	%	#	%	#	%
New Crime	1,505	21	1,578	22	1,463	20	1,370	22
Alleged New Crime¹	847	12	849	12	819	11	814	13
Technical²	189	2	110	1	95	1	79	1
CRV³	2,253	31	1,647	23	1,726	24	784	13
Revoked After 2 CRVs	0	0	27	0	29	0	40	1
Terminal CRV⁴	n/a	n/a	580	8	612	9	716	11
Absconding	2,163	30	2,351	33	2,421	34	2,409	39
Pre-JRA Technical	291	4	94	1	57	1	27	0
Total	7,248	100	7,236	100	7,222	100	6,239	100

¹ Prison entries for an alleged new crime may include those for new crimes proven in a violation hearing or those with a conviction that is not represented in the data (e.g., convictions resulting in credit for time served, convictions resulting in unsupervised probation, or those without a conviction at data collection).

² It is not known whether prison entries for technical violations are revocations or are discrepant data.

³ Offenders in CRV Centers in CY 2016 are not included as prison entries.

⁴ Data were not available to break out terminal CRVs in CY 2013. As a result, any terminal CRVs would be included in the CRV category for CY 2013.

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

⁵⁰ This section focuses only on felony prison entries since nearly all misdemeanants serve their sentences in local jail facilities. See *infra*, Incarceration in Local Confinement Facilities.

⁵¹ As noted previously, DPS opened two pilot CRV Centers in December 2014. During the initial pilot, CRV Center beds were classified as prison beds. Following the pilot, DPS reclassified CRV Center beds as treatment beds effective January 1, 2016. From January 2016 forward, offenders in CRV Centers are not considered part of the prison population.

IV. INCARCERATION AND REENTRY

The JRA and subsequent related legislation made substantial changes to the confinement location for felons and misdemeanants in North Carolina. Gradually, from 2011 to 2015, misdemeanants were shifted out of state prisons to local confinement facilities. The bifurcation of the confinement location for felons and misdemeanants has been fully established and implemented as of CY 2015, with felons serving active sentences in state prisons and almost all misdemeanants serving active sentences in local jails.⁵² Information provided in this section is divided into two parts: policies and data related to misdemeanants serving active sentences in local confinement facilities (including the SMCP), and policies and data related to felons serving active sentences in prison. Particular focus is also given to felons exiting prison onto PRS, due to the expansion of PRS under the JRA and recent initiatives by DPS to improve reentry efforts for inmates returning to the community.

Incarceration in Local Confinement Facilities

Because incarceration in state prisons is the most costly correctional option for managing offenders, it should be reserved for those who commit the most serious offenses and pose the greatest public safety threat. One of the ways the JRA addressed its goal of reducing correctional spending was shifting the less serious offenders (misdemeanants) out of costly state prisons and into local confinement facilities. This shift brought North Carolina in line with most other states in that misdemeanants are now housed in jails as opposed to the state-run prison system.

Beyond the confinement location mandated for misdemeanants under the JRA, there are other provisions in the legislation affecting jails. Quick dip confinements imposed by probation officers through delegated authority for both felons and misdemeanants are served in local jails. Some CRVs (those imposed for misdemeanants prior to December 1, 2015 and those imposed for misdemeanants convicted of impaired driving offenses) are also served in jails. Much of the impact of these provisions on jails in terms of capacity and resources is not measurable at this stage because North Carolina lacks a statewide automated jail database.

Statewide Misdemeanor Confinement Program

In 2015, changes to eligibility for the SMCP went into effect, and were fully implemented in CY 2016. Nearly all misdemeanants who receive an active sentence under Structured Sentencing, as well as misdemeanants convicted of impaired driving offenses, serve their sentences in local jails either directly or through the SMCP. The DWI prison population has decreased considerably since implementation (207 on December 31, 2016, compared to 732 on December 31, 2014), with further declines expected as more DWI offenders become eligible for the SMCP (see Table 11).

⁵² The Section of Prisons (SOP) continues to receive all felons, as well as misdemeanants with heightened needs such as medical or safekeeping; there is also a small population of misdemeanants remaining in prison who were sentenced prior to their respective effective dates. Additionally, SOP will receive any misdemeanants in the event that space in the SMCP runs out in the future.

Table 11
Year-End Misdemeanor DWI Population

Sentence Location	Year-End (December 31) Misdemeanor DWI Population					
	2014		2015		2016	
	N	%	N	%	N	%
Prison	732	100	330	49	207	34
SMCP	n/a	n/a	347	51	408	66
Total	732	100	677	100	615	100

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

As noted in 2015, changes in funding for the SMCP occurred when the General Assembly authorized a recurring direct appropriation in the amount of \$22.5 million per fiscal year (FY 2016 through FY 2017), effective July 1, 2015.⁵³ NCSA reported it paid out \$16.9 million in county reimbursements (including approximately \$953,000 in medical payments).

In its operations, the SMCP is supported by counties volunteering excess bed space to receive inmates from other jurisdictions (i.e., “receiving counties”), for which the county receives a reimbursement rate of \$40 a day.⁵⁴ Counties that send inmates are reimbursed for costs associated with transporting inmates between jurisdictions and housing prior to their transport. Not surprisingly, the decision to participate in the SMCP as a receiving county is dependent upon the availability of bed space. NCJAA reported other factors contributing to local jails’ decisions about participating as a receiving county including staffing levels, geographic location, and the reimbursement amount. According to NCJAA, most areas reported the reimbursement rate for housing an inmate under the SMCP is below the average daily cost incurred by the facility, leading some areas to not participate.

The SMCP currently has 59 receiving counties with a capacity of 1,759 beds (see Table 12). Following increases in the SMCP population and entries from CY 2014 to CY 2015 – the result of the program expansion mandated during the 2014 Session – the SMCP population increased slightly over the last year (an increase of 137), and SMCP entries decreased slightly (138 entries). DWI entries accounted for 29% of total entries for both CY 2015 and CY 2016.

The SMCP populations, including DWI offenders, will continue to be monitored. At this point, the SMCP appears to have the capacity to manage the sentenced misdemeanants. It is possible DWI direct entries and probation revocations, along with longer DWI sentences, may have an impact on the SMCP. As more data become available over time, it will be possible to examine trends in DWI entries and the SMCP population.

⁵³ S.L. 2015-241.

⁵⁴ Receiving counties are also reimbursed for medical expenses associated with SMCP inmates.

