# 2017

# JOINT APPROPRIATIONS – JUSTICE & PUBLIC SAFETY

**MINUTES** 

# House Appropriations Committee on Justice and Public Safety 2017 Long Session

## **Table of Contents**

Member List

Member Picture Page

Attendance Sheet, Members

Attendance Sheet, Staff/Clerks

Committee Protocol

Committee Acronyms

Glossary of Frequently Used Fiscal Terms

Minutes of Meetings by Date Tab

February 22, 2017

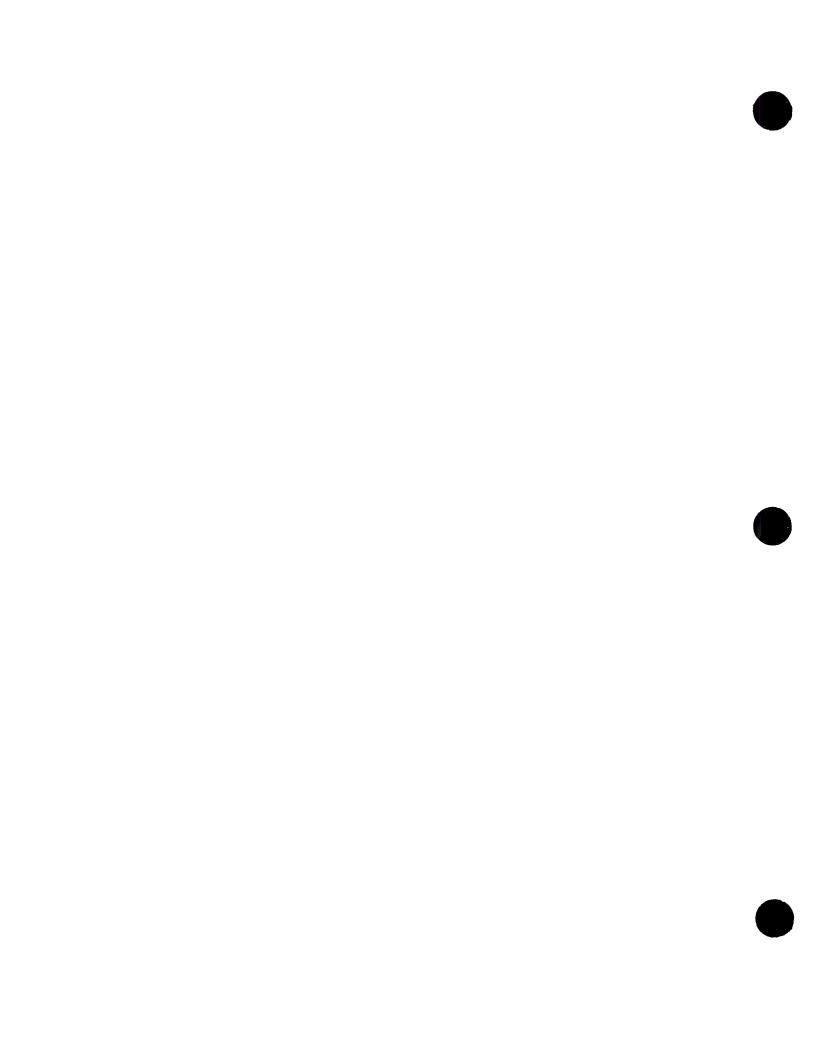
March 1, 2017

March 8, 2017

March 14, 2017

March 21, 2017

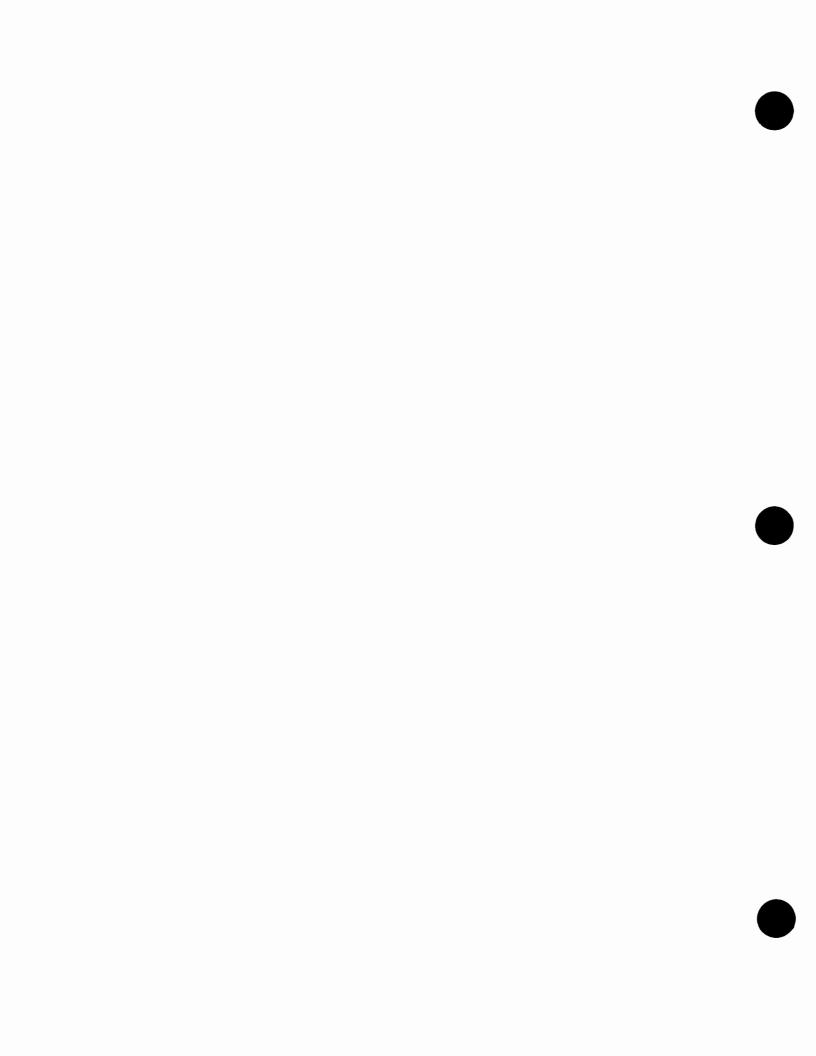
May 25, 2017



## HOUSE APPROPRIATIONS, JUSTICE AND PUBLIC SAFETY

Rev. 2.1.2017

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Rep. Jamie Boles, Chair	Kerry Guice, Clerk	3-5903	528	25
Rep. Ted Davis, Chair	Judy Lowe, Clerk	3-5786	417B	27
Rep. Allen McNeill, Chair	Laura Sullivan, Clerk	5-4946	418C	55
Rep. Rena Turner, Chair	Barb Gaiser, Clerk	3-5661	606	52
Rep. Mary Belk	Ralph Belk	3-5607	1424	116
Rep. Charles Graham	Linda Laton	5-0875	1309	84
Rep. George Graham	Beverly Baker	3-5995	1321	79
Rep. Joe John	Katie Stanley	3-5530	1013	117
Rep. Brenden Jones	Andrew Bailey	3-5821	2217	88
Rep. Billy Richardson	Leigh Lawrence	3-5601	1021	71
Rep. David Rogers	Baxter Knight	3-5749	418C	86
Rep. Mitch Setzer	Margaret Herring	3-4948	2204	2
Rep. Michael Speciale	Hazel Speciale	3-5853	1008	50
Rep. Sarah Stevens	Lisa Brown	5-1883	419	7
Rep. Shelly Willingham	Johnna Smith	5-3024	513	96
				-



# HOUSE COMMITTEE ON APPROPRIATIONS, JUSTICE & PUBLIC SAFETY 2017 – 2018 SESSION

Clerks: Kerry Guice, Judy Lowe, Laura Sullivan, Barb Gaiser



Rep. Jamie Boles, Chair



Rep. Ted Davis, Chair



Rep. Allen McNeill, Chair



Rep. Rena Turner, Chair



Rep. Mary Belk



Rep. Charles Graham



Rep. George Graham



Rep. Joe John



Rep. Brenden Jones



Rep. Billy Richardson



Rep. David Rogers



Rep. Mitch Setzer



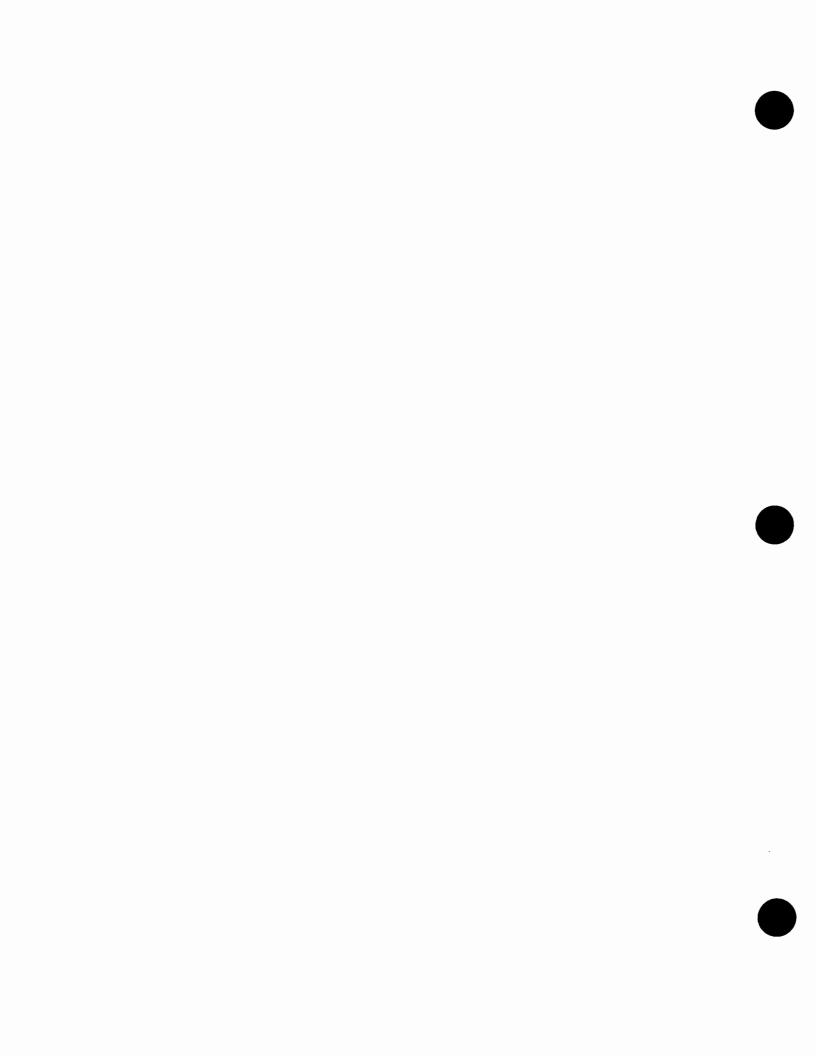
Rep. Michael Speciale



Rep. Sarah Stevens



Rep. Shelly Willingham



## **ATTENDANCE**

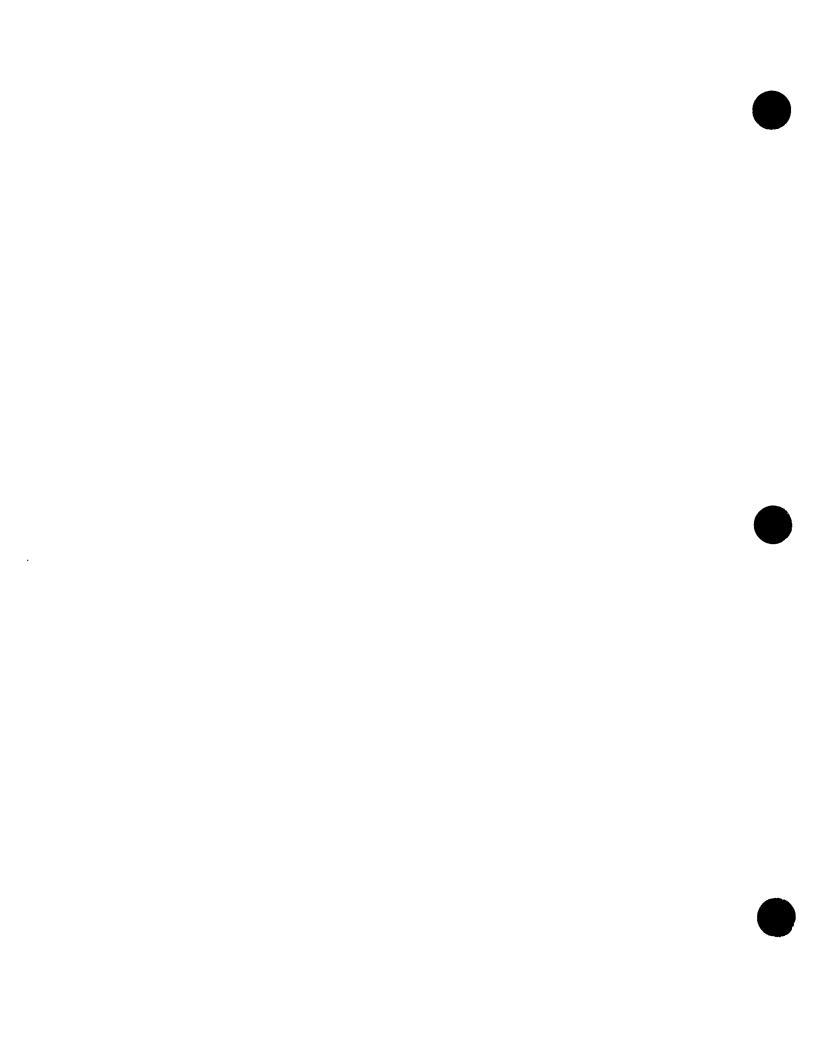
## **Appropriations, Justice and Public Safety**

DATES	2.22.2017	3.1.2017	3.8.2017	3.14.2017	3.21.2017	5.25.2017					
Rep. Jamie Boles, Chair	x	X	X	X	x	x					
Rep. Ted Davis, Chair	х	х	E	х	x	х					
Rep. Allen McNeill, Chair	х	х	x	х	x	х					
Rep. Rena Turner, Chair	х	х	х	х	х	х					
Rep. Mary Belk	х	х	х	х	x	х					
Rep. Charles Graham	x	х	x	х	x	x					
Rep. George Graham	x	х	х	x	x	x					
Rep. Joe John	x	х	х	х	х	х					
Rep. Brenden Jones	x		х	х	х						
Rep. Billy Richardson	х	х	x	х	x	x					
Rep. David Rogers	X	x	x	х	x	х					
Rep. Mitch Setzer											
Rep. Michael Speciale	x	х	х	х	x	x					
Rep. Sarah Stevens				x	x	х					
Rep. Shelly Willingham	x	х	х	Х	х			-			
Sen. Warren Daniel, Chair	х	X	х	х	x						
Sen. Shirley Randleman, Chair	х	х	x	х	х						
Sen. Norm Sanderson, Chair	х	x	x	х	х						
Sen. Dan Blue											
Sen. Danny Britt	x	x			x						
Sen. Valerie Foushee	x	X		X	Х						
							-	-			

## **ATTENDANCE**

## **Appropriations, Justice and Public Safety**

DATES	2.22.2017	3.1.2017	3.8.2017	3.14.2017	3.21.2017	5.25.2017						
Kerry Guice, Clerk	х	х	х	х	х	х						
Judy Lowe, Clerk	x	х	х	x	x	x						
Laura Sullivan, Clerk	x	x	х	x	х	х						
Barb Gaiser, Clerk	X	х	х	х	х	х						
Kristine Leggett, Fiscal	X	X	х	x	x	х						
John Poteat, Fiscal	x	x	x	х	х	х						
Mark White, Fiscal	x	х	x	х	х	х						
Emily Johnson, Legal												
Nicole Dupree, Legal						х						
								+				
Andy Perrigo, Clerk	X											
Jeb Kelly, Clerk	x											
Kathy Voss, Clerk	x	X	х	X			+		-			
Matt Hambidge, Speaker's Office		X	х	x	x							
Mary Jennings, Speaker's Office						x		+	-			
Brent Woodcox, Pro Temp Office												
Dylan Watts, Pro Temp Office												

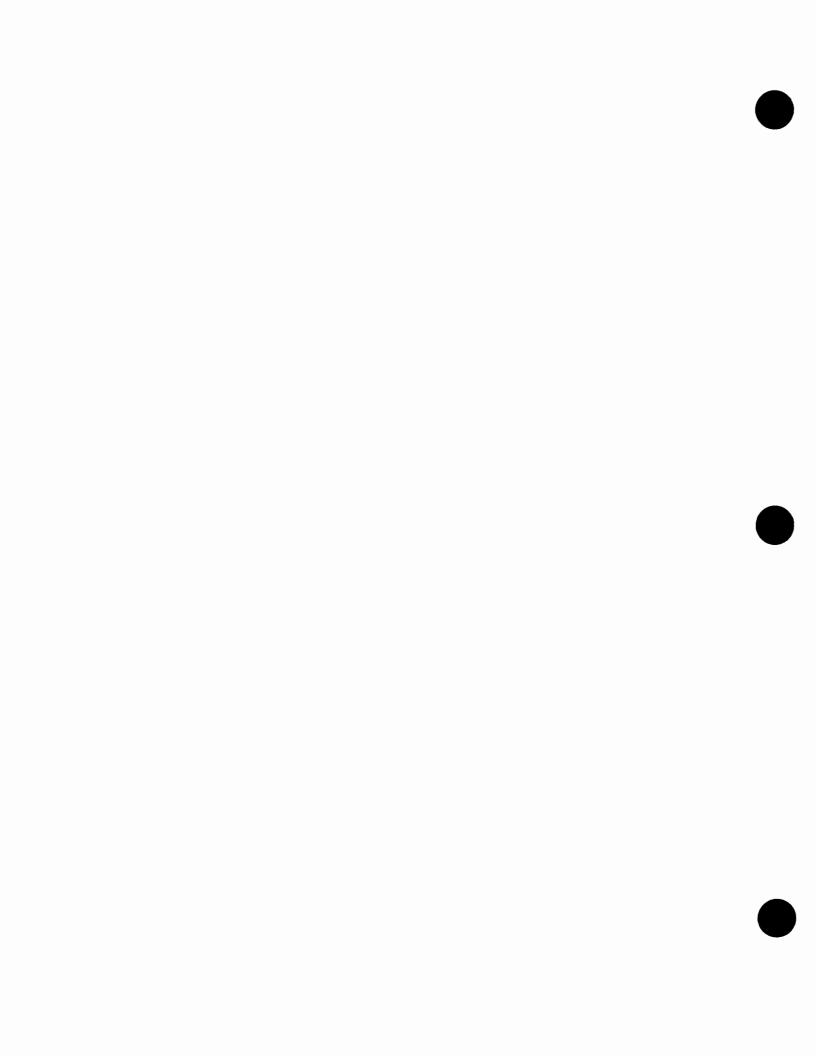


# Joint Appropriations Committees on Justice and Public Safety

### **Committee Protocol**

These guidelines are intended to make the committee process as orderly and efficient as possible.

- Please wait for recognition by the chair before speaking. Only the chair has the authority to call on someone to speak or to answer questions.
- Once recognized by the chair, please:
  - Stand up when speaking.
  - State your name and who you represent.
- Materials may only be distributed to the committee after prior approval from the chair.
  - Copies should be double-sided, three-hole punched, and stapled in the corner. All documents should have a date and numbered pages. If slides are being printed, two slides per page is preferred.
  - Please bring any copies to be distributed to the committee room no later than thirty minutes before the scheduled meeting time.
  - Electronic copies of presentations should be submitted to Fiscal Research staff 24 hours before the committee meeting.
- Please respect your fellow presenters and adhere to the time limits.



#### Justice and Public Safety Acronyms

ACJJ Division of Adult Correction and Juvenile Justice

ACIS Automated Criminal/Infractions System

ADA Assistant District Attorney

ALE Alcohol Law Enforcement

AOC Administrative Office of the Courts

ASAC Assistant Special Agent in Charge

CCIS Criminal Court Information System

CJIN Criminal Justice Information Network

CJLEADS Criminal Justice Law Enforcement Automated Data Services

CRV Commitment in Response to Violation

DA District Attorney

DOJ Department of Justice

DPS Department of Public Safety

EM Emergency Management

GAL Guardian ad Litem

IDS Indigent Defense Services

JCPC Juvenile Crime Prevention Council

JRA Justice Reinvestment Act

LEO Law Enforcement Officer

NCJC North Carolina Judicial Center

NCNG North Carolina National Guard

NCSC National Center for State Courts

PAC Private Assigned Counsel

PD Public Defender

SBI State Bureau of Investigation

SCP State Capitol Police

SHP State Highway Patrol

SMCP Statewide Misdemeanant Confinement Program

TECS Treatment for Effective Community Supervision

YDC Youth Development Center

#### Glossary of Frequently Used Fiscal Terms

**A-D FELONIES:** The most serious and violent felonies. These felony classes automatically result in an active prison sentence. They typically involve crimes against people.

**ACTIVE SENTENCE:** An active prison sentence requires that the offender be incarcerated, either in the prison system if a felon or in a county jail if a misdemeanant.

**APPROPRIATION:** An action by the General Assembly authorizing the withdrawal of funds from the State treasury pursuant to Article V, Section 7 of the NC Constitution. An enactment by the General Assembly that authorizes, specifies, or otherwise provides that funds may be used for a particular purpose is not an appropriation.

**AUTHORIZED BUDGET:** The working budget composed of the certified budget plus allowable budget revisions and adjustments authorized in G.S. 143C-6-4.

**BASE BUDGET:** That part of the State budget that provides the baseline for the next biennium. The authorized budget is used as the starting point and may be adjusted only for the following:

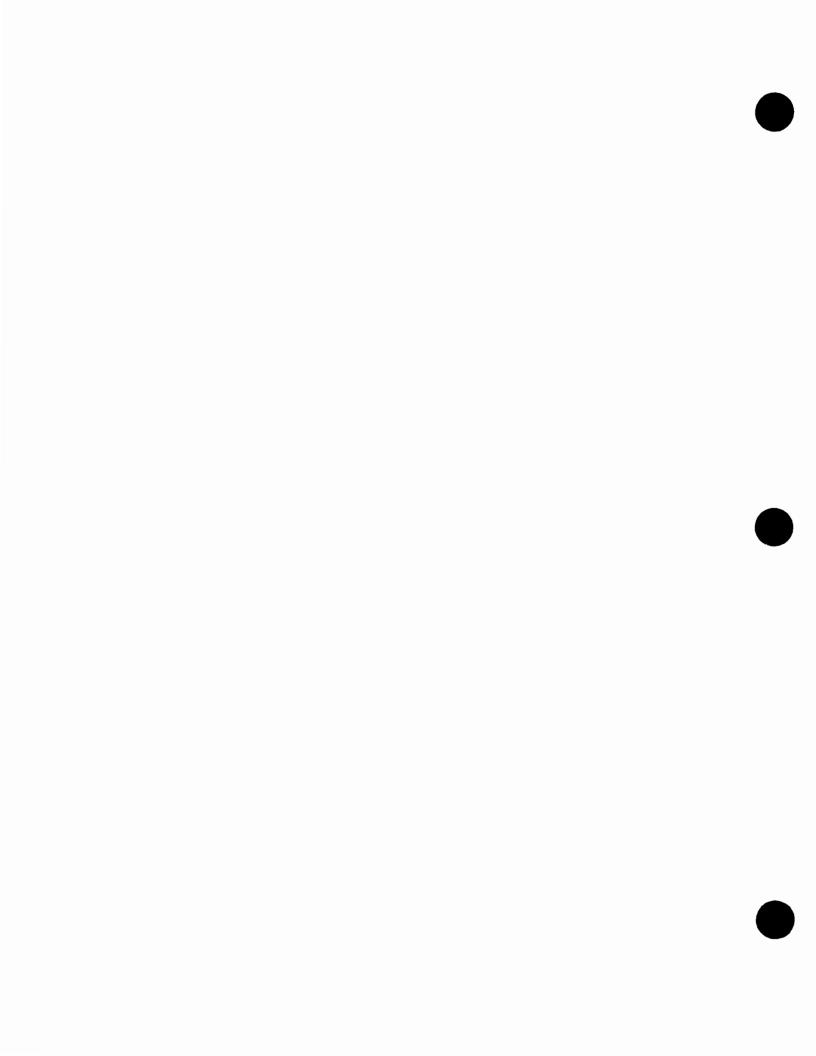
- a. Annualization of programs and positions.
- b. Reductions to adjust for items funded with nonrecurring funds during the prior fiscal biennium.
- c. Increases to adjust for nonrecurring reductions during the prior fiscal biennium.
- d. Adjustments for federal payroll tax changes.
- e. Rate increases in accordance with the terms of existing leases of real property.
- f. Adjustments to receipt projections, made in accordance with G.S. 143C-3-5(b)(2)c.
- g. Reconciliation of intragovernmental and intergovermental transfers.

**BOILERPLATE:** Budget language that is typically repeated year after year without alteration in the budget bill. For example, seized-asset expenditure reporting requirements are boilerplate.

**CARRY-FORWARDS:** Funds appropriated but unspent in a fiscal year that are brought forward for expenditure in the following year.

**CERTIFIED BUDGET:** The budget as enacted by the General Assembly including adjustments made for (i) distributions to State agencies from statewide reserves appropriated by the General Assembly, (ii) distributions of reserves appropriated to a specific agency by the General Assembly, and (iii) organizational or budget changes mandated by the General Assembly.

**COMMITTEE REPORT:** A compilation of all legislative adjustments made to the Governor's Recommended Base Budget. The Committee Report lists each adjustment and provides a brief description along with guidance on specific items or explicit legislative intent. This report is used to construe the intent of the appropriations act (G.S. 143C-5-5).



CONFINEMENT IN RESPONSE TO VIOLATION (CRV): A new sanction created by JRA. An offender who repeatedly violates the terms of their probation may be subjected to a 90-day CRV term rather than having their probation revoked entirely.

**E-I FELONIES:** Less serious crimes that can result in an active or suspended sentence, depending upon the crime and the prior record level of offender. These are typically crimes against property.

**ENACTED BUDGET:** The budget as enacted by the General Assembly in the annual Current Operations Appropriations Act in accordance with Article 5 of <u>Chapter 143C</u>. The enacted budget usually includes items funded through various reserves but not yet distributed to State agencies. Examples include the funding needed to bring a new building online during the fiscal year and funds anticipated for economic incentive projects.

**ENTERPRISE FUNDS:** Accounts for any activity for which a fee is charged to external users for goods or services. Activities are required to be reported as enterprise funds if any one of the following criteria is met. Each of these criteria should be applied in the context of the activity's principal revenue sources.

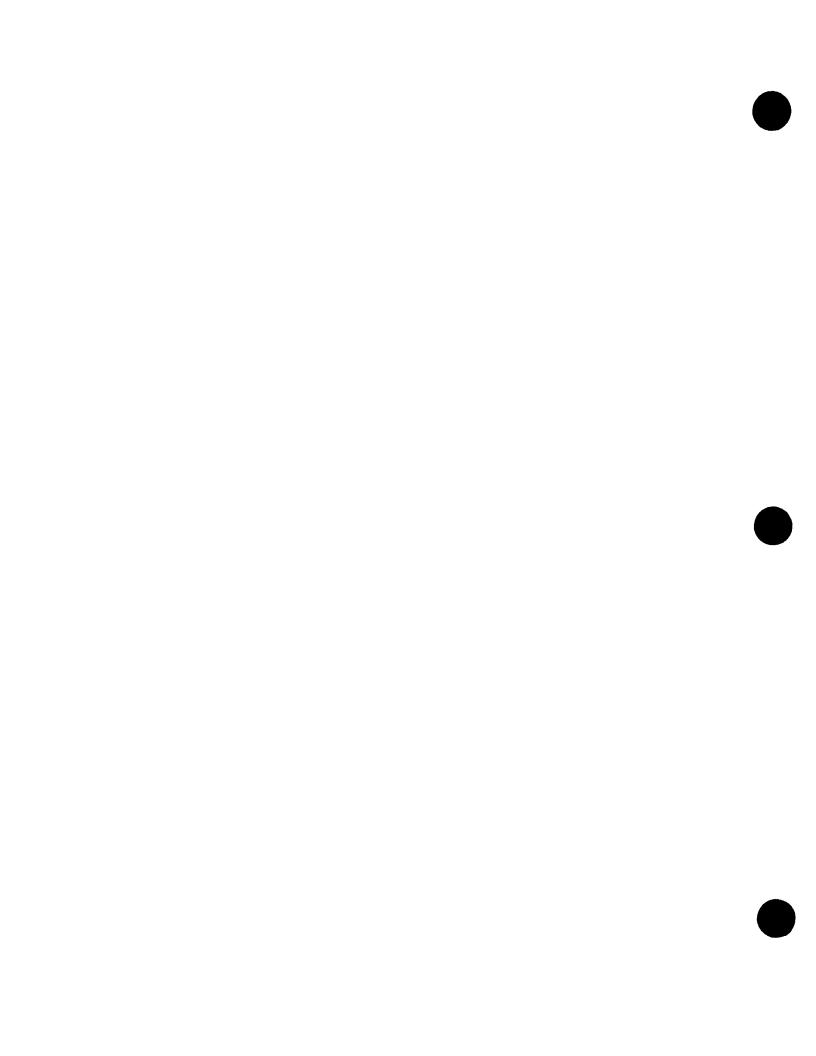
- a. The activity is financed with debt that is secured solely by a pledge of the net revenues from fees and charges of the activity.
- b. Laws or regulations require that the activity's costs of providing services, including capital costs, be recovered with fees and charges rather than with taxes or similar revenues.
- c. The pricing policies of the activity establish fees and charges designed to recover its costs, including capital costs.

**EXPANSION BUDGET:** The recommendations to increase funding for existing programs, to establish new programs, to provide for salary increases, and to provide for increases in enrollments, caseloads and institutional populations.

**FISCAL NOTE:** A formal fiscal estimate, including a brief statement of costs and revenue impact, for the first five fiscal years the legislation would be in effect. <u>GS\_143C-2-3</u> requires a State agency proposing a bill that affects the State budget to prepare a fiscal analysis for the bill and submit the analysis to the Fiscal Research Division upon introduction of the bill.

**FULL-TIME EQUIVALENT (FTE):** The figure arrived at by converting an unduplicated head-count of full-time and part-time program participants to an equivalent full-time count. For example one forty-hour per week employee plus one twenty-hour per week employee equals 1.5 FTE.

**GENERAL FUND OPERATING BUDGET**: The sum of all appropriations from the General Fund for a fiscal year, except appropriations for (i) capital improvements, including repairs and renovations, and (ii) one-time expenditures due to natural disasters or other emergencies.



**HABITUAL FELON:** A habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be a habitual felon. Habitual felons are sentenced four classes higher (up to Class C) than other offenders would be for the same crime.

**INCARCERATION NOTE:** An estimate of the cost of a bill that increases or creates new criminal penalties. G.S. 120-36.7(d) requires an incarceration note be prepared on every bill, resolution, or amendment introduced in the General Assembly "proposing any change in the law that could cause a net increase in the length of time for which persons are incarcerated or the number of persons incarcerated, whether by increasing penalties for violating existing laws, by criminalizing behavior, or by any other means." Incarceration Notes generally take two weeks to complete.

**INTERMEDIATE PUNISHMENT:** The second type of non-active sentences that may be imposed by the courts. The Justice Reinvestment Act changed the definition of an intermediate punishment so that the court is no longer required to impose any particular conditions to define the sentence as intermediate. The same conditions may be placed on an offender under either community or intermediate punishment, depending on the risk-needs level of the offender. The only mandatory component of an intermediate sentence as redefined by JRA is that the offender is placed on supervised probation.

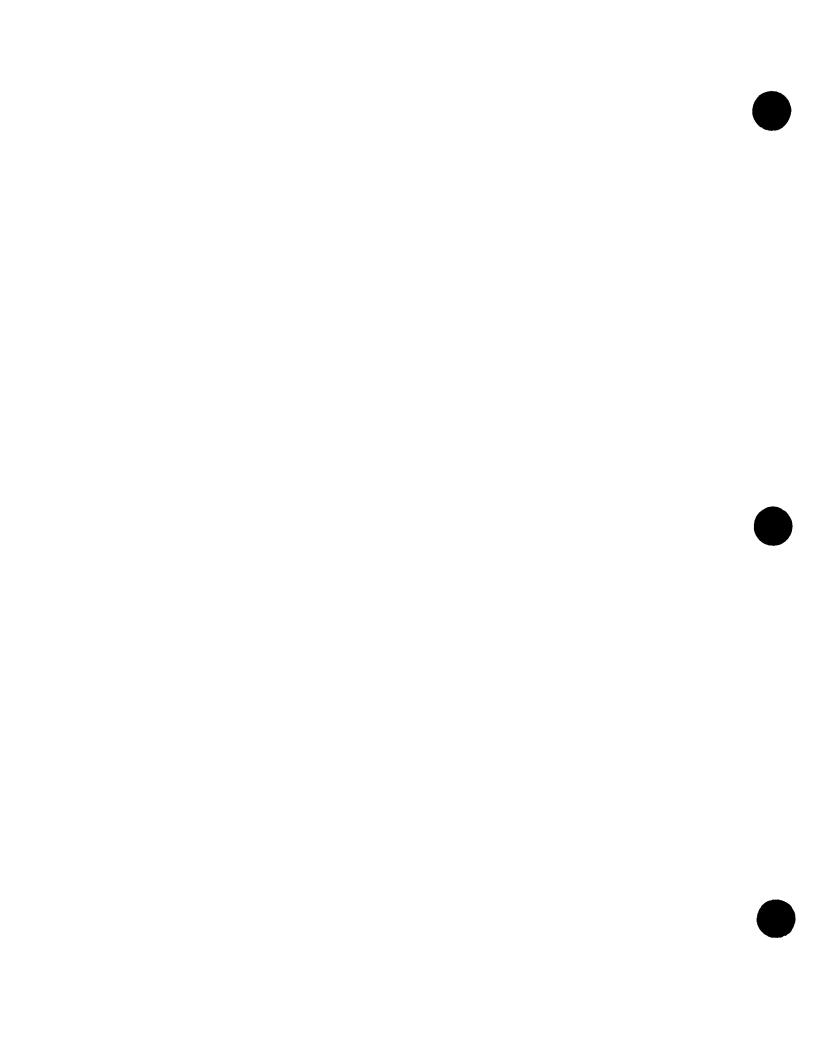
JUSTICE REINVESTMENT ACT (JRA): A law passed in 2011 that made significant changes to corrections and sentencing laws in North Carolina. JRA expanded the requirement for post-release supervision to include all felons, increased the authority delegated to probation officers, limited the authority of judges to revoke probation, created a new early release program called Advanced Supervised Release, and modified the habitual felon law. The law applies to crimes committed after December 1, 2011.

JUVENILE CRIME PREVENTION COUNCIL (JCPC): Each JCPC Council is comprised of members appointed by the county commissioners of each county. Councils provide county-specific planning and oversight of community based programs, substance abuse treatment, and gang prevention strategies. There are 99 councils (Orange and Chatham have a joint council).

**LAPSED SALARY FUNDS:** Surplus funds resulting from the salary and associated benefits not expended for temporarily vacant positions. <u>GS\_143C-6-9</u> prohibits the use of lapsed salaries for recurring purposes.

MANAGEMENT FLEXIBILITY RESERVE: A method by which a legislatively mandated budget reduction is imposed without detailing the specific lines of expenditure to be decreased. This method is also known as a negative reserve.

MISDEMEANANTS: Misdemeanor crimes are classified into four classes (Class A1, Class 1, Class 2 and Class 3). The most serious misdemeanor crimes are in Class A1 and the least serious are in Class 3. Misdemeanants serve active sentences in county jails.



**NEGATIVE RESERVE**: A budget reduction imposed without detailing the specific lines of expenditure to be decreased. (See also management flexibility reserve.)

**NONRECURRING**: A term applied to revenue or expenditures that are for one-year only.

**POST-RELEASE SUPERVISION (PRS):** Mandatory supervision of previously incarcerated individuals by probation officers in the community. All B-1 through E felons are required to serve twelve months of PRS. F through I felons must serve nine months of PRS.

**RECIDIVISM**: For our Subcommittee's purposes, we define recidivism as rearrests.

**RECURRING:** Term used to denote revenues or expenditures that will be continuing, such as sales and personal income taxes, or salaries, fringe benefits, and utilities.

**REVERSIONS:** The unexpended, unencumbered balance of an appropriation at fiscal year end that reverts, as required by law, to the fund from which the appropriation was made.

**SALARY RESERVE:** Funds that accumulate when a position is downgraded or filled at a salary amount less than the amount at which it was budgeted. Salary reserve can be used to increase the salary of other positions due to promotion and/or reclassification or filling a position at a salary higher than that at which the position was vacated.

**SENTENCING COMMISSION**: The North Carolina Sentencing and Policy Advisory Commission. The 28-member commission makes recommendations to the General Assembly for the modification of sentencing laws and policies, and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals.

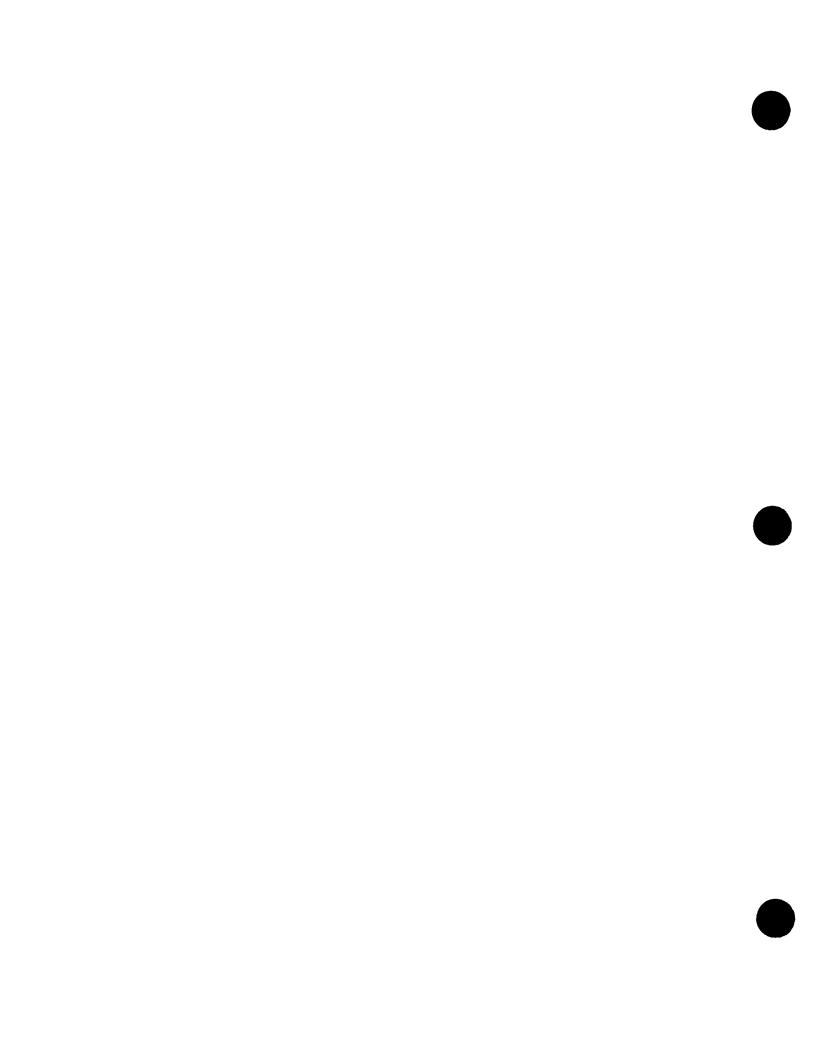
**SPECIAL PROVISIONS:** Language contained in the appropriations bill pertaining to State fiscal matters, the management, evaluation, and oversight of State government programs or policy, and the expenditure of appropriations contained in the Bill.

**SPECIAL REVENUE FUND:** A fund used to account for revenue designated by law for a specific purpose; revenue deposited must remain in the fund until expended for that purpose.

**STATE AID FOR NONSTATE ENTITIES:** Funds appropriated by the General Assembly to nongovernmental entities for a variety of purposes. Funds may or may not carry restrictions on expenditures.

**STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM:** A program that pays counties for voluntarily housing misdemeanants and DWI offenders. It is managed by the NC Sheriffs' Association.

STRUCTURED SENTENCING: The method of sentencing and punishing criminals in North Carolina. Sentencing policies should be rational, transparent, and consistent. The system classifies offenders on the basis of the severity of their crime and on the extent and gravity of

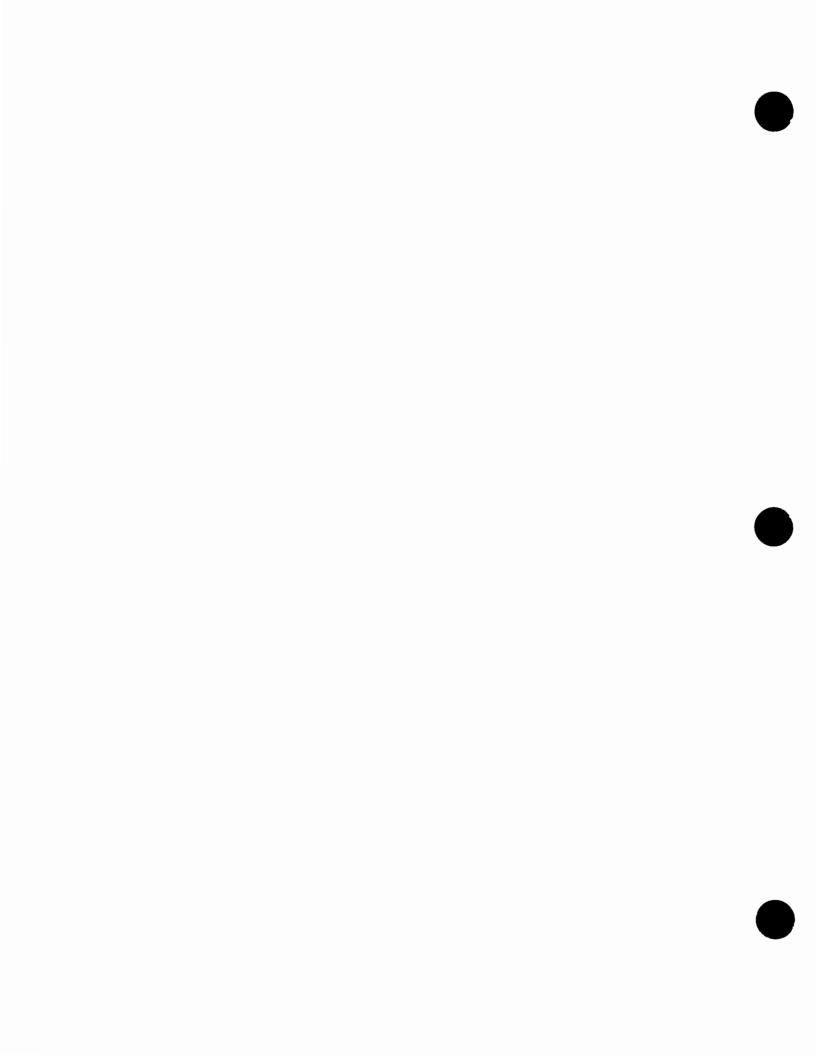


their prior criminal record. Based on these two factors, structured sentencing provides judges with sentencing options for the type and length of sentences which may be imposed.

