



Justice Reinvestment in North Carolina: Three Years Later

Justice and Public Safety Committee

November 13, 2014

Council of State Governments Justice Center

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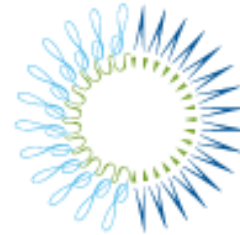
Council of State Governments Justice Center

- National nonprofit, nonpartisan membership association of state government officials
- Engages members of all three branches of state government
- CSG Justice Center provides practical, nonpartisan advice informed by the best available evidence



Justice Reinvestment

*a data-driven approach to improve public safety,
reduce corrections spending, and reinvest savings
in strategies that can decrease crime and reduce recidivism*



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Overview

Justice Reinvestment in North Carolina

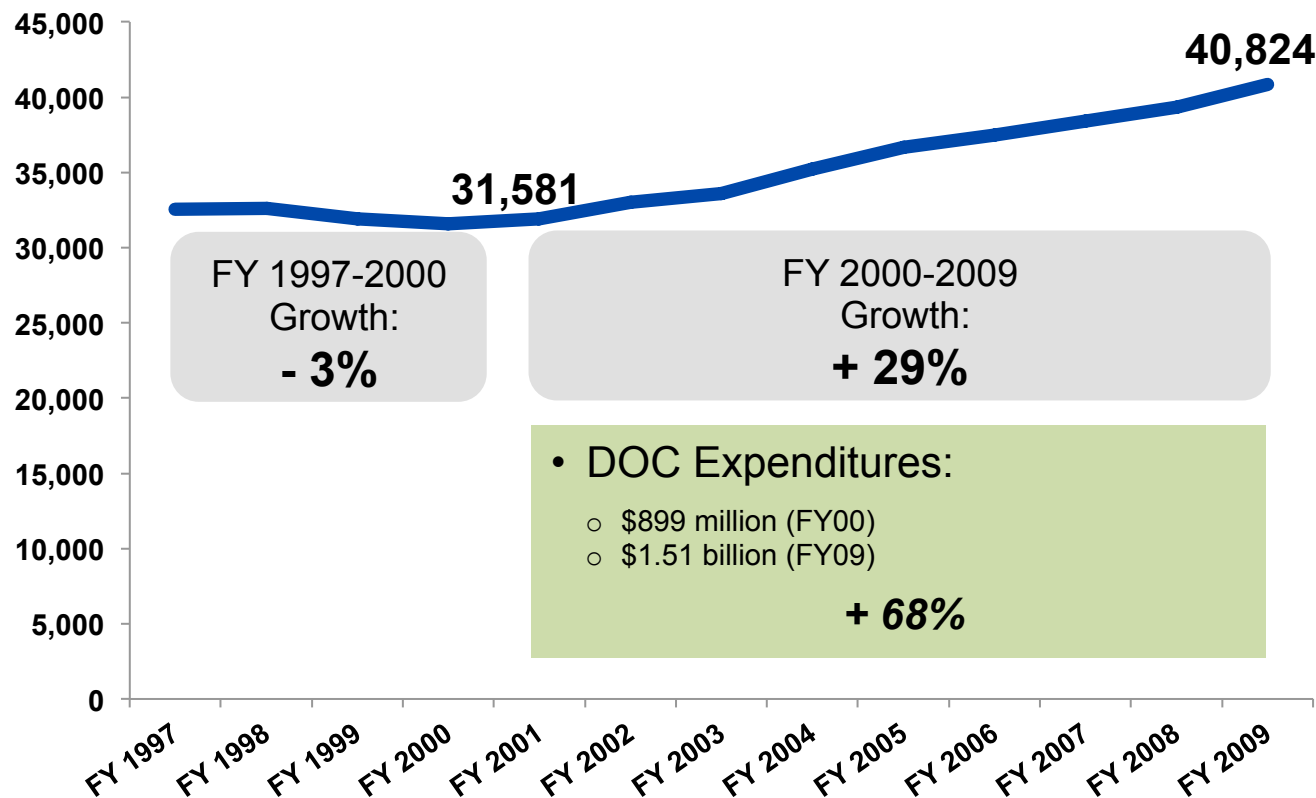
Outcomes to Date

Impact of JRA on Supervision Practices

Anne Precythe, Director, Division of Community Corrections

In 2009, the state's prison population and costs were growing significantly.