Table 12
Statewide Misdemeanant Confinement Program (SMCP)

SMCP Capacity and Population	12/31/2012	12/31/2013	12/31/2014	12/31/2015	12/31/2016
Receiving Counties	50	54	56	57	59
Capacity	1,604	1,691	1,756	1,825	1,759
Population	697	631	579	979	1,116
SMCP Entries	CY 2012	CY 2013	CY 2014	CY 2015	CY 2016
SSA ≥91 Days	3,126	2,721	2,651	2,558	2,464
CRV Entries	30	224	309	374	340
DWI Entries	n/a	n/a	n/a	1,180	1,170
Total Entries	3,156	2,945	2,960	4,112	3,974

Note: As noted previously, the JRA required misdemeanants with a sentence imposed of more than 90 days and up to 180 days to be housed in county jails through the SMCP. During the 2014 Session, the SMCP was expanded to include misdemeanants with sentences greater than 180 days, as well as those sentenced for impaired driving.
SOURCE: NC Sheriffs' Association

Prisons

As noted previously, the majority of provisions in the JRA primarily affected offenders under community supervision. However, as DPS has seen success in the implementation of evidence-based policies and practices related to Community Corrections, it has shifted focus to expanding those types of practices in prisons. In 2016, in addition to long-standing JRA provisions affecting prisons, DPS reported efforts within SOP on enhanced behavioral health services and reduction in the use of restricted housing.

Advanced Supervised Release

ASR allows judges to decide at sentencing whether eligible offenders will be ordered to this prison program which, if completed, leads to their release at a reduced minimum sentence. In order for inmates to be released on their ASR date, they not only must have been ordered into the ASR program at sentencing, without objection from the prosecutor, but they must also complete the recommended prison programs while maintaining positive behavior during their incarceration.

Inmates with ASR sentences are housed in the same facilities as non-ASR inmates; at this time, there are no dedicated facilities to house ASR inmates. During intake, inmates with ASR sentences receive an ASR release date and a Structured Sentencing release date. ASR inmates also complete a RNA at diagnostic processing, as do non-ASR inmates, which informs the creation of the inmate's ASR case plan. The ASR case plan includes the recommended prison programs the inmate will need to complete in order to be released on their ASR release date. ASR inmates have a case management officer that monitors and tracks their progress on their ASR plan. Any non-compliance with the ASR case plan or repeated disciplinary infractions may lead to disqualification. However, DPS data indicate that the majority (87%)

of ASR inmates who exited prison in CY 2016 were released at their ASR date. The prison population of 35,664 on December 31, 2016, included 165 inmates with ASR sentences.

Behavioral Health Services

DPS reported that in 2016, the prison population included roughly 5,499 inmates (15%) receiving behavioral health services. From 2008 to 2016, the prison population has decreased while the percentage of inmates receiving services has increased. This change is a result of enhanced awareness and improved screening. During this same time, the Department has seen the prison population shift to more offenders with serious mental health issues. These offenders require additional resources, such as psychiatrists, psychologists, and medication.

In response to the increasing behavioral health needs of the inmate population, DPS reported developing Therapeutic Diversion Units (TDUs). A TDU provides a standardized treatment structure guided by a multi-disciplinary treatment team that embraces the offender and provides support and active treatment. The entire team trains together and is focused on a treatment model rather than a punishment model. Pursuant to an appropriation by the General Assembly, the Department opened four TDUs in 2016 and plans to open four more in 2017. The Department's goal is to have the first four units at 75% of capacity by December of 2016; in November, they were at 45% of capacity.

As of November 2016, the Department reporting staffing levels of 95% for the first four TDUs; people wanted to work in those units because the treatment model was making a difference. All TDU staff will complete American Correctional Association Correctional Behavioral Health Certification and Crisis Intervention Team (CIT) training. The Department has also begun an in-house CIT training program for correctional officers in conjunction with Pitt County Community College. Approximately 5,655 staff had been trained as of November 2016.

Restrictive Housing

In 2016, the Department made a concerted effort to reduce the number of inmates in Restrictive Housing. They have reduced the overall population from 1,252 inmates to 876 inmates. In part, this has been due to the development of TDUs (discussed above). Another factor contributing to the reduced usage of Restrictive Housing related to the increased use of Modified Housing. Inmates pass through Modified Housing when they are entering or leaving Restrictive Housing. The Modified Housing helps to re-acclimate inmates to living in groups; the Department has started to use it in lieu of Restrictive Housing or to shorten the time inmates spend in Restrictive Housing.

With regards to all efforts within SOP, the Department is limited by its current vacancy rate. While DPS has invested in the CIT training and pursuant to General Assembly funding, significant pay raises for the correctional officers, the vacancy rate for correctional officers is almost 15%. Full utilization of new tools requires an increase in the number of correctional officers.

Reentry Planning

The purpose of offering rehabilitative, EBP while in custody is, ultimately, to prepare the offender for entry back into the community. There are three phases of reentry that are being developed in the Department's "Connecting the Dots" Model: the institutional phase, the transitional phase, and the

community phase. The institutional phase focuses on enhanced programming, as well as establishing pre-release planning conducted in collaboration with Community Corrections. The transitional phase draws on this collaboration to streamline the process for offenders as they exit prison onto PRS. Lastly, the community phase works to connect offenders with resources in their home community.

SOP has identified common needs of offenders when they exit prison and is working to address them where they are able as part of the pre-release planning process. One such need is the procurement of an identification card, which is necessary for a number of reasons, including application for public benefits. Currently, offenders are released with a duplicate prison identification card, which, while eligible for exchange for a non-driving license at all NC Division of Motor Vehicle (DMV) offices, has not been as successful as hoped. Instead, DPS has partnered with the DMV to have DMV mobile units come to a prison facility and aid offenders in the pre-release planning stage obtain an identification card or a license, if they are otherwise eligible.

Another need SOP is working to address is the challenge offenders face applying for and ultimately acquiring a job after release from prison. In addition to the many vocational programs offered while in custody, DPS is partnering with the Division of Workforce Solutions to help offenders with application assistance, such as helping them draft letters explaining their prior conviction(s). Additionally, the Division of Workforce Solutions employs six former offender specialists as part of the Workforce Enhancement Initiative, who will visit prison facilities to assist offenders with resume and interview preparation.

SOP, and DPS in general, has a long-standing working partnership with the Department of Health and Human Services (DHHS), Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, which continues to be enhanced by the partnership with Community Corrections and mental health probation officers (*see supra*, Mental Health Pilot). Community Corrections has developed a process for referrals to DHHS for offenders that may be in need of mental health or substance abuse services, and SOP is working to make sure that offenders who were identified with such needs, or participants in such services while in custody, have a plan for continuing care upon exit.

Offenders often lose public benefits while they are incarcerated and have difficulty recovering them upon exit; the gap in coverage can be very difficult for the offender. To assist these offenders, DPS has looked to the local communities to create assistance for offenders in need of food stamp applications and has received support from the Food Bank of Central and Eastern North Carolina. DPS is working with the Department of Social Services and the Food Bank to create a process whereby offenders can apply for food stamps at their local social services office with expert assistance.

Perhaps the most important part of ensuring that the offender's release plan can be executed is the support they receive during the transition process. To that end, SOP is working diligently with Community Corrections to develop a smooth hand-off from prison to PRS. One way DPS is approaching this is through the use of institutional probation officers, whose role is similar to that of the officers in DPS' current residential substance abuse treatment programs and CRV facilities. Institutional probation officers will be placed in prison facilities to help guide the offender through pre-release planning and to prepare the offender for PRS. DPS reports that having these officers as part of the transition process will help offenders maintain compliance with their supervision during what can be a particularly risky time.