**SWORN POSITION:** A law enforcement position which, by law, has general power of arrest and requires the successful completion of the Basic Law Enforcement Training curriculum offered by the State and an independent oath of office providing for the execution of the laws of the State. Sworn positions receive a higher retirement contribution than regular State employees.

TREATMENT FOR EFFECTIVE COMMUNITY SUPERVISION (TECS): Program within the Division of Adult Correction, Community Corrections Section that provides community treatment services through fee-for-service contracts with local providers.

**TRUST FUNDS:** Accounts consisting of resources received and held by the State as trusted to be expended or invested in accordance with the conditions of the trust. In other words, Trust Funds are accounts where the State acts as a trustee. The State can only execute the terms of the trust; it cannot change the purpose for which the trust was created. Trust funds are classified as to what assets, if any, may be paid out of the fund. The three classifications are (1) expendable, (2) non-expendable, or (3) expendable as to income but unexpendable as to principal.



## Senate Committee on Appropriations on Justice and Public Safety Tuesday, February 21, 2017 at 8:30 AM Room 415 of the Legislative Office Building

#### **MINUTES**

The Senate Committee on Appropriations on Justice and Public Safety met at 8:30 AM on February 21, 2017 in Room 415 of the Legislative Office Building. 19 members were present.

Senator Shirley Randleman, Chair, presided.

The chair introduced pages Andrew Fisher, sponsored by Senator Michael Woodard and Kurtis Johnson, sponsored by speaker Tim Moore. The chair recognized House Sergeant at Arms Barry Moore and Bill Moore, and Senate Sergeant at Arms Sham Patel and Hal Roach. Senator Randleman asked each member of the committee to introduce themselves since this was the first meeting.

Senator Randleman recognized Kristine Leggett, Fiscal Research Division. Ms. Leggett explained the committee notebooks and committee website to the members. She also explained the Fiscal Research Division's role to the committee and gave an overview of fiscal notes and incarcerations notes and how to request them. Ms. Leggett gave a PowerPoint presentation to provide an overview of the Justice and Public Safety Budget. See attachments.

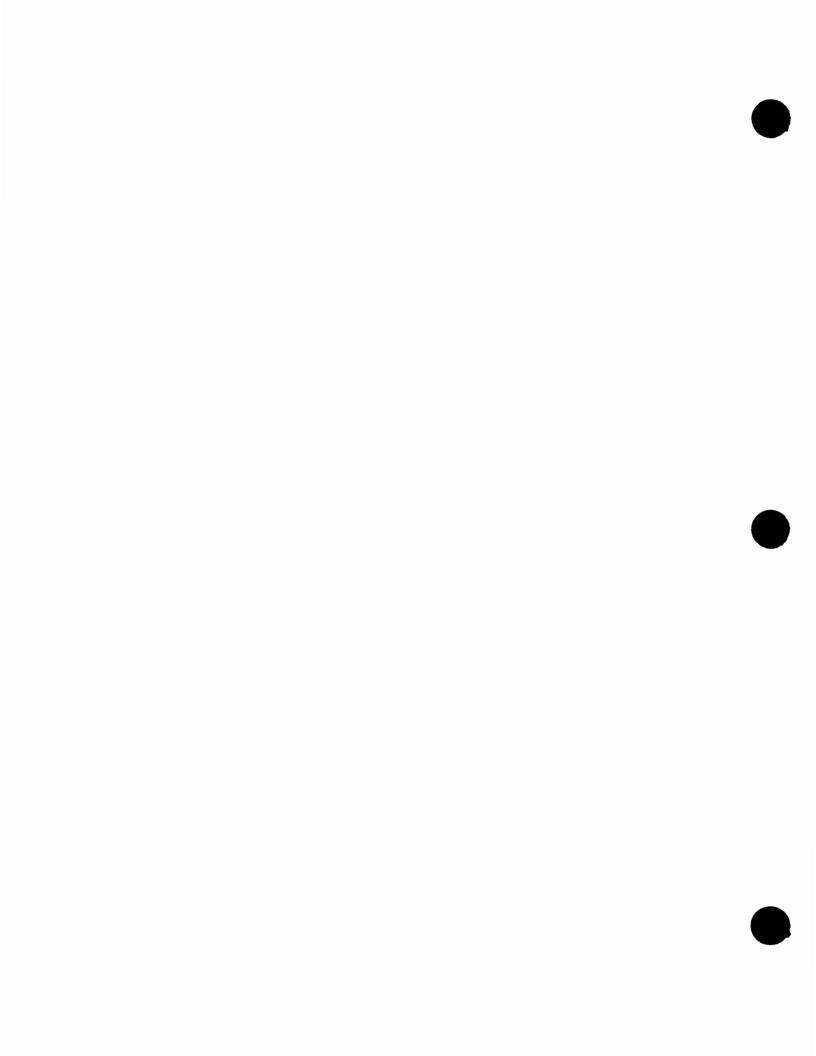
Following the presentation, Senator Randleman asked for questions from the committee. Senator Richardson asked how members should suggest budget items to the chairs. Senator Randleman replied that they could be discussed in committee and she highly recommends members begin talking to the chairs.

The meeting adjourned at 9:16 AM

Senator Shirley Randleman, Chair

Presiding

Jeb Kelly, Committee Assistant



# JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY Room 415 Legislative Office Building

#### February 21, 2017 8:30 A.M.

#### I. CALL TO ORDER

Chairs: Senator Warren Daniel

Senator Shirley Randleman, Presiding

Senator Norm Sanderson

Representative Jamie Boles Representative Ted Davis Representative Allen McNeill Representative Rena Turner

#### II. OPENING REMARKS AND INTRODUCTIONS BY CHAIRS

#### III. PRESENTATIONS

Justice and Public Safety Budget Overview Kristine Leggett, Fiscal Research Division

#### IV. COMMITTEE DISCUSSION

#### V. OTHER BUSINESS:

Next meetings: Wednesday, Fe

Wednesday, February 22 – Structured Sentencing

#### VI. ADJOURNMENT

#### House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

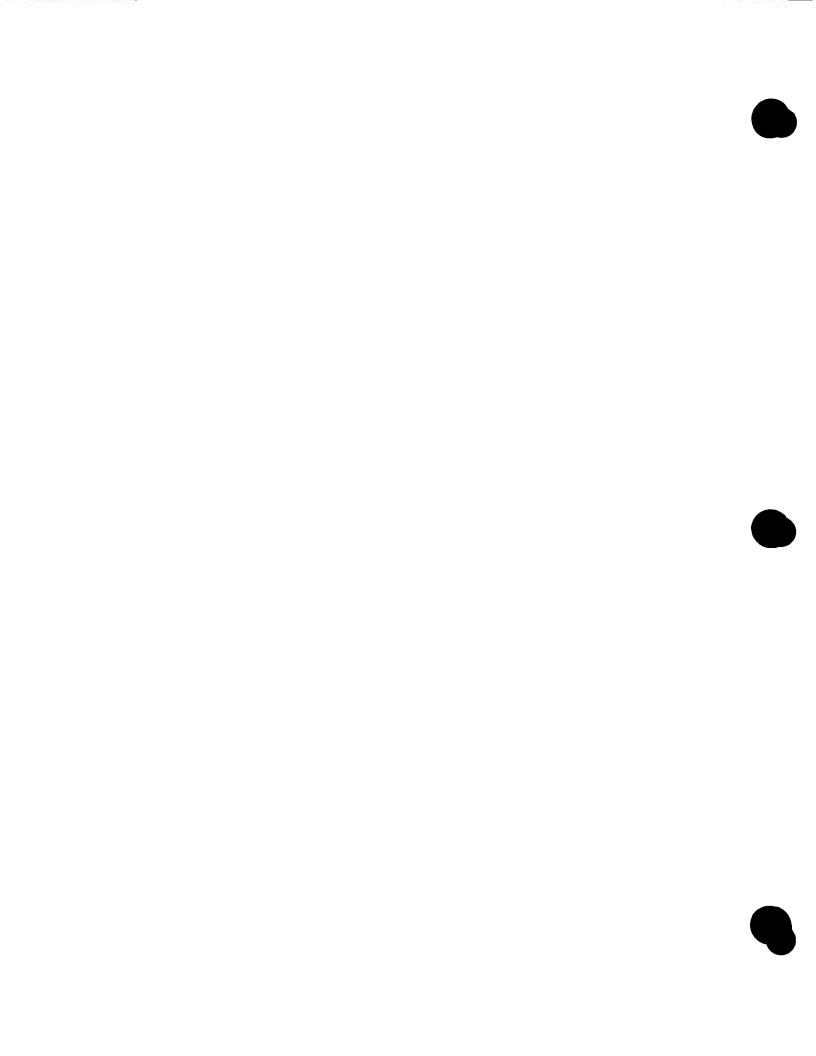
Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee



Joint Appropriations Committees on Justice and Public Safety

## **JPS Overview**







February 21, 2017



FISCAL RESEARCH DIVISION
A Guaff Agency of the North Carolina General Assembly

## Outline

- Committee Logistics
- Fiscal Research
- Fiscal Notes/Fiscal Memos
- Confidentiality
- Budget Terms
- The JPS Budget
- Next Steps





FISCAL RESEARCH DIVISION

## Committee Notebooks

Committee notebooks are created for every member with tabs for each meeting date.

- Member picture page
- Daily handouts
- JPS Acronyms and Glossary
- Table of contents updated weekly

Members can take the handouts with them, but please leave the notebooks in the room



FISCAL RESEARCH DIVISION

February 21, 2017

## Committee Website

Joint Justice and Public Safety Meetings have a website that is linked off either the House or Senate committee websites.

- Agendas
- All committee handouts
- Follow-up information
- Meeting audio
- Mandated Agency Reports

North Carolina General Assembly - Joint Meetings of House and Senate Appropriations on Justice and Public Safety





## Fiscal Research Division

- Nonpartisan, professional staff serving all 170 members
- 32 analysts divided into 8 teams
- Primary responsibilities during Session:
  - · Staff Appropriations committees
  - · Respond to member requests
  - Write fiscal notes, fiscal memos, and incarceration notes

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"My spreadsheet says we must lighten by 155 pounds."



5

February 21, 2017

February 21, 2017

## Fiscal Research Division

#### **Fiscal Notes**

- Five-year analysis of all estimated fiscal effects of a bill on expenditures or revenue of the State
- Prepared upon request of bill sponsor or other member
- Request and information about note remain confidential until note becomes public



#### Fiscal Memo

- · Same analysis as a Fiscal Note
- · Usually prepared for draft bills or PCS
- · Remains confidential after completion

#### **Incarceration Note**

- Required for proposed changes that may impact incarceration rates in State facilities
- · Two-week completion time

6

FISCAL RESEARCH DIVISION

## Fiscal Research Division

Fiscal or incarceration note requests should be emailed to:

# @Fiscal Note Requests

#### Include:

- · Requestor's name
- Bill number (or draft number for a memo or PCS)
- Short title



February 21, 2017

## Fiscal Research Division



## FRD website:

http://www.ncleg.net/FiscalResearch/index.html

- Annotated Committee Reports
- Fiscal Briefs
- · Revenue Forecasts
- · Staff listing

FISCAL RESEARCH DIVISION

## Confidentiality

- ALL requests made to fiscal staff are confidential
- Requests to agencies by fiscal staff are NOT confidential unless directly related to a fiscal note



FISCAL RESEARCH DIVISION

9

February 21, 2017

## **Budget Terms: Appropriation**

## Appropriation

An enactment by the General Assembly authorizing the withdrawal of money from the State treasury. State Budget Act – Chapter 143C-1-1(d)(1)

"No money shall be drawn from the State treasury but in consequence of appropriations made by law." NC Constitution, Art. V, Section 7

■ FISCAL RESEARCH DIVISION

10

## Budget Terms: Base Budget



- Previous year's authorized budget
- Backs out nonrecurring reductions or increases
- May also include adjustments for:
  - Annualization of programs
  - · Federal payroll tax changes
  - · Contracted lease rate increases
  - · Receipt projections
  - Reconciliation of intra- and intergovernmental transfers



February 21, 2017

## Budget Terms: Base Budget

#### **Total Requirements**

The total cost associated with a proposed expenditure of funds regardless of the source of funds

#### **Departmental Receipts**

Fees, licenses, federal funds, grants, fines, penalties, tuition, and other similar collections or credits generated by State agencies that are applied to the cost of a program

#### **Net General Fund Appropriation**

An appropriation of the General Fund's general purpose revenue

Total Requirements – Department Receipts

= Net General Fund Appropriation

FISCAL RESEARCH DIVISION

# Budgeting Terms: Budget Types

**Certified Budget:** The budget as enacted by the General Assembly, plus any funds appropriated to reserves to be allocated to agencies.

Ex.: The 2012 Budget appropriates \$10,000 for Agency Y to buy 10 computers. Certified budget = \$10,000

**Authorized Budget:** The certified budget updated to reflect line-item reallocations approved by the Office of State Budget and Management (OSBM) as authorized by G.S. 143C-6-4.

Ex.: Agency Y needs 11 computers. They want to take some money from the furniture budget to pay for it.

Authorized budget = \$11,000

\$12,000 \$10,000 \$11,000 \$55,500 \$50,000 \$Certified Authorized Actual

Actual Budget: The budget as it was implemented.

Ex.: The Division of State Purchase and Contract got the State a great deal on computers. The final cost for Agency Y's 11 computers is \$5,500.

Actual budget = \$5,500

FISCAL RESEARCH DIVISION

13

February 21, 2017

## **Budgeting Terms: Codes**

**Budget Code:** A five digit code assigned by OSBM that identifies the fund type (General Fund, Highway Fund, etc.) and the entity.

Example: Department of Public Safety General Fund is 14550

**Fund Code:** A four digit code identifying funds designated for a specific purpose or program within an agency. Fund Codes are a subset of the Budget Code.

Example: DPS – Administration is 14550-1100



FISCAL RESEARCH DIVISION

## **Budgeting Terms: Funds**

**General Fund:** The main source of operating funds for the State. Comprised of the beginning credit balance, State tax revenue, and State non-tax revenue. (1xxxx budget codes)

**Special Fund:** Fund to which revenues are deposited that are designated for a specific purpose and remain in the account until expended for that purpose. (2xxxx budget codes)

Example: Seized and Forfeited Assets Funds

**Enterprise Fund:** Fund for any activity for which a fee is charged to external users for goods or services. (5xxxx budget codes)

Example: ABC Commission





February 21, 2017

## **Budgeting Terms: Accounts**

15



**Personal Services:** Services rendered by permanent and temporary employees and related fringe benefits



**Purchased Services:** Services provided by external firms, agencies, or divisions within the same organization; includes contracts, IT and travel costs



Supplies: Supplies or materials expected to be consumed within the normal course of operating and which are generally recurring in nature



# **Budgeting Terms: Accounts**



**Property, Plant and Equipment:** Payments for acquiring property, constructing additions to buildings, and purchasing equipment, furniture, and machinery that is not consumable or expendable and has an expected life of longer than one year

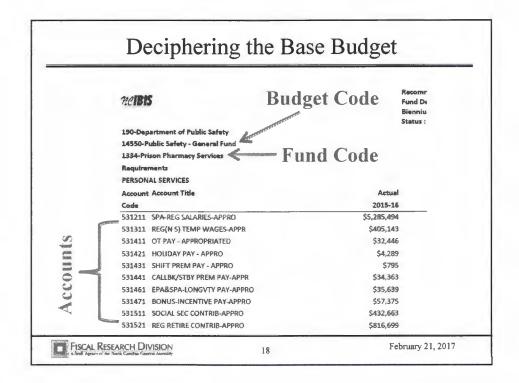


Other Expenses and Adjustments: Miscellaneous operational costs such as legal or permit costs, pension payments, or subscriptions



Aid and Public Assistance: Funds to direct recipients, providers or other agencies for designated programs, assistance or special projects





150-Department of Public Refety 1500-Public Sales; -General Fund 1336-Presen Phonomery Services	Actual FY 15-16	Curre	nt Year		Ba	se Bu	ıdge
Reigntstration MERIOLE: LEDWICK	L.F	-			-		4
Account Account Title	in in	Certified	Authorized	lage/Date	Fotal	ines/Door	Tabel
Code	2033-14	2818-17	3016-67	2017-15	300748	20120-25	2018-29
SECOLO SPAREG SALARIES APPRO	55,385,454	\$5,007,011	55,626,884	\$6	\$5,625,001	\$6	35,828,86%
STERE REGION TEAM WAGES APPR	\$805.743	\$5005,000	\$205,245	581	5405.543	90	3405,148
SERGE OF PAY-APPRIPERIED	\$32,666	\$5,703.979	\$120,575	\$23	\$1,00,175	\$0	\$130,575
SONAL MENUSAFINY APPRO	34.280	\$4,650	\$4,650	58	\$4,670	50	\$4.690
SUBBLIE SESSET PRESSERVAL APPRIES	\$795	\$2,3000	\$3.258	29	\$1,300	\$9	\$1,700
SALBRE CALIBLISTRY PROMOPHY-APPR	\$34,863	\$8 6,0062	\$83,643	50	\$51,842	\$6	\$91.442
SSSMES EPARSPA-LONGVTV BAY-APPRO	\$15,639	\$26,641	\$86,643	539,524	\$37,565	\$30.524	537,365
LIFE BONES-ENGINETYS PAY APPRO	\$37,075	50	is	50	50	50	\$0
SASSES NOCIAL SECTOMENSUAPPING	5432,663	9663,933	140.00	3806	5060,845	\$809	\$860.845
SEESCH DEG DETRE ECONODIS APPRO	\$816,609	\$963,772	\$946,966	\$36,771	\$983,759	\$56,275	2985,796
53,5563 MED INS CONTRIB-APPRO	\$400,265	5461,021	\$455,549	50	5455.549	\$6	\$453.545
SUBSTR. PERSONNE SPENDING EVG ACCT	\$2,063	50	90	50	50	56	90
SYNTHE MEGRATIFICATION STAFF BOME.	\$20	\$0	Se	98	\$8	.90	\$6
SSSO7 ST DISABILITY PART-APPROP	\$2,340	30	\$0	50	SØ:	se	90
SELECT WINEER COMPARED PAYMENTS	\$12.206	-5484	19,175	.50	\$1,175	, <b>6</b> 2	\$3.57%
Total Personal Services	27,126,146	(8,500,207	\$1,284,467	\$46,260	-\$4,000,367	948,600	10,302,907
PUNCHASED SERVICES							
Resount Acresmit Title	Artesi	Complied	Authorised	lear/Deer	toesi	Stude/Doubt	ToinE
Code	3013-46	2005-17	3060-07	2017-10	2017-24	Mei-ea	\$864.86
143565 IT SUBSCRIPTION SUPPORT	<b>報</b>	\$6 \$0	\$6	-50	30	56	44
SUZER ADMINESERVICES	\$46,836 X2 mm	50	594,857 53.400	50. 	\$98,857	90 6n	\$94,857

TOTAL PROPERTY PLANT & EDUIPMENT	\$8,6/5	\$29,250
Total Requireme	III S Actual	Certified
Code	2015-16	2016-17
5351XX LEGAL, LICENSES, & DEDANT CUSTS	SO	\$800
TATAL OTHER EXPENSES & ADMISTREENTS	\$0	\$800
Total Requirements	\$54,426,516	\$38,319,733
Receipts MISCELLANEOUS		
Account Account Title	Actual	Certified
Code	2015-16	2016-17
437120 MED RECOUP NON-ST AGENCY	\$516,774	\$515,201
Total MISCELLANEOUS	\$516,774	\$515,201
Total Receipts	\$5,6,774	\$515.201
Net Appropriation FTE	\$59,909,741	\$37,804,532
Account Account Title	Actual	Certified
Code	2015-16	2016-17
531211 SPA-REG SALARIES-APPRO	80.500	81.500
Total FTE	80.500	81.500

IOTHER EXPENSES & ADJUSTMENTS	\$8,673	\$29,250
Account Account Title	Actual	Certified
Code	2015-16	2016-17
5351XX LEGAL, LICENSES, & PERMIT COSTS	\$0	\$800
Total OTHER EXPENSES & ADJUSTMENTS	\$0	\$800
Total Requirements	554,426,516	\$38,319,733
MISCELLANEOUS Récoupts		
Account Account Title	Actual	Certified
Code	2015-16	2016-17
437120 MED RECOUP NON-ST AGENCY	\$516,774	\$515,201
Total MISCELLANEOUS	\$516,774	\$515,201
Total Receipts	\$316,774	\$515,201
Net Appropriation FTE	\$53,909,741	\$37,804,532
Account Account Title	Actual	Certified
Code	2015-16	2016-17
531211 SPA-REG SALARIES-APPRO	80.500	81.500
Total FTE	80.500	81.500

iotal Pruperiy, Plant & Equipment Other expenses & Adjustments	\$8,675	\$29,250
Account Account Title	Actual	Certified
Code	2015-16	2016-17
5351XX LEGAL LICENSES. & PERMIT COSTS	50	\$800
Total OTHER EXPENSES & ADJUSTMENTS	\$0	\$800
Total Requirements	\$54,426,516	\$38,319,733
Receipts		
MISCELLANEOUS  Account Account Title  Code	Fund	Certified 2016-17
437120 MED RECOUP NO		\$515,201
Total MISCELLANEOUS		\$515,201
Total Receipts	\$516,774	\$515,201
Net Appropriation	\$53,909,741	\$37,804,532
FTE Account Account Title	Actual	Certified
Code	2015-16	2016-17
531211 SPA-REG SALARIES-APPRO	80.500	81.500
Total FTE	80.500	81.500

# **Budgeting Terms: Salaries**

Lapsed salary: the nonrecurring amount of salary and associated benefits not expended during the period in which a position is vacant.

Ex.: Joe is in Position X. He has a salary of \$60,000 (\$5,000 per month). He retires in December. His replacement, Jane. is hired in March. The position was vacant for three months, generating \$15,000 in lapsed salary.



Salary reserve: the recurring amount created when a position is downgraded or filled at a salary lower than what was previously budgeted.

Ex.: Jane is hired for Position X. Her salary is \$50,000. Position X is budgeted at \$60,000. The position generates \$10,000 in salary reserve.



February 21, 2017

## Use of Lapsed Salary

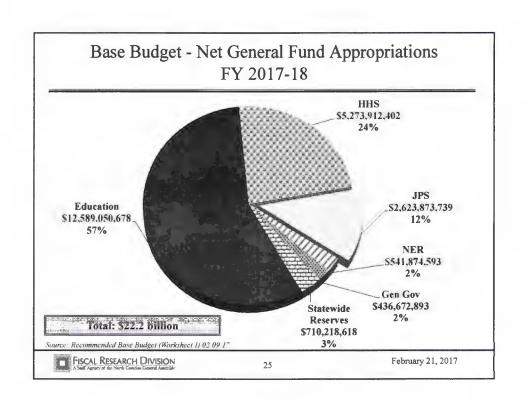
### G.S. 143C-6-9 Use of lapsed salary savings

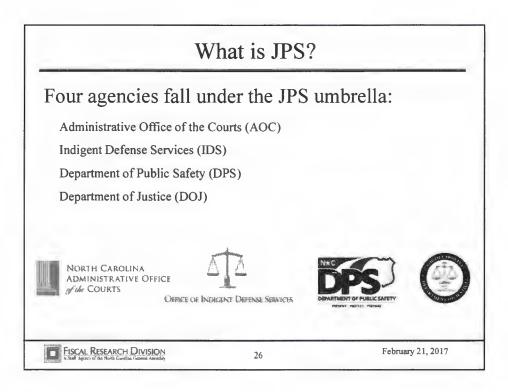
Lapsed salary savings may be expended only for nonrecurring purposes or line items.

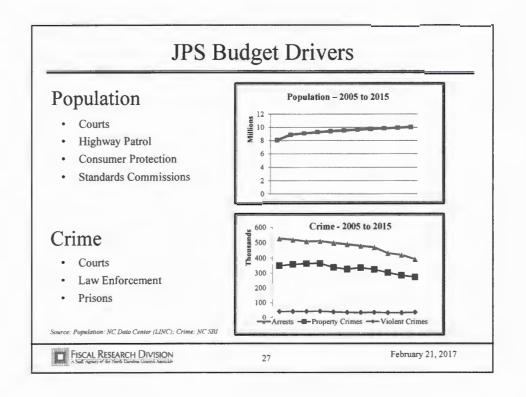
### **OSBM Budget Manual:**

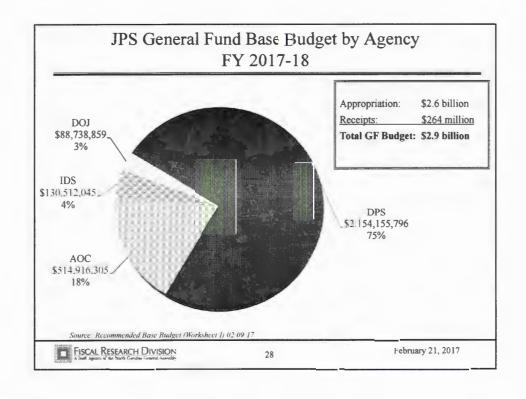
- Limited to expenditure in Personal Services, Purchased Services, Supplies, Equipment, or Other accounts
- Expenditure in Purchased Services does not require prior approval of OSBM
- · Funds can only be spent after they have been generated
- · Contracts funded with lapsed salaries are limited to the fiscal year
- Funds can't be used to create new positions, provide salary increases, or expand the scope of a program

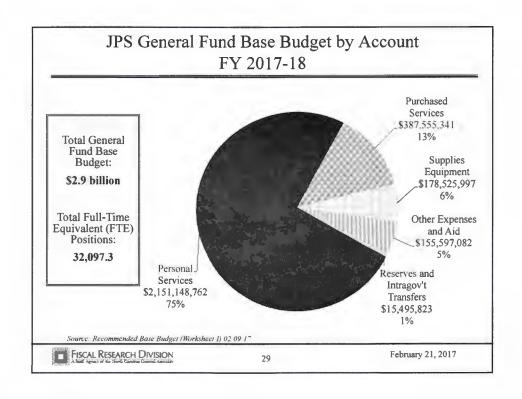


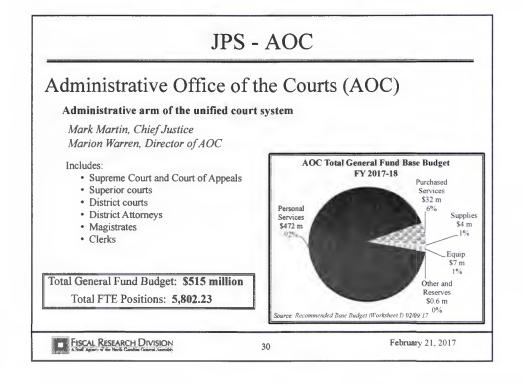












## JPS - IDS

## Indigent Defense Services (IDS)

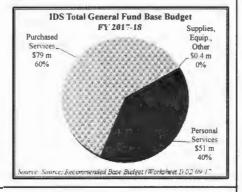
Provides defense attorneys for indigent defendants

Thomas Maher, Director of IDS

### Includes:

- · Public Defender offices
- · Private Assigned Counsel Fund

Total General Fund Budget: \$131 million
Total FTE Positions: 530.73





31

February 21, 2017

## JPS - DOJ

## Department of Justice (DOJ)

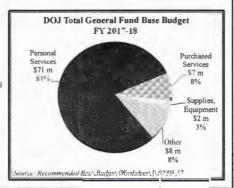
Provides legal services for the State, assists local law enforcement agencies, and oversees law enforcement standards and training

Josh Stein, Attorney General

### Includes:

- Legal services
- Consumer Protection
- Criminal Justice Education and Training Standards
- Sheriffs' Education and Training Standards
- NC State Crime Lab

Total General Fund Budget: \$89 million
Total FTE Positions: 812.89



FISCAL RESEARCH DIVISION

32

## JPS - DPS

## Department of Public Safety (DPS)

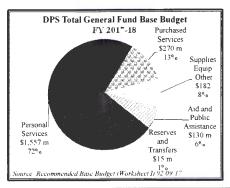
Houses the former Departments of Crime Control and Public Safety, Juvenile Justice and Delinquency Prevention, and Correction

Erik Hooks, Secretary

#### Includes:

- · Prisons
- · Community Corrections
- Juvenile Justice
- · Highway Patrol
- · State Capitol Police
- · State Bureau of Investigation
- · Alcohol Law Enforcement
- · Emergency Management
- · National Guard
- · Victims Services

Total General Fund Budget: \$2.2 billion Total FTE Positions: 24,951.5



February 21, 2017



33

# Recent Legislative Actions

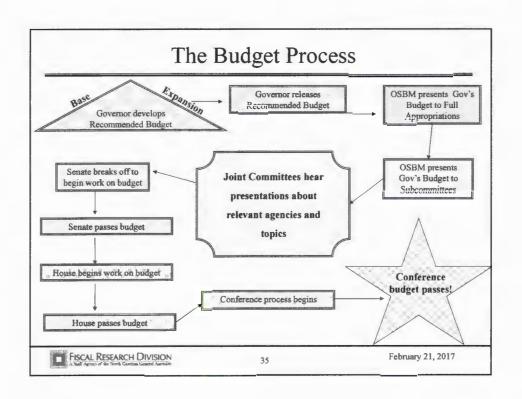
### 2015 Appropriations Act

- Provided additional funds for law enforcement vehicles
- Provided funds to put cameras in all SHP vehicles
- Funded an additional 72 mental health beds at Central Prison
- Funded eight mental health behavioral treatment units
- Restored reductions to court operations
- Provided additional funds for court IT
- Required AOC to establish a strategic plan for IT

### 2016 Appropriations Act

- Realigned medical claims processing for prisons
- Provided funds for a new SBI plane
- Funded operating costs and equipment for the Western Crime Lab
- Created a flat-fee pilot in IDS
- Created two new district court judge positions
- Funded three ADA positions that had been eliminated in FY 2011-12





## Full Chair Guidance

- · Review the base budget
- · Focus on budget priorities
- · Determine which programs and initiatives work
  - Realign funds from obsolete or ineffective programs



### Refer to the Full Chairs:

· Salary issues

36

Capital expenditures

FISCAL RESEARCH DIVISION

# **Upcoming Meetings**

### This week:

- Wednesday Structured Sentencing
- Thursday Introduction to Judicial Branch and Justice Agency Heads

### Next week:

Prisons



### Remaining presentations:

- · Community Corrections
- Juvenile Justice
- · Law Enforcement
- AOC
- IDS
- · DOJ

☐ FISCAL RESEARCH DIVISION

31

February 21, 2017

### **Contact Information**

# Fiscal Research Division (919) 733-4910

☐ FISCAL RESEARCH DIVISION

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		•
		_
		_

PERSONAL SERVICES

190-Department of Public Safety 14550-Public Safety - General Fund 1334-Prison Pharmacy Services Requirements

Recommended Fund Detail by A

dget (Worksheet I)

Biennium: 2017-19 Status: Approved



Base Budget

Account Account Title	Actual	Certified	Authorized	Incr/Decr	Total	Incr/Decr	Total
Code	2015-16	2016-17	2016-17	2017-18	2017-18	2018-19	2018-19
531211 SPA-REG SALARIES-APPRO	\$5,285,494	\$5,897,811	\$5,828,884	\$0	\$5,828,884	\$0	\$5,828,884
531311 REG(N S) TEMP WAGES-APPR	\$405,143	\$500,000	\$405,143	\$0	\$405,143	\$0	\$405,143
531411 OT PAY - APPROPRIATED	\$32,446	\$120,575	\$120,575	\$0	\$120,575	\$0	\$120,575
531421 HOLIDAY PAY - APPRO	\$4,289	\$4,650	\$4,650	\$0	\$4,650	\$0	\$4,650
531431 SHIFT PREM PAY - APPRO	\$795	\$1,200	\$1,200	\$0	\$1,200	\$0	\$1,200
531441 CALLBK/STBY PREM PAY-APPR	\$34,363	\$31,642	\$31,642	\$0	\$31,642	\$0	\$31,642
531461 EPA&SPA-LONGVTY PAY-APPRO	\$35,639	\$26,641	\$26,641	\$10,524	\$37,165	\$10,524	\$37,165
531471 BONUS-INCENTIVE PAY-APPRO	\$57,375	\$0	\$0	\$0	\$0	\$0	\$0
531511 SOCIAL SEC CONTRIB-APPRO	\$432,663	\$502,011	\$460,040	\$805	\$460,845	\$805	\$460,845
531521 REG RETIRE CONTRIB-APPRO	\$816,699	\$961,772	\$946,968	\$36,771	\$983,739	\$36,771	\$983,739
531561 MED INS CONTRIB-APPRO	\$400,265	\$461,021	\$455,549	\$0	\$455,549	\$0	\$455,549
531576 FLEXIBLE SPENDING SVG ACCT	\$7,031	\$0	\$0	\$0	\$0	\$0	\$0
531590 RESERVES FOR STAFF BENE	\$20	\$0	\$0	\$0	\$0	\$0	\$0
531627 ST DISABILITY PMT-APPROP	\$1,740	\$0	\$0	\$0	\$0	\$0	\$0
531631 WRKER COMP-MED PAYMENTS	\$12,206	\$884	\$3,175	\$0	\$3,175	\$0	\$3,175
Total PERSONAL SERVICES	\$7,526,166	\$8,508,207	\$8,284,467	\$48,100	\$8,332,567	\$48,100	\$8,332,567
PURCHASED SERVICES							
Account Account Title	Actual	Certified	Authorized	Incr/Decr	Total	Incr/Decr	Total
Code	2015-16	2016-17	2016-17	2017-18	2017-18	2018-19	2018-19
53214B IT SUBSCRIPTION SUPPORT	\$514	\$0	\$0	\$0	\$0	\$0	\$0
532170 ADMIN SERVICES	\$46,836	\$0	\$94,857	\$0	\$94,857	\$0	\$94,857
532185 WASTE REM/RECY SER AGREEM	\$4,876	\$7,600	\$7,600	\$0	\$7,600	\$0	\$7,600
532199 MISC CONTRACTUAL SERVICES	\$9,490	\$1,000	\$1,000	\$0	\$1,000	\$0	\$1,000
5323XX REPAIR SERVICES	\$536	\$600	\$600	\$0	\$600	\$0	\$600
5324XX MAINTENANCE AGREEMENTS	\$302,479	\$292,095	\$292,595	\$0	\$292,595	\$0	\$292,595
5325XX RENTALS/LEASES	\$1,326	\$3,050	\$3,050	\$0	\$3,050	\$0	\$3,050
5328XX COMMUNICATIONS AND INFORMATION TECHNOLOGY (IT)	\$172,142	\$160,350	\$165,950	\$0	\$165,950	\$0	\$165,950
Total PURCHASED SERVICES	\$538,199	\$464,695	\$565,652	\$0	\$565,001	\$0	\$505,052
SUPPLIES							
Account Account Title	Actual	Certified	Authorized	Incr/Decr	Total	Incr/Decr	Total
Code	2015-16	2016-17	2016-17	2017-18	2017-18	2018-19	2018-19

5331XX GENERAL ADMINISTRATIVE SUPPLIES	\$48,285	\$51,750	\$55,750	\$0	\$55,750	\$0	\$55,750
5332XX FACILITY & HARDWARE SUPPLIES	\$2,329	\$2,950	\$3,950	\$0	\$3,950	\$0	\$3,950
5333XX VEHICLE/EQUIPMENT OPERATING SUPPLIES	\$21	\$980	\$980	\$0	\$980	\$0	\$980
5336XX DRUGS/PHARMACEUTICAL SUPPLIES	\$46,302,841	\$29,261,101	\$29,573,083	\$0	\$29,573,083	\$0	\$29,573,083
5338XX PURCHASES FOR RESALE	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total SUPPLIES	\$46,353,476	\$29,316,781	\$29,633,763	\$0	\$29,633,763	\$0	\$29,633,763
PROPERTY, PLANT & EQUIPMENT							
Account Account Title	Actual	Certified	Authorized	Incr/Decr	Total	Incr/Decr	Total
Code	2015-16	2016-17	2016-17	2017-18	2017-18	2018-19	2018-19
5345XX EQUIPMENT	\$5,883	\$22,250	\$13,650	\$0	\$13,650	\$0	\$13,650
5346XX ART, OTHER ARTIFACTS, & LITERATURE	\$1,940	\$7,000	\$3,500	\$0	\$3,500	\$0	\$3,500
5347XX INTANGIBLE ASSETS	\$852	\$0	\$1,000	\$0	\$1,000	\$0	\$1,000
Total PROPERTY, PLANT & EQUIPMENT	\$8,675	\$29,250	\$18,150	\$0	\$18,150	\$0	\$18,150
OTHER EXPENSES & ADJUSTMENTS							
Account Account Title	Actual	Certified	Authorized	Incr/Decr	Total	Incr/Decr	Total
Code	2015-16	2016-17	2016-17	2017-18	2017-18	2018-19	2018-19
5351XX LEGAL, LICENSES, & PERMIT COSTS	\$0	\$800	\$800	\$0	\$800	\$0	\$800
Total OTHER EXPENSES & ADJUSTMENTS	\$0	\$800	\$800	\$0	\$800	\$0	\$800
Total Requirements	\$54,426,516	\$38,319,733	\$38,502,832	\$48,100	\$38,550,932	\$48,100	\$38,550,932
Receipts							
MISCELLANEOUS							
Account Account Title	Actual	Certified	Authorized	Incr/Decr	Total	Incr/Decr	Total
Code	2015-16	2016-17	2016-17	2017-18	2017-18	2018-19	2018-19
437120 MED RECOUP NON-ST AGENCY	\$516,774	\$515,201	\$516,774	\$0	\$516,774	\$0	\$516,774
Total MISCELLANEOUS	\$516,774	\$515,201	\$516,774	\$0	\$516,774	\$0	\$516,774
Total Receipts	\$516,774	\$515,201	\$516,774	\$0	\$516,774	\$0	\$516,774
Net Appropriation	\$53,909,741	\$37,804,532	\$37,986,058	\$48,100	\$38,034,158	\$48,100	\$38,034,158
FTE							
Account Account Title	Actual	Certified	Authorized	Incr/Decr	Total	Incr/Decr	Total
Code	2015-16	2016-17	2016-17	2017-18	2017-18	2018-19	2018-19
531211 SPA-REG SALARIES-APPRO	80.500	81.500	80.500	0.000	80.500	0.000	80.500
Total FTE	80.500	81.500	80.500	0.000	80.500	0.000	80.500

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Page 27 of 251

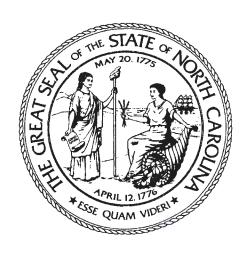


# **VISITOR REGISTRATION SHEET**

Appropriation	ns Committee on Justice and Public Safety	
Date: _	2-21-17	

# VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ful Bone	Bore : Asso,
ASANDRA HIEKSTRA	NCDPS
Marsha Overby	NC DPS- SHP
and Brandon	NO DPS
Jarret Burr	NCDPS
MATTHEW CONCORATED	NC DOJ
Peg Dover	Conference of DAs
Michelle Ball	Johnston Co. Clerk of Gurt
Jamie Lassiter	NC Conf. of Clerks-
Yancey Washington	Granville Co. Clerk of Cowt
TON BOWLIN	NATIONAL GUARD
Ellsa Wolper	NCIDS
Thoms Mahre	NE EDS
Whitney B Fairbanks	NC IDS
David Forcell	VB
9 atta Balat	PPIB



# Appropriations on Justice and Public Safety February 21, 2017 8:30 AM

# **House Sergeant-at-Arms**

Barry Moore Bill Moore

# **Senate Sergeant-at-Arms**

Sham Patel Hal Roach

# Senate Pages Attending

COMMITTEE: A	props.	Justi	ce & Safe	c vROOM: _	415	LOR
DATE: _	2-	21	TIME:	8:30		,

PLEASE PRINT <u>LEGIBLY</u>!!!!!!!!!!!....or else!!!!!

Page Name	Hometown	Sponsoring Senator
1.) Andrew Fisher	Durham	Weedard
2. Kurtis Johnson		Speaker Moore
3. 4.		
5.		
6.		
7.		
8.		

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

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### House Committee on Appropriations, Justice and Public Safety Wednesday, February 22, 2017 at 8:30 AM Room 415 of the Legislative Office Building

### **MINUTES**

The House Committee on Appropriations, Justice and Public Safety met at 8:30 AM on February 22, 2017 in Room 415 of the Legislative Office Building. Representatives Belk, Boles, Davis, C. Graham, G. Graham, John, Brenden Jones, McNeill, W. Richardson, Rogers, Setzer, Speciale, R. Turner, and Willingham and Senators Britt, Daniel, Foushee, Randleman and Sanderson attended.

Representative James L. Boles, Jr., Chair, presided.

Chairman Boles called the meeting to order at 8:32 a.m. and welcomed everyone to the meeting. The House and Senate Sergeant at Arms were recognized as were the House and Senate Pages. Senator Randleman was recognized by the Chairman for a remark.