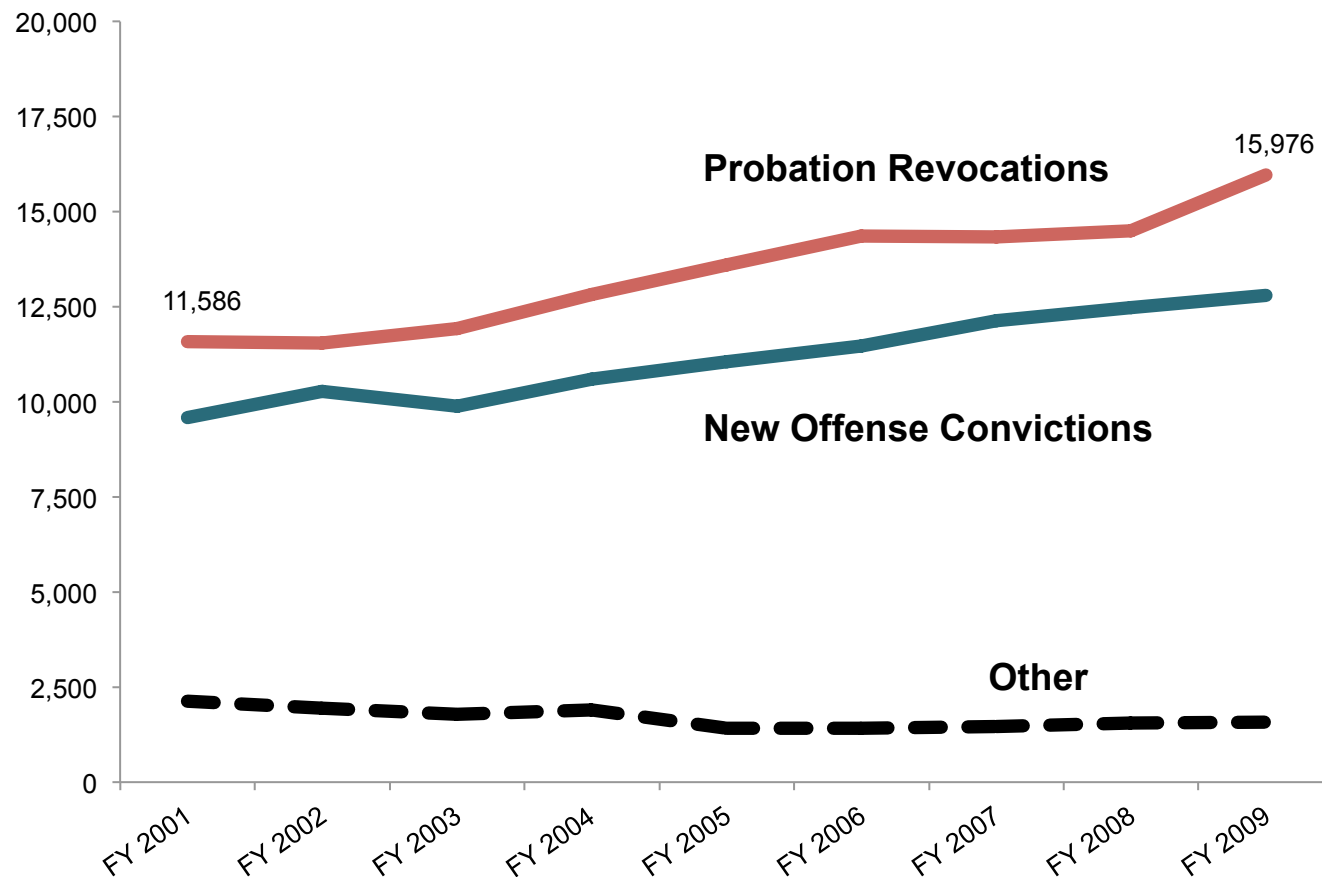
North Carolina Prison Population FY 1997 - 2009



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

An increasing number of people were failing on probation and being revoked to prison.

North Carolina Prison Admissions FY2001–2009



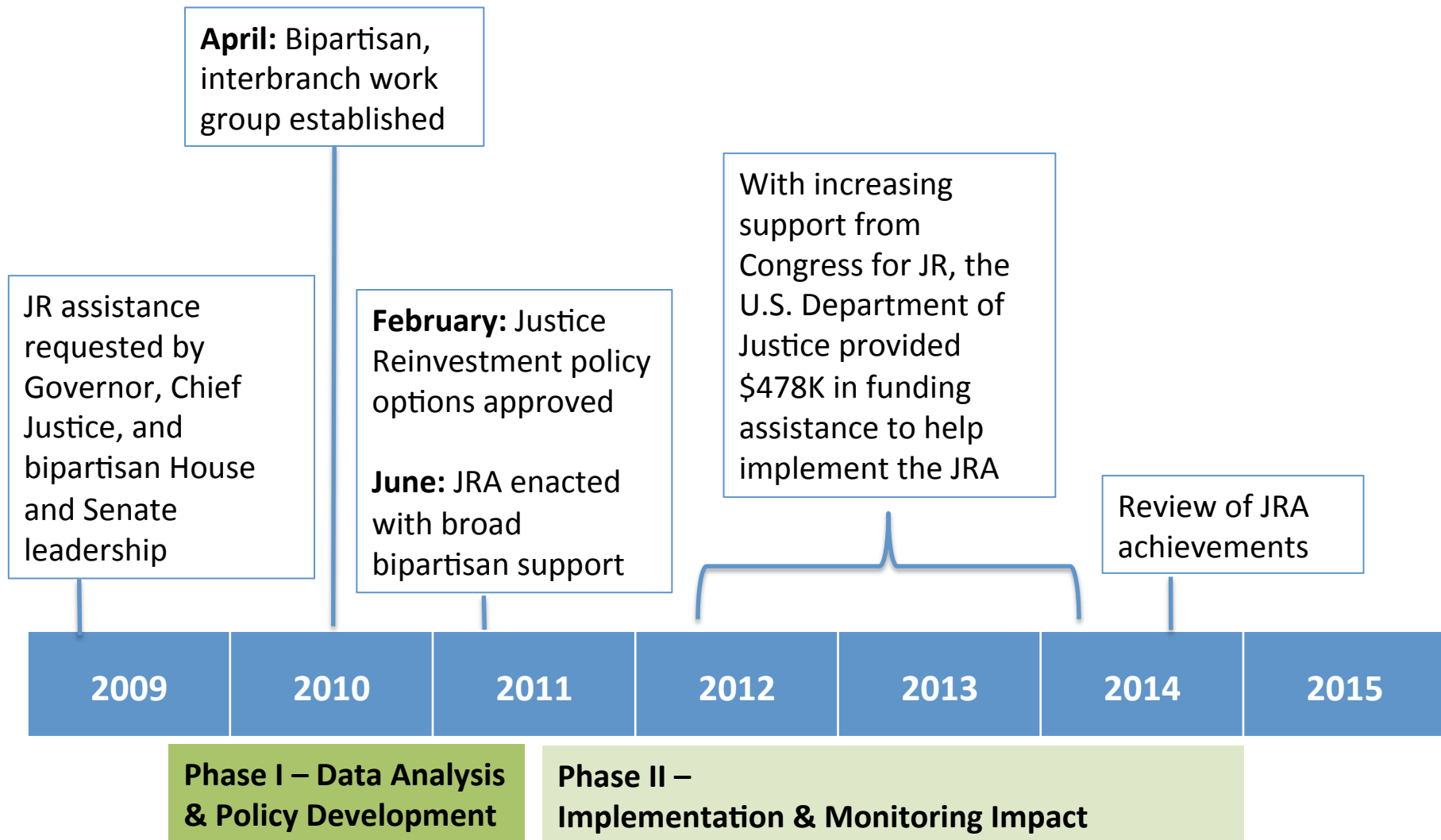
Source: North Carolina Department of Correction Annual Statistical Reports