DPS is also working with community-based organizations to develop support systems for offenders within their community. As mentioned earlier, Community Corrections is working to expand local reentry council models as part of their TECS programming. The local reentry council works to help offenders connect with local services and reintegrate them into their community. As offenders return to the community, their needs vary and can be many; a council with multiple areas of expertise helps provide a coordinated approach to what the offender may need. Additionally, DPS reports receiving strong support from local faith-based organizations providing mentoring to offenders.

Prison Exits

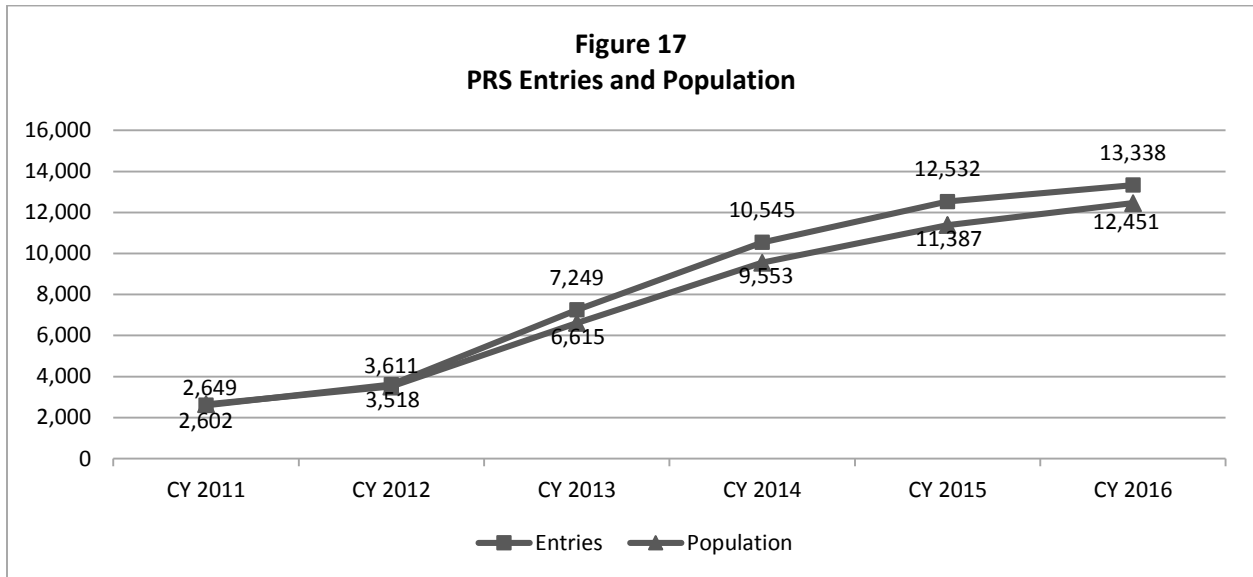
Under the JRA, all felony inmates sentenced for offenses committed on or after December 1, 2011, who receive an active sentence must be released onto PRS. Class F-I felons are released onto nine months of PRS and Class B1-E felons are released onto 12 months of PRS. PRS requires coordination between SOP, Community Corrections, and the PRSP Commission. As the number of offenders exiting prison and onto supervision continues to increase, these entities have worked to increase efficiency in the release process and better manage the transition of offenders back into the community. This expansion of PRS has had a significant impact on the PRSP Commission in processing prison releases and on Community Corrections in supervising this increasing population.

Exits onto PRS

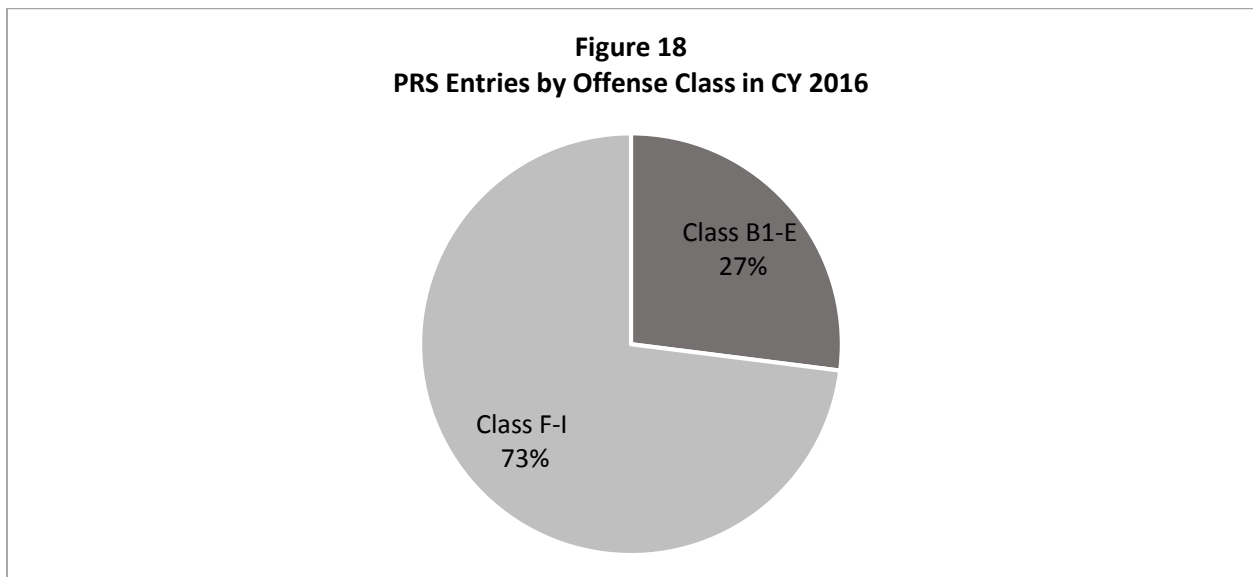
The PRSP Commission sets the conditions of PRS and responds to possible violations of those conditions. To determine the conditions of PRS, the PRSP Commission relies heavily on the work of the parole case analysts and their work in conjunction with Community Corrections staff. The role of the parole case analyst is to determine parole/PRS eligibility and to review the offender's requested release plans with Community Corrections staff. The case analyst presents an offender's case plan to the PRSP Commissioners for a vote approving, denying, or recommending other actions on the plan. This partnership in creating a case plan with Community Corrections helps with offender transition from custody onto supervision in the community. One important component in this transition has been to streamline the flow of information regarding the offender. The section of Combined Records in DPS has served as the hub for offender information for years and has been vital in ensuring that the transitions occurring under the JRA run smoothly. Combined Records enters the information from the judgment form into OPUS, which allows the prison system to access the record and add information regarding the offender's case while in prison. The PRSP Commission can then view that information to inform the determination of PRS conditions, and then input those conditions into OPUS as well. The probation officer then accesses OPUS to see the information from the offender's prison period as well as notes from the PRSP Commission, which assist in determining their supervision strategies for the offender when they return to the community.