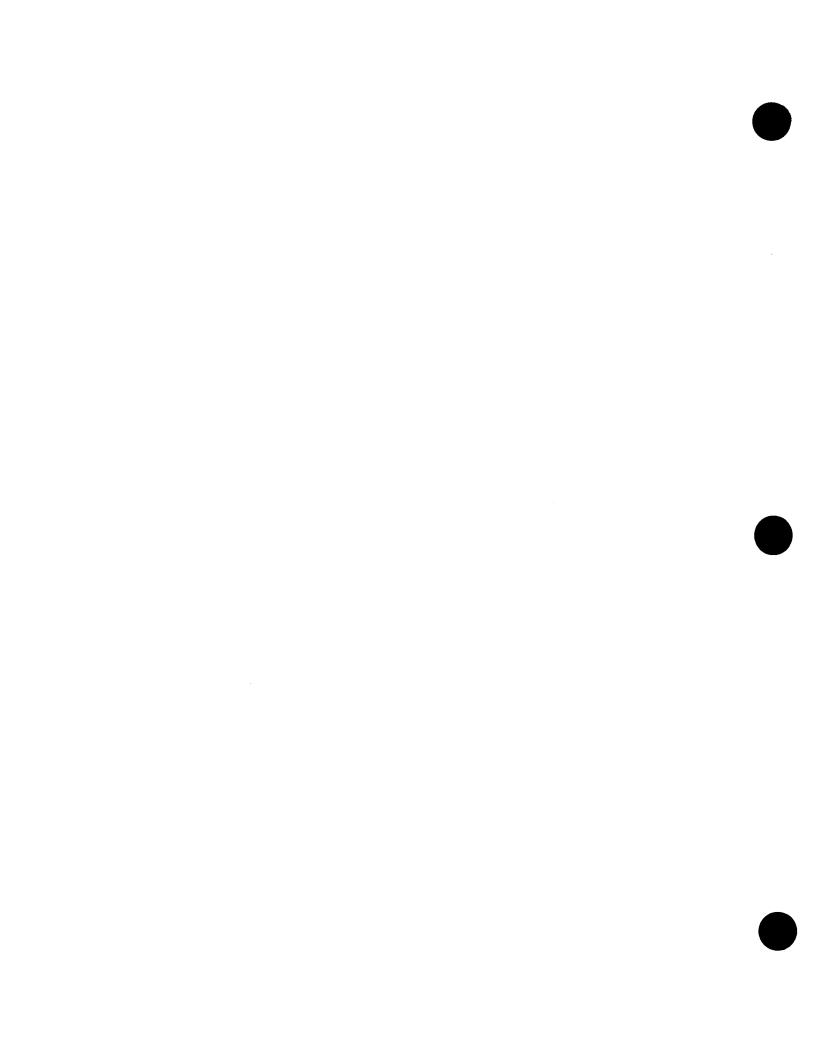
Chairman Boles recognized Michelle Hall, Executive Director for the North Carolina Sentencing and Policy Advisory Commission to present a report on Structured Sentencing in North Carolina (See Attachment 1 for details on the report). Following Mrs. Hall's report, the committee members had a few questions regarding her presentation which she answered to their satisfaction.

The meeting adjourned at 9:18 a.m.

Representative James L. Boles, Jr., Chair

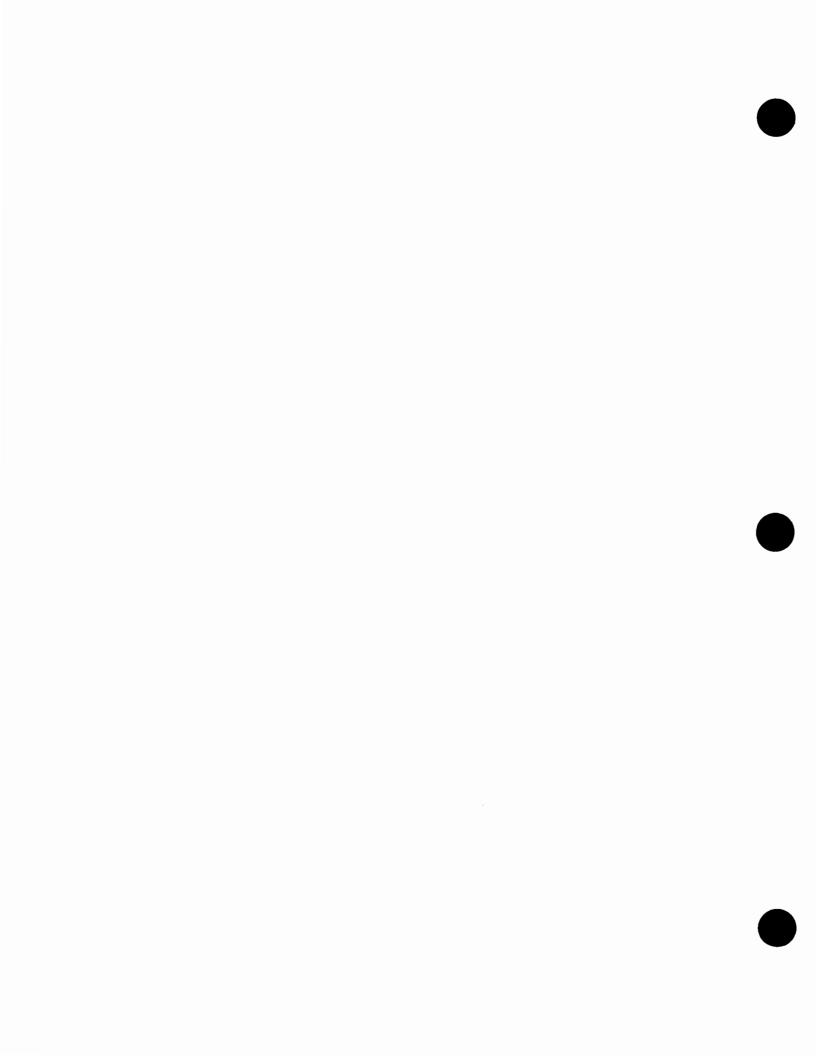
Presiding

Kerry Guice, Committee Clerk



## NORTH CAROLINA HOUSE OF REPRESENTATIVES **COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2017-2018 SESSION**

meet as follows:		ommittee on Appropriations, Justice and Fublic Salety wil
DAY & DATE: TIME: LOCATION:	Wednesday, February 8:30 AM 415 LOB	22, 2017
		Respectfully,
		Representative James L. Boles, Jr., Co-Chair Representative Ted Davis, Jr., Co-Chair Representative Allen McNeill, Co-Chair Representative Rena W. Turner, Co-Chair
I hereby certify the Tuesday, Februar	•	ne committee assistant at the following offices at 11:24 AM on
	Principal Clerk Reading Clerk – House	Chamber
Kerry Guice (Cor	mmittee Assistant)	



# JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY Room 415 Legislative Office Building

### Wednesday, February 22, 2017 8:30 A.M.

### I. CALL TO ORDER

Chairs:

Senator Warren Daniel Senator Shirley Randleman

Senator Norm Sanderson

Representative Jamie Boles, Presiding

Representative Ted Davis Representative Allen McNeill Representative Rena Turner

### II. OPENING REMARKS BY CHAIRS

### III. PRESENTATIONS

Structured Sentencing
Michelle Hall, Executive Director
NC Sentencing and Policy Advisory Commission

### IV. COMMITTEE DISCUSSION

### V. OTHER BUSINESS:

Next meetings:

Tuesday, February 28, 2017 - Prisons

### VI. ADJOURNMENT

House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

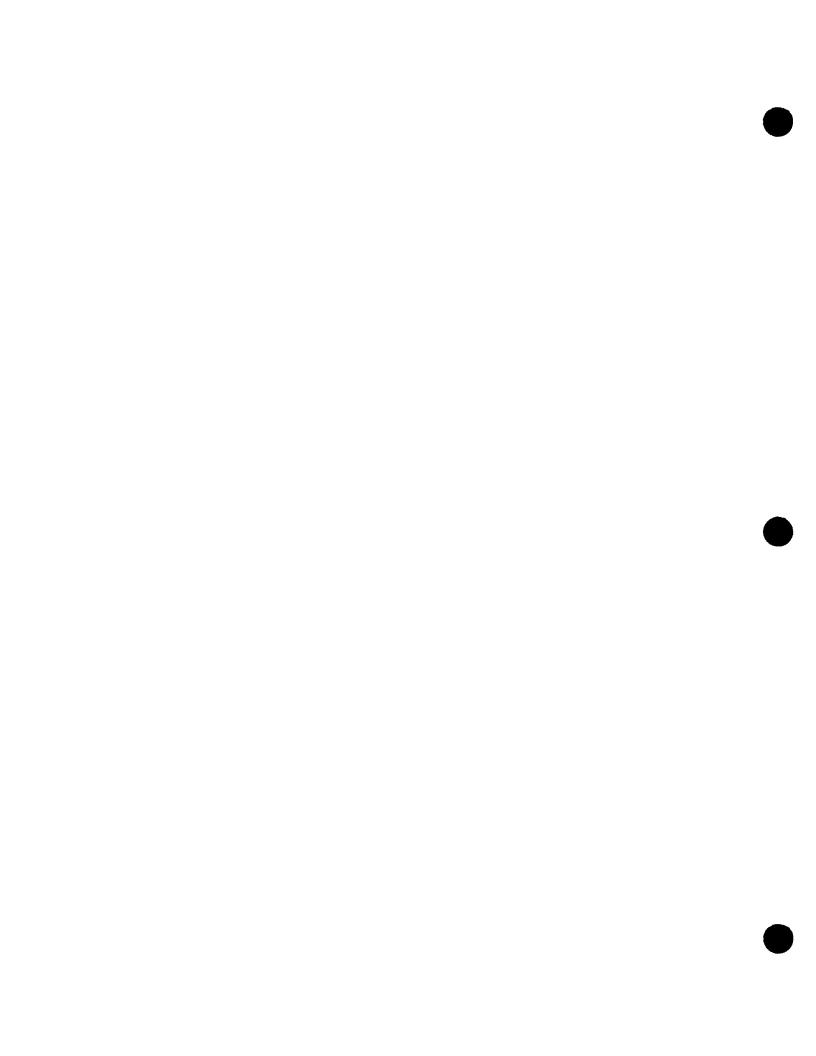
Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee



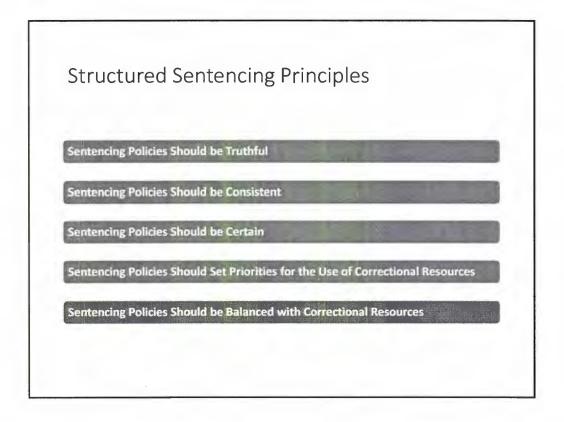
# Structured Sentencing

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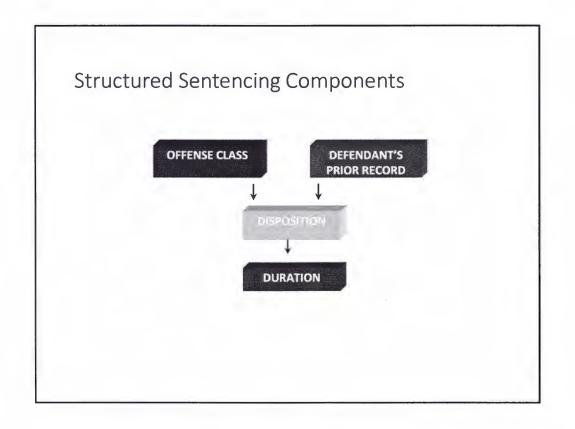
NC Sentencing and Policy Advisory Commission Presentation to the Joint Appropriations Subcommittee on Justice and Public Safety February 22, 2017

### Sentencing and Policy Advisory Commission **About Duties** Membership Legislative and other requests • 28 members representing components of the criminal justice system Mandates Independent · Monitor sentences imposed under Structured Sentencing • Members appointed by leaders of all · Annual population projections three branches of government • Evaluate implementation of the Justice Reinvestment Act (JRA) Purpose · Review criminal justice bills and provide fiscal impact · Advise General Assembly and criminal · Biennial recidivism reports (adult, justice agencies on criminal justice juvenile) policy

Structured Sentencing Timeline 1995 1993 Increased some 2011 Enacted by the sentence lengths and added active Justice Reinvestment Act Assembly sentence options Effective date Made minimum sentences proportionate and evened out prior record level point ranges



			PRIOR RECORD LEVEL				
		1	II	III	IV	V	VI
		0-1 Pt	2-5 Pts		10-13 Pts		18+ Pts
	Α				Without	,	
	B1	240-300	A 276-345	317-397	A 365-456	Life Without	Life Without Parole
	pT	182-240	221-276	254-317	192-305	236,420	110,401
		144-192	166-221	190-254	219-292	252-336	290-386
		A	A	A	A	A	A
	B2	157-196 LDS-157	180-225	207-258	238-297	273-342	314-393
		94-125	108-144	124-165	143-190	164-219	189-251
	$\vdash$	A	A	A A	A A	A	A
		73-92	83-104	96-120	110-138	127-159	146-182
	C	7.1071	07.00	WEIZ M	<b>38</b> 3310	100/22/20	100
		44-58	50-67	58-77	66-38	76-101	87-117
		A	A	A	A	Α	A
SS	D	64-80	73-92	84-105	97-121	111-139	128-160
CLASS	-	38-51	44-59	51-67	58-78	67-89	77-103
0		I/A	1/A	A	A	A	A
S	E	25-31	29-36	33-41	38-48	44-55	50-63
OFFENSE	-	20.75	0.0		2 10-46	A	
Ē	-	15-20 1/A	17-23	20-26 I/A	23-30 A	26-35 A	30-40 A
		16-20	1/A 19-23	21-27	25-31	28-36	33-41
	F	33-16	15-10	17/24	20-25	23-29	
		10-13	11-15	13-17	15-20	17-23	20-26
		I/A	I/A	I/A	I/A	A	A
	G	13-16	14-18	17-21	19-24	22-27	25-31
	"	8-10	9-12	10-13	11-15	13-17	15-20
	$\vdash$	C/I/A	9-12 1/A	10-13	11-15 1/A	1/A	15-20
		6-8	8-10	10-12	11-14	15-19	20-25
	Н	3.7	33	9-30	9-13	12-18	10.00
		4-5	4-6	6-8	7-9	9-12	12-16
		С	C/I	I	I/A	I/A	I/A
	1	6-8	6-8	6-8	8-10	9-11	10-12 0-10
	1	3-4	3-4	4-5	4-6	5-7	6-8



		PRIOR RECORD LEVEL									
		I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts				
	A										
	В1			\$ 600		1 6					
ē.	В2		#	200							
	С						<b>177</b>				
CLASS	D										
OFFENSE	E			2955			4 / 5				
ō	F		,				11.				
	G	*			29		4.00				
	н		3-37	TY is	<b>7</b>	1 // Zii.	A total				
(5°- 1 ==	I	44.5		g		4	Transfer of				

# Felony Classification Criteria

### Class A

• Reserved for First Degree Murder

[Reasonably tends to result or does result in:]

### Class B

· Serious debilitating long-term personal injury

### Class C

- Serious long-term person injury
- Serious long-term or widespread societal injury

• Serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling

### Class E

· Serious personal injury

<sup>\*</sup>Personal injury includes both physical and mental injury.
\*Societal injury includes violations of public morality, judicial or government operations, and/or public order and welfare.

Note: The criteria were not used in the classification of the homicide offenses or drug offenses

# Felony Classification Criteria, continued

### Class F

- Significant personal injury
- · Serious societal injury

### Class G

- · Serious property loss:
  - Loss from the person or from the person's dwelling

### Class H

- · Serious property loss:
  - Loss from any structure designed to house or secure any activity or property
  - Loss occasioned by the taking or removing of property
  - Loss occasioned by breach of trust, formal or informal
- Personal injury
- Significant societal injury

### Class I

- · Serious property loss:
  - All other felonious property loss
- Societal injury

### M

· All other misdemeanors

# Calculating Prior Record

SCORING PRIOR RECORD/FELONY SENTENCING (For offenses committed on or after December 1, 2009)

	TYPE		POINTS
	Prior Felony Class A Conviction	x 10	
	Prior Felony Class B1 Conviction	x 9	
	Prior Felony Class B2 or C or D Conviction	x 6	
	Prior Felony Class E or F or G Conviction	x 4	
	Prior Felony Class H or I Conviction	x 2	
	Prior Misdemeanor Class A1 or 1 Conviction*, or Prior Impaired Driving Conviction	×1	
		SUBTOTAL	
prior offens	ments of the present offense are included in any se, whether or not the prior offense was used in g prior record level.	+1	
prior offens determining If the offen (a) while or (b) while	e, whether or not the prior offense was used in	+1	

\*Class 1 misdemeanor offenses under Chapter 20 are not assigned any points except for impaired driving in a commercial vehicle [G.S. 20-138.2] and misdemeanor death by vehicle [G.S. 20-141.4(a)(2)]

# Determining Prior Record Level

### II. CLASSIFYING PRIOR RECORD LEVEL

POINTS	LEVEL
0-1	1
2-5	11
6-9	III
10-13	IV
14 – 17	V
18+	VI

PRIOR RECORD LEVEL \_\_\_\_\_

		F	ELONY	PUNISH	MENT (	CHART	
			_		ORD LEVE		
		I 0-1 Pt	II 2-5 Pts	III	IV 10-13 Pts	V	VI 10+ Dtd
-	A	0-1 PL			Vithout Paro		TOT FIS
		A	A	A	A	A	A
- [	B1			E 1944	68 and 18	// / /	
ŀ	1	A	A	A	A	A	A
ŀ	B2		11544			100 m	362
-		A	A	A	A	A	A
	C		2			***********	
- 1				2000			
SSI		A	A	A	A	A	A
3	D	410	<b>M</b>			Marie 2011 (1	
OFFENSE CLASS		I/A	I/A	A	A	A	A
F.	E	(* 1 <b>)</b>				1. 1963	
Ť	1	I/A	I/A	I/A	A	A	A
- 1	F	(3.6)				(2) App	
-	_	I/A	I/A	I/A	I/A	A	A
	G	A Separate	117	2/12	2/7		
1		***********				(1) A 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	
		C/1/A	I/A	I/A	I/A	I/A	A
	Н						
1		С	C/I	I	I/A	I/A	I/A

# Types of Punishment

### Active

- Imprisonment
- Prison/Jail
- Post-Release Supervision

### Intermediate

- Non-Active Sentence
- Supervised Probation
- May include:
- Special Probation (split sentence)
- Drug Treatment Court
- Other conditions set by court
- Conditions added by probation officer after risk needs assessment

### Community

- Non-Active Sentence
- Supervised or Unsupervised Probation, Fine only
- Probation may include:
- Fine
- Conditions set by court
- Conditions added by probation officer after risk/needs assessment
- Probation may not include:
- Special Probation
- Drug Treatment Court

### **FELONY PUNISHMENT CHART**

		F	PRIOR RE	CORD LEV	EL	
	I	II	III	IV	V	VI
	0-1 Pt	2-5 Pts	6-9 Pts	10-13 Pts	14-17 Pts	18+ Pts
A	-	Deat	h or Life	Without I	Parole	
	A	A	A	A	A	A
B1	240-333	276-345	317-397	365-456	Life Without Parole	Life Without Parole
		Walia Lina	*	W. Z.	100	Marine in Marine
	144-192	166-221	190-254	219-292	252-336	290-386
	A	A	A	A	A	A
<b>B</b> 2	157-196	180 225	207-258	238-297	273-342	314-393
DZ	W 2000	With the same of t		March Condition		Mint Him and
	94-125	108-144	124-165	143-190	164 219	189-251
	A	A	A	A	A	A
C	73-92	83-104	96-120	110-138	127-159	146-182
_	Minnin XX	F	967.C.38		Minima San	* 2
	44-58	50-67	58-77	66-88	76-101	87-117
	A	A	A	A	A	A
D	64-80	73-02	84-105	97-121	111-139	128-160
ע	***		67-84	78-97	<i>M.</i>	<b>*</b>
	38-51	44-59	51-67	58-78	67-89	77-103
	I/A	1/A	A	A	A	A
	25.31	29-36	33-41	38-48	44-55	50-63
E	20:	22.50	26-33	1000	SE TOWN	
	15-20	17-23	20-26	23-30	26-35	30-40
	I/A	I/A	I/A	A	A	A
F	16-20	19 23	21-27	25-31	28-36	33-41
-	(40.000)	Minim	# 3.2.M		100E-2011	Mr. 25. 3. 70
	10-13	11-15	13-17	15-20	17-23	20-26
	I/A	I/A	I/A	I/A	A	A
G	13-16	14-18	17-21	19-24	22-27	25-31
0	W	MC 3122		W. Z. JA		
	8-10	9-12	10-13	11-15	13-17	15-20
	C/I/A	I/A	I/A	I/A	I/A	A
н	6-8	8 10	10-12	11-14	15-19	20-25
п			8-10	0-12		W. Z. A.
	4-5	4-6	6-8	7-9	9-12	12-16
	С	C/I	I	I/A	I/A	I/A
1	6-8	6-8	6-8	8-10	9-11	10-12
*	Becker in the state			G-976		
	3-4	3-4	4.5	4-6	5-7	6-8

# Minimum Sentence Ranges

	IV
	10-13 Pts A
	97 – 121
D	78 – 97
	58 – 78

- AGGRAVATED MINIMUM SENTENCE RANGE
- PRESUMPTIVE MINIMUM SENTENCE RANGE
- MITIGATED MINIMUM SENTENCE RANGE

# Maximum Sentence Lengths

Each minimum sentence has corresponding maxinium sentence

	-								
	15-30	52-75	89-119	126-164	163-208	200-252	237-297	274-341	311-386
	16-32	53-76	90-120	127-165	164-209	201-254	238-298	275-342	312-387
	17-33	54-77	91-122	128-166	165-210	202-255	239-299	276-344	313-388
ö	18-34	55-78	92-123	129-167	166-212	203-256	240-300	277-345	314-389
Þ	19-35	56-80	93-124	130-168	167-213	204-257	241-302	278-346	315-390
	20-36	57-81	94-125	131-170	168-214	205-258	242-303	279-347	316-392
	21-38	58-82	95-126	132-171	169-215	206-260	243-304	280-348	317-393
	22-39	59-83	96-128	133-172	170-216	207-261	244-305	281-350	318-394
	23-40	60-84	97-129	134-173	171-218	208-262	245-306	282-351	319-395
	24-41	61-86	98-130	135-174	172-219	209-263	246-308	283-352	320-396

FOR OFFENSE CLASSES B1 THROUGH E

\*Partial replication of maximum felony punishment char

FOR OFFENSE CLASSES F THROUGH I											
3-13	8-19	13-25	18-31	23-37	28-43	33-49	38-55				
4-14	9-20	14-26	19-32	24-38	29-44	34-50	39-56				
5-15	10-21	15-27	20-33	25-39	30-45	35-51	40-57				
6-17	11-23	16-29	21-95	26-41	31-47	36-53	41-59				
7-18	12-24	17-30	22-36	27-42	32-48	37-54					

### Misdemeanor Punishment Chart

Offenses Committed on or after December 1, 2013

Misdemeanor Sentences and Dispositions

	Prior Conviction Level						
Offense Class	l No Prior Convictions	One to F	III Five or More Prior Convictions				
A1	C/1/A	c/	i/A	C/I/A			
A1	1 60 days	1 79	days	1 - 150 days			
	с	C/1/A		C/I/A			
1	1 - 45 days	1 - 45 days		1 - 120 days			
	с	C/I		C/1/A			
2	1 - 30 days	1 - 45 days		1 - 60 days			
	c	One to Three Prior Convictions	Four Prior Convictions	C/I/A			
3	Fine Only* 1 - 10 days	C Fine Only* 1-15 days	C/I 1 - 15 days	1 - 20 days			

DISPOSITION

C = Community

i = intermediate

A = Active

\*Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.

### Effects of Structured Sentencing

### Sentences Imposed

• Truth, consistency, certainty = predictability

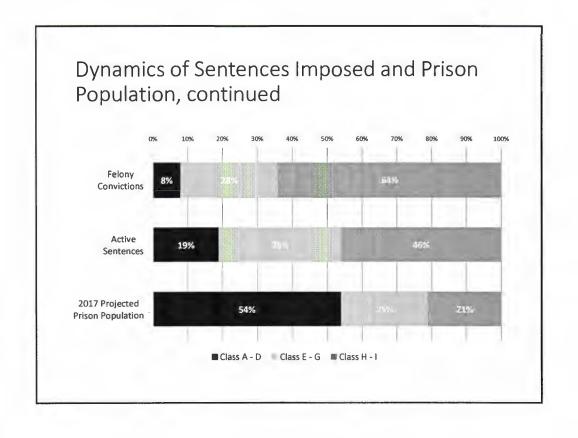
#### Prison beds

• Allocated for serious and repeat offenders

### Tool for balancing policies and resources

• Allows for impact projections of proposed legislative changes



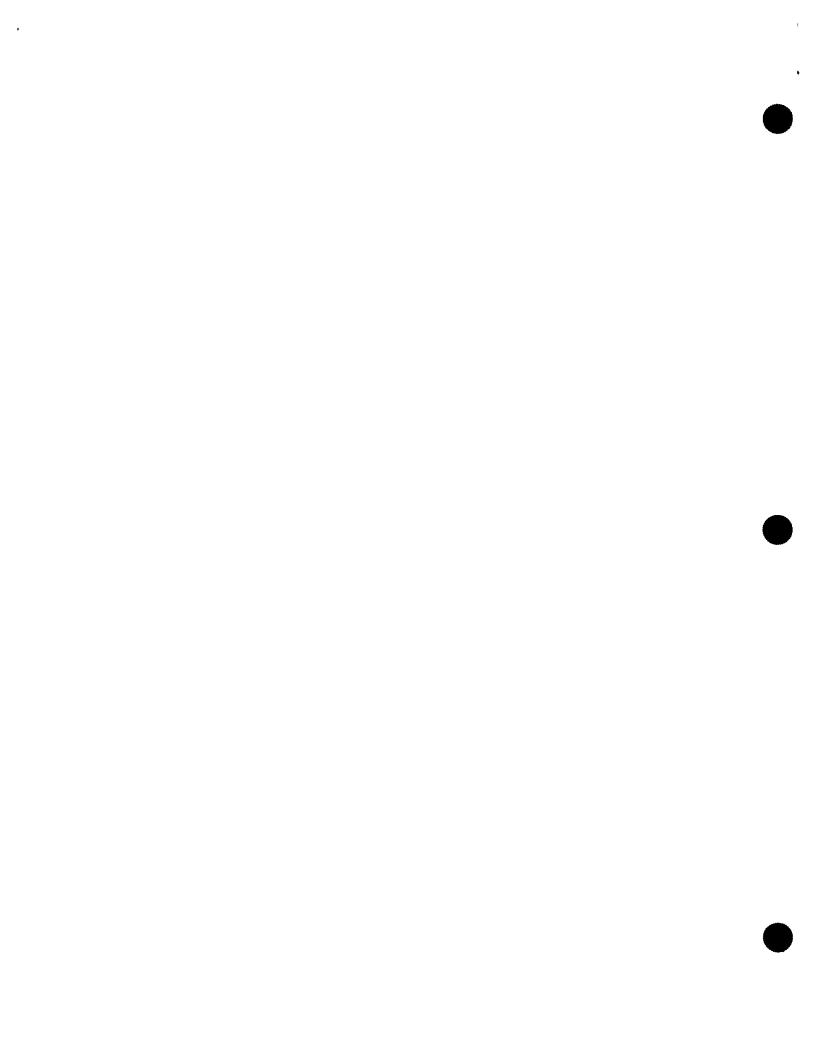


## **Contact Information**

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### STRUCTURED SENTENCING IN NORTH CAROLINA

The Joint Appropriations Subcommittee on Justice and Public Safety February 22, 2017

NC Sentencing and Policy Advisory Commission
P.O. Box 2448
Raleigh, NC 27602
919/890-1470
www.ncspac.org

The Honorable W. Erwin Spainhour Chairman

Michelle Hall Executive Director

## PRINCIPLES OF STRUCTURED SENTENCING

### **Truthful Sentencing Policies**

Sentence length imposed by the judge should bear a close and consistent relationship to the sentence length actually served.

### **Consistent Sentencing Policies**

Offenders convicted of similar offenses, who have similar prior records, should generally receive similar sentences.

### **Certain Sentencing Policies**

Sentence should be clearly mandated based on the severity of the crime as measured by the harm to the victim and the offender's prior record.

### **Priorities Set for the Use of Correctional Resources**

Prisons and jails should be reserved for violent and repeat offenders, and community-based programs should be used for nonviolent offenders with little or no prior record.

### **Balance Between Sentencing Policies and Correctional Resources**

Sentencing policies should be supported by adequate prison, jail, and community resources.

#### THE OFFENSE CLASSIFICATION CRITERIA

The Sentencing Commission was required by G.S. 164-41 to ".... classify criminal offenses into felony and misdemeanor categories on the basis of their severity." The Commission developed classification criteria to guide the classification process and to ensure that there was a systematic and rational basis for the classifications. The Commission decided that the severity of an offense should be directly related to the harm to the victim that normally results or tends to result from the criminal conduct.

The Commission defined three general types of harms: 1) harms to person (including both physical and mental injury); 2) harms to property; and 3) harms to society (violations of public order and welfare, violations of judicial or governmental operations, and/or violations of public morality). Through considerable discussion and debate, the Commission grouped these harms into a ten-level hierarchy which served as the basis for the Commission's classifications (refer to the classification criteria on the following page). Once the classification criteria were established, the Commission reviewed the individual elements of all felonies in North Carolina and assigned each felony to a specific offense class based on how closely the elements of the crime matched the classification criteria.

The purpose of establishing the classification criteria was to create a rational and consistent philosophical basis for classifying offenses; to assure proportionality in severity; and to provide a guidepost for classifying new crimes in the future.

Under the classification criteria, the most serious offense classes (A through F) primarily involve personal injury, the risk of personal injury, serious societal injury or widespread societal injury. The lower offense levels (G through I) primarily involve property loss or less serious societal injury. The degree of harm is divided into three levels; <u>injury</u> to person, property or society; <u>significant injury</u> to person, property or society; and <u>serious injury</u> to person, property or society.

The Commission also assigned misdemeanor offenses to three classes: class 1, class 2 or class 3. The Commission did not create classification criteria for misdemeanors but relied on the maximum sentences previously set by the General Assembly. Generally, crimes which had previously been punishable by over six months were made class 1 misdemeanors, those previously punishable by more than 30 days and up to six months were made class 2 misdemeanors, and those previously punishable by 30 days or less were made class 3 misdemeanors. Assaultive misdemeanors were made Class A1 misdemeanors.

### FELONY OFFENSE CLASSIFICATION CRITERIA\*

CLASS A	CRITERIA Reserved for First Degree Murder
[Reasonably to	ends to result or does result in]:
В	Serious debilitating long-term personal injury
C	Serious long-term personal injury Serious long-term or widespread societal injury
D	Serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling
E	Serious personal injury
F	Significant personal injury Serious societal injury
G	Serious property loss:  Loss from the person or from the person's dwelling
Н	Serious property loss:  Loss from any structure designed to house or secure any activity or property Loss occasioned by the taking or removing of property Loss occasioned by breach of trust, formal or informal Personal injury Significant societal injury
I	Serious property loss: All other felonious property loss Societal injury

Note: The criteria were not used in the classification of the homicide offenses or drug offenses.

All other misdemeanors

M

<sup>\*</sup> Personal injury includes both physical and mental injury.

Societal injury includes violations of public morality, judicial or government operations, and/or public order and welfare.

## CLASSIFICATION OF A SAMPLE OF OFFENSES (Effective 12/1/16)

CLASS A FELONIES	Maximum Punishment of Death or Life Without Parole
First-Degree Murder. (14-17)	
CLASS B1 FELONIES	Maximum Punishment of Life Without Parole
Second-Degree Murder. (14-17(b))	First-Degree Forcible Sexual Offense. (14-27.26)/First-Degree Statutory Sexual Offense. (14-27.29)
First-Degree Forcible Rape. (14-27.21)/First-Degree Statutory Rape (14-27.24)	
CLASS B2 FELONIES	Maximum Punishment of 484' Months
Second-Degree Murder. (14-17(b)(1) and (2))	
CLASS C FELONIES	Maximum Punishment of 231° Months
Second-Degree Forcible Rape. (14-27.22)	First-Degree Kidnapping. (14-39)
Second-Degree Forcible Sexual Offense. (14-27.27)	Embezzlement (amount involved \$100,000 or more). (14-90)
Assault W/D/W/I/K/I/S/I. (14-32(a))	
CLASS D FELONIES	Maximum Punishment of 204' Months
Voluntary Manslaughter. (14-18)	Child Abuse Inflicting Serious Physical Injury. (14-318.4(a))
First-Degree Burglary. (14-51)	Death by Vehicle. (20-141.4(a)(1))
First-Degree Arson. (14-58)	Sell or Deliver a Controlled Substance to a Person Under 16 But
Armed Robbery. (14-87)	More than 13 Years of Age. (90-95(e)(5))
CLASS E FELONIES	Maximum Punishment of 88' Months
Sexual Activity by a Substitute Parent or Custodian. (14-27.31)	Assault with a Firearm on a Law Enforcement Officer. (14-34.5)
Assault W/D/W/I/S/I. (14-32(b))	Second-Degree Kidnapping, (14-39)
Assault W/D/W/I/K. (14-32(c))	Sell or Deliver a Controlled Substance Within 1,000 Feet of a
Discharging Weapon Into Occupied Property. (14-34.1(a))	School. (90-95(e)(8))
CLASS F FELONIES	Maximum Punishment of 59 Months
Involuntary Manslaughter. (14-18)	Burning of Certain Other Buildings. (14-62)
Assault Inflicting Serious Bodily Injury. (14-32.4)	Taking Indecent Liberties with Children. (14-202.1)
Assault W/D/W on Governmental Officer or Employee. (14-34.2)	Patronizing a Prostitute (minor). (14-205.2(a))
Assault I/S/B/I on a Law Enforcement Officer. (14-34.7)	Possess Weapon of Mass Destruction. (14-288.8)
Felonious Restraint. (14-43.3)	Habitual Impaired Driving. (20-138.5)
CLASS G FELONIES	Maximum Punishment of 47 Months
Second-Degree Burglary. (14-51)	Identity Theft. (14-113.20)
Second-Degree Arson. (14-58)	Possession of Firearms, etc., by Felon. (14-415.1)
Common Law Robbery. (14-87.1)	Sale of a Schedule 1 or II Controlled Substance. (90-95(a)(1))

<sup>\*</sup> For a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, add 48 months.

CLASS H FELONIES	Maximum Punishment of 39 Months
Assault by Strangulation. (14-32.4(b))	Embezzlement (amount involved less than \$100,000). (14-90)
Habitual Misdemeanor Assault. (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000). (14-100)
Breaking or Entering Buildings (w/felonious intent). (14-54(a))	Hit and Run (resulted in injury). (20-166(a1))
Fraudulently Setting Fire to Dwelling Houses. (14-65)	Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1))
Possessing Stolen Goods. (14-71.1)	Possession W/I/M/S/D Cocaine. (90-95(a)(1))
Larceny of Property (worth more than \$1,000). (14-72)	Escaping From State Prison System (felon). (148-45(b))
CLASS I FELONIES	Maximum Punishment of 24 Month
Breaking or Entering Motor Vehicles. (14-56)	Possession W/I/M/S/D Marijuana. (90-95(a)(1))
Financial Transaction Card Theft. (14-113.9)	Possess Cocaine. (90-95(a)(3))
Forgery of Notes, Checks, Securities. (14-119(a))	Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance. (90-108(a)(7), (b))
Uttering Forged Paper or Instrument. (14-120)	Obtain a Controlled Substance by Fraud. (90-108(a)(10), (b))
CLASS A1 MISDEMEANORS	Maximum Punishment of 150 Day
Assault Inflicting Serious Injury or Using a Deadly Weapon. (14-33(c)(1))	Assault on a State Officer or Employee. (14-33(c)(4))
Assault on a Female. (14-33(c)(2))	Assault by Pointing a Gun. (14-34)
Assault on a Child Under 12 Years of Age. (14-33(c)(3))	Violation of a Valid Protective Order. (50B-4.1(a))
CLASS 1 MISDEMEANORS	Maximum Punishment of 120 Day
Breaking or Entering Buildings. (14-54(b))	Willful and Wanton Injury to Real Property. (14-127)
Larceny of Property (worth \$1,000 or less). (14-72)	Communicating Threats. (14-277.1)
Unauthorized Use of a Motor Vehicle. (14-72.2)	Possession of Drug Paraphernalia. (90-113.22)
Worthless Checks for \$2,000 or Less (closed account). (14-107(d)(4))	Misrepresentation to Obtain Employment Security Benefits (worth \$400 or less). (96-18(a))
CLASS 2 MISDEMEANORS	Maximum Punishment of 60 Day
Simple Assault/Assault and Battery. (14-33(a))	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196)
Financial Transaction Card Fraud. (14-113.13)	Cyberstalking. (14-196.3)
First-Degree Trespass. (14-159.12)	Resisting Officers. (14-223)
Willful and Wanton Injury to Personal Property (damage of \$200 or less). (14-160(a))	Carrying Concealed Weapons. (14-269(a), (a1)/first offense)
Indecent Exposure. (14-190.9)	Disorderly Conduct. (14-288.4)
CLASS 3 MISDEMEANORS	Maximum Punishment of 20 Day
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1)	Unsealed Wine/Liquor in Passenger Area. (18B-401)
Worthless Check for \$2,000 or Less. (14-107(d)(1))	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))
Second-Degree Trespass. (14-159.13)	Possession of Marijuana Drug Paraphernalia (90-113.22A)
Failure to Return Rental Property. (14-167)	Hunting Without a License (first offense). (113-270.2)
Intoxicated and Disruptive in Public. (14-444)	Fishing Without a License (first offense). (113-271)
CONSPIRACY to commit an offense is classified as one class lo	ower than the offense the person conspired to commit. (14-2.4)
ATTEMPT to commit an offense is classified as one class lower	than the offense the person attempted to commit. (14-2.5)
<b>SOLICITATION</b> to commit an offense is classified as two class commit. (14-2.6)	
ACCESSORY BEFORE THE FACT punishable as the princip	al felon. (14-5.2)
ACCESSORY AFTER THE FACT punishable as two classes l	ower than the felony the principal felon committed. (14-7)

### SCORING PRIOR RECORD/FELONY SENTENCING

NUMBER	ТҮРЕ	FACTORS	POINTS
	Prior Felony Class A Conviction	x 10	
	Prior Felony Class B1 Conviction	x 9	
	Prior Felony Class B2 or C or D Conviction	x 6	
	Prior Felony Class E or F or G Conviction	x 4	
	Prior Felony Class H or I Conviction	x 2	
	Prior Misdemeanor Class A1 or 1 Conviction*, Prior Impaired Driving Conviction, or Prior Impaired Driving in a Commercial Vehicle Conviction	x 1	
		SUBTOTAL	
	ents of the present offense are included in any prior her or not the prior offense was used in determining evel.	+ 1	
(a) while on release so	was committed: supervised or unsupervised probation, parole, or post- upervision; or ving a sentence of imprisonment; or escape.	+ 1	
		TOTAL	

<sup>\*</sup> Class 1 misdemeanor offenses under Chapter 20 are not assigned any points except for misdemeanor death by vehicle [G.S. 20-141.4(a)(2)]

II. CLASSIFYING PRIOR RECORD LEVEL

POINTS	LEVEL
0 – 1	I
2-5	II
6 – 9	III
10 – 13	IV
14 – 17	V
18+	VI

PRIOR RECORD LEVEL \_\_\_\_

#### DISPOSITIONS

#### **ACTIVE PUNISHMENT**

An active punishment requires that the offender be sentenced to the custody of the Division of Adult Correction to serve the minimum and up to the maximum sentence imposed by the court (unless the offender is sentenced to advanced supervised release).

#### INTERMEDIATE PUNISHMENT

An intermediate punishment requires a sentence of supervised probation. The sentence may include one or more of the following conditions:

- 1. <u>Special probation</u>. Defined in G.S. 15A-1351(a), special probation includes a period of active confinement followed by a period of probation. (This is sometimes referred to as a split sentence.)
- 2. <u>Drug Treatment Court Program</u>. Assignment that requires the offender to comply with the rules adopted for the program pursuant to Article 62 of Chapter 7A of the General Statutes and to report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.
- 3. House arrest with electronic monitoring. Assignment that requires the offender to remain at his or her residence unless the court or probation officer authorizes the offender to leave, and in which the offender shall wear a device which permits the supervising agency to monitor the offender's compliance with the condition.
- 4. <u>Community service</u>. Assignment that requires the offender to perform service to the local community in an effort to promote the offender's rehabilitation and to provide services that help restore or improve the community.
- 5. Period or periods of confinement in a local confinement facility. 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 may only be imposed as two-day or three-day consecutive periods.
- 6. Substance abuse assessment, monitoring, or treatment. (This condition is not defined in statute.)
- 7. Educational or vocational skills development program. (This condition is not defined in statute.)
- 8. <u>Satellite-based monitoring</u>. Submission to satellite-based monitoring, pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes (Sex Offender Monitoring), if the defendant is described by G.S. 14-208.40(a)(2).

An intermediate punishment may also include a fine, restitution, or any other conditions of probation.