**Probation Revocations
as % of Total Prison
Admissions**

FY2001	50%
FY2009	53%

76% of the probation revocations to prison were for violating the conditions of supervision in 2009

History of Justice Reinvestment in North Carolina



Justice Reinvestment Act Enacted June 2011

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

SESSION LAW 2011-192
HOUSE BILL 642

AN ACT TO IMPLEMENT CERTAIN RECOMMENDATIONS OF THE JUSTICE REINVESTMENT PROJECT AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE JUSTICE REINVESTMENT ACT OF 2011."

The General Assembly of North Carolina enacts:

PART I. STRENGTHEN PROBATION SUPERVISION

SECTION 1.(a) G.S. 15A-1340.11(2) reads as rewritten:

"(2) Community punishment. – A sentence in a criminal case that does not include an active punishment or assignment to a drug treatment court, or special probation as defined in G.S. 15A-1351(a), punishment, an intermediate punishment, or any of the conditions of probation listed in subdivision (6) of this section. It may include any one or more of the conditions set forth in G.S. 15A-1343(a1)."

SECTION 1.(b) G.S. 15A-1340.11(6) reads as rewritten:

"(6) Intermediate punishment. – A sentence in a criminal case that places an offender on supervised probation, probation and includes at least one. It may include drug treatment court, special probation as defined in G.S. 15A-1351(a), and one or more of the following conditions: conditions set forth in G.S. 15A-1343(a1).

- a. Special probation as defined in G.S. 15A-1351(a).
- b. Assignment to a residential program.
- c. House arrest with electronic monitoring.
- d. Intensive supervision.
- e. Assignment to a day-reporting center.
- f. Assignment to a drug treatment court program."

SECTION 1.(c) G.S. 15A-1343 is amended by adding a new subsection to read:

"(a1) Community and Intermediate Probation Conditions. – In addition to any conditions a court may be authorized to impose pursuant to G.S. 15A-1343(b1), the court may include any one or more of the following conditions as part of a community or intermediate punishment:

- (1) House arrest with electronic monitoring.
- (2) Perform community service.
- (3) Submission to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods.
- (4) Substance abuse assessment, monitoring, or treatment.
- (5) Participation in an educational or vocational skills development program, including an evidence-based program.
- (6) Submission to satellite-based monitoring, pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes, if the defendant is described by G.S. 14-208.40(a)(2)."

SECTION 1.(d) G.S. 15A-1343.2(e) reads as rewritten:

"(e) Delegation to Probation Officer in Community Punishment. – Unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Division of Community Corrections in the Department of Correction may require an offender sentenced to community punishment to do any of the following:



Justice Reinvestment Act passed
nearly unanimously with votes of:

Senate: 50-0

House: 115-1



Overview

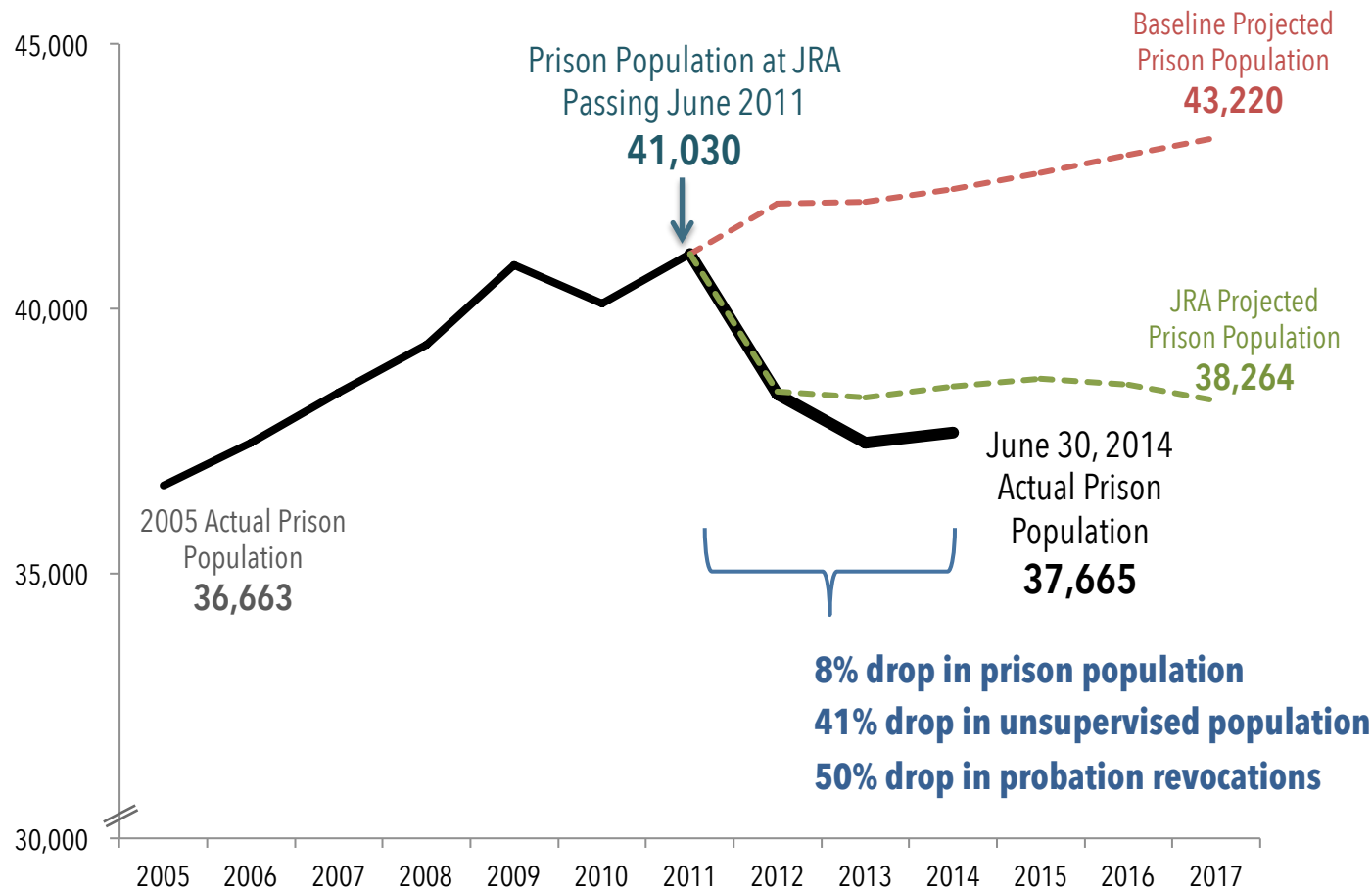
Justice Reinvestment in North Carolina

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Key Public Safety & Corrections Trends Since JRA Enactment



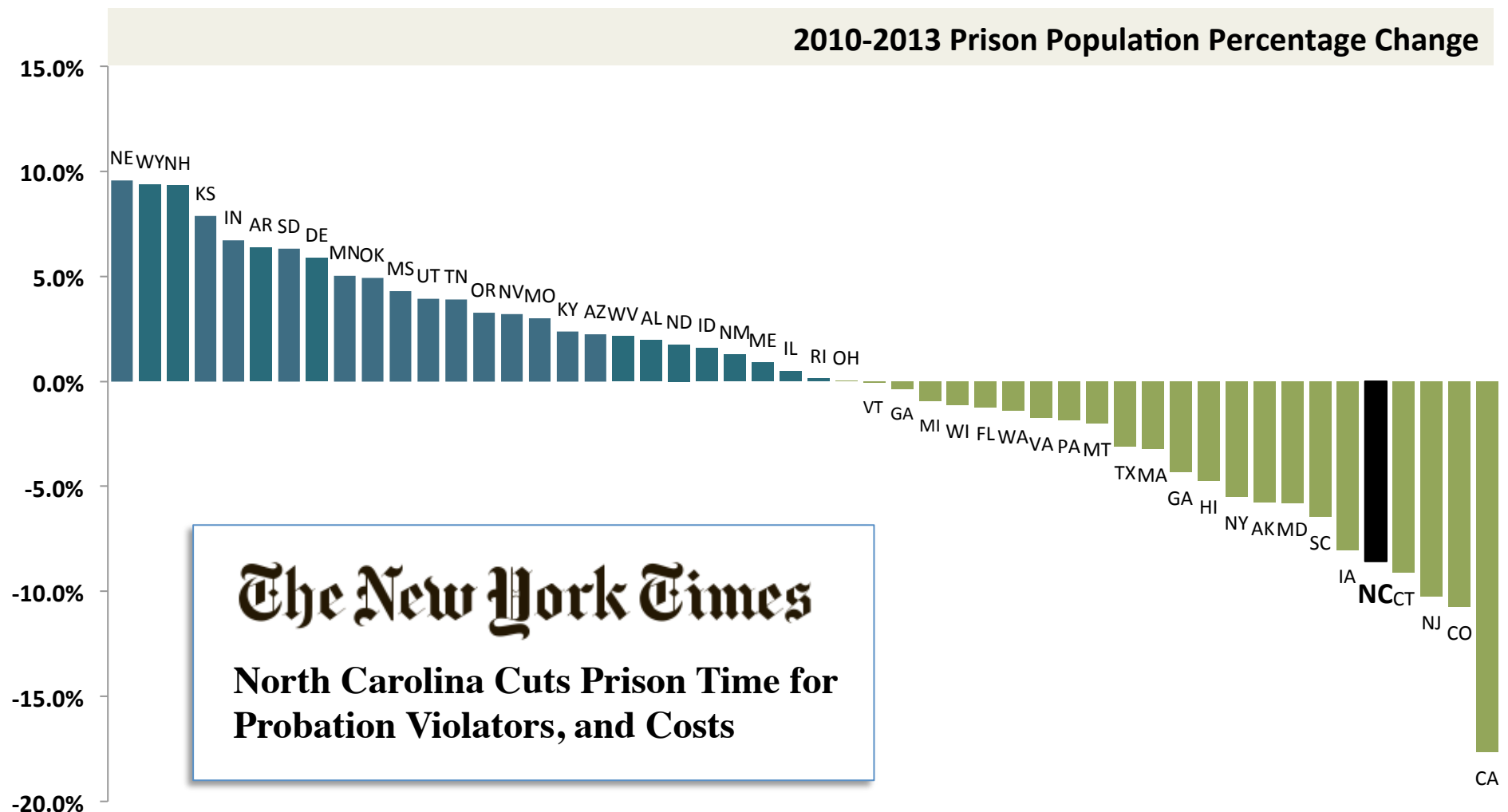
\$560m
averted costs and savings by
FY2017