While on PRS, offenders are supervised in the same general manner as those offenders on probation; however, the violation process and responses to such are very different. As mentioned previously, Community Corrections does not have the same delegated authority to respond to violations of PRS as it does to respond to violations of probation. All potential violations of PRS must be heard by a hearing officer for the PRSP Commission. The PRSP Commission can respond to violations by continuing supervision, issuing a letter of reprimand, modifying the conditions of supervision, or revoking PRS. The PRSP Commission responds to violations of conditions of PRS on a case-by-case basis; there are no written policies for responding to violations.

The number of offenders released from prison onto PRS and the population of offenders supervised on PRS have increased substantially (see Figure 17). The considerable increase in entries is a result of the volume of Class F-I entries to PRS (e.g., the number of Class F-I entries increased from 8,770 to 9,511 from CY 2015 to CY 2016). There has been a corresponding increase in the PRS population, with a 9% increase over the past year (from 11,387 to 12,451). As such, the number of Class F-I felons now account for the majority of PRS entries (see Figure 18) and population. These data indicate that the PRS population is now primarily comprised of offenders sentenced under JRA terms. It is important to note that although PRS entries and population continue to increase year-to-year, the increases are occurring at a decreasing rate, possibly indicating the start of stabilization in entries and population.



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



Note: Safekeepers, Aggravated Level One impaired driving, and possible discrepant data are not included.
SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, Automated System Query (ASQ)

Violations of PRS

As with probation, the JRA changed the responses to violations of PRS. If an offender's violation is for a new crime or for absconding, the offender may have PRS revoked for up to the time remaining on their maximum imposed term; if the violation is for other conduct, the offender may have PRS revoked, but only for three months (similar to a CRV period).

The increase in the PRS population has also led to an increase in entries to prison as a result of violations of supervision, with much of the increase attributable to revocations for Class F-I felons with PRS. Table 13 summarizes PRS violation entries to prison. From CY 2013 to CY 2016, the percentage of prison entries has continued to shift, aligning with the goals of the JRA to limit revocations to offenders committing a new crime or absconding probation. Overall, the percentage of entries for JRA three-month revocations and absconding have increased during this time period. The percentage of entries for new crime has remained relatively stable, while the percentage of entries for pre-JRA technical violations has decreased significantly. In CY 2016, offenders absconding PRS represented the largest group of felony entries to prison (36%).

Table 13
Felony Entries to Prison for PRS Violations by Type

Type of Prison Entry	Felony Entries to Prison							
	CY 2013		CY 2014		CY 2015		CY 2016	
	#	%	#	%	#	%	#	%
New Crime	193	12	345	12	418	11	482	11
Alleged New Crime¹	155	10	354	13	551	14	482	11
Technical²	64	4	131	5	140	3	137	3
Three-Month Revocation	148	10	486	18	655	17	845	19
Absconding	331	21	763	28	1,337	34	1,613	36
Pre-JRA Technical	452	29	358	13	334	8	340	8
Warrant/Pending Charges	126	8	235	8	314	8	281	6
Contempt	86	6	79	3	198	5	285	6
Total	1,555	100	2,751	100	3,947	100	4,465	100

¹ Prison entries for an alleged new crime may include those for new crimes proven in a violation hearing or those with a conviction that is not represented in the data (e.g., convictions resulting in credit for time served, convictions resulting in unsupervised probation, or those without a conviction at data collection).

² It is not known whether prison entries for technical violations are revocations or are discrepant data.

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

PRS Revocation Exits

With the addition of PRS for Class F-I felons, total exits from PRS have increased from CY 2011 to CY 2016 (see Table 14). Although PRS revocations increased 26% during this time period (from 19% to 24%), there has been little change in the past few years.

**Table 14
PRS Exits and Revocations**

	PRS Exits and Revocation Rates					
	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015	CY 2016
Total PRS Exits	2,352	2,680	4,131	7,383	10,267	11,776
% of PRS Exits Due to Revocation	19%	17%	25%	23%	24%	24%

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

Table 15 examines PRS exits by supervision level. The majority of offenders exiting PRS in CY 2016 were in Supervision Levels 1 and 2 (69%). The largest proportion of Class B1-E and Class F-I offenders exiting PRS were in Supervision Level 2 (42% and 46% respectively).

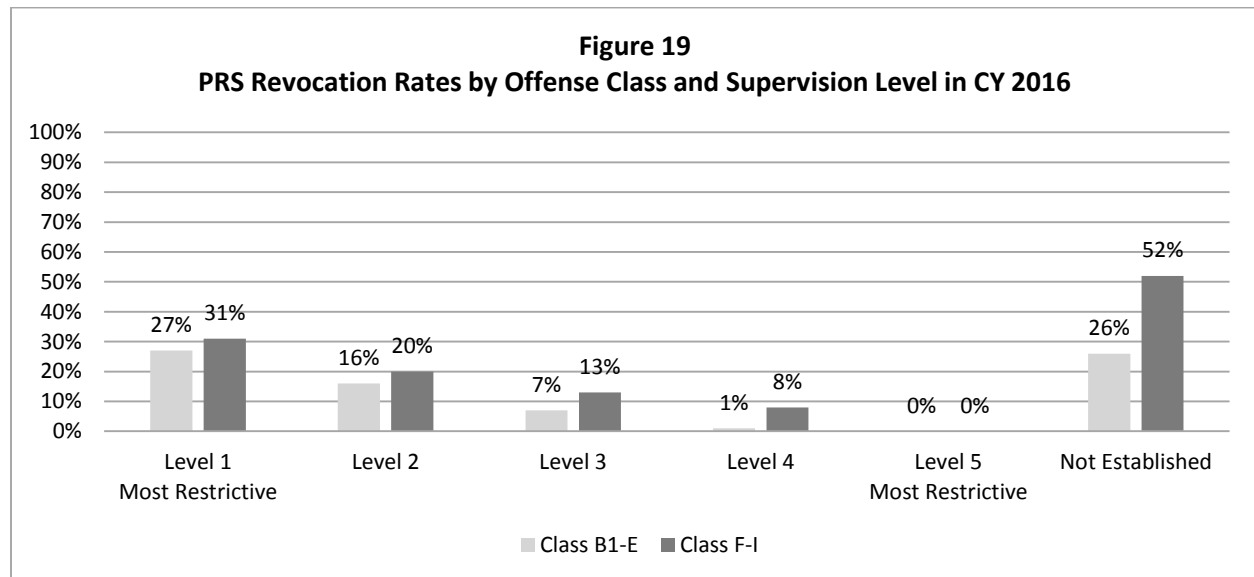
**Table 15
PRS Exits by Supervision Level in CY 2016**

Supervision Level	PRS Exits				Total	
	Class B1-E		Class F-I			
	#	%	#	%	#	%
Level 1 (Most Restrictive)	719	22	2,098	25	2,817	24
Level 2	1,421	42	3,871	46	5,292	45
Level 3	541	16	824	10	1,365	12
Level 4	193	6	326	4	519	4
Level 5 (Least Restrictive)	9	0	7	0	16	0
Not Established	465	14	1,302	15	1,767	15
Total	3,348	100	8,428	100	11,776	100

Note: Results for offenders in Supervision Level 5 should be interpreted with caution due to small numbers.
SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, Automated System Query (ASQ)

Figure 19 examines PRS revocation rates by supervision level and offense class. For those assigned a supervision level, revocation rates were highest for post-release supervisees in Supervision Level 1 (27% in Class B1-E and 31% in Class F-I), with a decreasing rate of PRS revocations for Supervision Levels 2 and 3. PRS revocation rates were higher for Class F-I offenders in all supervision levels.