#### **COMMUNITY PUNISHMENT**

A community punishment is any authorized sentence that does not include an active punishment, assignment to a drug treatment court, or special probation. A community punishment may consist of a fine only or a term of supervised or unsupervised probation which may include, but is not limited to, one or more of the following:

- 1. House arrest with electronic monitoring. Assignment that requires the offender to remain at his or her residence unless the court or probation officer authorizes the offender to leave, and in which the offender shall wear a device which permits the supervising agency to monitor the offender's compliance with the condition.
- 2. <u>Community service</u>. Assignment that requires the offender to perform service to the local community in an effort to promote the offender's rehabilitation and to provide services that help restore or improve the community.
- 3. Period or periods of confinement in a local confinement facility. 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 may only be imposed as two-day or three-day consecutive periods.
- 4. <u>Substance abuse assessment, monitoring, or treatment</u>. (This condition is not defined in statute.)
- 5. <u>Educational or vocational skills development program</u>. (This condition is not defined in statute.)
- 6. <u>Satellite-based monitoring</u>. Submission to satellite-based monitoring, pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes (Sex Offender Monitoring), if the defendant is described by G.S. 14-208.40(a)(2).

A community punishment may also include a fine, restitution, or any other condition of probation.

DISPOSITION

Aggravated Range

PRESUMPTIVE RANGE

Mitigated Range

### FELONY PUNISHMENT CHART PRIOR RECORD LEVEL

	I	II	Ш	IV	V	VI		
	0-1 Pt	2-5 Pts	6-9 Pts	10-13 Pts	14-17 Pts	18+ Pts		
A	Death or Life Without Parole  Defendant Under 18 at Time of Offense: Life With or Without Parole							
	A	A	A	A	A Life Without	A Life Without		
B1	240 - 300 192 - 240	276 - 345 221 - 276	317 -397 254 - 317	365 - 456 292 - 365	Parole 336 - 420	Parole 386 - 483		
	144 - 192	166 - 221	190 - 254	219 - 292	252 - 336	290 - 386		
	A	A	A	A	A	A		
B2	157 - 196	180 - 225	207 - 258	238 - 297	273 - 342	314 - 393		
	125 - 157	144 - 180	165 - 207	190 - 238	219 - 273	251 - 314		
	94 - 125	108 - 144	124 - 165	143 - 190	164 - 219	189 - 251		
	A	A	A	A	A	A		
C	73 – 92	83 - 104	96 - 120	110 - 138	127 - 159	146 - 182		
	58 - 73	67 - 83	77 - 96	88 - 110	101 - 127	117 - 146		
-	44 - 58	50 - 67	58 - 77	66 - 88	76 - 101	87 - 117		
	A	A	A	A	A	A		
D	64 - 80	73 - 92	84 - 105	97 - 121	111 - 139	128 - 160		
	51 - 64	59 - 73	67 - 84	78 - 97	89 - 111	103 - 128		
	38 - 51	44 - 59	51 - 67	58 - 78	67 - 89	77 - 103		
38	I/A	I/A	A	A	A	A		
E	25 - 31	29 - 36	33 - 41	38 - 48	44 - 55	50 - 63		
	20 - 25	23 - 29	26 - 33	30 - 38	35 - 44	40 - 50		
	15 - 20	17 - 23	20 - 26	23 - 30	26 - 35	30 - 40		
	I/A	I/A	I/A	A	A	A		
F	16 - 20	19 - 23	21 - 27	25 - 31	28 - 36	33 - 41		
1	13 - 16	15 - 19	17 - 21	20 - 25	23 - 28	26 - 33		
	10 - 13	11 - 15	13 - 17	15 - 20	17 - 23	20 - 26		
	I/A	I/A	I/A	I/A	A	A		
G	13 - 16	14 - 18	17 - 21	19 - 24	22 - 27	25 - 31		
G	10 - 13	12 - 14	13 - 17	15 - 19	17 - 22	20 - 25		
	8 - 10	9 - 12	10 - 13	11 - 15	13 - 17	15 - 20		
	C/I/A	I/A	I/A	I/A	I/A	A		
**	6-8	8 - 10	10 - 12	11 - 14	15 - 19	20 - 25		
Н	5-6	6-8	8 - 10	9-11	12 - 15	16 - 20		
	4-5	4-6	6-8	7 - 9	9 - 12	12 - 16		
	C	C/I	I	I/A	I/A	I/A		
	6-8	6-8	6-8	8 - 10	9-11	10 - 12		
I	4-6	4-6	5-6	6-8	7-9	8 - 10		
	3 - 4	3 - 4	4-5	4-6	5-7	6-8		

A – Active Punishment I – Intermediate Punishment C – Community Punishment Numbers shown are in months and represent the range of minimum sentences

Revised: 09-09-13

### \*\*\* Effective for Offenses Committed on or after 10/1/13 \*\*\*

### MINIMUM AND MAXIMUM SENTENCES

The corresponding maximum sentence for each minimum sentence is shown in the tables below. In each column, the number to the left of the dash represents the minimum sentence (in months) and the number to the right of the dash represents the corresponding maximum sentence (in months).

_								
15-30	52-75	89-119	126-164	163-208	200-252	237-297	274-341	311-386
16-32	53-76	90-120	127-165	164-209	201-254	238-298	275-342	312-387
17-33	54-77	91-122	128-166	165-210	202-255	239-299	276-344	313-388
18-34	55-78	92-123	129-167	166-212	203-256	240-300	277-345	314-389
19-35	56-80	93-124	130-168	167-213	204-257	241-302	278-346	315-390
20-36	57-81	94-125	131-170	168-214	205-258	242-303	279-347	316-392
21-38	58-82	95-126	132-171	169-215	206-260	243-304	280-348	317-393
22-39	59-83	96-128	133-172	170-216	207-261	244-305	281-350	318-394
23-40	60-84	97-129	134-173	171-218	208-262	245-306	282-351	319-395
24-41	61-86	98-130	135-174	172-219	209-263	246-308	283-352	320-396
25-42	62-87	99-131	136-176	173-220	210-264	247-309	284-353	321-398
26-44.	63-88	100-132	137-177	174-221	211-266	248-310	285-354	322-399
27-45	64-89	101-134	138-178	175-222	212-267	249-311	286-356	323-400
28-46	65-90	102-135	139-179	176-224	213-268	250-312	287-357	324-401
29-47	66-92	103-136	140-180	177-225	214-269	251-314	288-358	325-402
30-48	67-93	104-137	141-182	178-226	215-270	252-315	289-359	326-404
31-50	68-94	105-138	142-183	179-227	216-272	253-316	290-360	327-405
32-51	69-95	106-140	143-184	180-228	217-273	254-317	291-362	328-406
33-52	70-96	107-141	144-185	181-230	218-274	255-318	292-363	329-407
34-53	71-98	108-142	145-186	182-231	219-275	256-320	293-364	330-408
35-54	72-99	109-143	146-188	183-232	220-276	257-321	294-365	331-410
36-56	73-100	110-144	147-189	184-233	221-278	258-322	295-366	332-411
37-57	74-101	111-146	148-190	185-234	222-279	259-323	296-368	333-412
38-58	75-102	112-147	149-191	186-236	223-280	260-324	297-369	334-413
39-59	76-104	113-148	150-192	187-237	224-281	261-326	298-370	335-414
40-60	77-105	114-149	151-194	188-238	225-282	262-327	299-371	336-416
41-62	78-106	115-150	152-195	189-239	226-284	263-328	300-372	337-417
42-63	79-107	116-152	153-196	190-240	227-285	264-329	301-374	338-418
43-64	80-108	117-153	154-197	191-242	228-286	265-330	302-375	339-419
44-65	81-110	118-154	155-198	192-243	229-287	266-332	303-376	
45-66	82-111	119-155	156-200	193-244	230-288	267-333	304-377	
46-68	83-112	120-156	157-201	194-245	231-290	268-334	305-378	
47-69	84-113	121-158	158-202	195-246	232-291	269-335	306-380	
48-70	85-114	122-159	159-203	196-248	233-292	270-336	307-381	
49-71	86-116	123-160	160-204	197-249	234-293	271-338	308-382	
50-72	87-117	124-161	161-206	198-250	235-294	272-339	309-383	
51-74	88-118	125-162	162-207	199-251	236-296	273-340	310-384	

To calculate a maximum sentence when the minimum sentence is 340 months or more, multiply the minimum sentence by 1.20 (rounding to the next highest month) and add 12. See G.S. 15A-1340.17(e1).

Sex Offenses: To calculate a maximum sentence for a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, multiply the minimum sentence by 1.20 (rounding to the next highest month) and add 60. See G.S. 15A-1340.17(f).

	FOR OFFENSE CLASSES F THROUGH!							
3-13	8-19	13-25	18-31	23-37	28-43	33-49	38-55	
4-14	9-20	14-26	19-32	24-38	29-44	34-50	39-56	
5-15	10-21	15-27	20-33	25-39	30-45	35-51	40-57	
6-17	11-23	16-29	21-35	26-41	31-47	36-53	41-59	
7-18	12-24	17-30	22-36	27-42	32-48	37-54		

### MISDEMEANOR PUNISHMENT CHART

	PRIOR CONVICTION LEVEL						
CLASS	No Prior Convictions	One to	One to Four Prior Convictions				
<b>A1</b>	C/I/A 1 - 60 days	C/I 1 - 75	<b>C/I/A</b> 1 - 150 days				
1	C 1 - 45 days	<b>C/I/A</b> 1 - 45 days		<b>C/I/A</b> 1 - 120 days			
2	C 1 - 30 days		<b>C/I</b> 1 - 45 days				
3	C Fine Only*	One to Three Prior Convictions	Four Prior Convictions	<b>C/I/A</b> 1 - 20 days			
	1 - 10 days	Fine Only* 1 - 15 days	1 - 15 days	1 20 days			

<sup>\*</sup>Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.

A – Active Punishment I – Intermediate Punishment C – Community Punishment Cells with slash allow either disposition at the discretion of the judge

Revised: 9/30/13

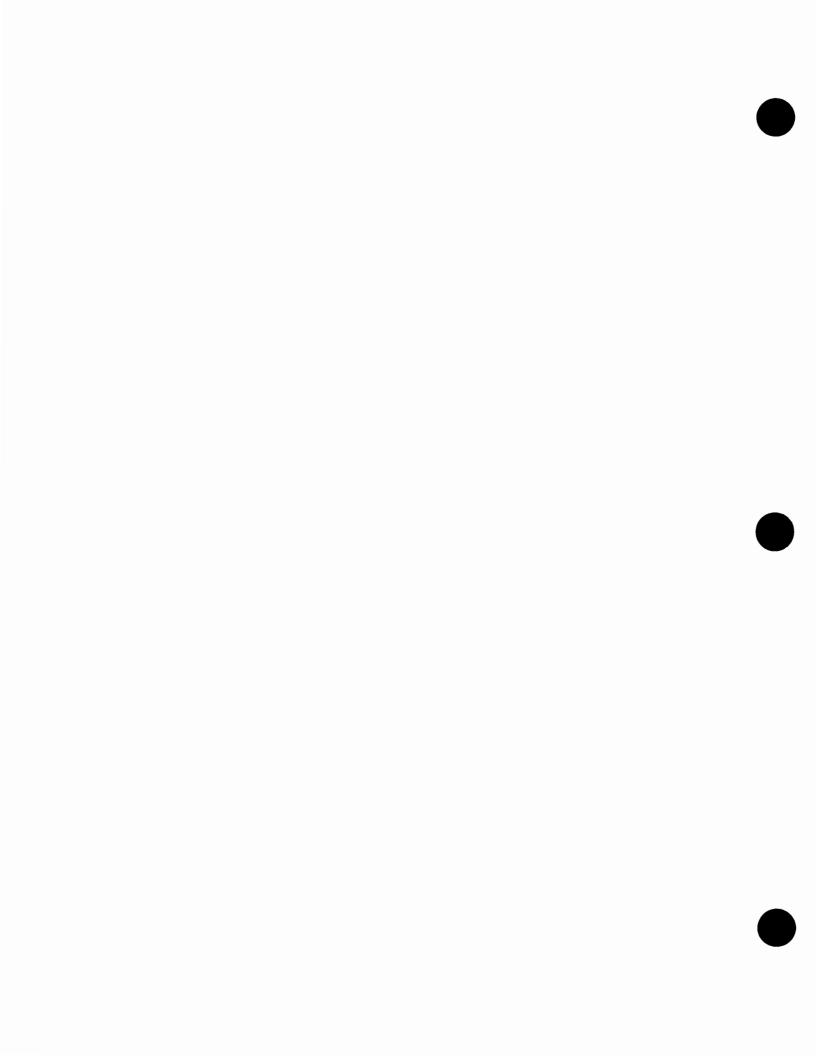
### VISITOR REGISTRATION SHEET

Name of Committee

Date

### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Hall	NC Sentencing Commission
John Madler	1. 11
Ginny Hevener	1)
Laura Kilan	Vista Stroegies
Sarah Hardin	· NCEL
Resha Fortson	SEANC
Flint Benson	SEANC
Tom Murry	Ne Judicial Branch
and Branda	NCDPS.
0	Carolina Justice Policy Center
	i e e e e e e e e e e e e e e e e e e e



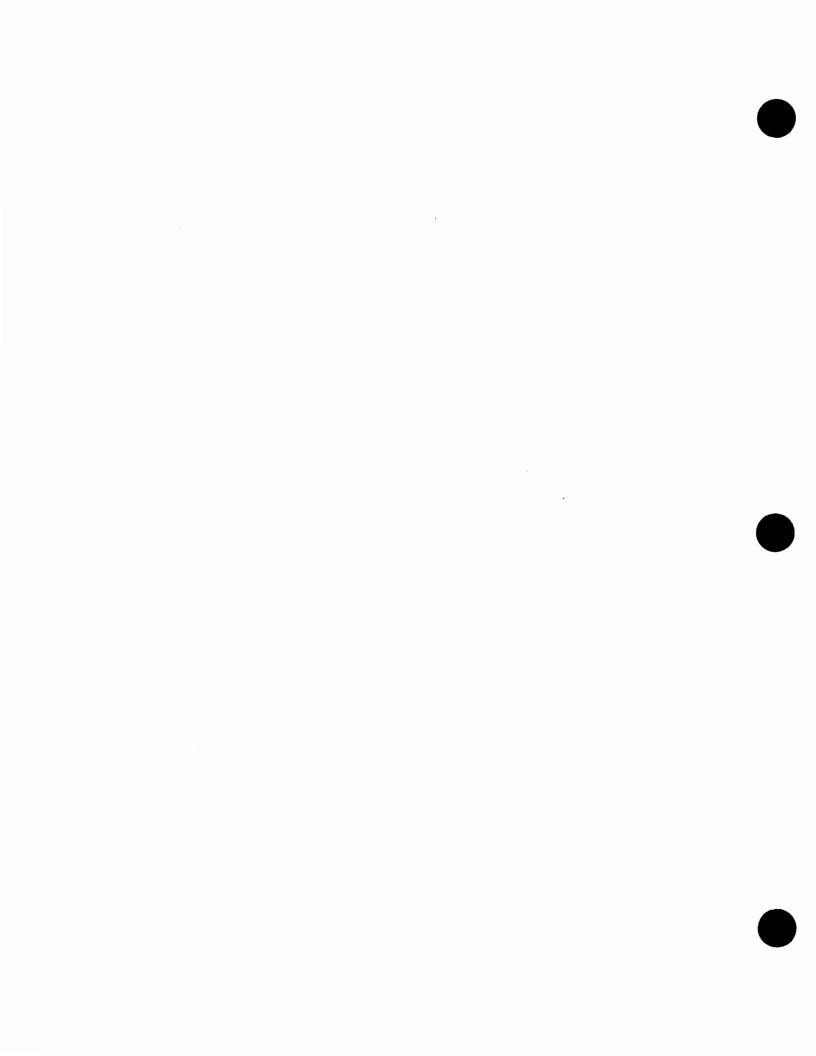
## Senate Pages Attending

COMMITTEE: A	para	ps: Just	fice & P.S.	efety _ROOM:	415
DATE:	2	-22	TIME: _	8:30	

PLEASE PRINT <u>LEGIBLY</u>!!!!!!!!!!!!....or else!!!!!

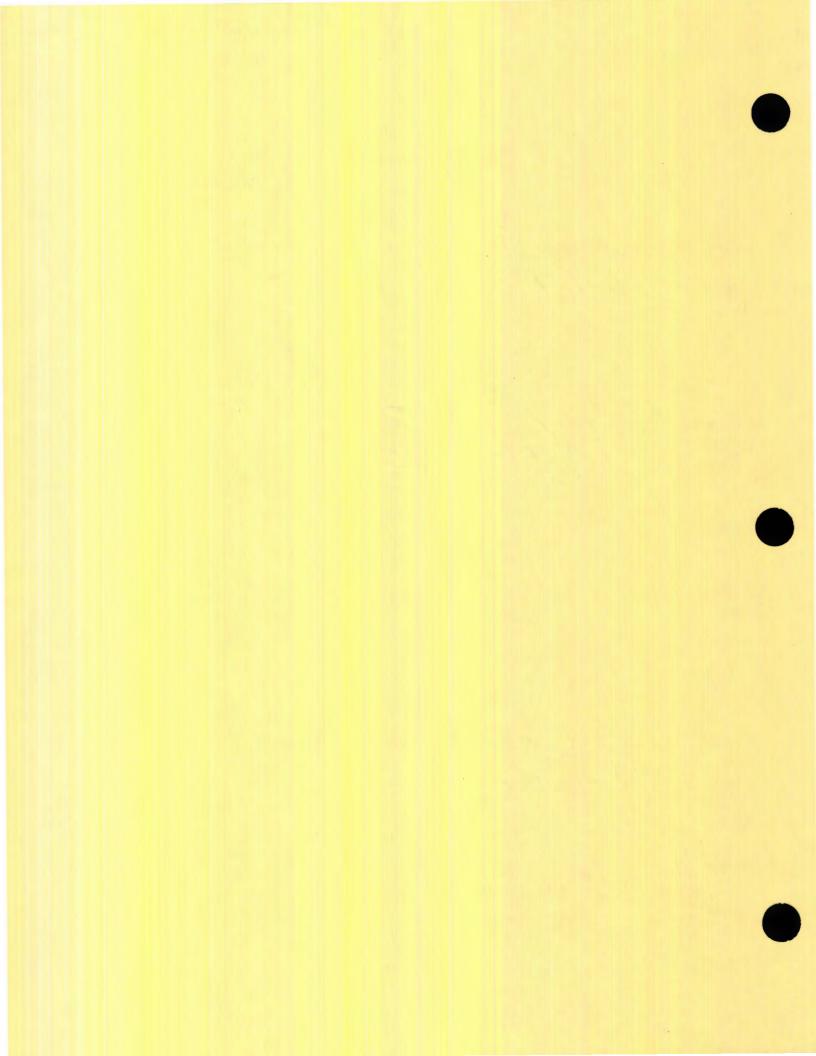
0	Page Na	me	Hometown	Sponsoring Senator
1.	Andrew	Fisher	Durham	Woodard
2.)	Blake	Stout	Chape Hill	Foyshee
4.			•	
7.				
5.				
6.				
7.				
8.				

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.



### Committee Sergeants at Arms

NAME OF C	COMMITTEE Jort Com. JPP
DATE:	2/22/17 Room: 45
	House Sgt-At Arms:
1. Name:	2 11 -
2. Name:	BILL MODRE
3. Name:	
4. Name:	
5. Name:	
	Senate Sgt-At Arms:
1. Name:	STEVE MCKAIG
2. Name:	Jim Ham. You
3. Name:	
4. Name:	



### Senate Committee on Appropriations on Justice and Public Safety Tuesday, February 28, 2017 at 8:30 AM Room 415 of the Legislative Office Building

#### **MINUTES**

The Senate Committee on Appropriations on Justice and Public Safety met at 8:30 AM on February 28, 2017 in Room 415 of the Legislative Office Building. 15 members were present.

Senator Norman W. Sanderson, Chair, presided.

The chair welcomed all members and visitors then introduced and thanked House Sergeants at Arms, Bill Moore, Bill Riley, Barry Moore and Senate Sergeants at Arms Becky Myrick and Terry Edmondson. He then introduced House Page Melvin McLawhorn from Wake County, sponsored by Speaker Tim Moore and Senate Page Kaela Curtis from Durham County, sponsored by Senator Michael Woodard. The chair acknowledged Commissioner David Guise from DPS Adult Corrections and Juvenile Justice.

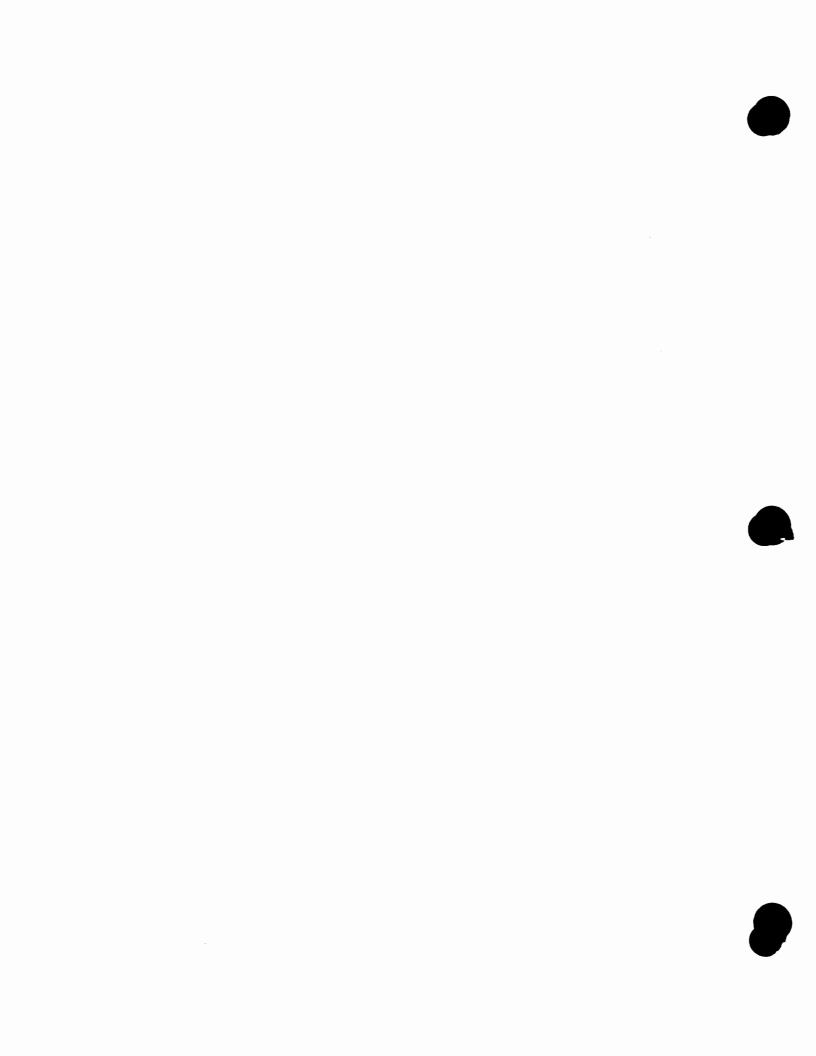
The chair introduced Ms. Kristine Leggett and Mr. John Poteat, from our Fiscal Research Division, for a presentation and reporting on the DPS-Prisons budget. See attachments. Fiscal staff and DPS staff responded to questions from Representatives Johns, McNeill, C Graham, G Graham, Rogers and Richardson and Senator Sanderson.

There being no further business, the meeting adjourned at 9:37 am.

Senator Norman W. Sanderson, Chair

Presiding

Kathy Voss, Committee Clerk



## JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY Room 415 Legislative Office Building

### February 28, 2017 8:30 A.M.

#### I. CALL TO ORDER

Chairs:

Senator Warren Daniel Senator Shirley Randleman

Senator Norm Sanderson, Presiding

Representative Jamie Boles Representative Ted Davis Representative Allen McNeill Representative Rena Turner

#### II. OPENING REMARKS BY CHAIRS

#### III. PRESENTATIONS

DPS-Prisons Budget John Poteat, Fiscal Research Division

### IV. COMMITTEE DISCUSSION

#### V. OTHER BUSINESS:

Next meeting:

Wednesday, February 29 - Prison Inmate Medical

#### VI. ADJOURNMENT

House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

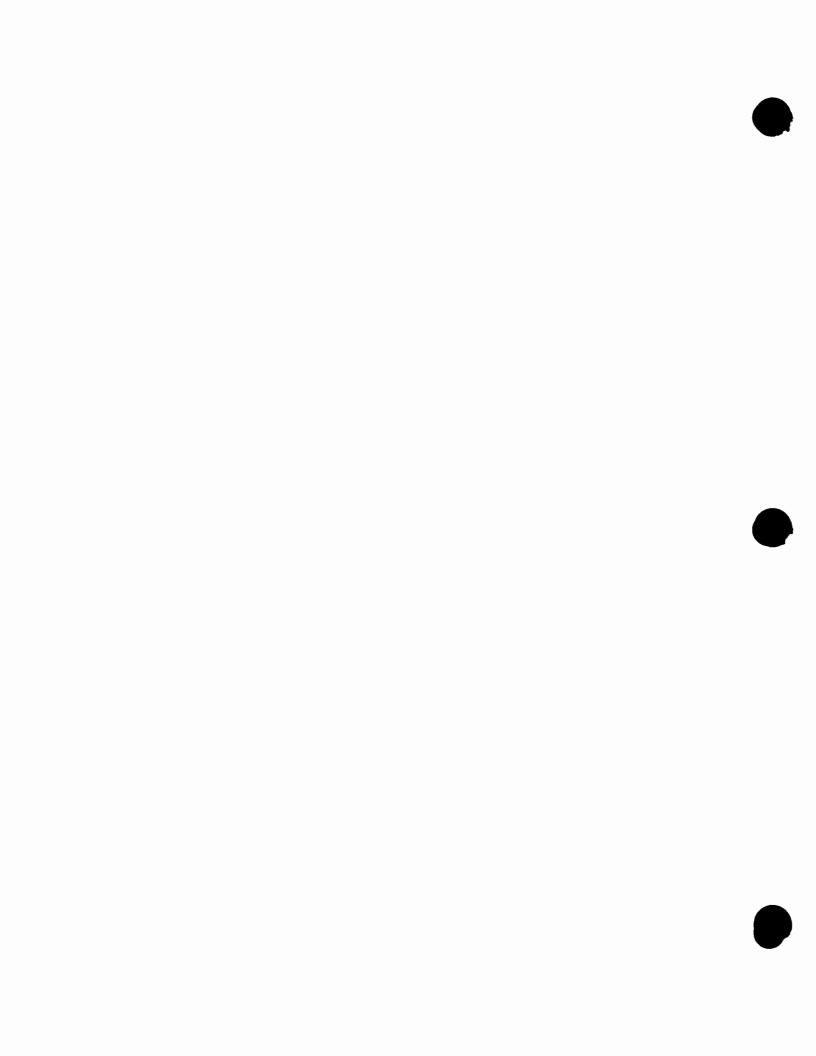
Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee



### **Prison Management and Division Wide Operations**

### **Department of Public Safety**

G.S. Reference: 148.4

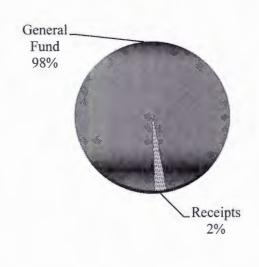
Provides for the management and oversight of the State prison system.

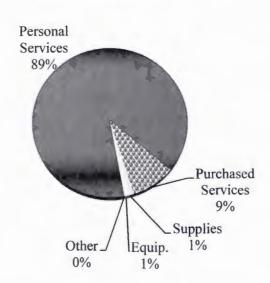
	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Authorized	Base	Base
Expenditures	\$12,142,078	\$13,080,706	\$21,029,264	\$21,197,410	\$21,201,091
Less Receipts	\$3,007,208	\$2,938,023	\$486,151	\$486,151	\$486,151
Appropriation	\$9,134,870	\$10,142,683	\$20,543,113	\$20,711,259	\$20,714,940
FTE	165.64	182.64	275.64	275.64	275.64

### FY 2017-18 Base Budget

### Source of Funds

### **Expenditure of Funds**





Fund	Fund Title	Page in Budget
1305	Prison Management	58
1399	Division Wide Operations	124

## **Prison Management and Division Wide Operations**

### **Department of Public Safety**

### **Expenditures: Summary by Account**

	531-XXX	532-XXX	533-XXX	534-XXX	535 - 538-XXX		
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE
1305	\$12,354,508	\$723,772	\$120,930	\$167,340	\$5,910	\$13,372,460	172.64
1399	\$6,514,130	\$1,175,163	\$80,754	\$40,328	\$14,575	\$7,824,950	103.00
						\$0	
Total	\$18,868,638	\$1,898,935	\$201,684	\$207,668	\$20,485	\$21,197,410	275.64

### Revenues: Summary by Account

	432-XXX	434-XXX	435-XXX	436-XXX	437 - 438-XXX	538-8XX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributio ns & Donations	Misc.	Federal Funds	Total
1305	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1399	\$10,000	\$20,000	\$30,000	\$40,000	\$50,000	\$60,000	\$200,000
	\$10,000	\$20,000	\$30,000	\$40,000	\$50,000	\$60,000	\$200,000

Fund	Fund Title	Page in Budget	
1305	Prison Management	58	
1399	Division Wide Operations	124	

### **Prison Custody and Security**

### **Department of Public Safety**

G.S. Reference: 148-4

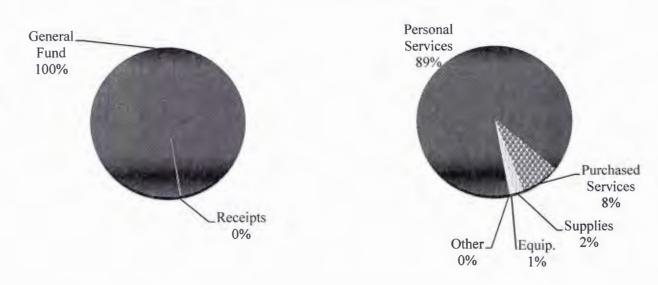
Provides control and custody of all prisoners in the State prison system.

	FY 2014-15	FY 2015-16 FY 2016-17		FY 2017-18	FY 2018-19	
	Actual	Actual	Authorized	Base	Base	
Expenditures	\$702,892,162	\$755,314,248	\$788,226,488	\$792,813,027	\$792,815,700	
Less Receipts	\$7,640,978	\$6,421,250	\$8,900,564	\$3,890,564	\$3,890,564	
Appropriation	\$695,251,184	\$748,892,998	\$779,325,924	\$788,922,463	\$788,925,136	
FTE	12,668.78	12,662.48	12,701.48	12,701.48	12,701.48	

### FY 2017-18 Base Budget

### Source of Funds

### **Expenditure of Funds**



<b>Fund</b>	Fund Title	Page in Budget
1310	Prison Custody and Security	63

# Prison Custody and Security Department of Public Safety

### **Expenditures: Summary by Account**

	531-XXX	532-XXX Purchased Services	533-XXX Supplies	534-XXX Equipment	535 - 538-XXX		
Fund Code	Personal Services				Other	Total	FTE
1310	\$706,279,384	\$62,412,410	\$15,170,420	\$7,277,669	\$1,673,144	\$792,813,027	12,701.48
Total	\$706,279,384	\$62,412,410	\$15,170,420	\$7,277,669	\$1,673,144	\$792,813,027	12,701.48

### Revenues: Summary by Account

	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
1310	\$0	\$322,918	\$440,646	\$0	\$2,396,741	\$730,259	\$3,890,564
	\$0	\$322,918	\$440,646	\$0	\$2,396,741	\$730,259	\$3,890,564

Fund	Fund Title	Page in Budget	
1310	Prison Custody and Security	63	

### Statewide Misdemeanant Confinement Program

### **Department of Public Safety**

**G.S. Reference:** 148-32.1 (b2)

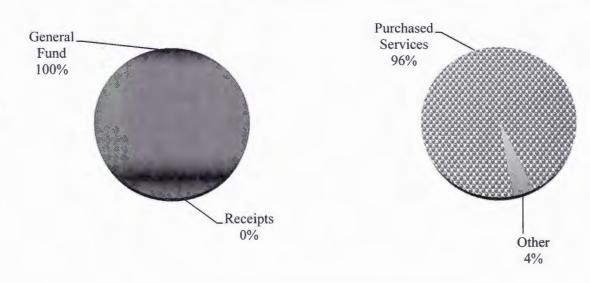
Creates a program to house all misdemeanants with sentencing more than 90 days and for impaired driving offenses in county facilities that volunteer space.

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Authorized	Base	Base
Expenditures	\$0	\$0	\$22,275,000	\$22,275,000	\$22,275,000
Less Receipts	\$0	\$0	\$0	\$0	\$0
Appropriation	\$0	\$0	\$22,275,000	\$22,275,000	\$22,275,000
FTE	0.00	0.00	0.00	0.00	0.00

### FY 2017-18 Base Budget

### Source of Funds

### **Expenditure of Funds**



Fund	Fund Title	Page in Budget
1312	Statewide Misdemeanant Confinement Program	67

### Statewide Misdemeanant Confinement Program

### **Department of Public Safety**

### **Expenditures: Summary by Account**

	531-XXX		533-XXX	534-XXX	535 - 538-XXX		
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE
1312	\$0	\$21,275,000	\$0	\$0	\$1,000,000	\$22,275,000	0.00
Total	\$0	\$21,275,000	\$0	\$0	\$1,000,000	\$22,275,000	0.00

### Revenues: Summary by Account

	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
1312	Grants \$0	\$0	\$0	\$0	S0	\$0	Total \$0
1312	Φ0	30	φ0	\$0	\$0	50	Φ0
	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Fund	Fund Title	Page in Budget
1312	Statewide Misdemeanant Confinement Program	67

### Prison Road Squad and Litter Crews

### **Department of Public Safety**

G.S. Reference: 148-26 (b)

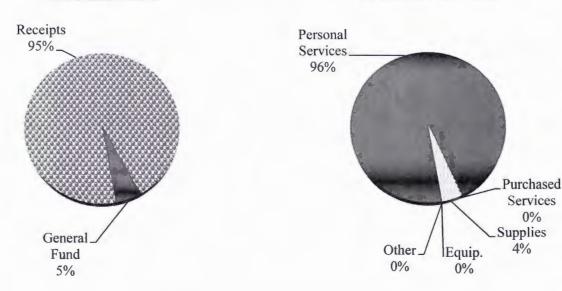
Requires as many minimum and medium custody inmates as available for litter pick-up and road work.

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Authorized	Base	Base
Expenditures	\$8,571,015	\$8,657,797	\$9,517,984	\$9,550,679	\$9,550,679
Less Receipts	\$9,040,209	\$9,040,000	\$9,040,000	\$9,040,000	\$9,040,000
Appropriation	(\$469,194)	(\$382,203)	\$477,984	\$510,679	\$510,679
FTE	179.00	183.00	183.00	183.00	183.00

### FY 2017-18 Base Budget

### Source of Funds

### **Expenditure of Funds**



Fund	Fund Title	Page in Budget
1314	Prison Road Squad and Litter Crews	68

# Prison Road Squad and Litter Crews Department of Public Safety

### **Expenditures: Summary by Account**

	531-XXX	532-XXX	533-XXX	534-XXX	535 - 538-XXX		
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE
1314	\$9,146,762	\$20,950	\$378,467	\$4,500	\$0	\$9,550,679	183.00
Total	\$9,146,762	\$20,950	\$378,467	\$4,500	\$0	\$9,550,679	183.00

### Revenues: Summary by Account

	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
1314	\$0	\$0	\$0	\$0	\$0	\$9,040,000	\$9,040,000
	\$0	\$0	\$0	\$0	\$0	\$9,040,000	\$9,040,000

Fund	Fund Title	Page in Budget
1314	Prison Road Squad and Litter Crews	68

### Prison Food, Cleaning, Clothing, and Bedding

### Department of Public Safety

G.S. Reference: G.S. 148-22

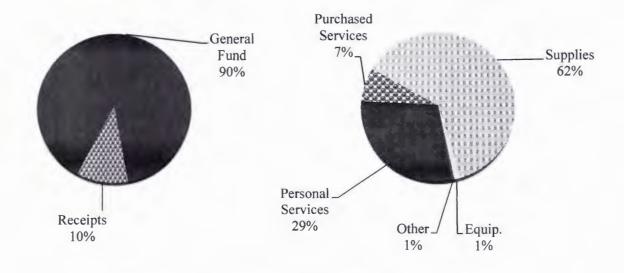
Provides for the food, clothing and bedding for State prisoners.