10
prisons
closed since 2011

175
new probation officers in
FY2014 and FY2015

11%
drop in crime between
2011-2013

North Carolina stands out nationally for reducing the state's prison population, recidivism rate, and crime.




Source: BJS, Prisoners series for 2010 and 2013 data.

Report and infographic aim to help highlight how North Carolina achieved these outcomes.

JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

November 2014

Justice Reinvestment in North Carolina: Three Years Later



IN 2010, THE NUMBER OF PEOPLE incarcerated in North Carolina state prisons had climbed to more than 40,000, up 27 percent since 2000. During this same period, corrections spending rose 49 percent, to more than \$1.3 billion.* Looking forward, the state projected the need for more than \$300 million in additional spending by 2017 to accommodate the expected prison growth.

Since 2011, however, the prison population has fallen by nearly 3,400 people. A total of 10 prisons closed as a result and the state is using some of the savings generated to focus on improving supervision practices by adding 175 probation and parole officers and investing in cognitive interventions and substance use treatment for individuals with the greatest need for treatment and who are at the highest risk of reoffending.

How did the state achieve such a dramatic turnaround? And what has the impact been on public safety?

Between 2010 and 2011, state leaders came together across party lines to take a hard look at their criminal justice system. With assistance from national criminal justice experts, state leaders identified issues that were disturbing not just for taxpayers, but also for public safety: more than half of people entering prison were those who failed on probation; substance use treatment resources were spread thinly across the probation population; and 15,000 people who had been convicted of felony offenses were leaving prison every year without any supervision at all. In 2011, in a near

unanimous vote, the legislature passed the Justice Reinvestment Act (JRA), a comprehensive package of reforms that touched almost every aspect of the criminal justice system. Changes were made to how individuals were supervised on probation and upon release from prison, how they were sanctioned for violating supervision conditions, how they accessed substance use treatment, and how they were sentenced.


Background

In June 2011, North Carolina enacted comprehensive criminal justice legislation designed to increase public safety while saving taxpayer dollars. Using a data-driven "justice reinvestment" approach, the state received 14 months of intensive technical assistance from the Council of State Governments (CSG) Justice Center, in partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. Justice reinvestment is a data-driven approach to improve public safety, reduce corrections spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. The resulting Justice Reinvestment Act contains a framework for strengthening supervision, increasing the number of people supervised after release from prison, and investing in substance use treatment in North Carolina.


1. North Carolina Department of Correction Annual Statistical Report (1999-2000, 2009-2010) (Raleigh: North Carolina Department of Correction, 2000, 2010). Spending increased from \$899 million in FY2000 to \$1.338 billion in FY2010. The prison population increased from 31,581 in FY2000 to 40,102 in FY2010.

Justice Reinvestment in North Carolina 1


NORTH CAROLINA'S JUSTICE REINVESTMENT ACT



Through the 2011 passage of North Carolina's Justice Reinvestment Act, state leaders have managed to reduce recidivism, increase public safety and lower corrections costs through a data-driven approach designed to reinvest savings in strategies that make communities safer.