Offenders without an established supervision level are typically offenders without a completed RNA (the RNA process is completed within the first 60 days of supervision) or those who absconded PRS prior to completion of the RNA process, and as a result, were not assigned a supervision level, but were instead revoked.



Note: Results for offenders in Supervision Levels 4 and 5 should be interpreted with caution due to small numbers.
SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, Automated System Query (ASQ)

V. CONCLUSIONS

The enactment of the JRA marked a shift in North Carolina’s approach to many aspects of its criminal justice system. This report examines the effect of the JRA on sentencing practices and correctional practices – both in community supervision and incarceration (in prisons and local jails). Beyond its effect on sentencing and correctional practices, the JRA has led to the development of new initiatives to enhance or expand the use of evidence-based practices, also described in this report. As the JRA has evolved over time, the General Assembly and DPS have augmented it to try to meet other system challenges, most notably, handling offenders with mental health needs. Key findings related to sentencing practices, correctional populations, offender behavior, and savings and reinvestment are described below.

Sentencing Practices

In examining the JRA’s effect on sentencing practices, it is clear that some options are used more often than others. The most frequently used provision is the habitual felon status offense. While the existence

of the habitual felon status offense predates the JRA, the proportional sentencing established by the JRA has led to an increase in habitual felon convictions and entries to prison. Since December 2011, habitual felon entries to prison have increased 34%, with steady increases occurring each year. This trend will continue to be monitored, in light of the rise in the number of convictions and their potential impact on the prison population. Conversely, the habitual breaking and entering status offense created by the JRA has not been as widely used, with only 137 entries to prison for the offense in CY 2016. The limited use of habitual breaking and entering, designed as an enhanced sentencing option to deter repeat property offenders, merits further examination. It may be that the possibility of being convicted as a habitual breaking and entering felon has played a larger role at the plea negotiation phase – which would not be reflected in available data on convictions and sentences imposed or prison entries. Similarly, the ASR sentencing option also shows consistently low usage, with a small number of offenders sentenced to the program each year. Even with low usage, future reports may be able to examine if ASR has achieved recidivism reduction through its targeted programming. Also of potential interest for future examination is the use of special probation (i.e., a split sentence) at the original judgement and probation modification stages. With the use of quick dip confinements and CRVs altered by recent legislative changes, it is possible that the use of special probation might change as a result.

Correctional Practices

As noted throughout this report, correctional practices have substantially changed under the JRA and continue to evolve as a result of legislative and policy changes. DPS's validated RNA continues to accurately identify those offenders most likely to reoffend and place them into the higher, more restrictive supervision levels. With the addition of new probation officers, Community Corrections has achieved caseload goals and made significant strides in its goal of implementing supervision strategies based on evidence-based practices. In 2016, after meeting with initial success and positive feedback, DPS expanded its Administrative Response Pilot, designed to balance sanctions and incentives to better manage offender behavior while under community supervision. The use of incentives to increase compliance on probation is a subject of potential exploration in future reports.

A number of JRA modifications occurred in CY 2016. DPS continues to improve its CRV Centers, first opened in 2014. The CRV is a primary feature of the JRA; further enhancements to the CRV Centers planned for this year (e.g., standalone facility for women offenders, incorporation of medical and mental health care, etc.) may lead to better outcomes for offenders. Another notable change is increased reentry efforts for offenders exiting prison. DPS has partnered with a number of other agencies and expanded the number of local reentry councils across the state with the goal of achieving a more seamless transition for offenders leaving prison and returning to the community. DPS has also continued to increase its focus on handling offenders with mental health needs both in the community and in prisons. In 2016, DPS expanded the study of specialized mental health caseloads for probation officers, and opened four Therapeutic Diversion Units in prisons designed to provide standardized, multi-disciplinary treatment. The overlap between the criminal justice system and mental health system cannot be overstated; DPS reported that 30% of the population under community supervision were identified as having mental health need and 15% of the prison population were receiving behavioral health services (including services for serious mental illnesses). This critical intersection applies pressure on all aspects of the criminal justice system including, but not limited to, supervision practices, local jails,

and prisons. These and other efforts to address issues related to offenders with mental health needs may lead to both improved outcomes for these offenders and relieved pressure on the system.⁵⁵

Effect of Justice Reinvestment on the Community Corrections and Prison Populations

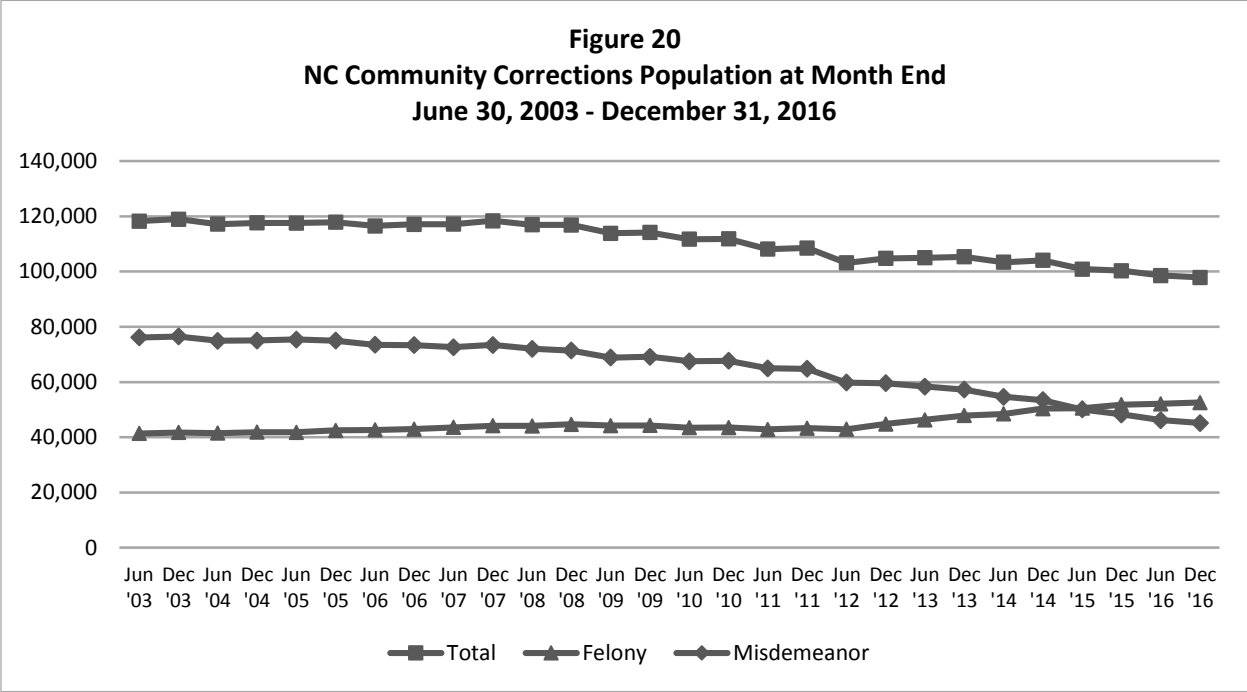
As North Carolina enters its sixth year under Justice Reinvestment, it is possible to examine its impact on the population of offenders supervised in the community and housed in prisons. The community corrections and prison populations have been demonstrably affected by JRA changes that went into effect beginning December 2011. They have also been affected by external factors, including the decline in the crime rates over the past ten years. Figure 20 and Figure 21 provide trend data on the community corrections population and the prison population.