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Authorized	Base	Base
Expenditures	\$97,255,515	\$96,161,061	\$93,407,223	\$93,837,089	\$93,837,089
Less Receipts	\$9,600,610	\$9,927,907	\$9,776,696	\$9,776,696	\$9,776,696
Appropriation	\$87,654,905	\$86,233,154	\$83,630,527	\$84,060,393	\$84,060,393
FTE	484.00	482.00	481.00	481.00	481.00

### FY 2017-18 Base Budget

### Source of Funds

### **Expenditure of Funds**



Fund	Fund Title	Page in Budget
1320	Prison Food Service and Cleaning	72
1321	Prison Inmate Clothing and Bedding	75

# Prison Food, Cleaning, Clothing, and Bedding Department of Public Safety

### **Expenditures: Summary by Account**

Fund Code	531-XXX Personal Services	532-XXX Purchased Services	533-XXX Supplies	534-XXX Equipment	535 - 538-XXX		
					Other	Total	FTE
1320	\$26,949,959	\$609,928	\$47,495,246	\$1,230,707	\$501,425	\$76,787,265	481.00
1321	\$0	\$6,341,082	\$10,708,742	\$0	\$0	\$17,049,824	0.00
Total	\$26,949,959	\$6,951,010	\$58,203,988	\$1,230,707	\$501,425	\$93,837,089	481.00

### Revenues: Summary by Account

	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
1320	\$134,487	\$1,041,160	\$0	\$0	\$948,700	\$7,652,349	\$9,776,696
1321	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$134,487	\$1,041,160	\$0	\$0	\$948,700	\$7,652,349	\$9,776,696

Fund	Fund Title	Page in Budget	
1320	Prison Food Service and Cleaning	72	
1321	Prison Inmate Clothing and Bedding	75	

# Joint Appropriations Committees on Justice and Public Safety

# Department of Public Safety Prisons

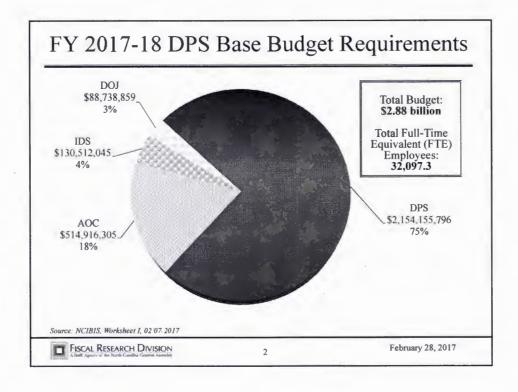


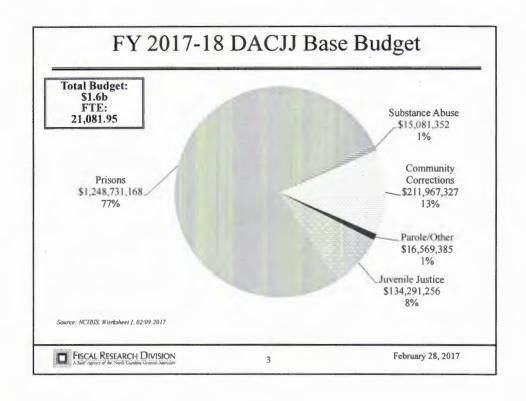


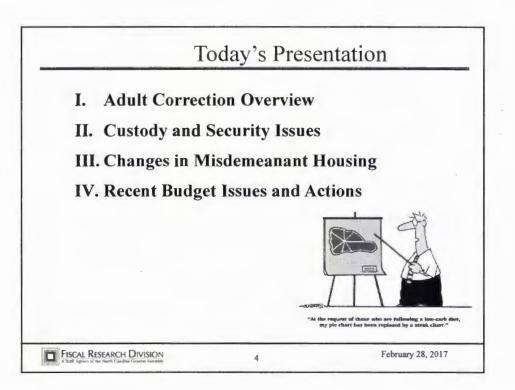


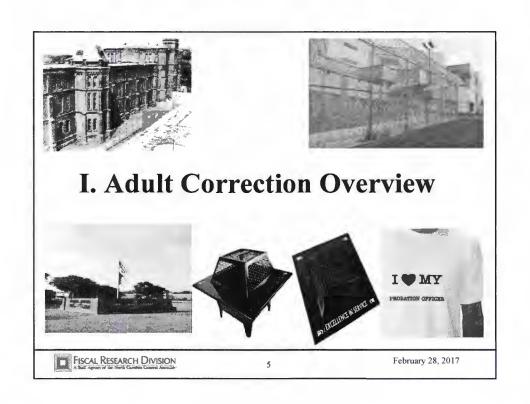
February 28, 2017

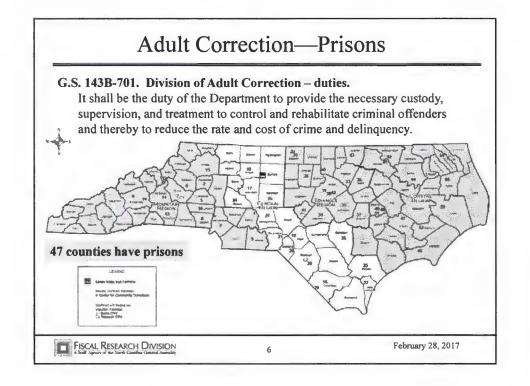












# **Prisons Section**

■ Budget: \$1.25 billion

Prisons: 56

Beds: 37,617

Employees: 16,623 employees

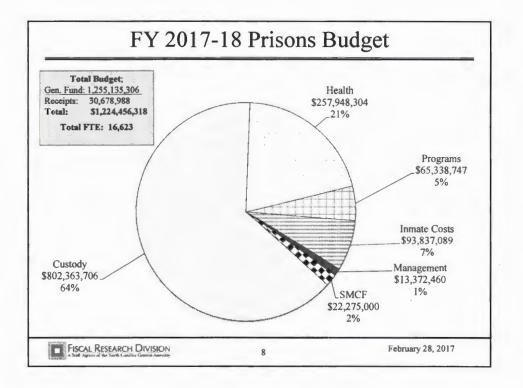
• Facilities: 14.9 million square feet

• Miles Driven: 16,194,730 miles in 1,595,168 hours

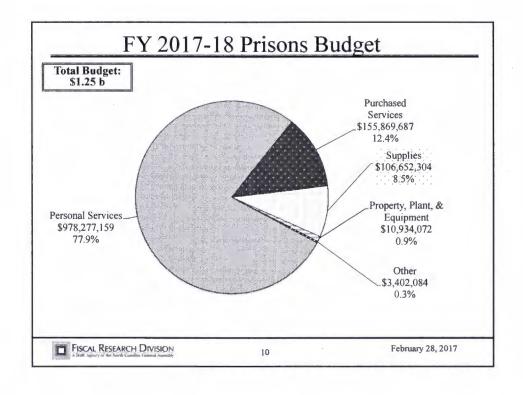
24th largest "city" in NC

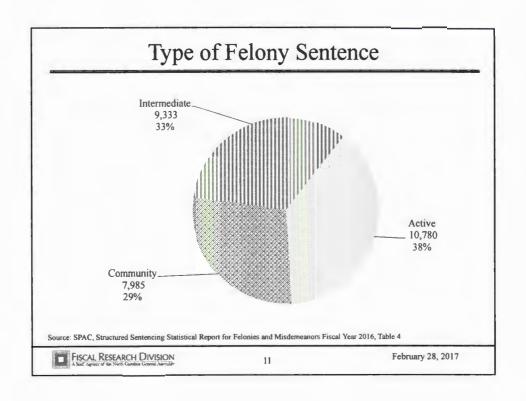
Source: Prisons Administration

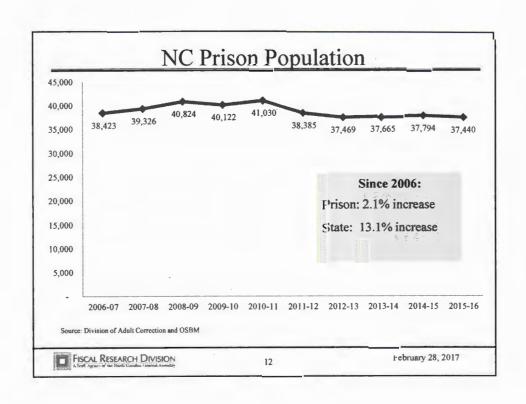
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Area	#
Custody and Security	12,884.48
Custody and Security	12,701.48
Road Squads and Litter Crews	183.0
Inmate Costs: Food Services and Cleaning	481.0
Inmate Programs: 1 - 18/20 8 - 2 A at 0 A - 2 D	1,068.47
Inmate Construction Program	4.0
Inmate Education	56.0
Corrective Programs	896.11
Work Release	18.36
In-Prison Substance Abuse Treatment	94.0
Inmate Health and was a construction of the second of the	2,016.5
General Health	1,343.0
Mental Health	487.0
Dental Health	106.0
Pharmacy Services	80.5
Management	172.64
Total	16,623.09







# **Prison Population Drivers**

Stacking effect: Most serious offenders take up prison beds for a long time

### **A-D Violent felons:**

- 57% of population
- Average time served 8 years in FY 2015-16

#### Population:

- Class C: 18.5% of population
- 7 Crimes Account for 48% of population
- Habitual Felons account for 14% of population

### Time served all felons:

- Average Time Served: 20 months in mid 90's
- Average Time Served: 30 months in FY 2015-16

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13

February 28, 2017

# FY 2015-16 NC Prison Population

Admissions: 23,531 Exits: 23,875

Direct: 54%

Probation Revocations: 46%

Current: 36,329

Felony Class	A-D	E-G	H-I
Convictions	8%	27%	65%
Current Population*	56%	24%	15%
Average Length of Stay	8 years	19 months	10 months
% Receiving an Active Prison Sentence	100%	48%	28%

\*Remaining 5%: Pre Fair, CRV, Non-Class (DWI), Safekeepers, and Other Source: SPAC and DPS

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14

# Prison Closures Since 2009

Wilmington Residential Facility for Women (36 beds)	Mary Frances (100-bed private treatment provider)
Gates CC (96 beds)	Evergreen (100-bed private treatment provider)
Umstead CC (114 beds)	Duplin CC (328 beds)
Union CC (82 beds)	Robeson CC (276 beds)
Guilford CC (168 beds)	Bladen CC (172 beds)
Cleveland CC (136 beds)	Wayne CC (428 beds)
Anson CC (Consolidated with Brown Creek CI)	Western Youth Institution (708 beds)
Rowan CC (Consolidated with Piedmont CI)	Buncombe CC (Consolidated with Craggy CC)
McCain Correctional Hospital (411 beds)	Raleigh CCW (Consolidated with NCCIW)
Durham CC (216 beds)	Tillery CC (Consolidated with Caledonia CI)
Haywood CC (128 beds)	North Piedmont CCW (136 beds)
Cabarrus CC (198 beds)	Fountain CCW (531 beds)
Charlotte CC (256 beds)	Brown Creek CI (Consolidated with Lanesboro CI)

Closure Total=4,620 beds

Beds Added at 1,000-bed prisons=2,772

Total Change in Capacity=(1,848)



15

February 28, 2017



# II. Custody and Security Issues

16



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# Custody and Security

FTE: 12,701.48

**FY 2017-18 Requirements:** \$792,813,027

89% of Budget is Personal Services

55 Prisons in 4 Regions

Custody Staff: 11,722.48 FTE (91%)

Administrative Services: 605.3 FTE (4.7%)

Facilities Maintenance: 552.7 FTE (4.3%)



Source: NCIBIS, Worksheet 1, 02:09 2017 and Beacon BO 149 Report (01/24/17)

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17

February 28, 2017

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Prison	Red	( 'nete
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	Average=\$89.30 pe	r day/\$32,59	5 annually	
Custody Type (%)	Number of beds (2017)	Percentage by type	FY 2015-16 Per Bed Daily Cost	FY 2015-16 Per Bed Annual Cost
Close (23%)	Single Cell: 8,674	23.1%	\$106.92	\$39,026
Medium (47%)	Single Cells: 3,013 Double Cells: 1,950 Dorm: 12,717	8% 5.2% 33.8%	\$89.78	\$32,770
Minimum (29%)	Single Cell: 54 Double Cell: 486 Dorm: 10,723	0.1% 1.3% 28.5%	\$79.46	\$29,003

Source: DOP and DAC, Controller's Office

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18

## Prison Food Service and Cleaning

FY 2017-18 Requirements: \$76,787,265

FY 2017-18 Receipts: \$9,776,696

FTE: 481

Personal Services: 35.1% Supplies: 61.9%

Meals Served: 43,490,380 Coffee Served Since Jan 2012: 0

Menus: Rotate on a five-week cycle three times a year

### Total Cost: \$3.19



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19

February 28, 2017

# Prison Food Service and Cleaning

Food software: menus, recipes, forecasting to reduce waste

Correction Enterprises: 87% of the food

Diet Types: 24 different diets

- 86% Regular
- 10.6% Therapeutic
- 3.3% Religious

Card swipe system: Implemented October 2013; helps manage food costs and reduced specialty diet orders 30%

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20

# Prison Inmate Clothing and Bedding

Budget: \$17,049,824

FY 2017-18 Base Budget is \$2.9 million below FY 2015-16 Actual

Bedding and Textiles \$3.0 m Laundry Services and Supplies \$5.6 m Clothing and Uniforms \$10.4 m

Clothing Issued: 5,433,430

Sheets Issued: 198,912

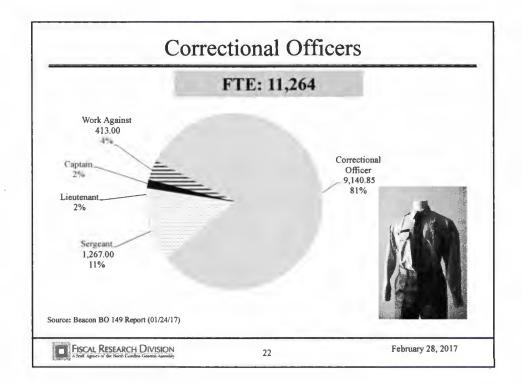
Cost per inmate: \$514.63 (Laundry & Clothing)

Clothing change: 2x week & 5 different uniforms

**Bedding:** weekly **Towels:** 2x week

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21



# Correctional Officer: Shift and Pay

- Total Number of Correctional Officers: 9,426 (11,264 Custody staff)
- COs work 12-hours shifts; 171 hours in 28-days
- Special Pay
  - Overtime: FY 2015-16 Actual=S25.1 million
  - Holiday Pay: FY 2015-16 Actual =\$6.2 million
    - o 75% over regular hourly wage
  - Shift Premium: FY 2015-16 Actual=\$20.7 million
    - Additional 10% on evening and night shifts and additional 10% on weekend evening and night shifts

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23

February 28, 2017

### Correctional Officer Issues

- Vacancies: 1,604 Vacant Custody Positions
- Number of CO applications processed: 5,221
- Number of COs hired: 1,727
- Time Between Hiring and Basic Training: 22.6 weeks
- Training: COs complete 160 Hours of Basic; trained 1,194 in FY 2015-16

(112 not completed Basic)

- Samarcand Training Academy: \$10.4 million appropriation
  - Phase I: Commuter school for CO Training (July 2015)

24

Worker's Compensation: 2015-16—\$26 million

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### Correctional Officer Reclassification Plan

- August 2013: DPS requested Office of State Humans Resources (OSHR) assistance in reviewing CO class.
- Challenges: Low pay, salary compression, and lack of career progression
- Findings: Roles of COs have changed because of changes in:
  - o Sentencing laws
  - o Inmates with mental health issues
  - o More felons in minimum custody
  - o Larger facilities
  - o Increase in the number and types of contraband—CY 2016: 535 cell phones

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2:

February 28, 2017

# Correctional Officer Reclassification Plan

- Three levels of COs (I-minimum, II-medium, and III-close) dependent on the custody of the facility
- Supervisory Custody staff progress on custody of facility
- Managerial staff progress on factors in addition to custody (e.g., # of staff, complexity of inmates)

26

State Human Resources Commission approved plan in April 2015

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# CO Pay Multi-Phase Implementation

### CO Pay Increases:

- FY 2015-16: \$25,542,594
- FY 2016-17: \$16,919,481
- FY 2017-18 \$18,384,987 (estimate)

Position	Old Classification	New Classification	Pay Raise FY 2015-16*	Pay Raise FY 2016-17**
CO I (minimum)	62	63	3.5%	•
CO II (medium)	62	64	3.5%	3%
CO III (close)	62	66	8%	7.5%
*Plus a \$750 NF	R bonus **Plus a 1.5%	6 across-the-board		
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# CO Pay Implementation

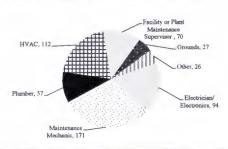
Position	Starting Salary	Average Salary
CO I (minimum)	\$30,856	\$32,344
CO II (medium)	\$31,904	\$32,836
CO III (close)	\$34,190	\$35,297

### Facilities Maintenance

Corrective and Preventative: 55 facilities ranging in age from 5 to 133

### FTE: 557

- Facility Staff: 18 Prisons
- Regional Staff Maintenance Yards: 4 regions support 55 prisons
  - Support Electronic Intrusion System (EIS), Telephone, Electronic, Camera, and Fire Alarm Maintenance at ALL 55 prisons, 12 juvenile facilities, 2 DACDP facilities, and 2 CRVs
- Provide construction crews which cover small to medium projects and work with Inmate Construction Program in 3 regions



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29

February 28, 2017



# III. Changes in Misdemeanant Housing



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# Statewide Misdemeanant Confinement Program (SMCP)

### S.L. 2011-192 (H.B. 642) Justice Reinvestment Act (JRA)

- Created SMCP and pays counties to house misdemeanants (91-180 days)
- Administered by the NC Sheriffs' Association (NCSA)
- Voluntary participation: Sending and Receiving counties
- Court costs effective: August 1, 2011
- Misdemeanants effective: January 1, 2012

### S.L. 2014-100, Section 16C.1 (Appropriations Act of 2014)

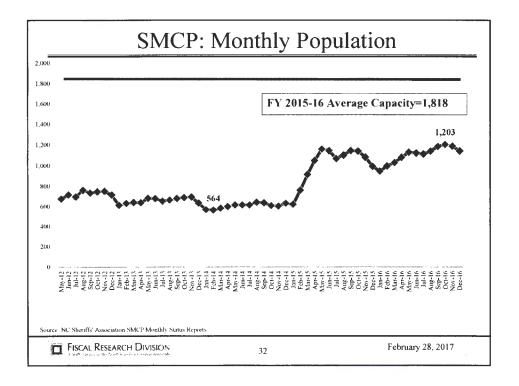
- Expanded the program to include ALL misdemeanants—October 1, 2014
- Expanded the program to include DWI offenders—January 1, 2015

### S.L. 2015-241, Section 18A.11 (Appropriations Act of 2015)

Transferred SMCP to General Fund support (\$22.3 million)

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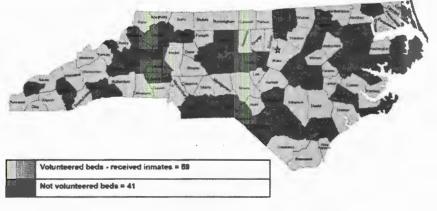
3



Program	FY 2011-12*	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Average Population	4,988	8,292	7,566	9,387	12,824
Housing (\$40/day)	\$1,687,837	\$11,969,272	\$9,616,598	\$11,478,304	\$16,225,400
Medical (Actual)	\$74,321	\$193,677	\$269,879	\$384,593	\$720,783
Transportation (\$.55/mile)	\$25,829	\$343,850	\$149,355	\$199,984	\$290,524
TOTAL	\$1,787,987	\$12,506,799	\$10,035,832	\$12,062,881	\$17,236,707

Administrative Costs	FY 2011-12	FY 2012-12	FY 2013-14	FY 2014-15	FY 2015-16
NC Sheriffs' Association 10% of revenue FY 2013-14: up to \$1 m	\$1,886,024	\$3,096,794	\$1,000,000	\$1,000,000	\$1,000,000
DAC  1% of revenue	\$188,602	\$309,679	\$341,949	\$225,000	\$225,000
Transfers	-	\$5,000,000 NR	\$13,450,000 NR \$1,00,000 R	0	0

# SMCP: Sending and Receiving Counties



Source: NC Sheriffs' Association FY 2015-16 SMCP Annual Report

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February 28, 2017

# Safekeepers

# G.S. 162-39 allows county inmates who are security risks to be housed in State prison

Major Reasons to transfer a prisoner to the Safekeeper program:

Escape risk

Violently aggressive behavior

Protection from other inmates

Medical or mental health treatment

• Female or 18 years or younger and jail cannot house them

FY 2015-16 Entries: 976

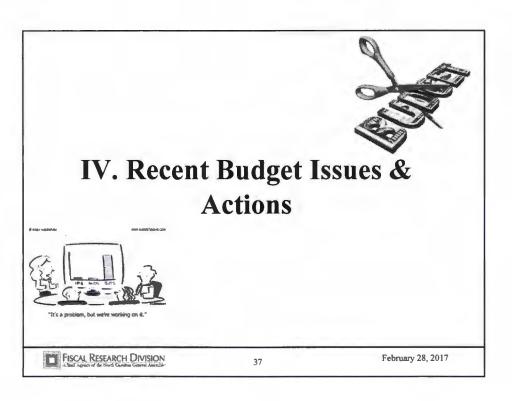
January 31, 2017 population: 221

Counties pay \$40 plus cost of "extraordinary medical care incurred"

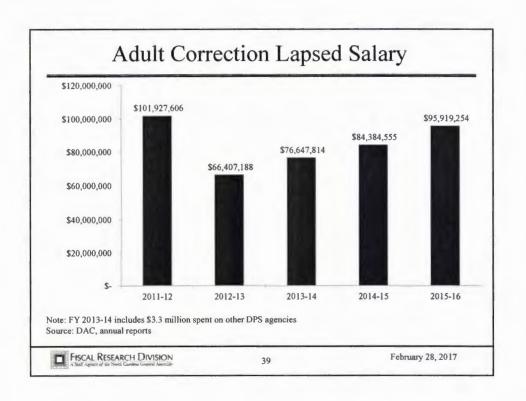
S.L 2015-241, Section 16C.12, Counties delinquent over 120 days have their SMCP funds withheld: \$143,029 from 6 counties; as of January 31, 2017: \$542,140

36

FISCAL RESEARCH DIVISION



Budget Item	Annualized Amount	FTE
Added Electronic Intrusion System at Harnett CI	(\$511,219)	(14.0)
Funded 72 Additional Central Prison Mental Health Beds	\$3,161,763	66.00
Established Mental Health Behavior Treatment Beds	\$5,619,247	152.0
Transferred SMCP to General Fund support	\$22,500,000	
Expanded Electronic Monitoring	\$700,000	
Funded Inmate Litter Collection and Road Cleanup	<u>FY 2016-17</u> \$9,040,00 NR	
FISCAL RESEARCH DIVISION 38	Februar	y 28, 2017



# Major Lapsed Salary Expenditures

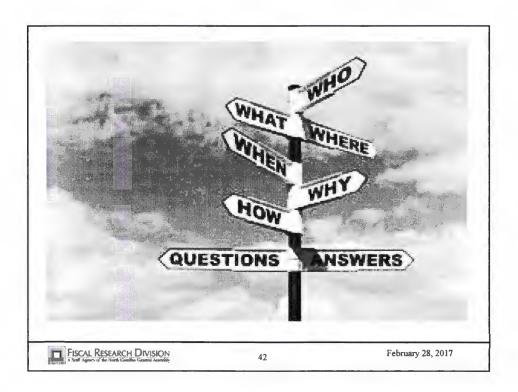
Item	FY 2014-15	FY 2015-16	Total
Temporary Nurses	\$17,431,567	\$17,017,872	\$34,449,439
Overtime	\$15,432,819	\$18,521,798	\$33,954,617
Prescription Drugs and Pharmacy Supplies	\$6,827,543	\$17,262,078	\$24,089,621
Workers Comp	\$11,137,279	\$9,451,906	\$20,589,185
Other Medical Providers	\$4,079,387	\$6,564,990	\$10,644,377
Temporaries	\$2,500,338	\$4,748,345	\$7,248,683
Total	\$57,408,933	\$73,566,989	\$130,975,922

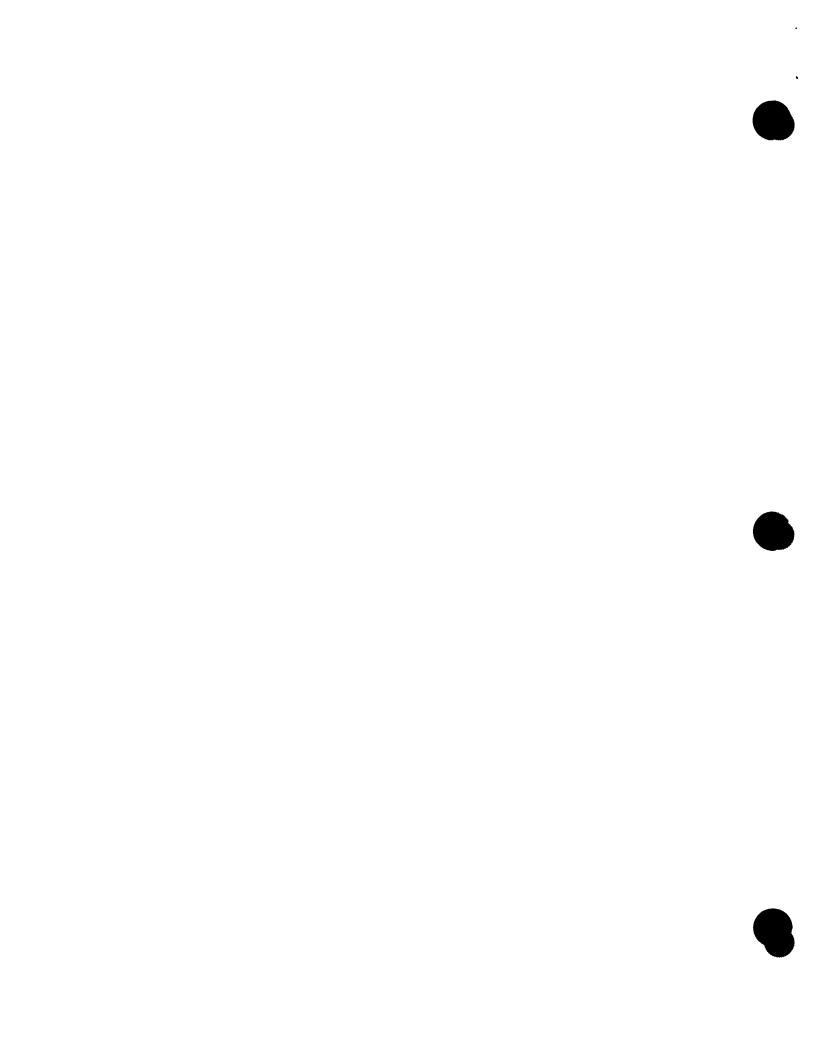
Source: DAC, annual lapsed salary reports

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40

### Issues to Consider **Consistent Lapsed Salary Transfers to:** Worker's Comp: FY 2017-18 Base Budget is \$3.9 million below FY 2015-16 Actual Overtime: FY 2017-18 Base Budget is \$15.5 million below FY 2015-16 Actual \$30,0 \$26.0 \$25.1 \$25.0 \$22.1 \$22.1 \$22.1 \$20.0 \$15.0 \$10.0 \$5.0 \$0.0 FY 15-16 FY 16-17 FY 17-18 FY 18-19 Authorized Base Base Worker's Comp Overtime urce: Recommended Base Budget (Worksheet 1) 02 09 17 FISCAL RESEARCH DIVISION February 28, 2017 41





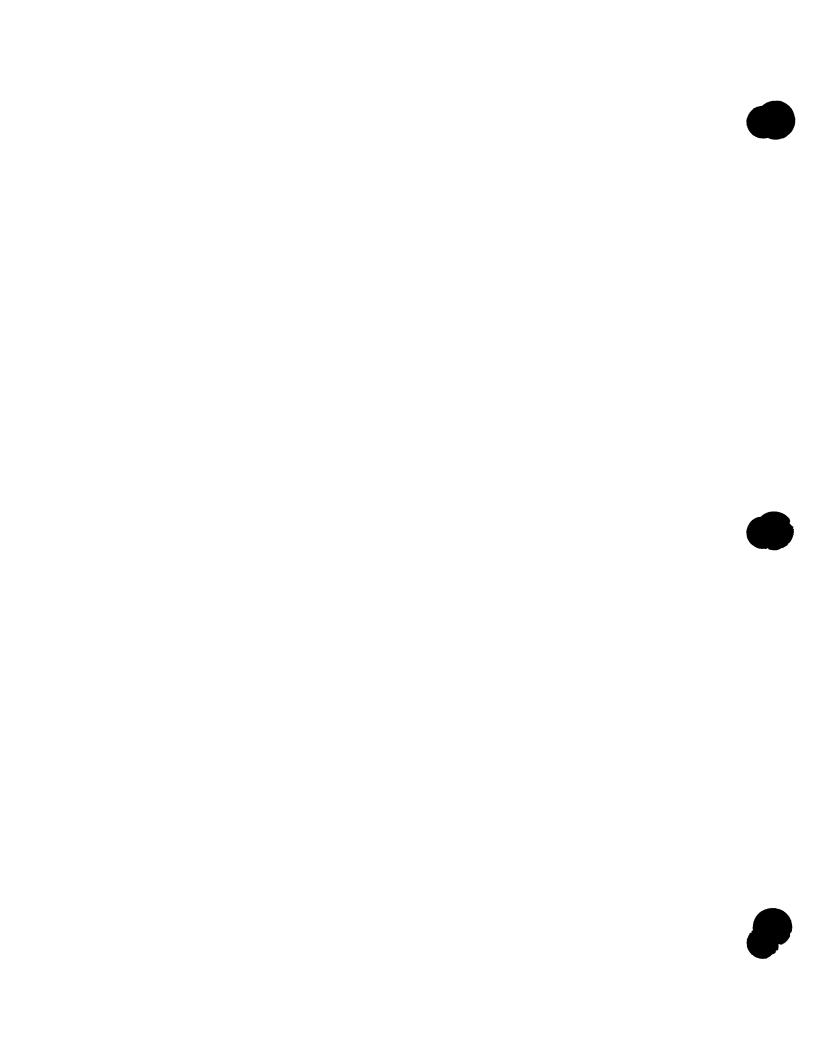


# Joint Committee On Appropriations on Justice and Public Safety

# February 28, 2017 - Room 415 LOB - 8:30 AM

### PLEASE SIGN IN BELOW

Name	FIRM OR AGENCY
Seth Bunks	DA 24th District
Reg Dorer	Conf. of DAS
Kanneth Cassita	NEDPS
George Solomon	NCDP5
Uelissa Earp	NCDPS
W. David Guice	NCBPS
and Brandon Michelle Hall	NC DPS
Michelle Hall	NC SPAC
Ginny Herener	NCSPAC
Dawn Blagrove	CJRC
Connor N Bullarda	Huse (Intern)
Clay Guffith	Senate Intern



### House Committee on Appropriations, Justice and Public Safety Wednesday, March 1, 2017 at 8:30 AM Room 415 of the Legislative Office Building

#### **MINUTES**

The House Committee on Appropriations, Justice and Public Safety met at 8:30 AM on March 1, 2017 in Room 415 of the Legislative Office Building. Representatives Boles, Davis, McNeill, Turner, Belk, C. Braham, G. Graham, John, Richardson, Rogers, Speciale, and Willingham and five Senators attended.

Representative Ted Davis, Jr., Chair, presided. He called the meeting to order at 8:32. He then introduced the Sergeant-at-Arms staff; Tom Burroughs and Francs Patterson from the Senate and Bill Moore and Bill Riley from the House. He also introduced the pages as follows: Sheridan Charles and Brion Rogers from the House and Rushaun Holley from the Senate.

There were no comments from the Co-Chairs.

Chairman Davis introduced John Poteat, Fiscal Research Division, to give an overview of the DPS-Prisons Inmate Health Budget titled "Department of Public Safety Prisons-Inmate Medical. A copy of the report is attached (Attachment A).

Following the presentation, committee members asked questions regarding the components of the Prisons Budget, the standard of care, and the mental health summary of whistleblower complaints and responses, and whether there was still a contract with UNC for dental services. Mrs. Cherry from the Department of Public Services responded that they were using dental school students. There were questions about the cost containment efforts and John Poteat explained more detail of how this was being handled. A Representative inquired about the service provider's contracts and John Poteat agreed to make a copy available.

Judy Lowe, Committee Clerk

The meeting adjourned at 9:40 AM.

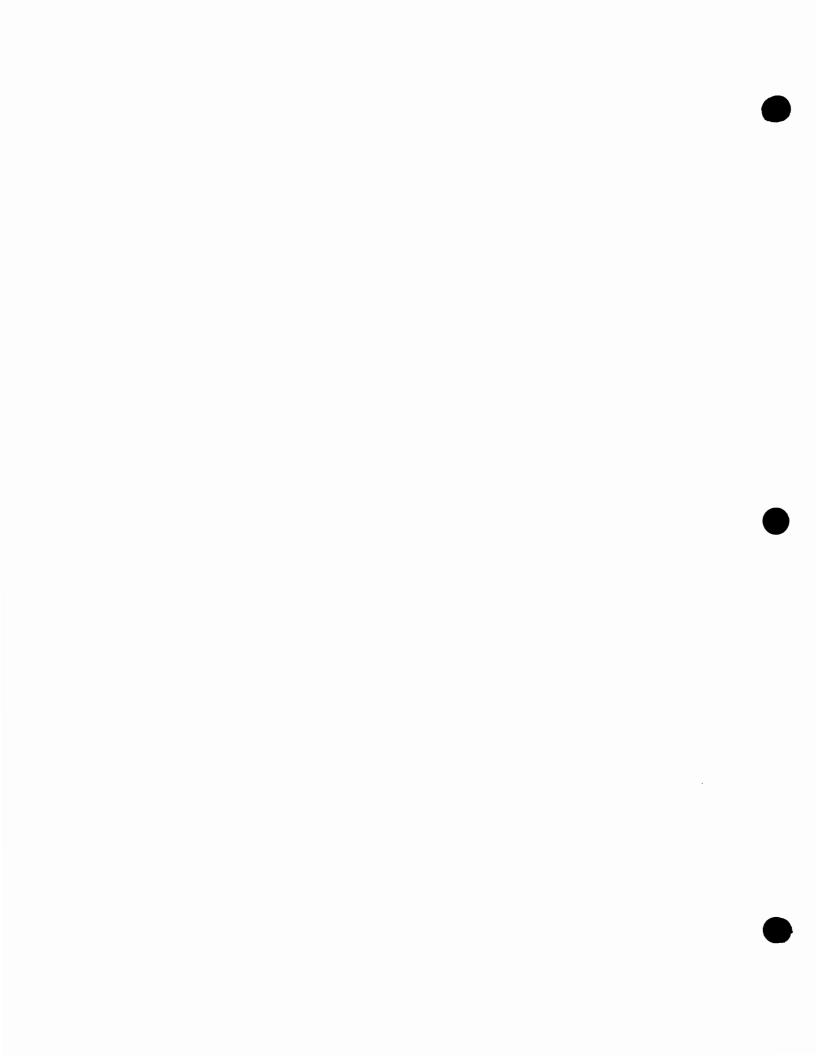
Representative Ted Davis, Jr., Chair

Presiding

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Attachment A:

Department of Public Safety Prisons-Inmate Mate Medical

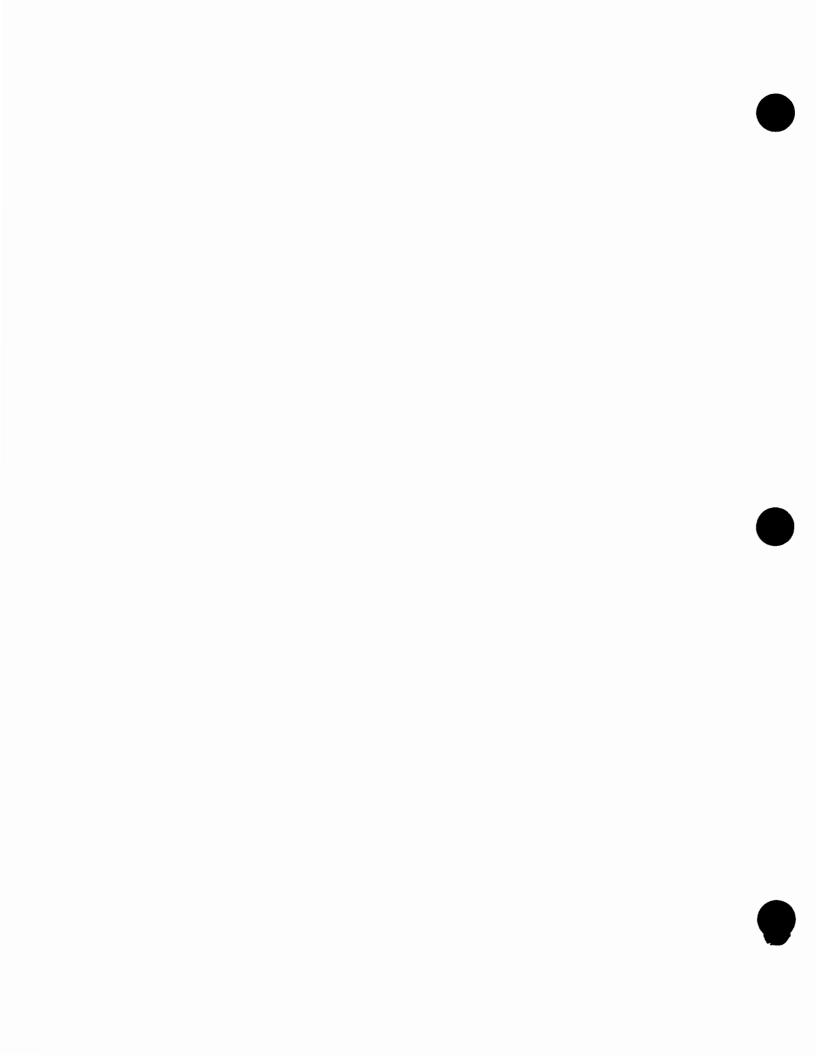


# NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2017-2018 SESSION

You are hereby notified that the House Committee on Appropriations, Justice and Public Safety will meet as follows:

DAY & DATE: TIME: LOCATION:	Wednesday, March 1, 2017 8:30 AM 415 LOB	
		Respectfully,
		Representative James L. Boles, Jr., Co-Chair Representative Ted Davis, Jr., Co-Chair Representative Allen McNeill, Co-Chair Representative Rena W. Turner, Co-Chair
I hereby certify th Tuesday, Februar	-	nmittee assistant at the following offices at 9:51 AM on
	Principal Clerk Reading Clerk – House Char	mber

Kerry Guice (Committee Assistant)



# JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY Room 415 Legislative Office Building

### March 1, 2017 8:30 A.M.

### I. CALL TO ORDER

Chairs:

Senator Warren Daniel

Senator Shirley Randleman

Senator Norm Sanderson

Representative Jamie Boles

Representative Ted Davis, Presiding

Representative Allen McNeill Representative Rena Turner

### II. OPENING REMARKS BY CHAIRS

### III. PRESENTATIONS

DPS-Prisons Inmate Health Budget John Poteat, Fiscal Research Division

### IV. COMMITTEE DISCUSSION

### V. OTHER BUSINESS:

### VI. ADJOURNMENT

House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee



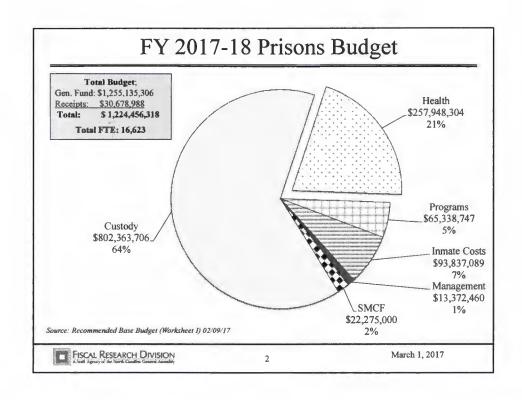
Joint Appropriations Committees on Justice and Public Safety

# **Department of Public Safety Prisons-Inmate Medical**









# Today's Presentation

- I. Statutory Requirements
- II. Budget Drivers
- III. Cost Containment Efforts
- IV. Prison Hospitals





FISCAL RESEARCH DIVISION

March 1, 2017

## I. Statutory Requirements

G.S. 148-19. Health services. The general policies, rules and regulations of the Division of Adult Correction of the Department of Public Safety shall prescribe standards for health services to prisoners, which shall include preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis, for all types of patients.



## Community Standard of Care

DAC is required to provide level of health care necessary to diminish pain and suffering, not elective surgery

- Standard follows guidelines and protocols that experts would agree with as most appropriate, also called "best practice."
- NC Administrative Code charges the Director of Prisons with responsibility of providing "the services necessary to maintain basic health."
- Medley vs. Atkins (1992) stated "the DOC has a duty to provide adequate medical care to inmates in its custody."

FISCAL RESEARCH DIVISION

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March 1, 2017

### Health Services

■ **Budget**: \$257.9 million

Hospital and Mental Health Beds: 1,463

**Employees**: 2,016.5 employees

■ **Ibuprofen Dispensed**: 2,683,100

Procedures Performed: 15,974

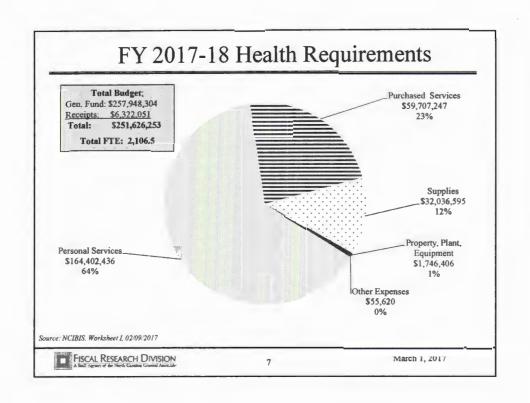
Prescriptions Filled: 1,348,639

• Liposuction: 0

\*Source: NCIBIS, Worksheet I, 02:09-2017 and DOP

FISCAL RESEARCH DIVISION

6

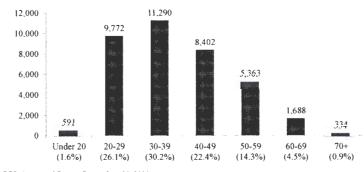




## Health Care Cost Drivers

### Aging of the population

- o 2,022 inmates are 60 years or older (5%)
- o 334 inmates are above 70



Source: DPS, Automated System Query, June 30, 2016

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9

March 1, 2017

### Health Care Cost Drivers

### Chronic Disease

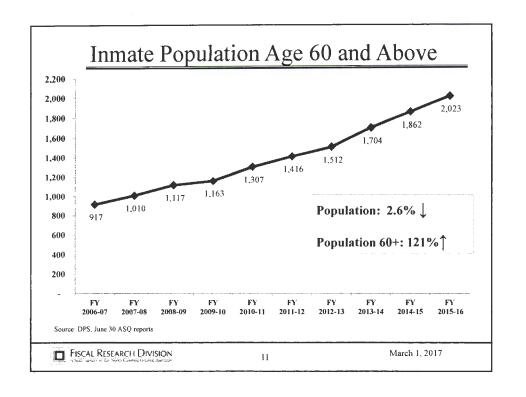
o Heart disease, cancer, liver cancer and disease, Hepatitis C

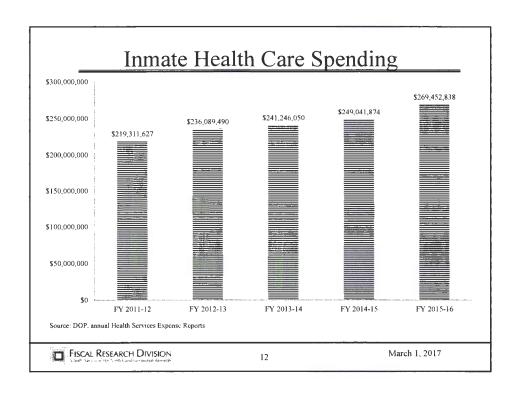
### Overall health of inmates

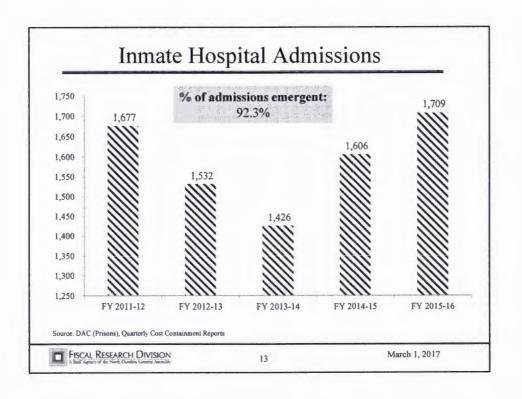
- o More renal disease among younger population
- o Growing number of inmates ineligible for medical release

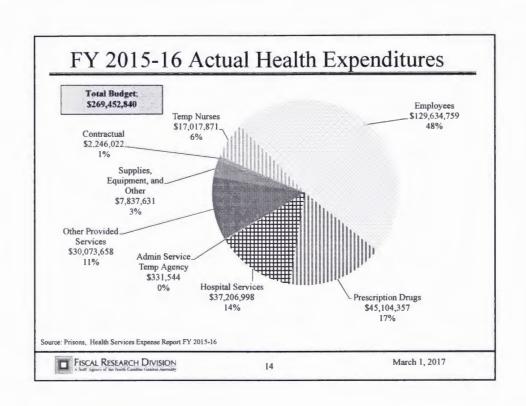
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10









# Spending: FY 2011-12 to FY 2015-16

Inmate Medical	FY 2011-12	FY 2015-16	% Change
Contractual	\$6,027,150	\$2,246,022	-62.7%
Admin Service Temp Agency*	\$5,815,240	\$17,349,415	198.3%
DAC Employees	\$105,529,644	\$129,634,759	22.8%
Hospital Services	\$42,097,164	\$37,206,998	-11.6%
Other Provided Services	\$21,636,975	\$30,073,658	39%
Prescription Drugs	\$29,315,281	\$45,104,357	53.9%
Supplies	\$3,407,176	\$4,905,331	44%
Equipment	\$4,360,593	\$668,667	-84.7%
Other Expenses**	\$1,122,406	\$2,263,633	101.7%
Total	\$219,311,629	\$269,452,840	22.9%

\*Includes Temporary Nurses \*\*Includes Other Expenses & Misc Contracts
Source: Prisons, Health Services Expense Report, FY 2011-12 and FY 2015-16

FISCAL RESEARCH DIVISION

March 1, 2017

## General Health

**FTE:** 1,343

FY 2017-18 budget: \$167,652,072

2<sup>nd</sup> largest number of positions after Custody

Personal Services: 64% Purchased Services: 34%

16

Nurse Coverage:

24-hour/7 days—26 facilities

• 16-hours/5-7 days—16 facilities

12-hours/5 days—2 facilities

40-hours/5 days—11 facilities

Source: NCIBIS, Worksheet I, 02/09/2017 and DOP Health Services





# Major Health Spending Changes

Temporary Nurses: \$11.5 million increase since FY 2011-12

Hospital Services: \$4.9 million decrease since FY 2011-12

Other Providers: \$8.4 million increase since FY 2011-12

Outsourced Medical Claims Processing: \$1.4 m

Source: DOP, Health Services Expense Reports

FISCAL RESEARCH DIVISION

17

March 1, 2017

# Mental Health

**FTE:** 487 [increase of 75 FTE FY 2015-17]

FY 2017-18 budget: \$39.691,852

Personal Services: 98%

Population receiving mental health services: 5,660 (15.9%)

M2: Outpatient: 945

M3: Outpatient w/psychiatrist: 4,437

M4: Residential Mental Health: 137

M5: Inpatient Mental Health: 141

Source: NCIBIS, Worksheet I, 02/09/2017 and DOP Health Services

FISCAL RESEARCH DIVISION

18

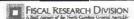
# Major Mental Health Spending Changes

Central Prison Mental Health bed: 66 positions—\$3.2 m

Therapeutic Diversion Units: 152 positions at 8 facilities—\$5.6 m

- Central Prison—24 beds plus 16 additional beds this year
- Maury (Greene County)—32 beds plus 64 additional beds this year
- NCCIW—24 beds
- Polk (Granville)—48 beds
- Foothills (Burke)—8 beds this year
- Alexander—48 beds this year





19

March 1, 2017

## Dental Health

**FTE:** 106

FY 2017-18 budget: \$12,053,445

Personal Services: 88% Purchased Services: 9.5%

Dentists: 37

Dental Hygienist: 18

Dental Assistant: 51

• Lab Tech: 2

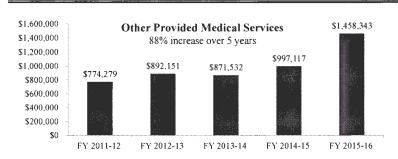


Source: NCIBIS, Worksheet 1, 02/09/2017 and Beacon BO 149 Report (01/24/17)

FISCAL RESEARCH DIVISION

20

# Major Dental Health Spending Changes



Since last fiscal year it increased \$684,064 (46% increase).