WHAT NORTH CAROLINA DID



Transforming Probation Supervision

Reinvesting How Treatment is Funded and Delivered

Reserving Prison Space for the Most Serious Offenders

Supervising People Released From Prison

Transforming Probation Supervision

PROBLEM → DATA → POLICY CHANGE

\$120 million
spent monitoring
100,000+ probationers

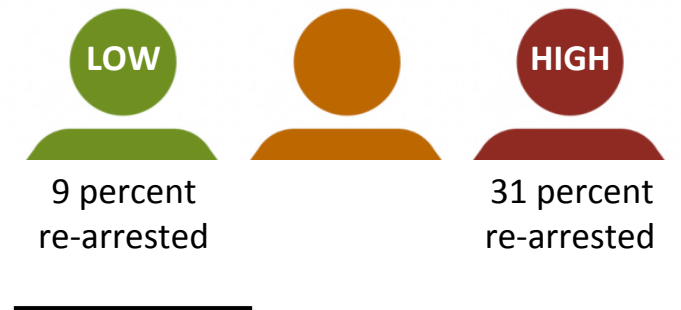


... all being supervised
more or less
the same way.

Probation
Revocation Rate
for Low Risk
Offenders

+49 %
Since 2005

Focus supervision and
resources on individuals most
likely to reoffend



Transforming Probation Supervision

PROBLEM → DATA → POLICY CHANGE

Supervision violation hearings are time-consuming, frequently delayed, and often result in reinstatement on supervision

53%
of prison admissions are **probation revocations**

Administrative Jail Sanctions



2-3 day
sanction

&

Tailored Prison Sanctions



90 day
sanction

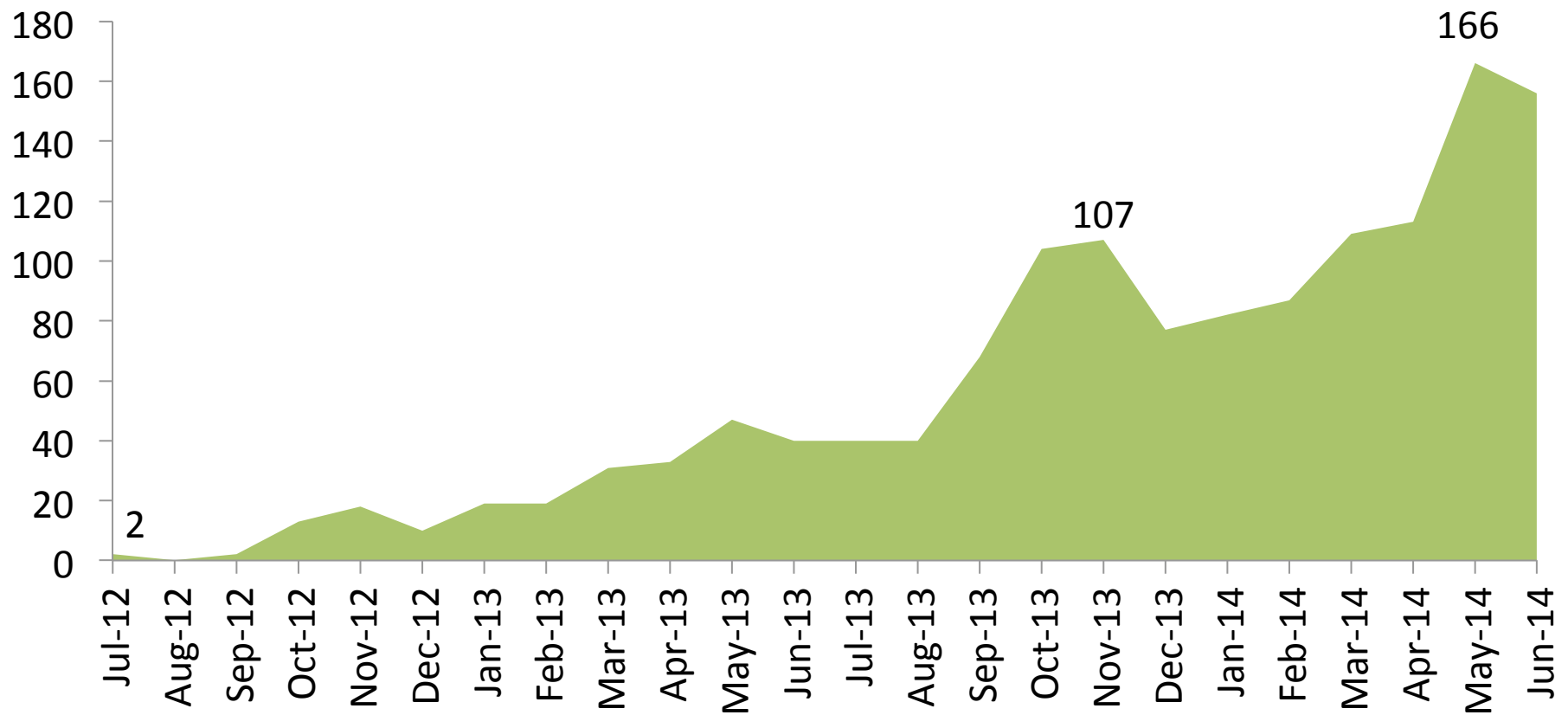
There are few meaningful graduated sanctions for minor condition violations

75%
of revocations are for **condition violations**
(drug use, absconding)

Designed to:

- Reduce violation hearings
- Reduce time in court
- Reduce jail time spent awaiting hearings