As shown in Figure 20, the overall community corrections population declined 10% from December 2011 to December 2016 (from 108,520 to 97,882). While there has been an increase in the felony community corrections population (21% from December 2011 to December 2016) as a result of the addition of PRS for Class F-I felons, the declines in the misdemeanor community corrections population (30% over this same time period) have been a major contributor to the overall decline in the community corrections population. This decrease is likely related to a continued decrease in misdemeanor convictions in North Carolina. However, the termination of probation for some misdemeanants who have served a CRV may have had an effect on this population as well. Over the past year, the community corrections population decreased 2%, encompassing a 2% increase in the felony community corrections population and a 7% decrease in the misdemeanor community corrections population.

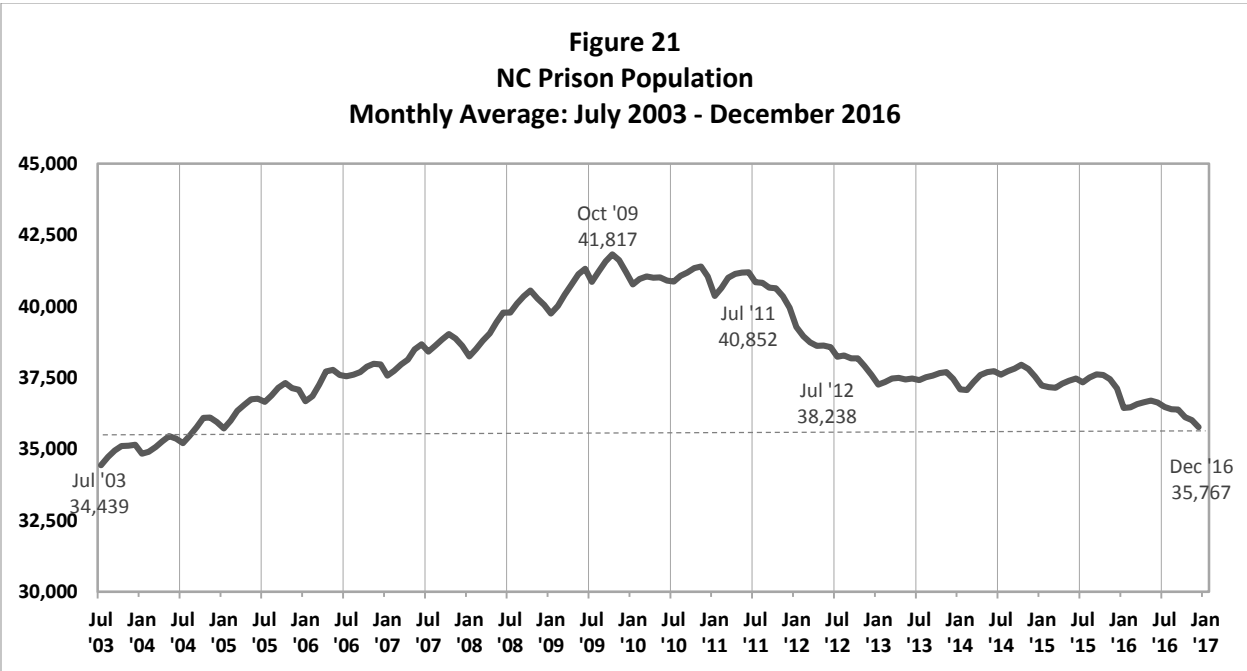
Figure 21 shows the prison population in North Carolina from July 2003 through December 2016. The average prison population has declined from 39,954 in December 2011 to 35,767 in December 2016, a decrease of 4,187 or 10%. These declines can be attributed to changes in prison entries as a result of the JRA (i.e., the establishment of the SMCP to house misdemeanants and the limits to revocations of probation for technical violations), as well as subsequent legislative changes (i.e., the expansion of the SMCP mandated in the 2014 Session). The prison population remained around FY 2006 levels from FY 2013 through FY 2015. The reclassification of CRV Center beds as treatment beds (effective January 1, 2016) resulted in an additional decrease to the prison population – currently around FY 2005 levels.

Of continual concern and as noted in previous reports, is the lack of complete data to understand the full impact of the changes to the criminal justice system under the JRA. The implementation of a statewide automated jail database would allow for a more comprehensive evaluation of the JRA's effect on all offenders in North Carolina, including those in local jails.

⁵⁵ See NC Sentencing and Policy Advisory Commission, *Study of the Intersection of Mental Health and Jails: Select Practices from Across the State*, December 2016.



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



Note: Solid vertical lines separate each fiscal year. The dashed horizontal line allows for a comparison of the current prison population with historical prison populations.

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, Daily Unit Population Reports and Inmates on Backlog Reports

Effect of Justice Reinvestment on Recidivism

Beyond the reductions in the correctional populations, also of great interest is the effect of the JRA on offender outcomes, namely, recidivism. Part of the intent of the JRA is to reduce recidivism by more effectively targeting correctional resources and utilizing evidence-based supervision practices. In 2016, the Sentencing Commission published its ninth biennial adult recidivism study – a study that examined the first cohort of probationers sentenced under and subject to the provisions and practices under the JRA.⁵⁶ Outcomes reported for probationers offer both a first look at the impact of the JRA during the early phase of implementation.⁵⁷

As intended, the JRA has already affected revocation and recidivist incarceration rates for probationers. Table 16 provides a comparison of violation, revocation, and recidivist incarceration rates for probation entries for the past three recidivism studies published by the Commission. While violation rates have increased, revocation rates for probationers have decreased substantially. Decreases in both the revocation and recidivist incarceration rates for FY 2011 and FY 2013 can be attributed to the limits to revocations of probation for technical violations and the establishment of CRVs. In addition, the recidivist incarceration rate is affected by the shifting of misdemeanants out of the state prison system (active sentences for misdemeanants and misdemeanor probation revocations are served in local jails rather than in prison). Of interest for future studies will be an examination of whether options available to respond to probationer noncompliance, short of revocation, are effective in reducing reoffending.