10 FTE dentist vacancies; temporary contract dentists have increased the cost

Recently hired 5 dentists to address the problem

FISCAL RESEARCH DIVISION

21

March 1, 2017

# Pharmacy Services

Minnesota Multistate Contracting Alliance for Pharmacy:

FTE: 80.5

FY 2017-18 budget: \$38,550,932

Personal Services: 21.6%

**Supplies: 76.9%** 

- 49-state consortium
- 97.9% of prescriptions

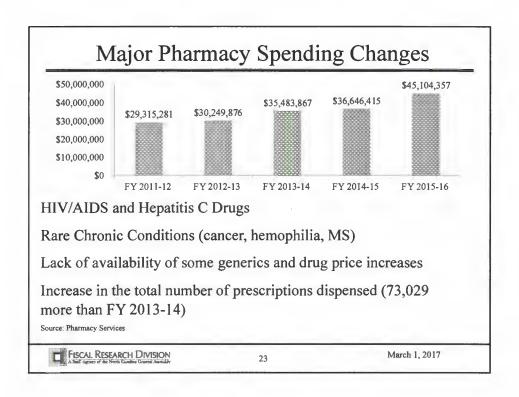
Prescriptions:

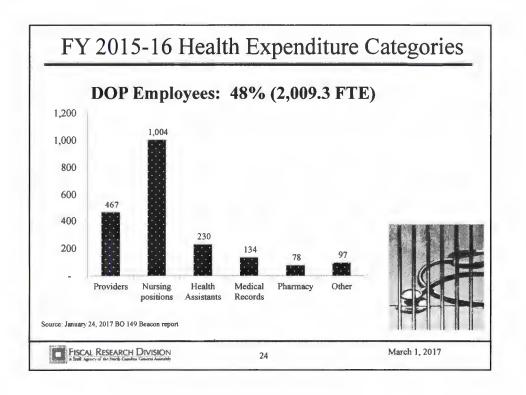
- 5,921 filled daily
- 59% filled by robotics

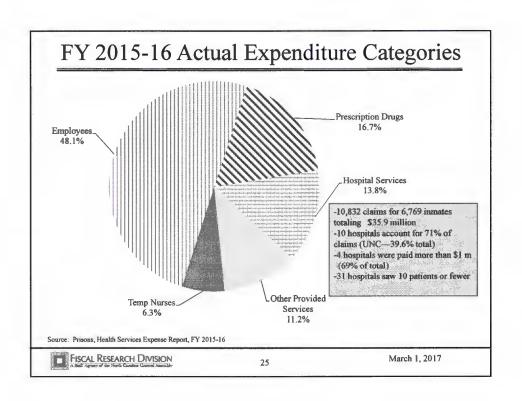
Sources Pharmacy Services, NCIBIS, Worksheet I, 02 09 2017

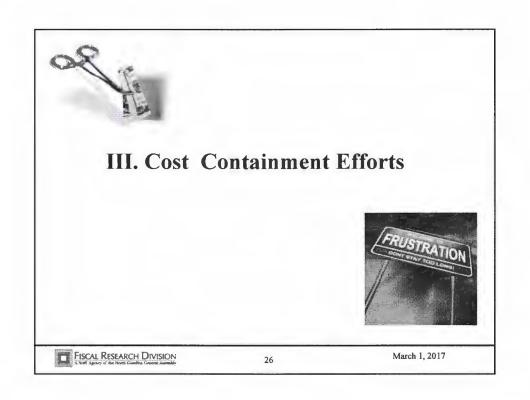
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22









## Cost Containment Efforts

### S.L. 2009-451, Section 19.20:

 Obtain inmate health care services through State Health Plan provider network—repealed in Technical Corrections

### S.L. 2010-31, Section 19.6

 70% of amount charged based on the schedule of "usual and customary" charges in effect for all other patients as of July 1, 2010—providers refused to cooperate

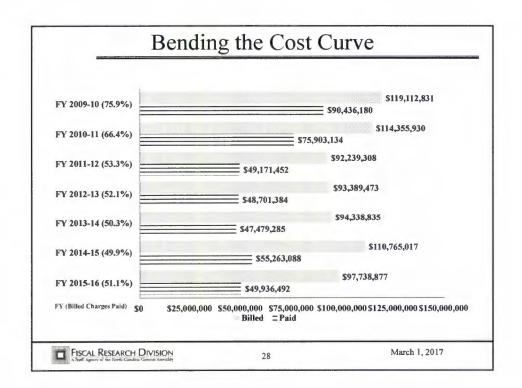
### S.L. 2011-145, Section 18.10

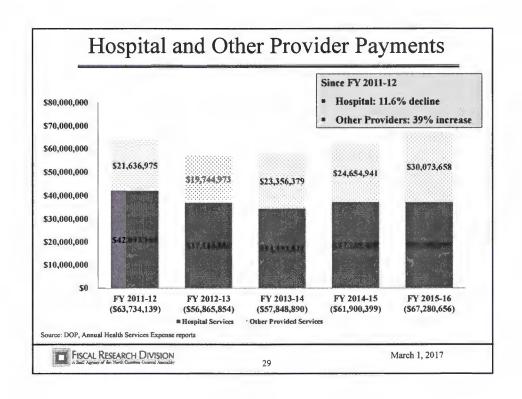
- DOC will pay 70% of billed charges or twice the Medicaid rate, unless they have a more advantageous contract
- Consult with Division of Medical Assistance to develop protocols for Medicaid-eligible inmates

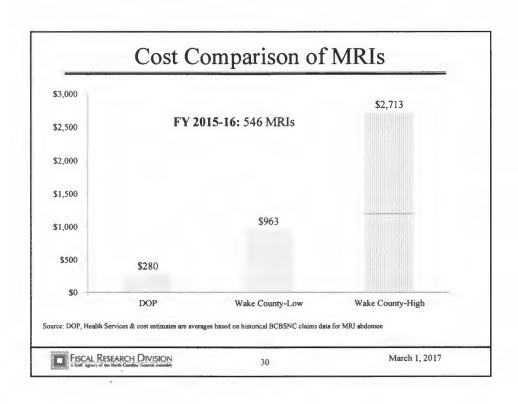


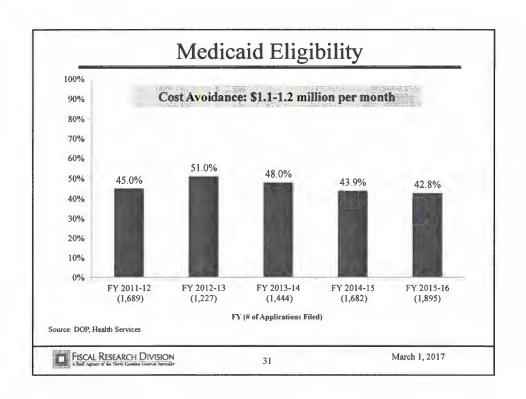
FISCAL RESEARCH DIVISION

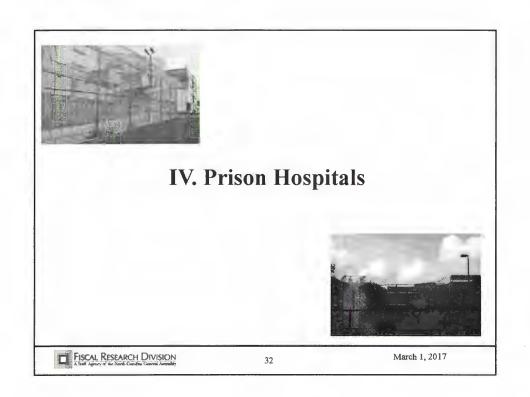
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# **Prison Hospitals**

### **Central Prison Hospital**

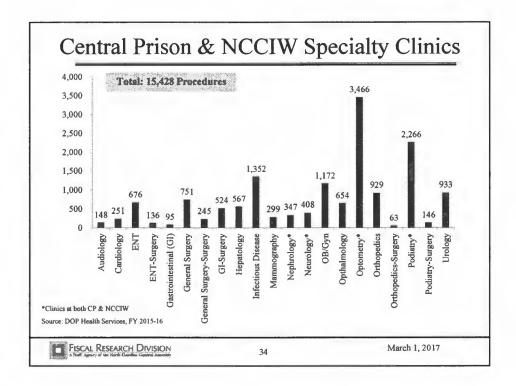
- 120 medical and 216 mental health beds
- Contract with UNC to staff 14 specialty clinics
- FY 2015-16: 12,669 procedures

### NC Correctional Institution for Women Hospital

- 80 medical and 70 mental health beds
- Contract with UNC to staff 5 specialty clinics
- FY 2015-16: 2,759 procedures

FISCAL RESEARCH DIVISION

33



# Major Lapsed Salary Expenditures

Item	FY 2014-15	FY 2015-16	Total
Temporaries - Nursing Agencies	\$17,431,567	\$17,017,872	\$34,449,439
Overtime	\$15,432,819	\$18,521,798	\$33,954,617
Prescription Drugs and Pharmacy Supplies	\$6.827.543	\$17,262,078	\$24,089,621
Workers Comp	\$11,137,279	\$9,451,906	\$20,589,185
Other Medical Providers	\$4.079,387	\$6,564,990	\$10,644,377
Temporaries	\$2,500,338	\$4,748,345	\$7,248,683
Total	\$57,408,933	\$73,566,989	\$130,975,922

Source. DAC, annual lapsed salary reports

FISCAL RESEARCH DIVISION

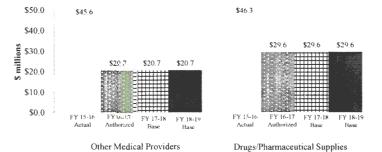
35

March 1, 2017

# Issues to Consider

### **Consistent Lapsed Salary Transfers to:**

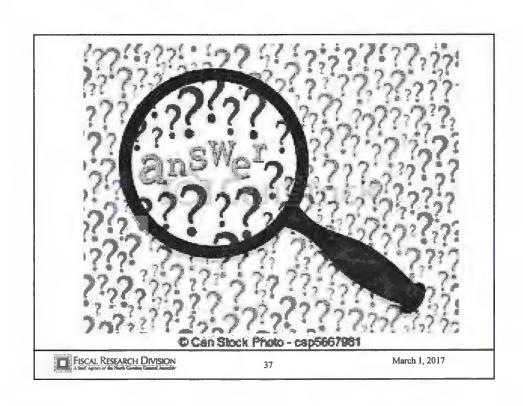
- Temporary Nurses: FY 2014-15: \$17,431,567
   FY 2015-16: \$17,017,872
- Other Medical Providers: FY 2017-18 Base Budget is \$24.9 million below FY 2015-16 Actual
- Drugs/Pharma. Supplies: FY 2017-18 Base Budget is \$16.7 million below FY 2015-16 Actual

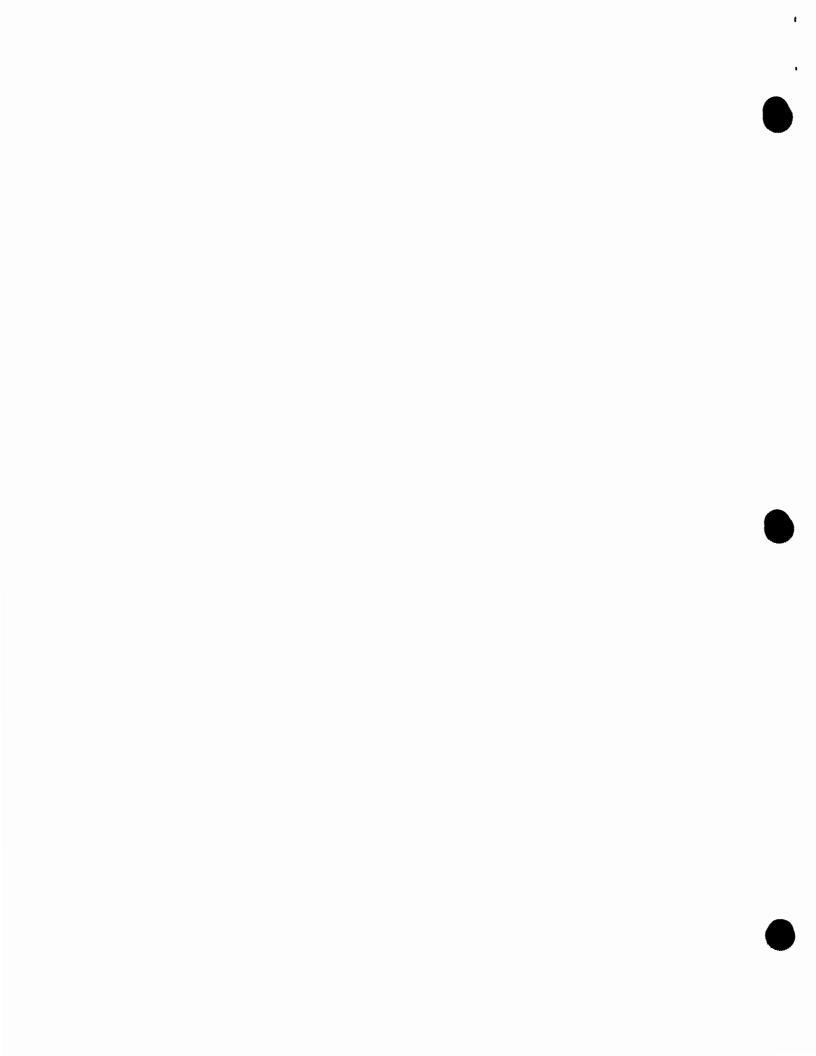


Source: Recommended Base Budget (Worksheet 1) 02 09 17

FISCAL RESEARCH DIVISION

36





# **Prison Health Services**

## **Department of Public Safety**

**G.S. Reference:** 148-19

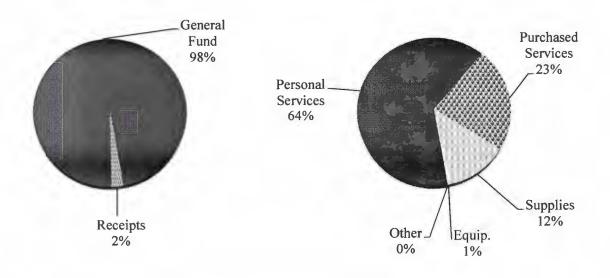
Provides for health services for all inmates, including preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis.

	FY 2014-15	FY 2015-16 FY 2016-17		FY 2017-18	FY 2018-19	
	Actual	Actual	Authorized	Base	Base	
Expenditures	\$249,060,561	\$269,452,837	\$253,337,007	\$257,948,304	\$257,948,304	
Less Receipts	\$5,914,392	\$6,285,938	\$6,322,051	\$6,322,051	\$6,322,051	
Appropriation	\$243,146,169	\$263,166,899	\$247,014,956	\$251,626,253	\$251,626,253	
FTE	1,895.00	1,942.50	2,016.50	2,016.50	2,016.50	

### FY 2017-18 Base Budget

### **Source of Funds**

### **Expenditure of Funds**



### Funds Included in Division/Program

Fund	Fund Title	Page in Budget
1331	Prison General Health	76
1332	Prison Mental Health	79
1333	Prison Dental Health	81
1334	Prison Pharmacy Services	83

# Prison Health Services Department of Public Safety

### **Expenditures: Summary by Account**

	531-XXX	532-XXX	533-XXX	534-XXX	535 - 538-XX	535 - 538-XXX	
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE
1331	\$106,554,706	\$57,499,205	\$2,037,707	\$1,513,441	\$47,016	\$167,652,075	1,343.00
1332	\$38,960,083	\$496,248	\$65,549	\$168,972	\$1,000	\$39,691,852	487.00
1333	\$10,555,080	\$1,146,142	\$299,576	\$45,843	\$6,804	\$12,053,445	106.00
1334	\$8,332,567	\$565,652	\$29,633,763	\$18,150	\$800	\$38,550,932	80.50
Total	\$164,402,436	\$59,707,247	\$32,036,595	\$1,746,406	\$55,620	\$219,397,372	2,016.50

### **Revenues: Summary by Account**

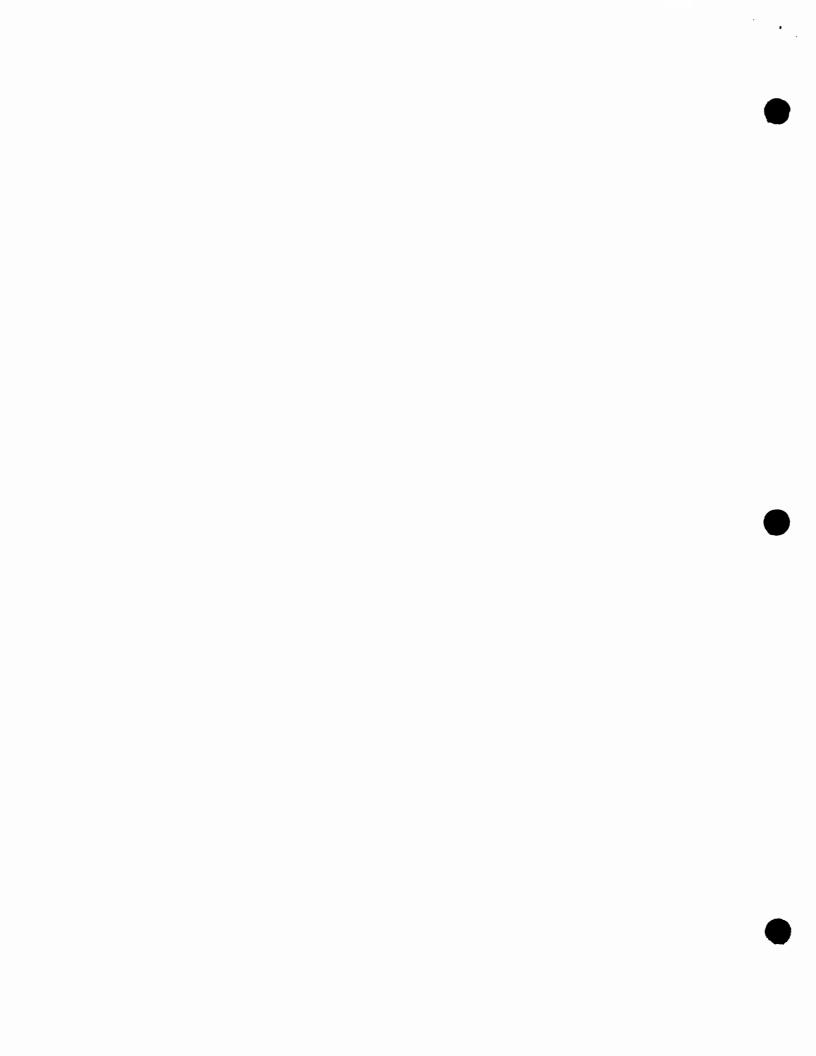
	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
1331	\$0	\$0	\$485,743	\$0	\$3,987,400	\$1,332,134	\$5,805,277
1332	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1333	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1334	\$0	\$0	\$0	\$0	\$516,774	\$0	\$516,774
Total	\$0	\$0	\$485,743	\$0	\$4,504,174	\$1,332,134	\$6,322,051

### Funds Included in Division/Program

Fund	Fund Title	Page in Budget	
1331	Prison General Health	76	
1332	Prison Mental Health	79	
1333	Prison Dental Health	81	
1334	Prison Pharmacy Services	83	

# House Pages Assignments Tuesday, March 1, 2017 Session: 10:00 AM

Membe	Comments	Staff	Time	Room	Committee
Rep. John Age		Kelsey Peterson	8:30 AM	421	Agriculture / Environment / Natural Resources
Rep. Phillip Shepar		Elizabeth Sebestyen	8:30 AM	1027/1128	Appropriations on Department of Transportation
Rep. Speaker Tii Mooi		Mariah-Sydney Steele	8:30 AM	425	Appropriations on General Government and Information Technology
Rep. Speaker Tii		Melvin McLawhorn	8:30 AM	643	Appropriations on Health and Human Services
Rep. Speaker Tii Mooi		James Williams			
Rep. Speaker Tii		Sheridan Charles	8:30 AM	415	Appropriations on Justice and Public Safety
Rep. Speaker Ti		Brion Rogers			
Rep. Speaker Tii Mooi		Michaela-Sivan Steele	8:30 AM	Other	Appropriations, Education



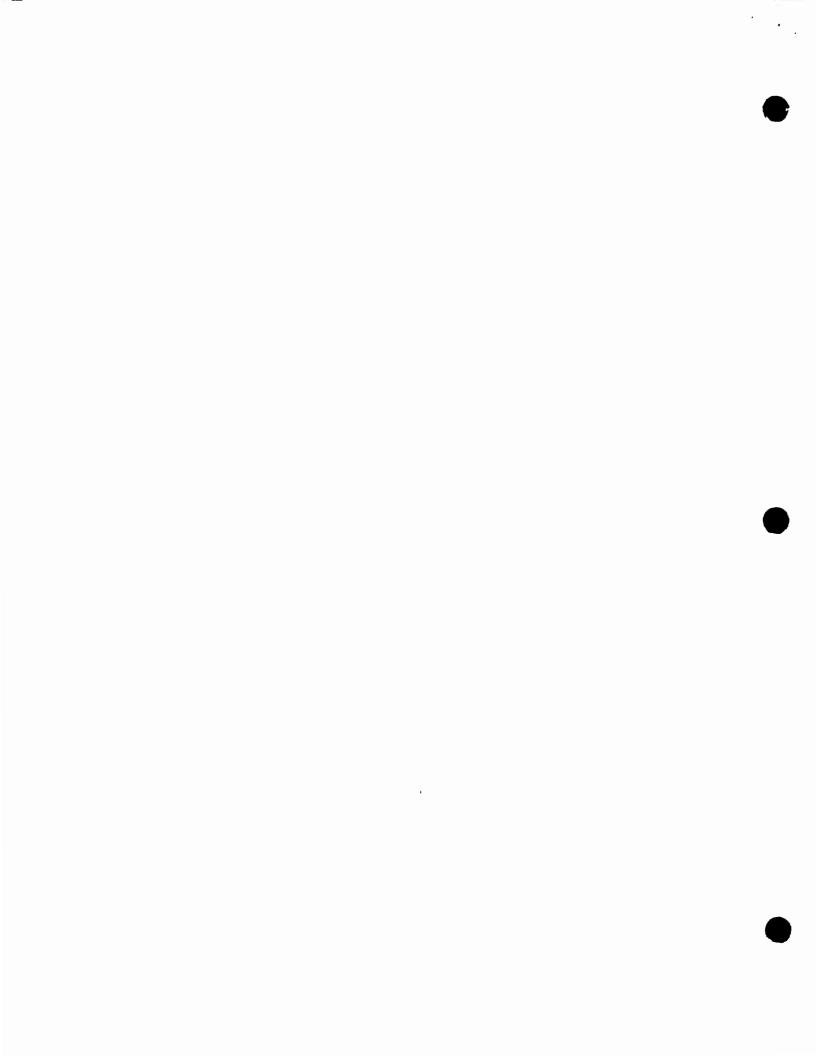
# Senate Pages Attending

COMMITTEE: Jt.	App. Just	ice & P. Sat	ROOM:	415
DATE:	3-/	TIME: _	8:30	0

PLEASE PRINT <u>LEGIBLY</u>!!!!!!!!!!!!....or else!!!!!

Hometown	Sponsoring Senator
Garner	Khal Berotiwit
10.500 0.	

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.





# Joint Appropriations Committee On Justice and Public Safety

March 1, 2017

**Room 415** 

8:30 AM

# **Senate Sergeant at Arms**

**Tom Burroughs** 

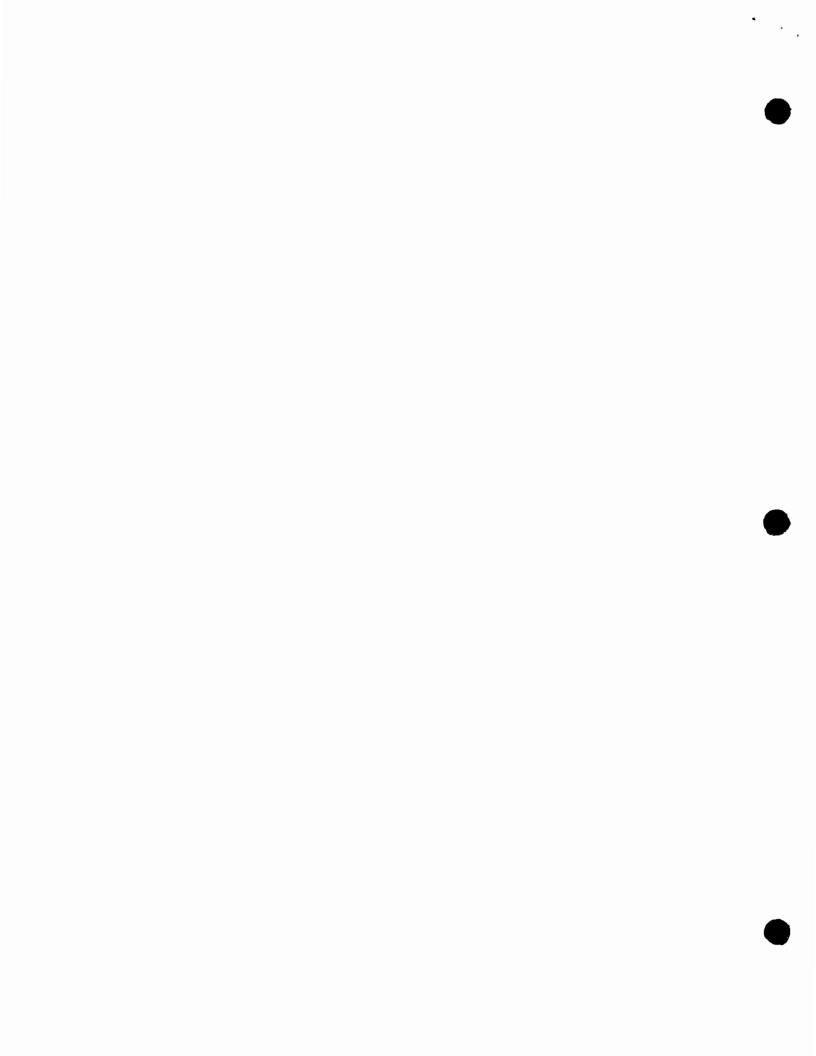
**Frances Patterson** 

# **House Sergeant at Arms**

Dorsey Moines

**Bill Moore** 

**Bill Riley** 

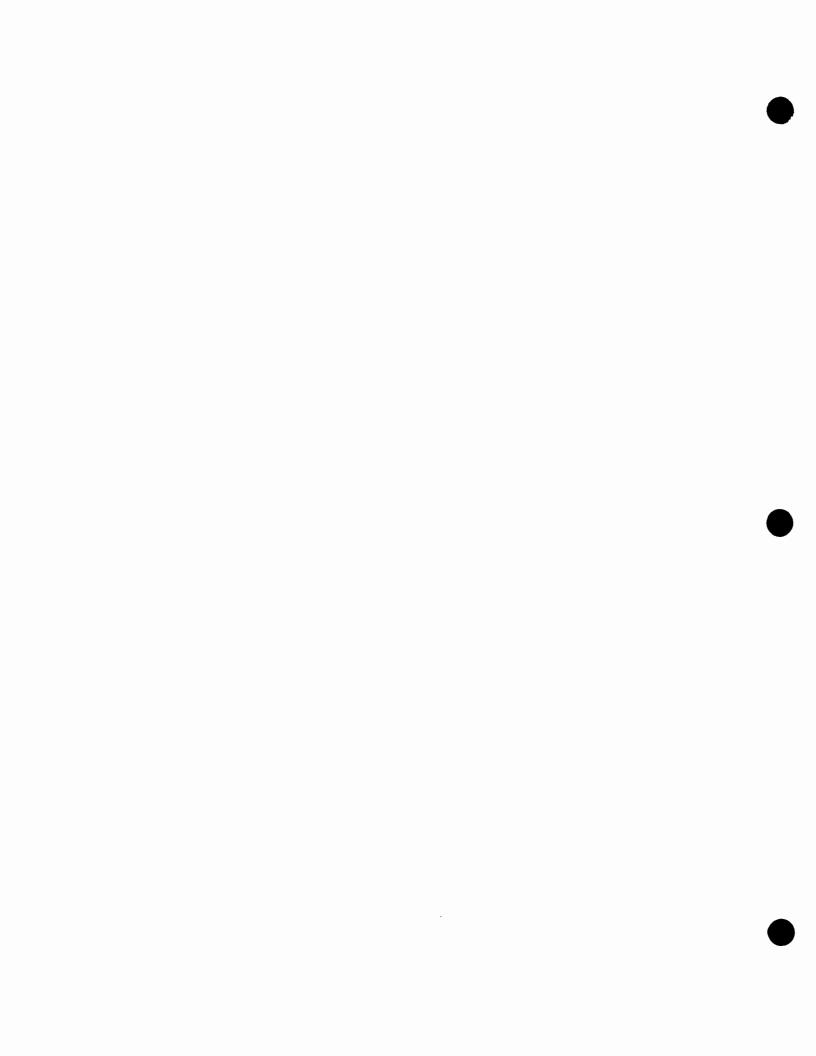




# Joint Committee on Justice and Public Safety March 1 – Room 415 – 8:30 AM

### PLEASE SIGN IN BELOW

Name	FIRM OR AGENCY
Kvis Parki	Disability Ripts NC
Peg Dorer	Central D. A.S
Anh Anderson	OSAM
Ton Mun	Ne Julicial Brauch
Mildred Spearman	NCHOC
George Solomon	NCDPS
In Moore	NC DP5
Gary Junker	Nebas
TERRET CATLETT	NCDPS
anchy Brandon	NC DPS
Franklin Freema	muc



### Senate Committee on Appropriations on Justice and Public Safety Tuesday, March 7, 2017 at 8:30 AM Room 415 of the Legislative Office Building

### **MINUTES**

The Senate Committee on Appropriations on Justice and Public Safety met at 8:30 AM on March 7, 2017 in Room 415 of the Legislative Office Building. 18 members were present.

Senator Warren Daniel, Chair, presided.

Pages: Hallie Thomas of New London (Sen. McInnis); Hunter Gunnell of New London (Sen. McInnis)

Sergeant-at-Arms:

House: Barry Moore; Bill Riley; Bill Moore Senate: Larry Hancock; Charles Marsalis

Ann Anderson of the Office of State Budget and Management began presentation of the Governor's JPS budget, beginning with the Justice portion.

Nels Roseland, Assistant State Budget Director, handled questions from members regarding pay raises for court employees.

Thomas Maher handled questions regarding IDS fee increases.

Mr. Roseland handled questions regarding SBI funding for rape kit analysis. Staff offered to get information regarding SBI case backlogs. Committee agreed to await Director Byrd's SBI presentation in April.

Ms. Anderson clarified that the SBI currently has an ombudsman on a contract basis. The proposed budget offers an additional ombudsman.

Ms. Anderson proceeded with the Public Safety portion of the budget proposal.

Col. McNeill explained how many years it takes the SHP trooper to hit max pay via the step plan. (7 years) The budget proposal calls for a flat 5% increase on top of the 'all employee' 2%.

Ms. Anderson transitioned into Prisons and into parole case management.

Chief Deputy Secretary of Public Safety David Guice handled questions regarding the transition of entry and release. Mr. Guice briefly addressed how the DOC addresses prisoners with mental illness.

The Chair transitioned back into the SBI discussion. DOJ interim CFO Matthew Longobardi. He explained that the SBI is seeking a 'state employee' as an ombudsman. Rep. John clarified that the ombudsman was created, but not funded. DOJ funds the position on a contract basis.

Questions then went to re-entry of the prison population. Staff indicated that re-entry would be covered in a future meeting.

Ms. Anderson then transitioned into a presentation of prison facilities funding. This included a new women's prison in Swannanoa.

CDPS Guice explained why they requested the new positions for rehabilitation and re-entry programs. Guice was asked if he had a sufficient management team in place to handle the reentry. He said he had the staff to handle.

Ms. Anderson and CDPS Guice explained the request for adding personnel to the RE-entry Behavioral Treatment Services. Guice explained that the new staff would allow expansion of mental health centers. A few members emphasized their feeling that the mental health care for the pre-release and reentry population. CDPS Guice explained his wishes for more reentry councils. (Item 17, page 138 of the Gov. budget document.)

Ms. Anderson then finished off the final items of the JPS budget proposal, including the School Risk Management System, IT upgrades, and National Guard projects being funded through the Connect NC bond and tuition assistance.

There was a question regarding the Search and Rescue line item in regards to Eastern NC. A CPA from the Budget Director's office in the Dept. of Administration, Darlene Langston, explained that the S&R portion was requested by EMS. One member was concerned about the perceived lack of S&R in Eastern NC.

The Chair announced that the next meeting would be March 8, 2017 at 8:30 AM.

The meeting adjourned at 9:38 AM.

Senator Warren Daniel, Chair

Presiding

Andy Perrigo, Committee Clerk

# JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY Room 415 Legislative Office Building

### March 7, 2017 8:30 A.M.

### I. CALL TO ORDER

Chairs:

Senator Warren Daniel, Presiding

Senator Shirley Randleman Senator Norm Sanderson Representative Jamie Boles Representative Ted Davis Representative Allen McNeill Representative Rena Turner

### II. OPENING REMARKS BY CHAIRS

### III. PRESENTATIONS

Governor's JPS Budget Ann Anderson, Office of State Management and Budget

Prisons--Programs

John Poteat, Fiscal Research Division

### IV. COMMITTEE DISCUSSION

### V. OTHER BUSINESS:

Next meetings:

March 8—Recidivism and Reentry

### VI. ADJOURNMENT

House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

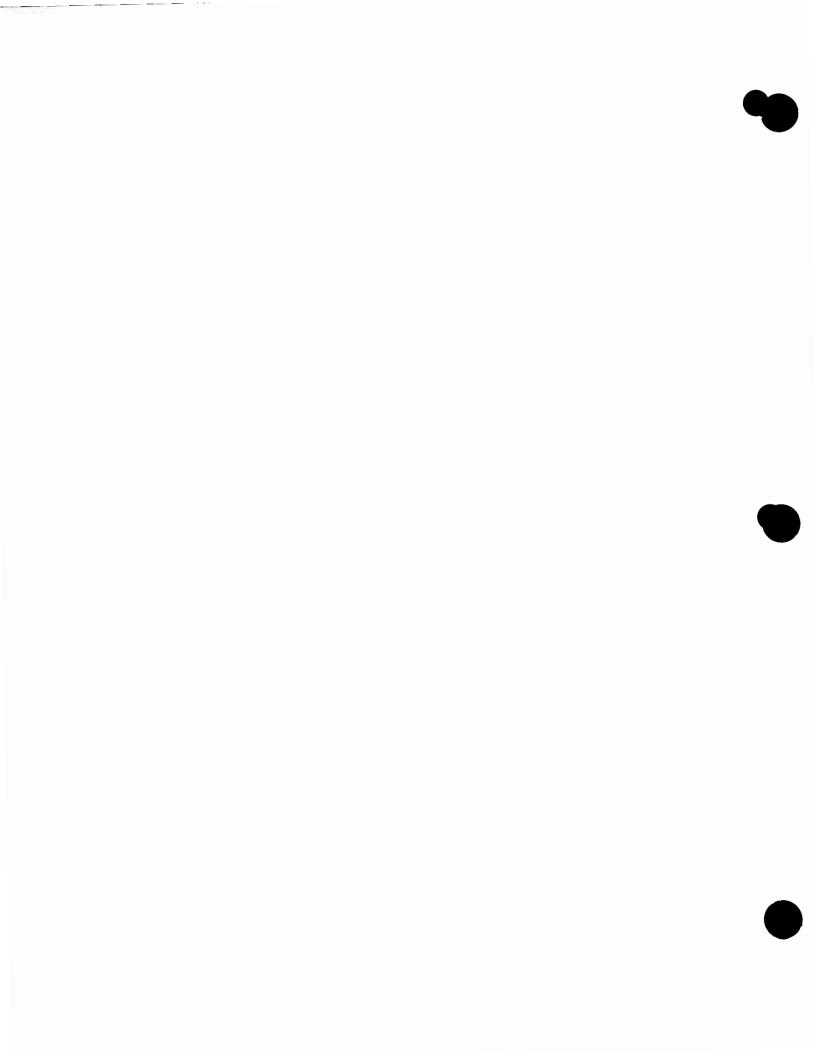
Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee





# Keeping communities safe by responding to disasters, training and deploying law enforcement and operating effective prisons

### **Fighting Opioid Addiction**

Provides \$2 million per year for the Governor's Crime Commission to provide grants to assist local law enforcement efforts to combat opioid abuse. Prescription drug abuse is one of the leading causes of accidental death in North Carolina, and treatment is part of the solution. In addition to this funding, the HHS section of the budget directs \$12.7 million in community mental health funding to address the opioid crisis.

### **Retaining Quality Law Enforcement with Professional Pay**

Acknowledges the risks faced by public safety staff by providing step salary increases for eligible State Troopers, market-based salary adjustments for SBI and ALE agents, and continued use of an updated salary schedule for prison custody staff. Also increases tuition assistance for the North Carolina National Guard.

### **Keeping Kids Out of Crime**

Provides \$2 million to local, evidence-based intervention initiatives to reduce juvenile crime. Expands alternative treatment options and increases funding for local Juvenile Crime Prevention Councils. Also provides \$13.2 million and operating funds to construct a new youth development center that supports proposed "Raise the Age" legislation.

### **Supporting Quick and Accurate Evidence Analysis**

Reinforces improvement in the State Crime Lab by investing \$1.8 million in core operations, including replacement of outdated scientific equipment.

### **Training Criminal Justice Professionals**

Provides for new training for law enforcement officers to de-escalate violent situations and use best practices when working with individuals suffering from mental illness. Covers operational costs for renovations at Samarcand Training Academy, which offers professional training for adult correctional officers, probation/parole officers, and juvenile justice staff.

### **Reducing Repeat Offenses**

Builds on Justice Reinvestment implementation strategies to promote successful re-entry and reduce recidivism by investing just under \$13 million to address offenders' behavioral health needs, to support targeted pre-release programs and placement of probation and parole officers at re-entry prisons, and to invest in local re-entry councils that coordinate community-based services.

### **Improving Disaster Readiness**

Supports statewide urban search and rescue training and equipment needs by providing \$2 million in funding to improve specialized search and rescue operations during regional and statewide disaster events.