Utilization of Quick Dips to Respond to Violations

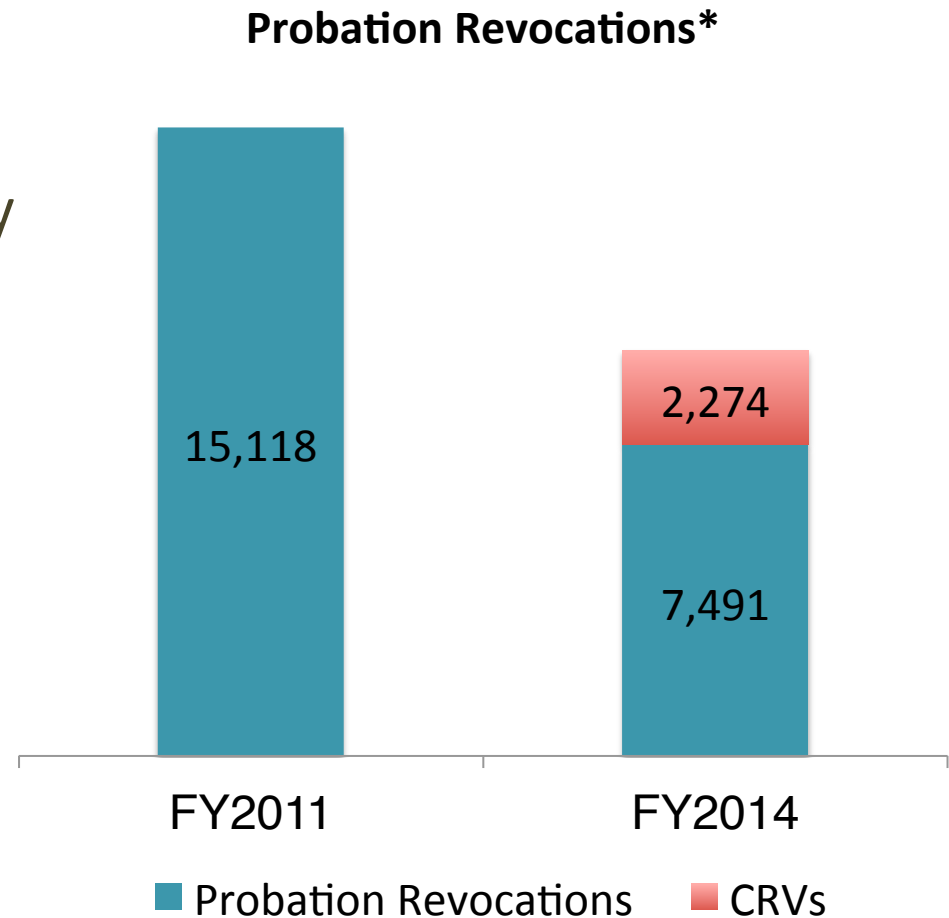


Source: North Carolina Department of Public Safety Justice Reinvestment Data Dashboard. Data reflects monthly utilization of the sanction, not individual probationers.

The number of probation revocations has decreased.

Since FY2011,
probation revocations decreased by
50%.

- In FY2011, probation revocations accounted for **52%** of prison admissions
- In FY2014, probation revocations accounted for **33%** of prison admissions
- In FY2014, probation revocations and CRVs accounted for **43%** of prison admissions



*includes both felony and misdemeanor probation revocations

Reinventing How Treatment is Funded and Delivered

PROBLEM → DATA → POLICY CHANGE

Funding by an outdated formula and resources spread thinly across entire population instead of being targeted toward those with the greatest need for treatment

50% of probationers need substance use or mental health services, but only **25%** received services

Focus treatment resources on high-risk individuals

Use cognitive behavioral approach focusing on changing the characteristics associated with recidivism