Table 16
Violation, Revocation, and Recidivist Incarceration Rates for North Carolina Probationers

Sample Year	Two-Year Follow-Up		
	Violation Rates	Revocation Rates	Recidivist Incarceration Rates
FY 2009	63	36	24
FY 2011	66	31	22
FY 2013	68	19	14

Note: For calculation of violation and revocation rates, the probation sample for each of the studies was limited to probationers with a risk assessment completed.

SOURCE: NC Sentencing and Policy Advisory Commission

The 2016 recidivism report, specifically the outcomes reported for probationers, offers insight into the first empirically measurable effects of the JRA and its promising new approach to offender supervision, treatment, and services. While the effects of the JRA on revocations and recidivist incarcerations are clear – it will take more time to fully measure the overall effect on offender behavior, more specifically, on the primary measure of recidivism used in the Commission’s studies – rearrest. The 2016 study provides a baseline for future comparisons of the effect of JRA policies and practices. It is important to note that changing offender behavior takes time and may be influenced by external factors (e.g., changes in criminal justice trends). Expectations for recidivism reduction (in terms of rearrest rates)

⁵⁶ See NC Sentencing Commission, *Correctional Program Evaluation: Offenders Place on Probation or Released from Prison in FY 2013*, April 2016

⁵⁷ It is too soon to examine the effect of the JRA on criminal justice outcomes for prisoners, because so few in the sample were subject to the changes under the law.

should be weighed realistically considering the complex set of factors contributing to offenders' criminal behavior compared to the resources and time available to the criminal justice system to elicit change.

Savings and Reinvestment

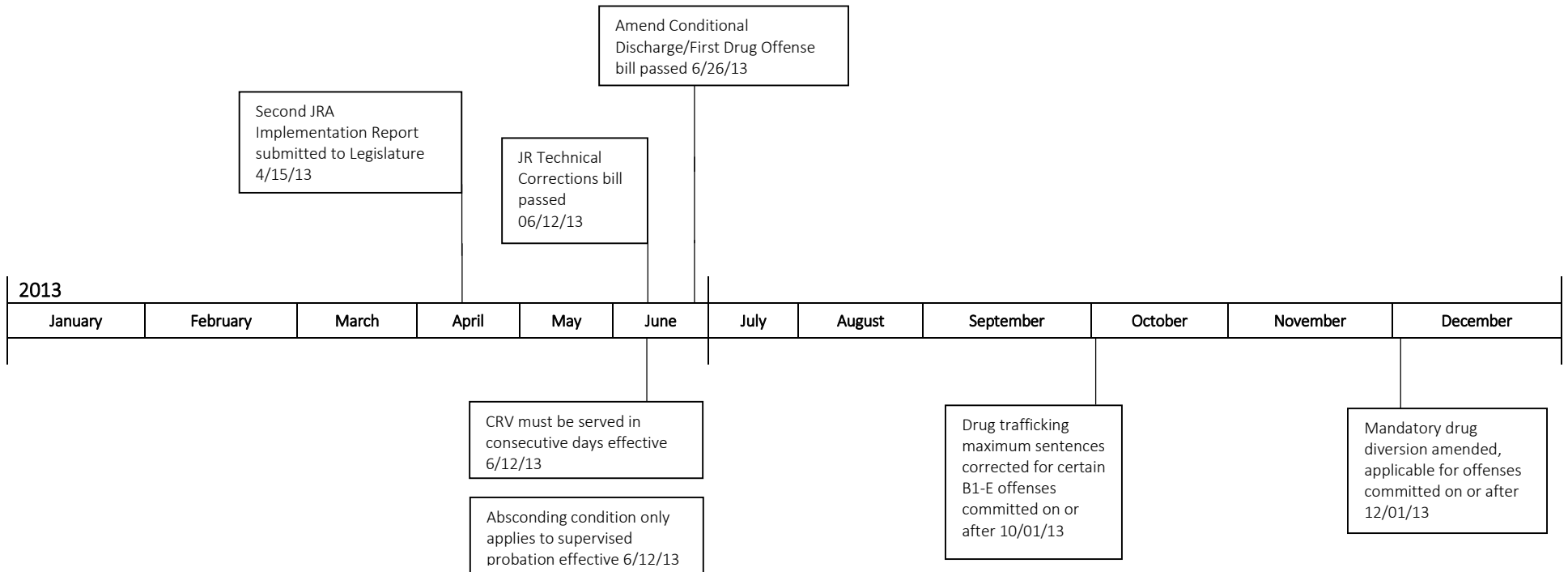
Though not specified in the legislation, the intent of Justice Reinvestment is to reduce correctional spending and reinvest savings in strategies to increase public safety. More specifically, through reducing the prison population, the state could invest savings in effective and targeted community supervision intended to reduce recidivism. The JRA has resulted in tangible correctional savings to the state primarily due to the shifting of misdemeanants out of state prisons and the limitation of certain types of entries to prison (i.e., technical revocations of probation and PRS), coupled with declines in criminal justice trends. As a result, the state has been able to close some state prisons, convert other state prisons, and eliminate unneeded positions. The most substantial portion of the overall savings has come from the closing of prisons.

It may take more time for some JRA policies and practices to result in further savings. The key to future savings will be in the success of JRA policies, programs, and practices in affecting future offending. That success depends on several factors – the fidelity of the implementation of those policies and practices; effective and evidence-based programs; and external factors such as changes in the state's population and changes in criminal justice trends. With additional savings, beyond what has already been achieved, other opportunities to reinvest may further the goal of the JRA to reduce recidivism and enhance public safety.