### Recommended Change Budget for Judicial Branch (12000)

		Recommended Base Budget			Net Nonrecurring		Recommended Change		Recommended Budget	% Δ from Base Budget
Requirements	\$	514,916,305	\$	15,309,181	\$ 5,520,361	\$	20,829,542	\$	535,745,847	4.0%
Receipts	\$	1,259,409	\$	-	\$ -	\$	-	\$	1,259,409	0.0%
Net Appropriation	\$	513,656,896	\$	15,309,181	\$ 5,520,361	\$	20,829,542	\$	534,486,438	4.1%
Positions (FTE)		5,802.232		0.000	0.000		0.000		5,802.232	0.0%
Year 2		Recommended		Net	Net		Recommended		Recommended	% ∆ from

Year 2 FY 2018-19	Recommended Base Budget	Net Recurring	Net Nonrecurring	Recommended Change	Recommended Budget	% Δ from Base Budget
Requirements	\$ 516,333,043	\$ 18,791,025	\$ -	\$ 18,791,025	\$ 535,124,068	3.6%
Receipts	\$ 1,259,409	\$ -	\$ -	\$ -	\$ 1,259,409	0.0%
Net Appropriation	\$ 515,073,634	\$ 18,791,025	\$ -	\$ 18,791,025	\$ 533,864,659	3.6%
Positions (FTE)	5,802.232	0.000	0.000	0.000	5,802.232	0.0%

		FY 20	17-18		 FY 20	18-19	
		Recurring Changes	No	onrecurring Changes	Recurring Changes	N	onrecurring Change
1 - Compensation Increase for State Employees							
Provides funds for a 2% recurring salary increase or an \$800 recurring salary	Req	\$ 8,265,796	\$	3,106,687	\$ 8,265,796	\$	
increase, whichever is greater, and a \$500 nonrecurring bonus for permanent	Rec	\$	\$		\$ -	\$	
full-time State employees.	Арр	\$ 8,265,796	\$	3,106,687	\$ 8,265,796	\$	-
	FTE	0.000		0.000	0.000		0.000
2 - State Retirement Contributions							
Increases the State's contribution for members of the Teachers' and State	Req	\$ 753,454	\$	2,413,674	\$ 2,252,698	\$	-
Employees' Retirement System and the Consolidated Judicial Retirement	Rec	\$ _	\$	_	\$ -	\$	
System to fund the actuarially determined contribution and provide a 1.5%	Арр	\$ 753,454	\$	2,413,674	\$ 2,252,698	\$	-
one-time cost-of-living supplement to retirees.	FTE	0.000		0.000	0.000		0.000
3 - State Health Plan							
Provides additional funding to continue health benefit coverage for enrolled	Req	\$ 1,982,601	\$	-	\$ 3,965,201	\$	-
active and retired employees supported by the General Fund for the 2017-19	Rec	\$ -	\$	-	\$ -	\$	-
biennium.	Арр	\$ 1,982,601	\$	-	\$ 3,965,201	\$	-
	FTE	0.000		0.000	0.000		0.000
4 - Assistant and Deputy Clerk Step Increase							
Provides funds for an experience-based step increase for eligible Assistant	Req	\$ 3,860,945	\$	-	\$ 3,860,945	\$	-
and Deputy Clerks of Superior Court pursuant to GS 7A-102.	Rec	\$ -	\$	-	\$ -	\$	-
	App	\$ 3,860,945	\$	-	\$ 3,860,945	\$	-
	FTE	0.000		0.000	0.000		0.000
5 - Magistrate Step Increase							
Provides funds for an experience-based step increase for eligible Magistrates	Req	\$ 446,385	\$	-	\$ 446,385	\$	-
pursuant to G5 7A-171.11.	Rec	\$ -	\$	-	\$ •	\$	-
	App	\$ 446,385	\$	-	\$ 446,385	\$	-
	FTE	0.000		0.000	0.000		0.000
Total Change to Requirements		\$ 15,309,181	\$	5,520,361	\$ 18,791,025	\$	-
Total Change to Receipts		\$ -	\$	•	\$ -	\$	-
Total Change to Net Appropriation		\$ 15,309,181	\$	5,520,361	\$ 18,791,025	\$	-
Total Change to Full-Time Equivalent (FTE)		0.000		0.000	0.000		0.000
Recommended Net Appropriation Changes (Recurring + Nonrecurring) Recommended Total FTE Changes		\$ 20	0.00			791,02 0.000	5

### Recommended Change Budget for Judicial Branch - Indigent Defense (12001)

Year 1 FY 2017-18	Recommended Base Budget	Net Recurring	Net Nonrecurring	Recommended Change	Recommended Budget	% $\Delta$ from Base Budget
Requirements	\$ 130,512,045	\$ 4,111,330	\$ 640,376	\$ 4,751,706	\$ 135,263,751	3.6%
Receipts	\$ 10,355,797	\$ -	\$ -	\$ -	\$ 10,355,797	0.0%
Net Appropriation	\$ 120,156,248	\$ 4,111,330	\$ 640,376	\$ 4,751,706	\$ 124,907,954	4.0%
Positions (FTE)	530.725	0.000	0.000	0.000	530.725	0.0%
Year 2		41-4	N-A	Dogger and ad	Decemmended	e/ A from

Year 2 FY 2018-19	Recommended Base Budget	Net Recurring	Net Nonrecurring	Recommended Change	Recommended Budget	% A from Base Budget
Requirements	\$ 130,864,258	\$ 7,266,095	\$ -	\$ 7,266,095	\$ 138,130,353	5.6%
Receipts	\$ 10,355,797	\$ 294,000	\$ -	\$ 294,000	\$ 10,649,797	2.8%
Net Appropriation	\$ 120,508,461	\$ 6,972,095	\$ -	\$ 6,972,095	\$ 127,480,556	5.8%
Positions (FTE)	530.725	0.000	0.000	0.000	530.725	0.0%

		FY 20	17-18		FY 2018-19			
		Recurring Changes	No	nrecurring Changes		Recurring Changes	No	nrecurring Changes
1 - Compensation Increase for State Employees								
Provides funds for a 2% recurring salary increase or an \$800 recurring salary	Req	\$ 826,375	\$	284,061	\$	826,375	\$	-
increase, whichever is greater, and a \$500 nonrecurring bonus for permanent	Rec	\$ -	\$	-	\$		\$	-
full-time 5tate employees.	App	\$ 826,375	\$	284,061	\$	826,375	\$	-
	FTE	0.000		0.000		0.000		0.000
2 - State Retirement Contributions								
increases the State's contribution for members of the Teachers' and State	Req	\$ 191,885	\$	356,315	\$	253,580	\$	-
Employees' Retirement System and the Consolidated Judicial Retirement	Rec	\$ -	\$	-	\$	-	\$	-
System to fund the actuarially determined contribution and provide a 1.5% one-time cost-of-living supplement to retirees.	App	\$ 191,885	\$	356,315	\$	253,580	\$	-
one-time cost-or-nving supplement to retirees.	FTE	0.000		0.000		0.000		0.000
3 - State Health Plan								
Provides additional funding to continue health benefit coverage for enrolled	Req	\$ 193,070	\$	-	\$	386,140	\$	-
active and retired employees supported by the General Fund for the 2017-19	Rec	\$ -	\$	-	\$	-	\$	-
biennium.	Арр	\$ 193,070	\$	-	\$	386,140	\$	-
	FTE	0.000		0.000		0.000		0.000
4 - Partially Restore Private Counsel Rates								
Provides a \$5 per hour increase for private counsel representing persons	Req	\$ 2,900,000	\$		\$	5,800,000	\$	-
declared indigent by the courts. Rate reductions in previous years have	Rec	\$ -	\$	-	\$	294,000	\$	-
affected the agency's ability to recruit and retain counsel.	App	\$ 2,900,000	\$	-	\$	5,506,000	\$	-
	FTE	0.000		0.000		0.000		0.000
Total Change to Requirements		\$ 4,111,330	\$	640,376	\$	7,266,095	\$	-
Total Change to Receipts		\$	\$		\$	294,000	\$	-
Total Change to Net Appropriation		\$ 4,111,330	\$	640,376	\$	6,972,095	\$	-
Total Change to Full-Time Equivalent (FTE)		0.000		0.000		0.000		0.000
Recommended Net Appropriation Changes (Recurring + Nonrecurring) Recommended Total FTE Changes		\$ 4	4,751,7 0.000			\$ 6,	972,095 0.000	

### Recommended Change Budget for Department of Justice (13600)

Year 1 FY 2017-18	Recommended Base Budget	Net Recurring		Net Nonrecurring	Recommended Change	Recommended Budget	% A from Base Budget	
Requirements	\$ 88,738,859	\$	2,648,400	\$	1,037,642	\$ 3,686,042	\$ 92,424,901	4.2%
Receipts	\$ 33,945,000	\$	(447,460)	\$	-	\$ (447,460)	\$ 33,497,540	(1.3%)
Net Appropriation	\$ 54,793,859	\$	3,095,860	\$	1,037,642	\$ 4,133,502	\$ 58,927,361	7.5%
Positions (FTE)	812.885		12.000		0.000	12.000	824.885	1.5%

Year 2 FY 2018-19	Recommended Base Budget	Net Recurring	Net Nonrecurring	Recommended Change	Recommended Budget	% A from Base Budget
Requirements	\$ 88,741,127	\$ 3,065,214	\$ -	\$ 3,065,214	\$ 91,806,341	2.5%
Receipts	\$ 33,945,000	\$ (447,460)	\$ -	\$ (447,460)	\$ 33,497,540	(1.3%)
Net Appropriation	\$ 54,796,127	\$ 3,512,674	\$ _	\$ 3,512,674	\$ 58,308,801	6.4%
Positions (FTE)	812.885	12.000	0.000	12.000	824.885	1.5%

			FY 201	17-18		FY 20:	18-19	
			Recurring Changes	No	nrecurring Changes	Recurring Changes	No	onrecurring Change:
1 - Compensation Increase for State Employees								
Provides funds for a 2% recurring salary increase or an \$800 recurring salary	Req	\$	851,960	\$	304,736	\$ 851,960	\$	
increase, whichever is greater, and a \$500 nonrecurring bonus for permanent	Rec	\$	-	\$	-	\$ -	\$	-
full-time State employees.	App	\$	851,960	\$	304,736	\$ 851,960	\$	-
	FTE		0.000		0.000	0.000		0.000
2 - State Retirement Contributions								
Increases the State's contribution for members of the Teachers' and State	Req	\$	38,818	\$	232,906	\$ 250,550	\$	-
Employees' Retirement System (TSERS) to fund the actuarially determined	Rec	\$	-	\$	-	\$ -	\$	-
contribution and provide a 1.5% one-time cost-of-living supplement to retirees.	App	\$	38,818	\$	232,906	\$ 250,550	\$	-
etilees.	FTE		0.000		0.000	0.000		0.000
3 - State Health Plan								
Provides additional funding to continue health benefit coverage for enrolled	Req	\$	205,082	\$	-	\$ 410,164	\$	-
active and retired employees supported by the General Fund for the 2017-19	Rec	\$	-	\$	-	\$	\$	-
biennium.	App	\$	205,082	\$	-	\$ 410,164	\$	-
	FTE		0.000		0.000	0.000		0.000
4 - Address Crime Lab Receipt Shortfall and Fund Legislative Mandates								
Invests in the State Crime Lab by funding training and certification	Req	\$	882,583	\$	500,000	\$ 882,583	\$	-
requirements established by the Forensic Sciences Act of 2011. Addresses	Rec	\$	(447,460)	\$		\$ (447,460)	\$	-
shortfalls in receipts related to court fees by converting five positions from receipts to net General Fund appropriations and adds one additional	App	\$	1,330,043	\$	500,000	\$ 1,330,043	\$	-
ombudsman position. Also, provides \$500,000 in nonrecurring funds to replace scientific lab equipment.	FTE		6.000		0.000	6.000		0.000
5 - Create Specialized Community Relations Trainers for the Justice Academy								
Establishes two positions at the NC Justice Academy to train law enforcement	Req	\$	170,000	\$	-	\$ 170,000	\$	-
officers on the appropriate methods for diffusing and de-escalating violent	Rec	\$	-	\$	-	\$ -	\$	-
confrontations, emphasizing the ability to identify and interact with individuals with mental illness.	App	\$	170,000	\$	-	\$ 170,000	\$	-
Hulviguals with mental limess.	FTE		2.000		0.000	2.000		0.000

6 - Criminal	<b>Appeals Attorneys</b>
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attorney positions to assist with caseloads currently handled in rotation by non-criminal division attorneys.	Rec App	<del>.</del>	499,957	\$	-	\$ 499,957	\$	
	FTE		4.000		0.000	4.000		0.000
Total Change to Requirements		\$	2,648,400	\$	1,037,642	\$ 3,065,214	\$	-
Total Change to Receipts		\$	(447,460)	\$		\$ (447,460)	\$	-
Total Change to Net Appropriation		\$	3,095,860	\$	1,037,642	\$ 3,512,674	\$	-
Total Change to Full-Time Equivalent (FTE)			12.000		0.000	12.000		0.000
Recommended Net Appropriation Changes (Recurring + Nonrecurring)			\$ 4	,133,	502	\$ 3,5	12,674	
Recommended Total FTE Changes				12.00	0	12	2.000	

### Recommended Change Budget for Department of Public Safety (14550)

Year 1 FY 2017-18	Recommended Base Budget	Net Recurring	Net Nonrecurring	Recommended Change	Recommended Budget	% A from Base Budget
Requirements	\$ 2,154,155,796	\$ 80,844,144	\$ 28,424,351	\$ 109,268,495	\$ 2,263,424,291	5.1%
Receipts	\$ 218,889,060	\$ (408,464)	\$ -	\$ (408,464)	\$ 218,480,596	(0.2%)
Net Appropriation	\$ 1,935,266,736	\$ 81,252,608	\$ 28,424,351	\$ 109,676,959	\$ 2,044,943,695	5.7%
Positions (FTE)	24,951.456	237.000	0.000	237.000	25,188.456	0.9%

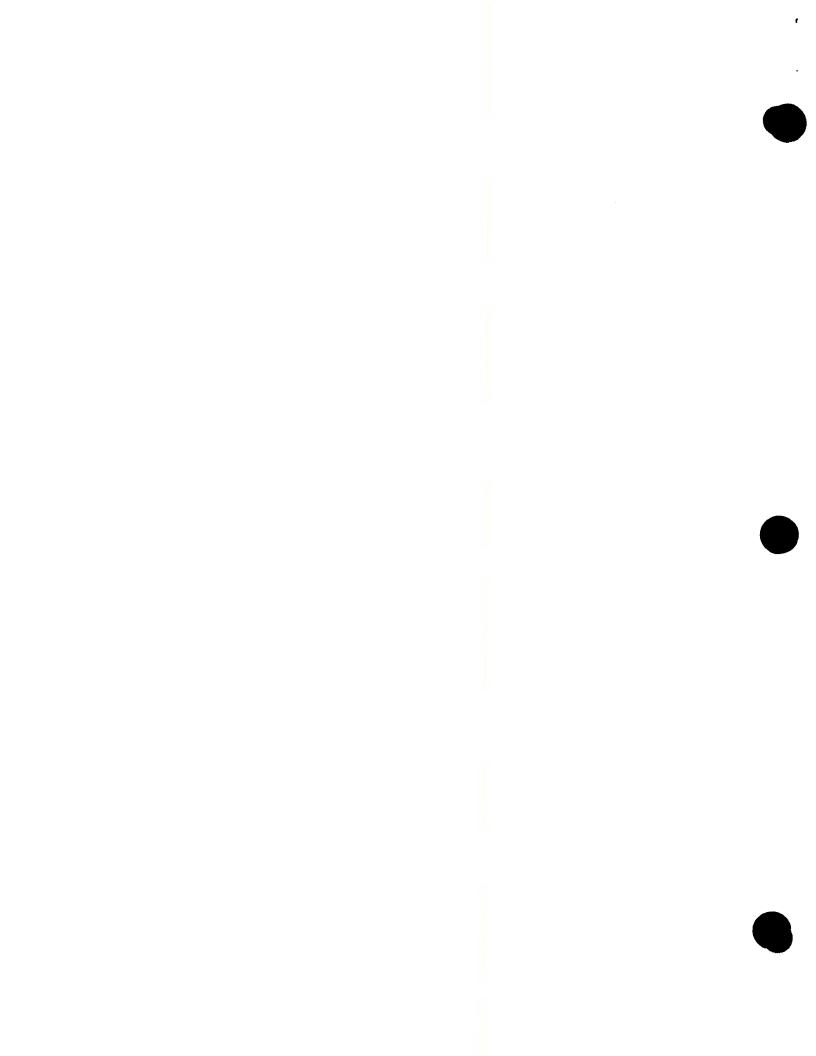
Y 2018-19		Recommended Base Budget		Net Recurring		Net Nonrecurring		Recommended Change		Recommended Budget	% Δ from Base Budget
Requirements	\$	2,154,232,814	\$	113,199,071	\$	2,550,105	\$	115,749,176	\$	2,269,981,990	5.4%
Receipts	\$	218,889,060	\$	(369,220)	\$	-	\$	(369,220)	\$	218,519,840	(0.2%)
Net Appropriation	\$	1,935,343,754	\$	113,568,291	\$	2,550,105	\$	116,118,396	\$	2,051,462,150	6.0%
Positions (FTE)		24,951.456		314.000		0.000		314.000		25,265.456	1.3%

		FY 2017-18				FY 2018-19			
			Recurring Changes	N	onrecurring Changes		Recurring Changes	No	onrecurring Changes
1 - Compensation Increase for State Employees									
Provides funds for a 2% recurring salary increase or an \$800 recurring salary	Req	\$	26,779,101	\$	13,153,414	\$	26,779,101	\$	-
increase, whichever is greater, and a \$500 nonrecurring bonus for permanent	Rec	\$	-	\$	-	\$	-	\$	-
full-time State employees.	App	\$	26,779,101	\$	13,153,414	\$	26,779,101	\$	-
	FTE		0.000		0.000		0.000		0.000
2 - State Retirement Contributions									
Increases the State's contribution for members of the Teachers' and State	Req	\$	1,063,359	\$	6,380,155	\$	6,863,500	\$	-
Employees' Retirement System (TSERS) to fund the actuarially determined	Rec	\$	-	\$	-	\$	-	\$	-
contribution and provide a 1.5% one-time cost-of-living supplement to	App	\$	1,063,359	\$	6,380,155	\$	6,863,500	\$	-
retirees.	FTE		0.000		0.000		0.000		0.000
3 - State Health Plan									
Provides additional funding to continue health benefit coverage for enrolled active and retired employees supported by the General Fund for the 2017-19 biennium.	Req	\$	7,591,082	\$	-	\$	15,182,164	\$	-
	Rec	\$	-	\$	-	\$	-	\$	-
	Арр	\$	7,591,082	\$	-	\$	15,182,164	\$	-
	FTE		0.000		0.000		0.000		0.000
4 - State Highway Patrol Trooper Step Increase									
Provides funds for an experience-based step increase for eligible State	Req	\$	2,093,047	\$	-	\$	2,093,047	\$	-
Highway Patrol Troopers pursuant to GS 20-187.3.	Rec	\$	-	\$	-	\$		5	-
	App	\$	2,093,047	¢	-	¢	2,002,047	¢	
	FTE		0.000		0.000		0.000		0.000
5 - Correctional Officer Custody-level Based Pay Adjustment									
Provides funds for final-phase implementation of custody-level pay for Correctional Officers, Custody Supervisors, and Prison Facility Administrators, which started in FY 2015-16.	Req	\$	18,382,021	\$	-	\$	18,382,021	\$	-
	Rec	\$	-	\$	-	\$	-	\$	-
	Арр	\$	18,382,021	\$	-	\$	18,382,021	\$	-
	FTE		0.000		0.000		0.000		0.000
6 - SBI/ALE Agent Compensation Increase									
Provides average 5% salary increases for State Bureau of Investigation and	Req	\$	1,500,000	\$	-	\$	1,500,000	\$	-
Alcohol Law Enforcement officers, and provides some additional funds for SBI	Rec	\$	-	\$	-	\$	-	\$	-
non-sworn employees.	App	\$	1,500,000	\$	-	\$	1,500,000	\$	-
	FTE		0.000		0.000		0.000		0.000

7 Companyation Ingrases State Agency Teachers									
7 - Compensation Increase - State Agency Teachers	P.o.a	ć	412 550	ć		ć	025 117	ć	
Supports experience-based step increases and salary increases associated with the changes to the salary schedule for State agency teachers and school-	Req Rec		412,559	\$	•	\$ \$	825,117	\$	•
based administrators.	App		412,559	\$		\$	825,117	\$ \$	
	FTE	Ş	0.000	Ą	0.000	Ą	0.000	J	0.000
			0.000		0.000		0.000		0.000
8 - Support Local Law Enforcement's Fight Against Opioid Abuse									
Establishes grants through the Governor's Crime Commission to assist local law enforcement efforts to combat opioid abuse.	Req		-	\$	2,000,000	\$	-	\$	2,000,000
law emorcement enorts to combat opioid abuse.	Rec			\$	-	\$		\$	
	App	\$	-	\$	2,000,000	\$	-	\$	2,000,000
	FTE		0.000		0.000		0.000		0.000
9 - Support Potential Raise the Age of Juvenile Jurisdiction Legislation									
Provides initial funding for Raise the Age initiatives if the General Assembly	Req	\$	-	\$	1,000,000	\$	5,000,000	\$	-
enacts legislation to raise the age for juvenile jurisdiction.	Rec	\$	-	\$	-	\$		\$	
	Арр	\$	-	\$	1,000,000	\$	5,000,000	\$	-
	FTE		0.000		0.000		0.000		0.000
10 - Enhance Juvenile Crime Prevention Council Funding									
Expands capacity for local councils to provide evidence-based strategic	Req	\$	2,000,000	\$	-	\$	2,000,000	\$	-
intervention and programs to reduce delinquent behavior. This additional \$2	Rec	\$	-	\$	-	\$	-	\$	-
million increases total net General Fund appropriations to approximately \$24.7M.	Арр	\$	2,000,000	\$	-	\$	2,000,000	\$	-
Ş24./Ⅳ.	FTE		0.000		0.000		0.000		0.000
11 - Expand Crisis and Assessment Center Program									
Repurposes a dormitory located at Dobbs Youth Development Center as a	Req	Ś	500,000	\$	200,000	\$	900,000	\$	_
crisis and assessment center model, providing use of such programs across all			-	\$	-	\$	-	\$	
regions of the state.	App		500,000	\$	200,000	\$	900,000	s	
	FTE	•	0.000	·	0.000	•	0.000		0.000
12 - Multipurpose Group Home									
Reestablishes a multipurpose group home by repurposing an existing juvenile	Req	\$	350,000	\$	100,000	\$	600,000	\$	
facility in Craven County to better meet the needs of high risk juveniles as an	Rec		-	\$	-	\$	-	\$	_
alternative to youth detention center commitment in the eastern part of the	Арр	-	350,000	\$	100,000	\$	600,000	\$	
state.	FTE	*	0.000	*	0.000	*	0.000	~	0.000
42 Leating Paintenant Franchiscon Management	_		0.000		0,000		0.000		0.000
13 - Justice Reinvestment - Expand Case Management	D		4.675.330		4 204 724		2 505 407		220 440
Continues Justice Reinvestment Act (JRA) implementation by expanding case management. Adds 43 probation/parole officers (PPOs) in FY 2017-18 and an	Req		1,675,229	\$	1,201,721	\$	3,585,197	\$	239,448
additional 13 in FY 2018-19 to address the needs of offenders with serious	Rec		1 675 220	\$	1 201 721	\$	2 505 107	\$	239,448
and persistent mental health issues, to better prepare offenders for	App FTE	Þ	1,675,229 43.000	Þ	1,201,721 0.000	Ş	3,585,197 56.000	Þ	0.000
successful re-entry into the community, and to conduct pre-sentence investigations to assist judges in making sentencing decisions.	112		43.000		0.000		30.000		0.000
14 - Justice Reinvestment - Establish Confinement in Response to Violation Unit for Females									
Locates a stand-alone Confinement in Response to Violation (CRV) facility for	Reg	<	611,927	\$	252,754	\$	1,221,100	\$	
females adjacent to the campus of Swannanoa Correctional Center for	Rec		-	\$	232,734	\$	1,221,100	\$	
Women. Funds to renovate existing structures are included in the	App		611,927	\$	252,754	\$	1,221,100	\$	
recommended Capital budget. Funds operational costs of the unit while redirecting existing positions to support facility operations.	FTE	~	0.000	*	0.000	~	0.000	~	0.000
15 - Justice Reinvestment - Establish Quality Assurance Program									
Develops a quality assurance program and adds four positions to monitor	Req	\$	337,013	\$	18,200	\$	337,013	\$	-
implementation of evidence-based programming in Adult Correction, and	Rec			\$	-,	\$	,	\$	-
supports development of a public Justice Reinvestment reporting tool that	App		337,013	\$	18,200	\$	337,013	\$	-
tracks program performance.	FTE		4.000		0.000		4.000		0.000

16 - Re-entry - Expand Behavioral Treatment Services									
Builds on evolving behavioral health treatment models to enhance services	Req	\$	5,528,914	\$	348,909	\$	12,655,805	\$	88,359
for mentally ill offenders and improve coordination of pre-release planning to	Rec	\$	-	\$	-	\$	-	\$	-
decrease likelihood of post-release mental health challenges and associated costs. Establishes 97 positions in FY 2017-18 and an additional 59 positions in	App	\$	5,528,914	\$	348,909	\$	12,655,805	\$	88,359
FY 2018-19.	FTE		97.000		0.000		156.000		0.000
17 - Re-entry - Fund Local Re-entry Councils									
Supports Re-entry Councils in local communities to improve service	Req	\$	1,505,000	\$	-	\$	2,205,000	\$	-
coordination and assistance networks for adult offenders, with a goal of	Rec	\$	-	\$	-	\$	-	\$	-
reducing recidivism.	App	\$	1,505,000	\$	-	\$	2,205,000	\$	-
	FTE		0.000		0.000		0.000		0.000
18 - Re-entry - Extend Transitional Housing									
Provides funds to extend the time offenders may stay in transitional housing	Req	\$	1,000,000	\$	-	\$	1,000,000	\$	-
to ensure successful completion of behavior modification programs, secure	Rec	\$	-	\$	-	\$		\$	-
adequate housing, and gain meaningful employment, providing greater stability and increasing successful re-entry into the community.	App	\$	1,000,000	\$	-	\$	1,000,000	\$	-
stability and increasing successful re-entry into the community.	FTE		0.000		0.000		0.000		0.000
19 - Re-entry - Strengthen Prison Re-entry Programming									
Supports designated re-entry facilities to ensure inmates receive	Req	\$	500,000	\$	_	\$	600,000	\$	-
comprehensive pre-release planning and preparation prior to their return to	Rec		· -	\$	-	\$	-	\$	_
the community.	App	\$	500,000	\$	-	\$	600,000	\$	-
	FTE		0.000		0.000		0.000		0.000
20 February Laws Town Core Unit of Control Driven									
20 - Establish a Long-Term Care Unit at Central Prison	Dog	٠	1 730 001	ė	400.000	غ	2 212 710	خ	100.000
Provides operating costs and 44 positions to support the first phase of a long- term facility for chronically ill inmates, decreasing external medical costs. The	Req Rec		1,739,001	\$	400,000	\$ \$	2,312,718	\$ \$	100,000
East Wing is scheduled for completion in April 2018.	App		1,739,001	\$	400,000	\$	2,312,718	<del>-</del>	100,000
	FTE	٠	44.000	Ļ	0.000	٠	44.000	٦	0.000
	TIL		44.000		0.000		44.000		0.000
21 - Support Samarcand Training Academy Phase II									
Provides operational funds for phase II of the training academy which	Req		2,072,189	\$	547,900	\$	2,875,098	\$	101,000
predominantly serves adult corrections and juvenile justice staff.  Recommends four Academy-based positions in FY 2017-18 and an additional	Rec			\$		\$	-	\$	-
two positions in FY 2018-19. In addition, eight instructors in both years are	App	\$	2,072,189	\$	547,900	\$	2,875,098	\$	101,000
recommended for adult correction and juvenile justice certified training needs. Capital funding is partially provided by Connect NC bonds, and project completion is scheduled in phases through January 2019.	FTE		12.000		0.000		14.000		0.000
22 - Maintain Intelligence Gathering Capabilities									
Funds seven positions that provide security and intelligence gathering by	Req	\$	_	\$	-	\$	-	\$	-
monitoring inmate telephone calls for possible criminal activity. New FCC	Rec	\$	(408,464)	\$	-	\$	(408,464)	\$	-
regulations restrict the use of pay telephone commissions previously	Арр	\$	408,464	\$	-	\$	408,464	\$	-
collected in the Inmate Welfare Fund, and those receipts can no longer be used to support the seven positions that currently perform this function.	FTE		7.000		0.000		7.000		0.000
23 - Invest in IT Security Upgrades									
Partially addresses identified weaknesses to ensure compliance with security	Req	\$	500,000	\$	2,500,000	\$	1,500,000	\$	-
assessment. Funds are targeted to critical areas including enhancing firewall	Rec	\$	-	\$		\$	-	\$	_
protection, detecting threats to systems and networks, and managing end-of- lifecycle systems.	App	\$	500,000	\$	2,500,000	\$	1,500,000	\$	-
	FTE		0.000		0.000		0.000		0.000
24 - Strengthen Human Resources to Support Public Safety Functions									
Establishes 28 positions to meet recruitment, hiring and training demands	Req	\$	1,978,702	\$	21,298	\$	1,978,702	\$	21,298
essential to support operational divisions by increasing staffing capacity,	Rec			\$	-	\$	-	\$	-
which will reduce overtime and result in a less stressful work environment for	App	\$	1,978,702	\$	21,298	\$	1,978,702	\$	21,298
impacted staff.	FTE		28.000		0.000		28.000		0.000

	_	237.000		0.000		314.000		0.000
	\$	81,252,608	\$	28,424,351			\$	2,550,105
	\$	(408,464)	\$	-	\$	(369,220)	\$	2,550,205
	\$	80.844.144	\$	28.424.351	\$	113.199.071	S	2,550,10
FTE		0.000		0.000		0.000		0.00
App	\$	500,000	\$	-	\$	500,000	\$	
Rec	\$	-	\$	_	\$	-	\$	
Req	\$	500,000	\$		\$	500,000	\$	
FTE		0.000		0.000		3.000		0.000
App	\$	-	\$	-	\$	39,244	\$	
	\$	-	\$	_	\$	39,244	\$	
Req	\$	-	\$	-	\$	78,488	\$	
FTE		0.000		0.000		0.000		0.00
Арр	\$	2,000,000	\$	-	\$	2,000,000	\$	
Rec	\$	_	\$		\$		\$	
Rea	\$	2.000.000	\$		Ś	2.000.000	\$	
FTE		2.000		0.000		2.000		0.000
Ann	\$	225,000	\$	300,000	\$	225,000	\$	
	\$	-	\$	-	\$		\$	
Req	\$	225,000	\$	300,000	\$	225,000	\$	
	Req App FTE  Req App FTE  Req Rec App FTE  Req Rec App	Rec \$ App \$ FTE  Req \$ App \$ FTE	Rec \$ - App \$ 225,000 FTE 2.000  Req \$ 2,000,000 FTE 0.000  Req \$ - App \$ - Rec \$ - App \$ - FTE 0.000  Req \$ 500,000 Rec \$ - App \$ 500,000 FTE 0.000  \$ 80,844,144 \$ (408,464)	Rec \$ - \$  Req \$ 2,000,000 \$  Req \$ 2,000,000 \$  Rec \$ - \$  App \$ 2,000,000 \$  FTE 0.000  Req \$ - \$  Rec \$ - \$  App \$ - \$  Rec \$ - \$  App \$ - \$  App \$ - \$  App \$ - \$  FTE 0.000  Req \$ 500,000 \$  Rec \$ - \$  App \$ 500,000 \$  FTE 0.000  \$ 80,844,144 \$ \$ 408,464) \$	Rec \$ - \$ - \$  Rec \$ 2,000,000 \$ 300,000  Req \$ 2,000,000 \$ - \$  Rec \$ - \$ - \$  App \$ 2,000,000 \$ - \$  FTE 0.000 0.000  Req \$ 500,000 \$ - \$  FTE 0.000 0.000  Req \$ 500,000 \$ - \$  FTE 0.000 0.000  Rec \$ - \$ - \$ - \$  App \$ 500,000 \$ - \$  FTE 0.000 0.000  Rec \$ - \$ - \$ - \$  App \$ 500,000 \$ - \$  FTE 0.000 0.000  Rec \$ - \$ - \$ - \$  App \$ 500,000 \$ - \$  FTE 0.000 0.000	Rec \$ - \$ - \$  App \$ 225,000 \$ 300,000 \$  FTE	Rec \$ - \$ - \$ 2,000,000  Req \$ 2,000,000 \$ - \$ 2,000,000  FTE 0.000 0.000 0.000  Req \$ 2,000,000 \$ - \$ 2,000,000  FTE 0.000 0.000 0.000  Req \$ - \$ - \$ - \$ 39,244  FTE 0.000 0.000 3.000  Req \$ 500,000 \$ - \$ 500,000  Rec \$ - \$ - \$ - \$ 39,244  FTE 0.000 0.000 0.000  Req \$ 500,000 \$ - \$ 500,000  FTE 0.000 0.000 0.000  Rec \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$	Rec \$ - \$ - \$ 2,000,000 \$  Req \$ 2,000,000 \$ - \$ 2,000,000 \$  FTE 0.000 0.000 0.000 0.000  Req \$ 2,000,000 \$ - \$ 2,000,000 \$  Rec \$ - \$ - \$ - \$ 2,000,000 \$  FTE 0.000 0.000 0.000  Req \$ 3,000,000 \$ - \$ 39,244 \$  FTE 0.000 0.000 3.000  Req \$ 500,000 \$ - \$ 39,244 \$  FTE 0.000 0.000 3.000  Req \$ 500,000 \$ - \$ 500,000 \$  Rec \$ - \$ - \$ - \$ - \$ - \$  App \$ 500,000 \$ - \$ 500,000 \$  FTE 0.000 0.000 0.000 0.000  FTE 0.000 0.000 0.000 \$  Rec \$ - \$ - \$ - \$ - \$  App \$ 500,000 \$ - \$ 500,000 \$  FTE 0.000 0.000 0.000 0.000



#### **Prison Programs**

#### **Department of Public Safety**

**G.S. Reference**: 148-22

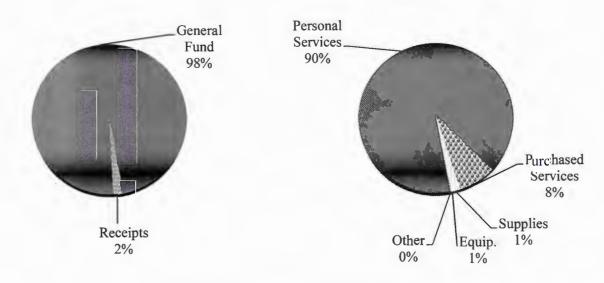
Proivdes for humane treatment of prisoners and for programs to effect their correction and return to the community.

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Authorized	Base	Base
Expenditures	\$53,134,441	\$53,844,630	\$58,345,473	\$58,934,609	\$58,936,009
Less Receipts	\$1,598,855	\$2,077,696	\$1,196,429	\$1,196,429	\$1,196,429_
Appropriation	\$51,535,586	\$51,766,934	\$57,149,044	\$57,738,180	\$57,739,580
FTE	994.47	983.47	974.47	974.47	974.47

#### FY 2017-18 Base Budget

#### Source of Funds

#### Expenditure of Funds



Fund	Fund Title	Page in Budget
1307	Inmate Construction Program	61
1316	Prison Center for Community Transition	70
1318	Prison Gang Unit Management	71
1340	Prison Inmate Education	85
1345	Prison Corrective Programs	88
1346	SOAR Program	91
1347	Prison Work Release	92

# Prison Programs Department of Public Safety

#### **Expenditures: Summary by Account**

	531-XXX	532-XXX	533-XXX	534-XXX	535 - 538-XXX		
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE
1307	\$406,162	\$286,816	\$189,459	\$409,005	\$0	\$1,291,442	4.00
1316	\$0	\$513,072	\$0	\$0	\$0	\$0	0.00
1318	\$0	\$0	\$0	\$0	\$0	\$0	0.00
1340	\$5,131,845	\$3,699,957	\$442,500	\$33,000	\$164,111	\$9,471,413	56.00
1345	\$46,674,876	\$0	\$0	\$0	\$0	\$46,674,876	896.11
1346	\$0	\$0	\$0	\$0	\$0	\$0	0.00
1347	\$983,806	\$0	\$0	\$0	\$0	\$983,806	18.36
Total	\$53,196,689	\$4,499,845	\$631,959	\$442,005	\$164,111	\$1,291,442	974.47

#### **Revenues: Summary by Account**

	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
1307	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1316	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1318	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1340	\$1,196,429	\$0	\$0	\$0	\$0	\$0	\$1,196,429
1345	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1346	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1347	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$1,196,429	\$0	\$0	\$0	\$0	\$0	\$1,196,429

Fund	Fund Title	Page in Budget
1307	Inmate Construction Program	61
1316	Prison Center for Community Transition	70
1318	Prison Gang Unit Management	71
1340	Prison Inmate Education	85
1345	Prison Corrective Programs	88
1346	SOAR Program	91
1347	Prison Work Release	92

#### **Alcohol and Chemical Dependency Programs**

#### **Department of Public Safety**

G.S. Reference: 143B-704 (d)

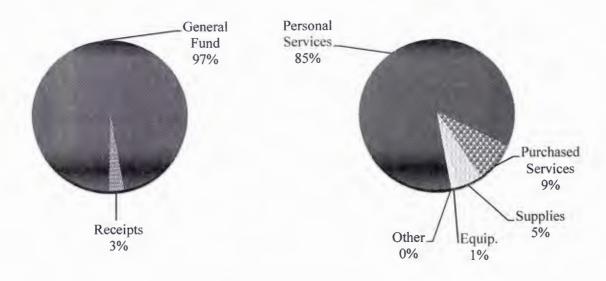
Provides a continuim of treatment and intervention services for inmates and probationers.

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Authorized	Base	Base
Expenditures	\$12,924,434	\$13,742,727	\$14,987,231	\$15,081,352	\$15,082,115
Less Receipts	\$440,996	\$403,889	\$453,248	\$453,248	\$453,248
Appropriation	\$12,483,438	\$13,338,838	\$14,533,983	\$14,628,104	\$14,628,867
FTE	220.21	218.21	214.21	214.21	214.21

#### FY 2017-18 Base Budget

#### Source of Funds

#### **Expenditure of Funds**



F	und	Fund Title	Page in Budget
	1350	ACDP - Administration	93
	1352	ACDP - In Prison Treatment	95
	1354	ACDP - Community Based	98

# Alcohol and Chemical Dependency Programs Department of Public Safety

#### **Expenditures: Summary by Account**

	531-XXX	532-XXX	533-XXX	534-XXX	535 - 538-XXX		
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE
1350	\$351,124	\$92,227	\$19,220	\$14,251	\$2,400	\$479,222	4.21
1352	\$5,947,421	\$279,453	\$109,945	\$65,445	\$1,874	\$6,404,138	94.00
1354	\$6,547,062	\$900,583	\$631,415	\$114,782	\$4,150	\$8,197,992	116.00
Total	\$12,845,607	\$1,272,263	\$760,580	\$194,478	\$8,424	\$15,081,352	214.21

#### Revenues: Summary by Account

	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
1350	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1352	\$453,248	\$0	\$0	\$0	\$0	\$0	\$453,248
1354	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$453,248	\$0	\$0	\$0	\$0	\$0	\$453,248

Fund	Fund Title	Page in Budget	
1350	ACDP - Administration	93	
1352	ACDP - In Prison Treatment	95	
1354	ACDP - Community Based	98	

#### **Correction Enterprise**

#### **Department of Public Safety**

**G.S. Reference:** 148-28

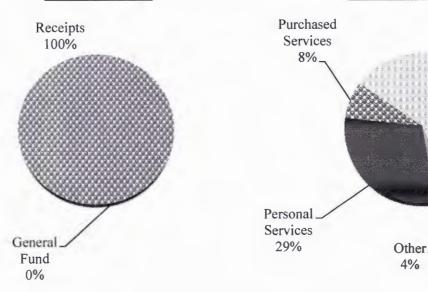
Provides for the development and operation of industrial, agricultural, and service enterprises that employ incarcerated offenders in an effort to provide them with meaningful work experiences and rehabilitative opportunities that will increase their employability upon release from prison.

	FY 2014-15	FY 2014-15 FY 2015-16 FY 2016-1		FY 2017-18	FY 2018-19	
	Actual	Actual	Authorized	Base	Base	
Expenditures	\$91,949,760	\$88,210,068	\$94,343,543	\$92,835,543	\$92,835,543	
Less Receipts	\$93,851,080	\$91,935,544	\$92,835,543	\$92,835,543	\$92,835,543	
Appropriation	(\$1,901,320)	(\$3,725,476)	\$1,508,000	\$0	\$0	
FTE	389.00	371.00	365.00	365.00	365.00	

#### FY 2017-18 Base Budget

#### Source of Funds

#### **Expenditure of Funds**



#### Funds Included in Division/Program

Fund	Fund Title	Page in Budget
7100	Correction Enterprise	416

Supplies 55%

Equip.

4%

#### Correction Enterprise

#### **Department of Public Safety**

#### **Expenditures: Summary by Account**

	531-XXX	532-XXX	533-XXX	534-XXX	535 - 538-XXX	ζ.	
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE
7100	\$27,409,258	\$7,403,205	\$51,102,078	\$3,441,127	\$3,479,875	\$92,835,543	365.00
Total	\$27,409,258	\$7,403,205	\$51,102,078	\$3,441,127	\$3,479,875	\$92,835,543	365.00

#### Revenues: Summary by Account

	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
7100	\$0	\$92,510,543	\$0	\$0	\$123,400	\$201,600	\$92,835,543
	\$0	\$92,510,543	\$0	\$0	\$123,400	\$201,600	\$92,835,543

Fund	Fund Title	Page in Budget
7100	Correction Enterprise	416

SEF AT ARMS

HOUSE

- BARRY MOORE

- BILL RILEY

- BILL MOORE

SENAIE - LARRY HANCOCK - CHARLES MARSALIS

-		

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# Senate Pages Attending

COMMITTEE: <u>J</u>	App. Public Safety ROOM: 415	_
DATE: _	3-7 TIME: 8,30	

PLEASE PRINT <u>LEGIBLY</u>!!!!!!!!!!!....or else!!!!!

Page Name	Hometown	<b>Sponsoring Senator</b>				
Hallie Thomas	New London	McImis				
Houtes Gunnell	NewLondon	Mc Hamois				
4.						
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8.						

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

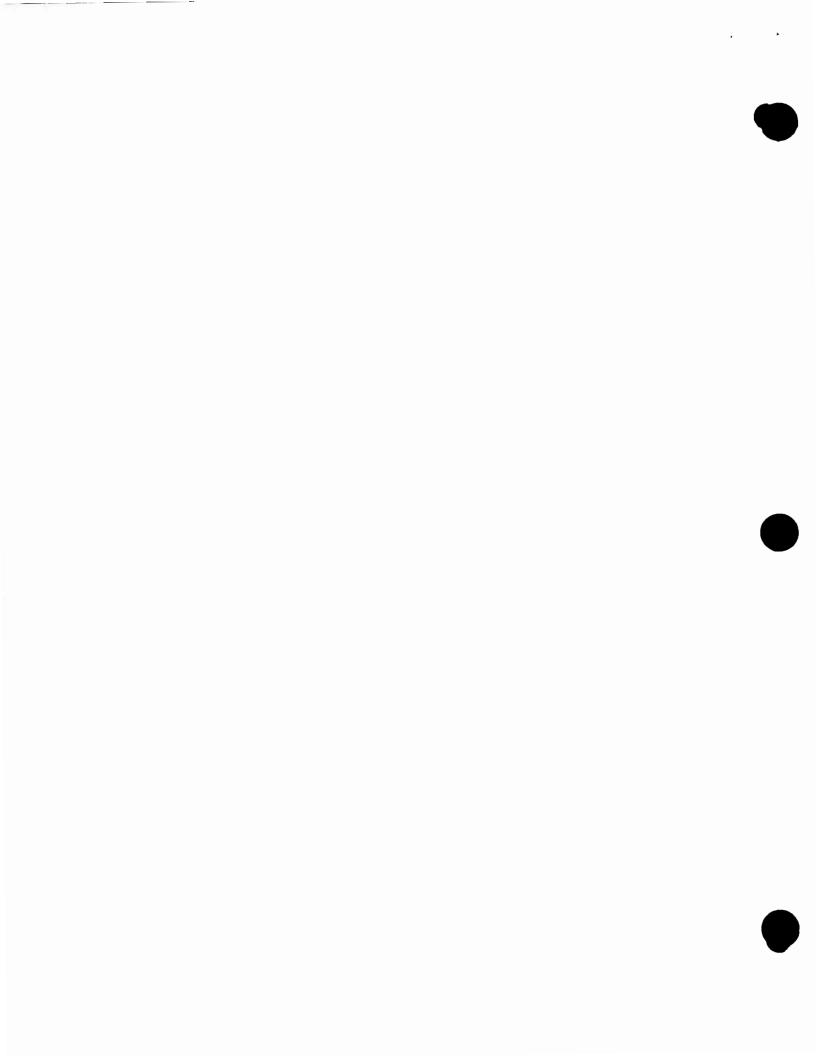
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#### **VISITOR REGISTRATION SHEET**

Appropriations	Committee on Justice and Public Safety	
Date:	3/7/17	

# $\frac{\text{VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE}}{\text{CLERK}}$

<u>NAME</u>	FIRM OR AGENCY AND ADDRESS
Marsha Overby	DPS-SHP
DarleneLangston	DAS. Budget
Renze blover	DAS-Budget
GLENN MCNEIL	DPS-SHP
ALLEN MELVIN	DPS-SHP
and Brandon	NCDPS
Kris Parks	DENC
W. April Grice	NEARS
Erik A. Hooks	NEDAS
June Gilchnist	INC DPS
William L Larster	NCDPS
CASANTER HOEFSTER	NCOPS
Elisa Wolper	1DS
Thomas MAHCR	1105
Whitney Fairbanks NEWS ROSELAND	IDS
NEWS ROSELAND	OSBM



# House Committee on Appropriations Subcommittee on Justice and Public Safety Wednesday, March 8, 2017 at 8:30 AM Room 415 of the Legislative Office Building

#### **MINUTES**

The House Committee on Appropriations Subcommittee on Justice and Public Safety met at 8:30 AM on March 8, 2017 in Room 415. Representatives Boles, McNeill, R. Turner, Belk, C. Graham, G. Graham, John, Brendon Jones, Richardson, Rogers, Speciale, Willingham and Senators Daniel, Randleman, Sanderson, and Foushee attended.