Supervise the Reentry Process

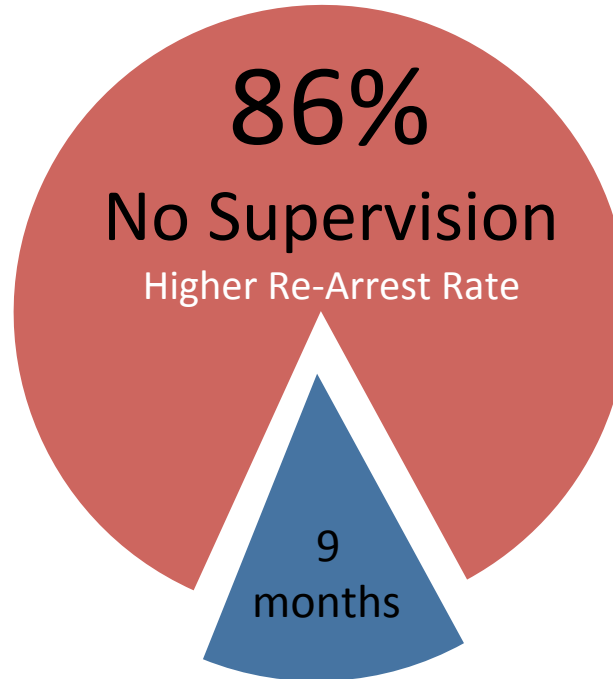
PROBLEM → DATA → POLICY CHANGE

**Lack of supervision
after prison contributes
public safety risk**

51% of those released
unsupervised are re-
arrested within 3 years

**No accountability
during re-entry**

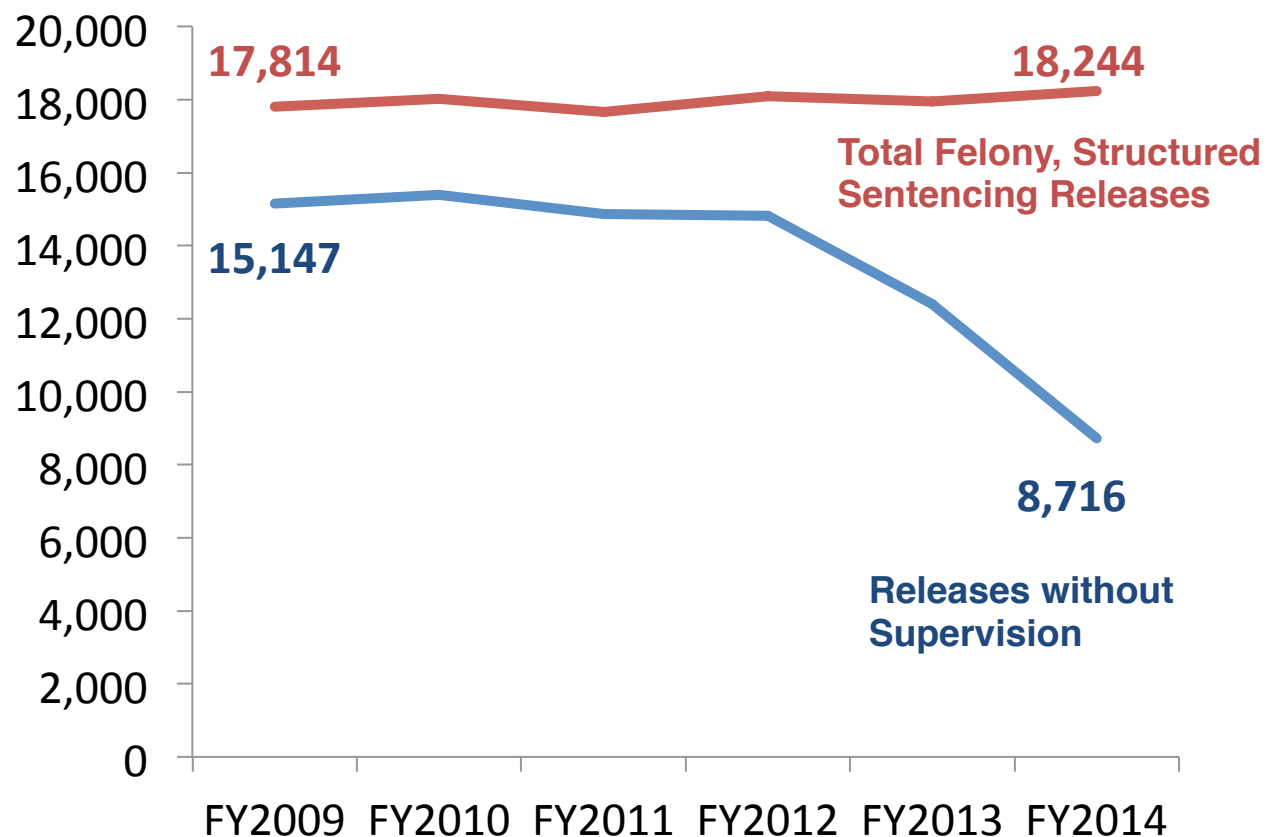
Results in revocation
time being less than
remaining time on
supervision



Fewer People are Released from Prison Without Supervision

In FY2011, **84%** of all structured sentencing felony prison releases did not receive supervision.

In FY2014, **48%** of structured sentencing prison releases received no supervision and the trend has continued to decline



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What Supervision Looked Like 5 Years Ago

- Supervised based on how person was sentenced by Court
- Not a lot of tools for the officer to use before bringing person back to Court
- Caseload size exceeded 85-90 in most locations
- Contact driven
- Intensive supervision – most popular sanction
- Delegated Authority not used frequently
- Resources were not connected to the right person
- Considered lowering education requirements for probation officers

What GOOD Supervision Looks Like Today

- Supervision based on identified Risk and Needs
- Quality contacts; conversation
- Utilize a Violation Matrix
- More offender accountability – swift and certain responses to negative behavior
- Access to more resources and services - TECS
- Delegated Authority = more tools for PO
 - EHA; Curfew w/EM
 - Quick Dip (2 or 3 days in jail)
 - High Risk Delegated Authority

Tools for Probation Officers

Table 1: Use of Delegated Authority and Quick Dips 12/1/2011-6/30/2014

Date	Delegated Authority	High Risk Delegated Authority	2-day Quick Dip	3-day Quick Dip	Total
12/1/11-6/30/12	267	0	0	0	267
7/1/12-12/31/12	376	58	19	28	481
1/1/13-6/30/13	790	354	80	156	1,380
7/1/13-12/31/13	617	286	191	320	1,414
1/1/14-6/30/14	772	329	324	533	1,958
Total	2,822	1,027	614	1,037	5,500

Understanding the Landscape

- Over 100,000 offenders
- 1778 Probation/Parole Officers
- 248 Chief Probation/Parole Officers
- 31 Judicial District Managers
- 100 Counties

How We Did It?

- Training, Training, Training
- Funding from BJA
- Dedicated a position – JR Administrator
- Everything relates back to JRA
- Continue advancing practices
- Focus for meetings have shifted from personnel to operations



Thank You

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