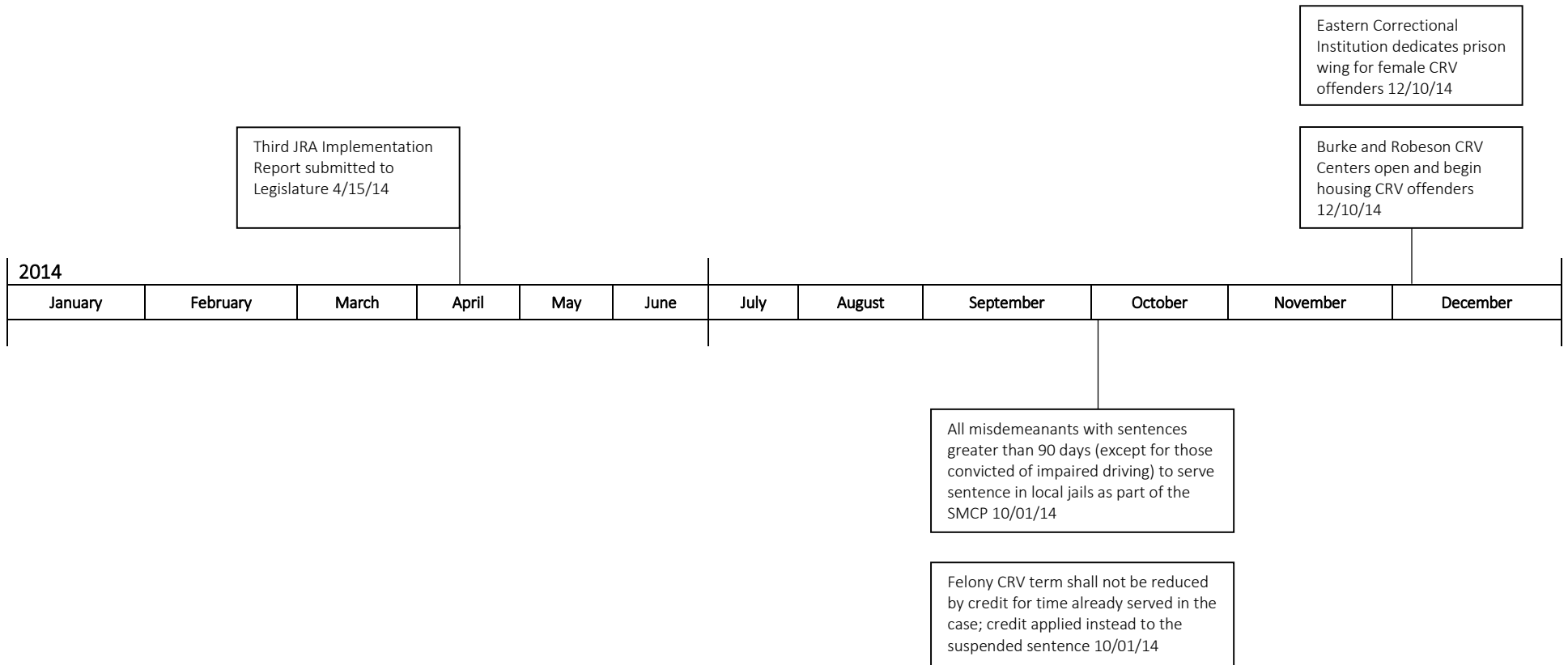
The Sentencing Commission will continue to monitor the progress of the implementation, review data where available, and submit future annual reports, interim findings, and recommendations for clarifications or revisions to the JRA as needed.

APPENDIX A
JUSTICE REINVESTMENT IMPLEMENTATION TIMELINE

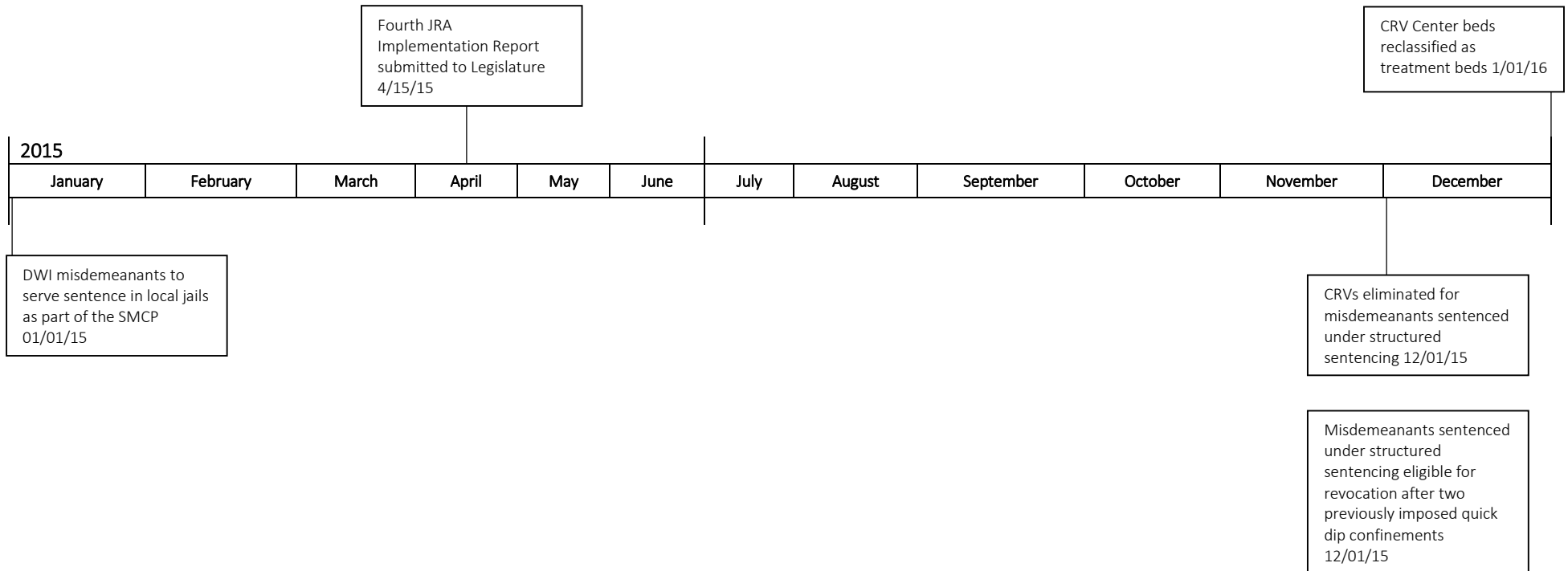
JUSTICE REINVESTMENT ACT IMPLEMENTATION TIMELINE 2013



JUSTICE REINVESTMENT ACT IMPLEMENTATION TIMELINE 2014



JUSTICE REINVESTMENT ACT IMPLEMENTATION TIMELINE 2015



APPENDIX B
LIST OF ACRONYMS

**2016 Justice Reinvestment Act Implementation Evaluation Report
Acronym List**

ASR – Advanced Supervised Release

ACDP – Alcohol and Chemical Dependency Program

ASQ – Automated System Query

CY – Calendar Year

CBI – Cognitive-Based Intervention

CRV – Confinement in Response to Violation

CSG – Council of State Governments

CJPP – Criminal Justice Partnership Program

CIT – Crisis Intervention Team

DHHS – Department of Health and Human Services

DPS – Department of Public Safety

DACJJ – Division of Adult Correction and Juvenile Justice (within the Department of Public Safety)

DMV – North Carolina Division of Motor Vehicles

DWI – Driving While Impaired

EBP – Evidence-Based Programming

FY – Fiscal Year

G.S. – General Statute

IOP – Intensive Outpatient Therapy

JRA – Justice Reinvestment Act

NCJAA – North Carolina Jail Administrators' Association

NCSA – North Carolina Sheriffs' Association

OPUS – Offender Population Unified System

OTI-R – Offender Traits Inventory- Revised

PRS – Post-Release Supervision

PRSP Commission – Post-Release Supervision and Parole Commission

PSI – Pre-Sentence Investigation

PPO – Probation and Parole Officer

RRS – Recidivism Reduction Services

RFP – Request for Proposals

RNA – Risk-Needs Assessment

SOG – UNC School of Government

SOP – Section of Prisons (within the Division of Adult Correction and Juvenile Justice)

SPMI – Serious and Persistent Mental Illness

S.L. – Session Law

SMC Fund – Statewide Misdemeanant Confinement Fund

SMCP – Statewide Misdemeanant Confinement Program

SSA – Structured Sentencing Act

TECS – Treatment for Effective Community Supervision

TDU—Therapeutic Diversion Unit

VA – Department of Veteran’s Affairs