Representative Allen McNeill, Chair, presided. He called the meeting to order at 8:35 AM. Chairman McNeill introduced the Sergeant at Arms staff and pages present for the meeting.

Chairman McNeill introduced John Poteat, Fiscal Research Division, to give an overview of the DPS Division of Adult Correction-Prisons, specifically In-Prison Programs, Alcohol and Chemical Dependency Programs, and Corrections Enterprises. A copy is attached as Exhibit "A". After the presentation, Chairman McNeill opened the floor for discussion.

The meeting adjourned at 9:42 AM.

Representative Allen McNeill, Chair

Presiding

Laura Sullivan, Committee Clerk

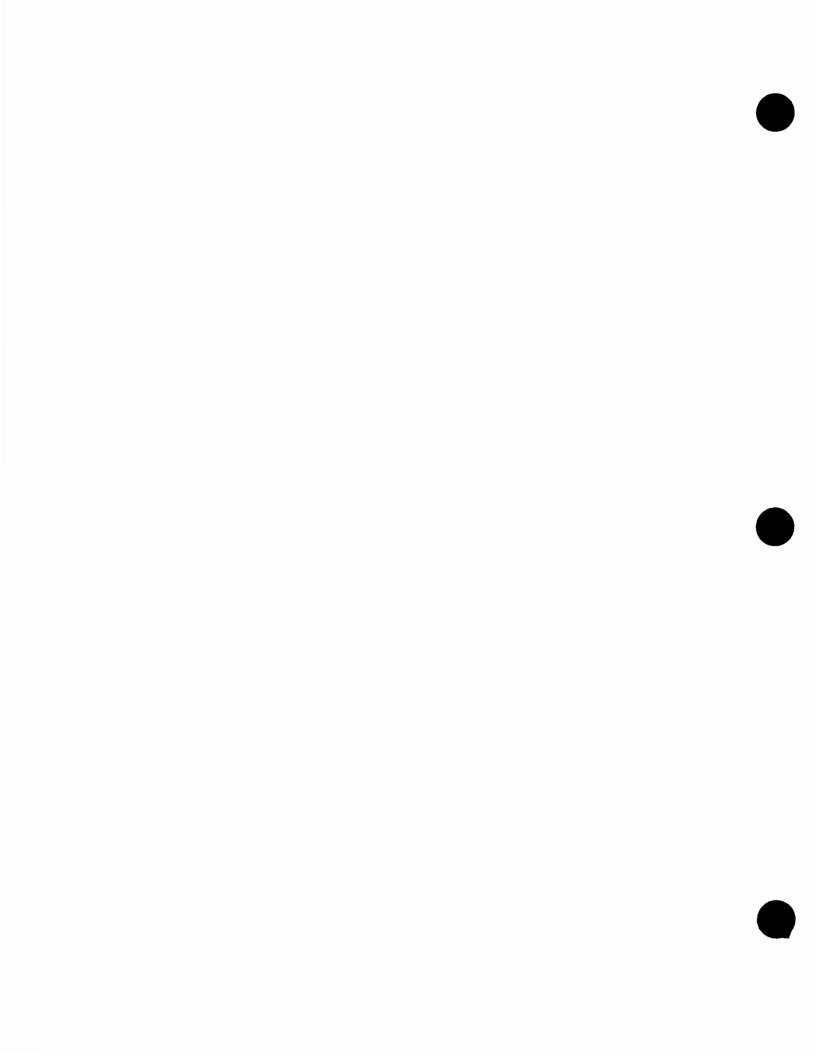


# NORTH CAROLINA HOUSE OF REPRESENTATIVES JOINT COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2017-2018 SESSION

You are hereby notified that the **House Committee on Appropriations**, **Justice and Public Safety** will meet **JOINTLY** as follows:

DAY & DATE: TIME: LOCATION:	Wednesday, March 8, 2017 8:30 AM 415 LOB	
		Respectfully,
		Representative James L. Boles, Jr., Co-Chair Representative Ted Davis, Jr., Co-Chair Representative Allen McNeill, Co-Chair Representative Rena W. Turner, Co-Chair
I hereby certify th Tuesday, March 0		nmittee assistant at the following offices at 10:48 AM on
	Principal Clerk Reading Clerk – House Chan	nber

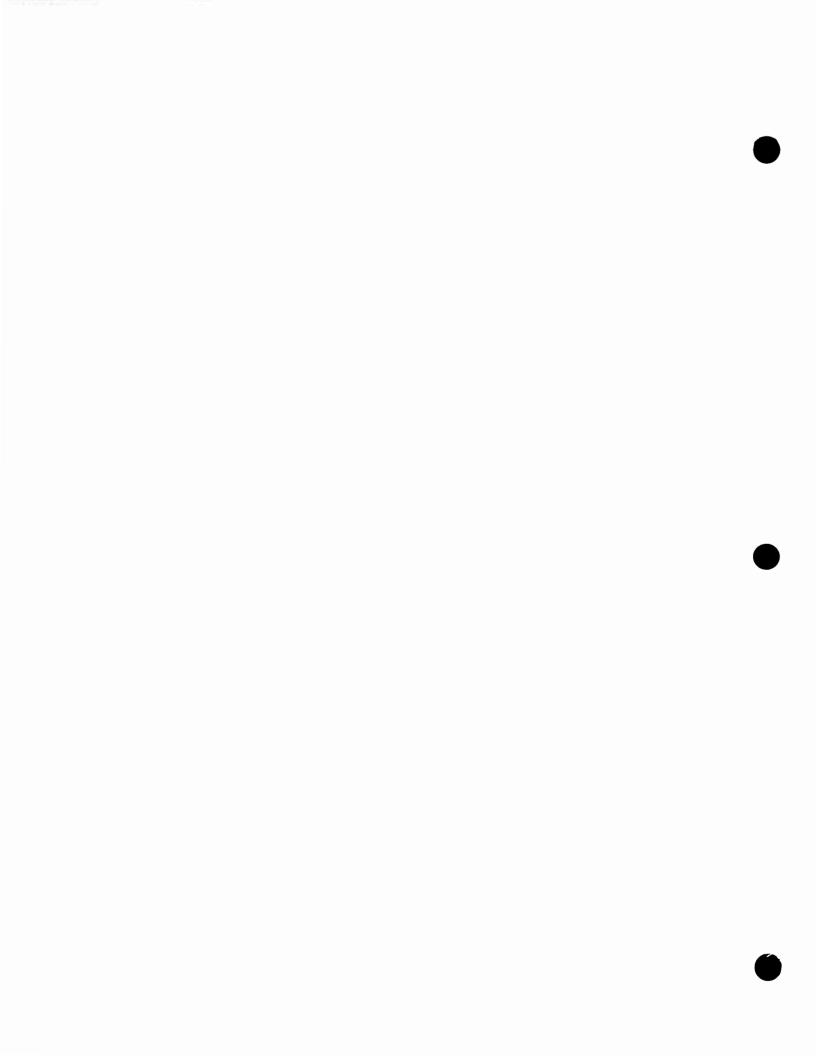
Kerry Guice (Committee Assistant)



#### **ATTENDANCE**

# House Committee on Appropriations, Justice and Public Safety (Name of Committee)

DATES	03-08-17						
Rep. Jamie Boles	X				·		
Rep. Ted Davis, Jr.	Е						
Rep. Allen McNeill	X						
Rep. Rena Turner	X						
Rep. Mary Belk	X						
Rep. Charles Graham	X						
Rep. George Graham	X						
Rep. Joe John	X						
Rep. Brenden Jones	X						
Rep. Billy Richardson	X						
Rep. David Rogers	X						
Rep. Mitchell Setzer							
Rep. Michael Speciale	X						
Rep. Sarah Stevens							
Rep. Shelly Willingham	X						
Kerry Guice, clerk	X						
Judy Lowe, clerk	X						
Laura Sullivan, clerk	X						
Barb Gaiser, clerk	X						
Staff:							
Kristine Leggett	X						
John Poteat	X						
Mark White	X						



### JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY Room 415 Legislative Office Building

#### March 8, 2017 8:30 A.M.

#### I. CALL TO ORDER

Chairs:

Senator Warren Daniel

Senator Shirley Randleman

Senator Norm Sanderson

Representative Jamie Boles

Representative Ted Davis

Representative Allen McNeill, Presiding

Representative Rena Turner

#### II. OPENING REMARKS BY CHAIRS

#### III. PRESENTATIONS

Prisons—Programs *John Poteat, Fiscal Research Division* 

#### IV. COMMITTEE DISCUSSION

#### V. OTHER BUSINESS:

Next meetings:

March 9—Recidivism and Reentry

#### VI. ADJOURNMENT

#### House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

#### Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee

## Joint Appropriations Committees on Justice and Public Safety

# **Department of Public Safety Division of Adult Correction—Prisons**

In-Prison Programs

Alcoholism and Chemical Dependency Programs

Correction Enterprises

March 7, 2017



#### Today's Presentation

- I. In-Prison Programs
- II. Alcoholism and Chemical Dependency Programs (ACDP)

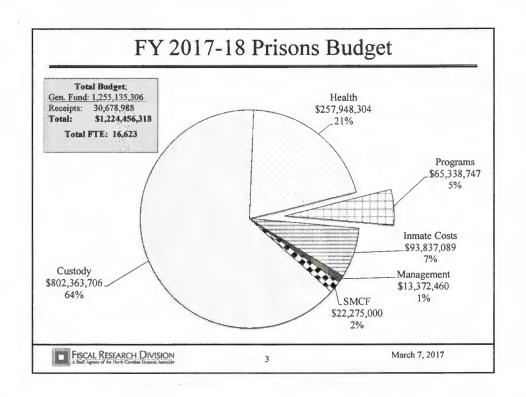


**III. Correction Enterprises** 





FISCAL RESEARCH DIVISION



#### I. In-Prison Programming

95% of inmates in State prison will be released

**FY 2015-16 Prison Exits: 23,875** 

G.S. 143B-701. Division of Adult Correction – duties.

It shall be the duty of the Department to provide the necessary custody, supervision, and treatment to control and rehabilitate criminal offenders and thereby to reduce the rate and cost of crime and delinquency.\*

\*Emphasis added

FISCAL RESEARCH DIVISION

#### **In-Prison Programs**



2017-18 Base Budget: \$65.3 million

FTE: 1,068.47

#### **Major Programs**

- Diagnostic Centers
- Case Management
- Inmate Education
- Work Assignments
- Chaplains



March 7, 2017

FISCAL RESEARCH DIVISION

# Polk CI Polk CI Piedmont CI Craven CI Central Prison & NCCIW Fiscal Research Division A Narch 7, 2017

#### Diagnostic Centers

FTE: 112

8 centers for intake and assessment to determine proper custody classification, work, and program assignments

Physical, mental health, and educational assessment

Case Completion: 15-day turnaround

Processing Total: 28 days

Assigned to one of 55 prisons

Inmates processed in 2016: 19,054

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#### Case Management

7

FTE: 404.38

All inmates are assigned a Case Manager

Case Managers plan, coordinate and facilitate the delivery of programs and services to inmates while incarcerated and assist in transition planning

8

Meet with inmates at least every other calendar month



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#### **Education Programs**

FY 2017-18 Requirements: \$9,471,413

FTE: 56

Teachers: 44 Guidance/Psychologists: 5 Principals: 5 Library/Admin: 2

Youth Facilities require GED/HS diploma courses as part of case management

32% of prison entrants read at less than a 6th grade level

Inmates with less than 6<sup>th</sup> grade reading level required to be in Adult Basic Education (ABE)

Prisoners account for 14% of High School Equivalency diplomas

40 community colleges serve prisons

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9

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#### **Education Programs**

10

General Fund: \$9,471,413

- Funds instruction
- Community college FTE
- Tuition fees
- HS Equivalency testing



Inmate Welfare: \$1,686,418

- Funds instruction material
- Higher education initiatives

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# **Education Programs**

#### Inmate Tuition funding: \$3.6 million

29,872 inmates participated

#### **Academic** (38.5%):

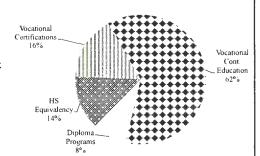
HS Equivalency and Adult Basic Education

#### **Vocational Courses (16.7%):**

Horticulture; Electronic; Food Service; A/C, Heating, Refrigeration; and Info Systems

#### **Vocational Continuing Education (44.9%)**:

HR Development, Commercial Cleaning, Computer Applications, Electrical, and Textiles/Upholstery



Diplomas & Certifications Awarded

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11

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#### **Inmates Working**

#### G.S. 148-26. State policy on employment of prisoners.

It is declared to be the public policy of the State of North Carolina that all able-bodied prison inmates shall be required to perform diligently all work assignments provided for them. The failure of any inmate to perform such a work assignment may result in disciplinary action. Work assignments and employment shall be for the public benefit to reduce the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release.\*

12

\*emphasis added

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#### Inmate Work Assignments

Assignment	Average Daily	Daily Pay
Prison Units	6,642	\$0.40, \$0.70, \$1.00
Food Services	3,174	\$0.70, \$1.00, \$1.25
Correction Enterprise	1,990	\$1.60, \$1.92, \$2.24
Prison Maintenance	1,868	\$1.00
Road Squads	1,368	\$1.00
Other Jobs	1,549	\$0.40, \$0.70, \$1.00
State Agency/Local Government	596	\$1.00
Inmate Construction Program	404	\$3.00
Work Release	1,041	Federal minimum wage
Total	18 632	\$4.593.907

Source: DACJJ, FY 2015-16 Annual Statistical Report

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13

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#### If You Build It, They Will Come...

#### **Inmate Construction**

FY 2017-18 Requirements: \$1,291,442

FTE: 4.0 + 63 staff from Central Engineering

Currently: six major projects and many repair and renovation activities

FY 2014-15 & FY 2015-16: 47 Projects involved 11,073 inmates

-Samarcand Training Academy -Harnett CI Electronic Intrusion System

-Jackson, Edgecombe & Lenoir YDCs -Western Multipurpose Group Home

-NC State Highway Patrol & SBI

Registered Apprentices: FY 2014-15: 29

FY 2015-16: 34



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14



#### **Inmate Labor Contracts**

- State and local governments contract for inmate labor from minimum custody facilities
- 129 entities employed 700 inmates from 30 facilities
- Certified custodial agents provide supervision
- Typically work 4-5 days per week and pay \$1 per day/inmate
- Program affected by minimum custody closures



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#### Work Release

15

FY 2017-18 Requirements: \$983,806

FTE: 18.36

Minimum Custody Level III inmates

Inmates paid at least federal minimum wage

Examples: restaurants and construction firms

2,267 inmates participate with 205 employers

Inmates Pay \$23 per day (\$20 per diem and \$3 transportation fee)

16

FY 2015-16: \$4,884,246

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#### Road Squads

FY 2017-18 Requirements: \$9,55,0679

FTE: 18

Receipts from DOT: \$9.04 million

- 49 minimum custody litter crews averaging 320 inmates
- 50 medium custody road squads averaging 293 inmates

1,368 inmates worked 455,291 hours

FY 2014-15 Continuation Review of the program

- Recommended converting many of the medium crews to minimum
- FY 2017-18 receipts were made nonrecurring

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17

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#### Inmate Welfare

**FY 2017-18 Requirements:** \$9,932,423

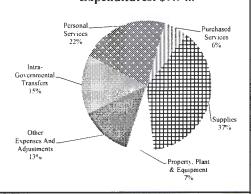
**FTE:** 27

Funds inmate programs, personnel, education, supplies, equipment, and miscellaneous items for indigent inmates

Receipts: \$9.6 million

- \$4.4 million 1nmate Phone
- \$4.6 million Inmate Canteen

#### Expenditures: \$9.9 m



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18

#### Inmate Welfare

#### Changes to the FY 2017-18 and FY 2018-19 Base Budgets

- Transfer for Managed Access: \$2,750,000
- Transfer for Harnett CI Visitor's Center: \$549,000
- Impact on Receipts of a reduction in Inmate Phone System Rates

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19

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#### **Chaplaincy Program**

#### FTE: 21 General Fund and 18 Receipt-Supported

Religious programs are offered at all prison facilities

Chaplains coordinate all religious programs and outside groups

20

Chaplains are not clergy; ensure freedom of religion

**2011:** Eliminated 25 Chaplains; maintained positions at 14 close custody facilities

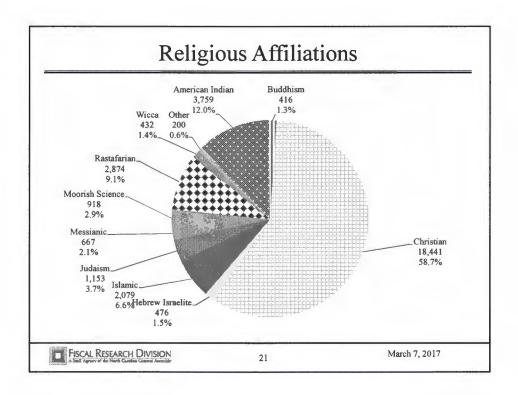
31,415 inmates participated in 14 religious practices

18 Community-Funded Chaplains at 13 prisons

FY 2015-16 volunteers per month: 8,762



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#### II. Alcoholism and Chemical Dependency Programs

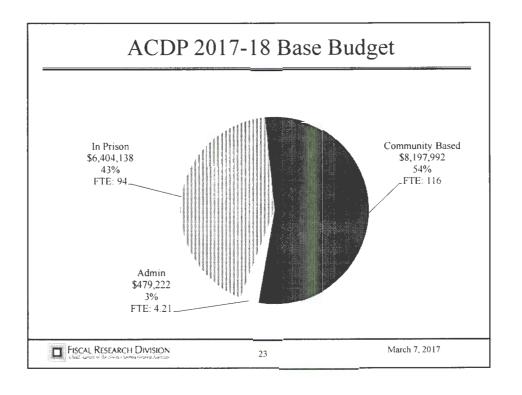
#### G.S. 143B-704. Division of Adult Correction - functions.

(d) The Division shall establish an alcoholism and chemical dependency treatment program. The program shall consist of a continuum of treatment and intervention services for male and female inmates, established in medium and minimum custody prison facilities, and for male and female probationers and parolees, established in community-based residential treatment facilities.

Moved under Behavioral Health Services



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#### In-Prison Substance Abuse Treatment

FY 2017-18 Requirements: \$6,404,138

FTE: 94

Enrollment: 5,282 Daily Cost: \$18.21

- Intermediate Residential Treatment Prison Beds (90 day)
  - 13 programs (10 male & 3 female)
- Long -Term Residential Treatment Prison Beds (180-365 days)
  - 6 programs (4 male & 2 female)

Source: FY 2015-16 data from ACDP Annual Report and DPS Controller

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24

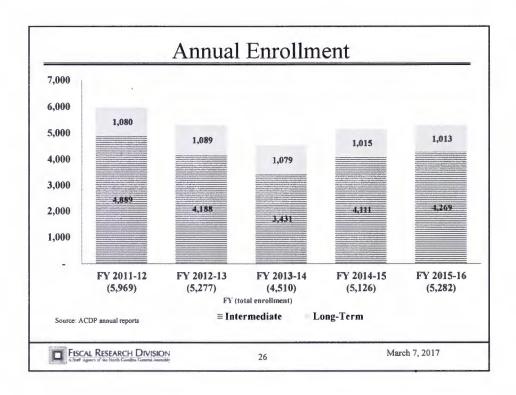
### FY 2015-16 Prison Entries & SASSI Scores

	SASSI Score						
Inmate Group	1	2	3	4	5		
Adult Female	228 (11%)	296 (14%)	533 (25%)	611 (29%)	456 (21%)		
Adult Male	1,681 (13%)	2,231 (17%)	5,379 (42%)	2,449 (19%)	1,172 (9%)		
Youth Male	228 (14%)	324 (19%)	510 (30%)	315 (19%)	309 (18%)		
Totals	2,137 (13%)	2,851 (17%)	6,422 (38%)	3,375 (20%)	1,937 (12%)		

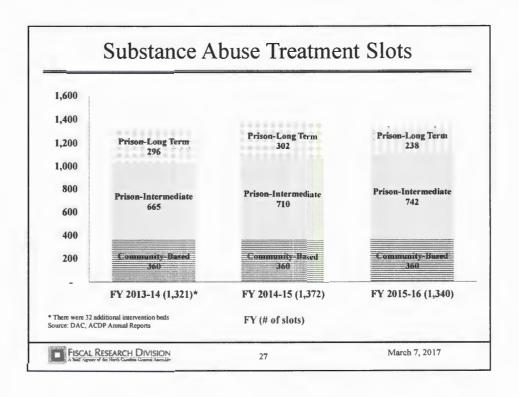
Note: Scores of 3 or higher need substance abuse services

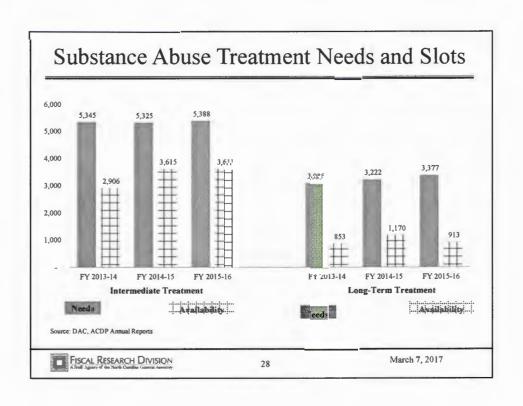
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25



<sup>\*16,722</sup> inmates took the SASSI=Substance Abuse Subtle Screening Inventory





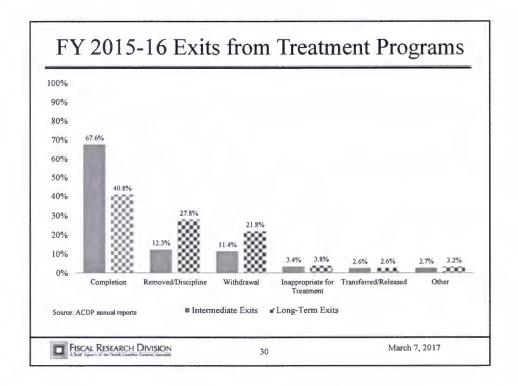
# FY 2015-16 In-Prison Treatment Beds

Program	Slots	Length (days)	Enrolled	Capacity Utilization*	Completion	
Intermediate Treatment (13 prisons)	742	90	4,269	85%	68%	
Long-Term Residential (6 prisons)	318	180-365	1,013	80%	41%	
Total	1,060		5,282			

Source: DAC, ACDP FY 2015-16 Annual Report

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29

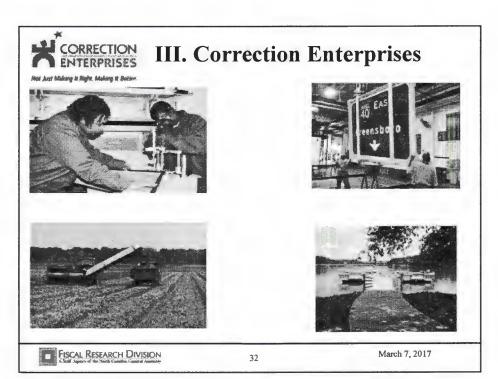


# **Treatment Challenges**

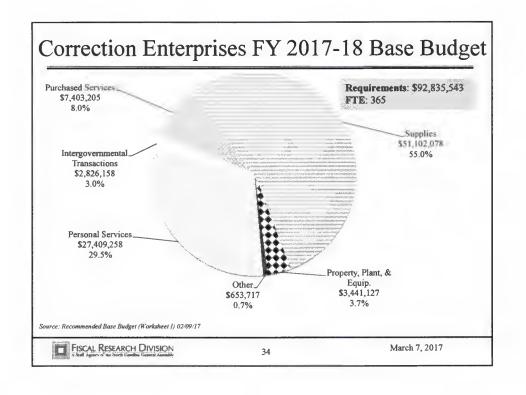
- Not enough treatment slots
- Inmates in close custody not treated
- General medical and mental health issues
- Operational demands of prisons
- No single purpose unit/facilities for substance abuse



31



#### Correction Enterprises 2<sup>nd</sup> largest prison industry in the nation ■ 15 industries at 32 plants ■ \$94.9 million in revenue Correction Enterprises Customers • 365 employees and Other State 2,470 inmates Agencies 7% Optical Sales K-12/Higher DPS 63% 3% FISCAL RESEARCH DIVISION March 7, 2017



# **Correction Enterprises**

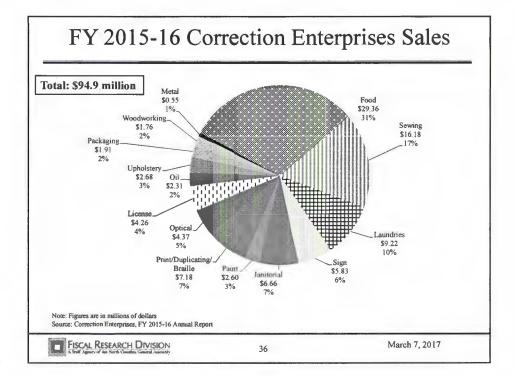
#### Facts...

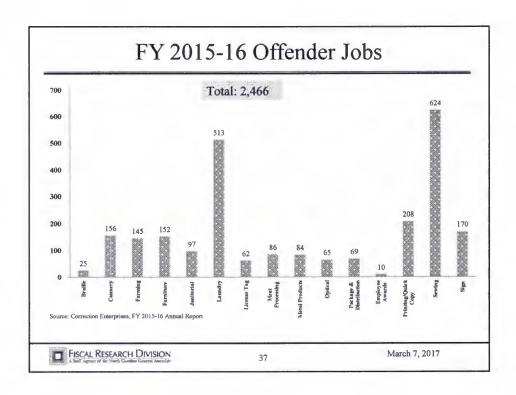
- Washed 14,101 tons of laundry
- Shipped 6,500 tons of meat
- Recycled 306 tons of license plates & signs
- Raised 39,000 chickens which lay 1 million eggs per month
- Produced 1,750 tons of beans, 900 tons of corn and 650 tons of turnip greens
- Completed 141,710 new CO shirts, and other clothing and blankets
- Produced 26.6 million copies

Source: Correction Enterprises, FY 2015-16 annual report

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35





# Correction Enterprises Transfers and Payments

#### **Intergovernmental Transfers: \$2,951,303**

General Fund: \$500,000

• Crime Victims: \$241,303

Custody/Prison Costs: \$2,210,000

#### **Inmate Labor: \$4,593,907**

■ Incentive Wages: \$3,491,500

• Correction Enterprise: \$1,102,407

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38

# **Correction Enterprises**

#### Prison Industry Enhancement Certification Program (PIE)

US DOJ-Bureau of Justice program

- inmates in actual work environments;
- paid prevailing wages;
- develop skills for future employment

Customer Model—Correction Enterprise responsible

Employer Model—Business responsible

FY 2015-16: \$255,292 paid in wages and deductions

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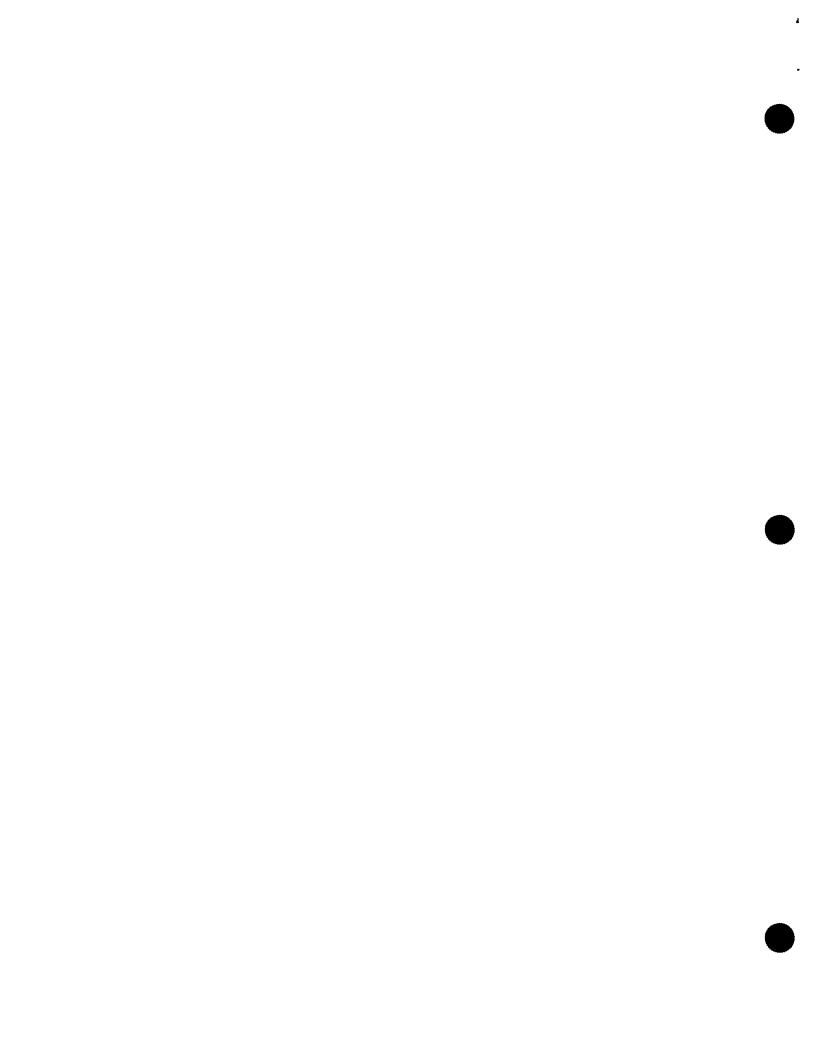
39

March 7, 2017

# Correction Enterprises—PIE Program

Facility	Partners .	Industry	# of Inmates
Warren	S2-Clean and J.W. Yount	Janitorial Products Manufacture environmentally friendly cleaning products	15 (PT)
Lanesboro	Union Supply Group	Inmate Packaging Program	40
Alexander	EBK Otomon	Woodworking/Upholstery Manufacturing licensed collegiate ottomans	13 (PT)







# Joint Committee on Justice and Public Safety March 8 – Room 415 – 8:30 AM

#### PLEASE SIGN IN BELOW

Name	FIRM OR AGENCY
Kvis Parks	DRNC
Nicole Sullivan	NCDPS
JOE PREATER	NCDPS
and Brandon	NCDP5
Mildred Greasman	NCAOC
Flint BENSON	SEANC
Dille	NOHT



#### Senate Committee on Appropriations on Justice and Public Safety Thursday, March 9, 2017 at 8:30 AM Room 415 of the Legislative Office Building

#### **MINUTES**

The Senate Committee on Appropriations on Justice and Public Safety met at 8:30 AM on March 9, 2017 in Room 415 of the Legislative Office Building. 15 members were present.

Senator Shirley Randleman, Chair, presided.

The chair recognized House Sergeant at Arms Barry Moore and William Moore and Bill Riley, and Senate Sergeant at Arms Billy Fritscher Jim Hamilton. The chair introduced page Samuel Gammon, sponsored Senator Tom McInnis

Senator Randleman recognized Michele Hall, Sentencing Commission, for a report on Adult Recidivism. See Attachments. Following the presentation Michele Hall took questions from the committee. Representative Boles asked if there were two CRVs up and running. Mrs. Hall replied that there were, one in Robinson and one in Burke. Senator Randleman inquired about the intent of the CRV facilities. Nicole Sullivan, DPS, replied that they were standalone facilities for CRV offenders only. Senator Randleman inquired about the payment of monies and restitution. Nicole Sullivan deferred to Tim Moose, DPS. He replied that the payment schedule was set by the court and the parole officer works with the offender to make payments. Michelle Hall responded to further questions from Senator Sanderson, Representative McNeill, and Senator Daniel.

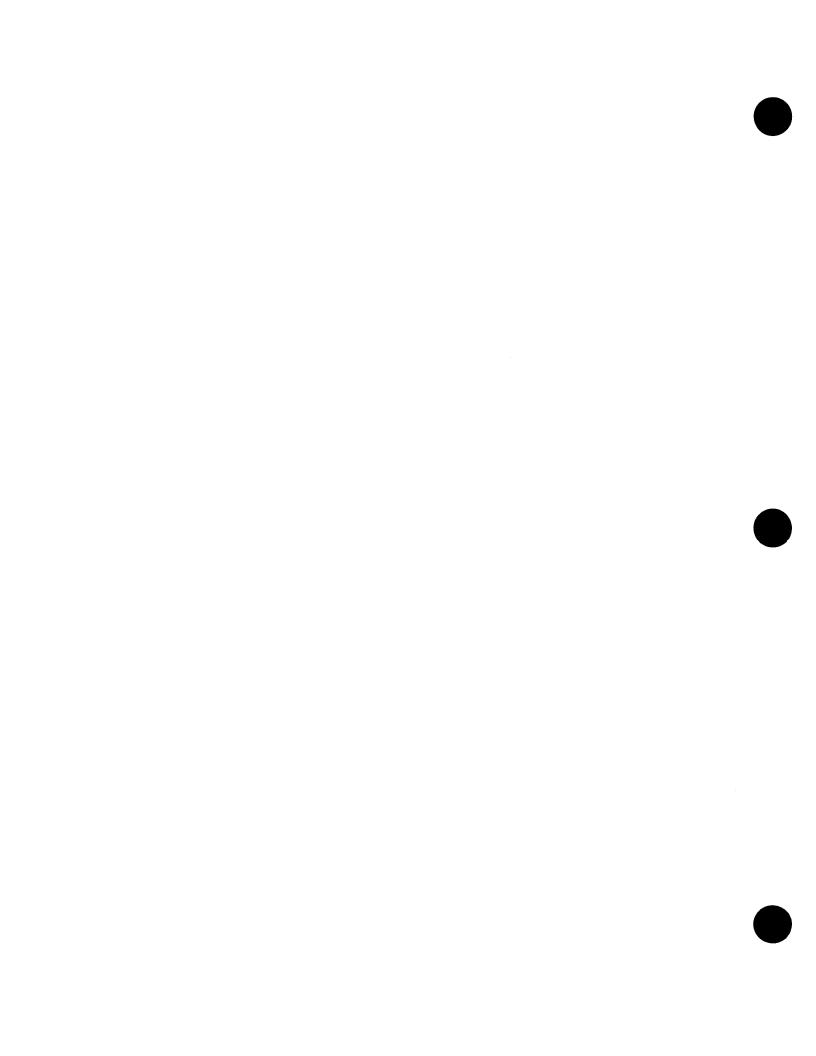
Senator Randleman recognized Nicole Sullivan, Department of Public Safety, for a report on Adult Correction Reentry. See attachments. Following the presentation Mrs. Sullivan responded to questions from Representative Graham regarding veteran's courts. Senator Randleman added that she was currently working with the Administrative Office of the Courts on a bill to help standardize specialty courts.

The meeting adjourned at 9:41 AM

Senator Shirley Randleman, Chair

Presiding

Jeb Kelly, Committee Assistant



# JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY Room 415 Legislative Office Building

#### March 9, 2017 8:30 A.M.

#### I. CALL TO ORDER

Chairs:

Senator Warren Daniel

Senator Shirley Randleman, Presiding

Senator Norm Sanderson

Representative Jamie Boles Representative Ted Davis Representative Allen McNeill Representative Rena Turner

#### II. OPENING REMARKS BY CHAIRS

#### III. PRESENTATIONS

Adult Recidivism Report
Michelle Hall, Sentencing and Policy Advisory Commission

Adult Correction Reentry
Nicole Sullivan, Department of Public Safety

#### IV. COMMITTEE DISCUSSION

#### V. OTHER BUSINESS:

Next meetings:

March 14—Justice Reinvestment Act

#### VI. ADJOURNMENT

House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

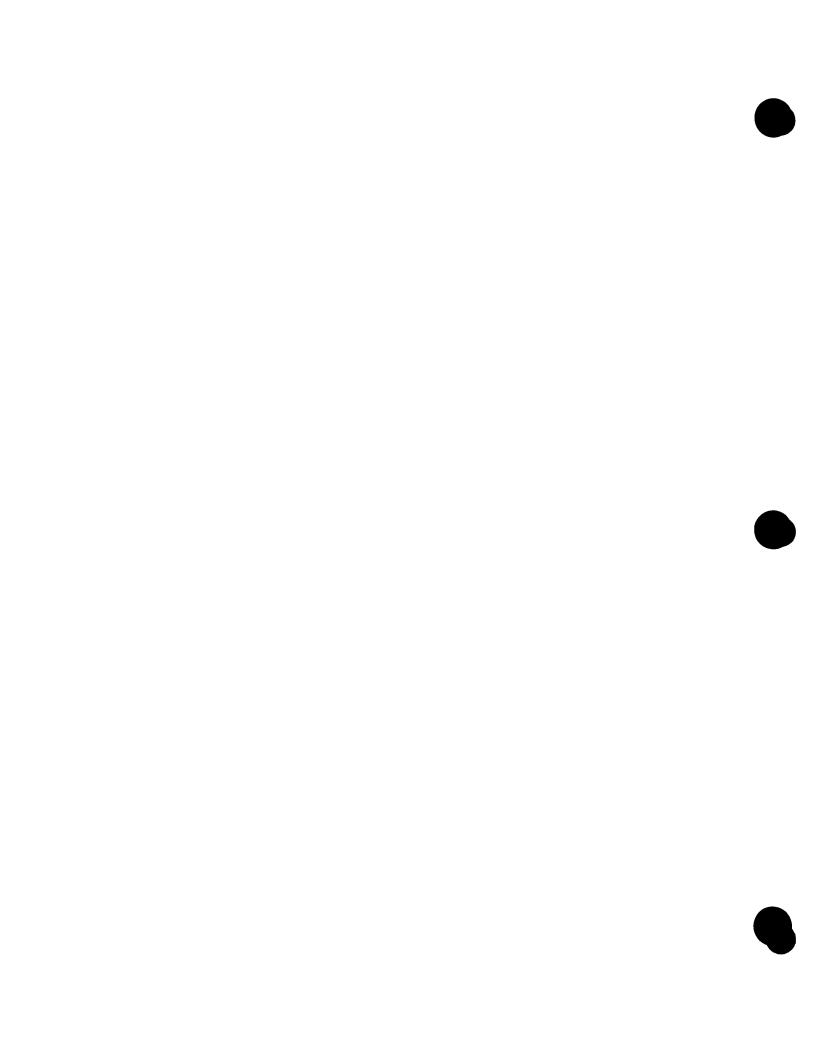
Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee



# Recidivism of Adult Offenders in North Carolina

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION
PRESENTATION TO THE JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY
MARCH 9, 2017

# 2016 Adult Recidivism Report

#### Sample Description

All offenders either placed on probation or released from prison in FY 2013

#### Follow-Up Period

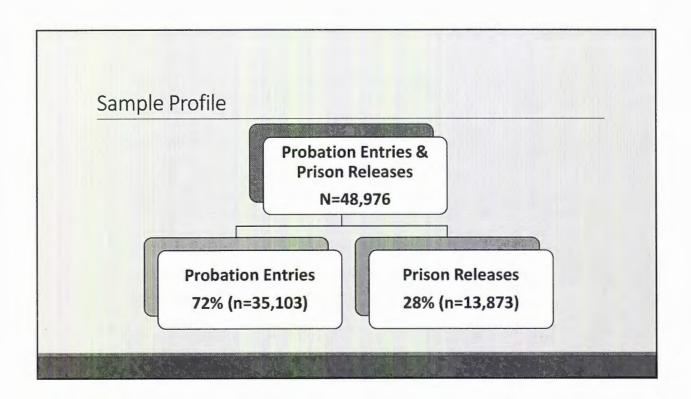
· Fixed two-year follow-up

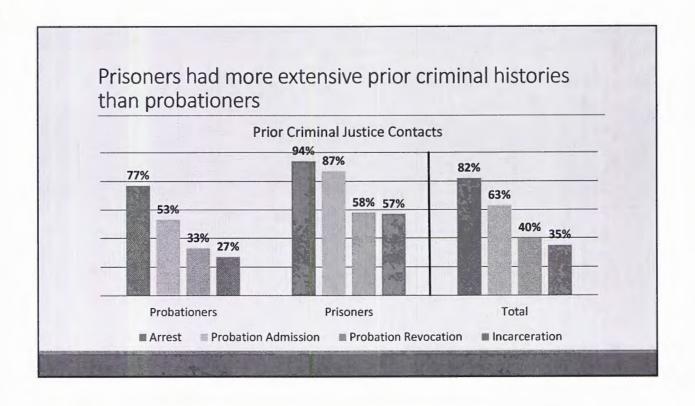
#### Criminal Justice Outcome Measures

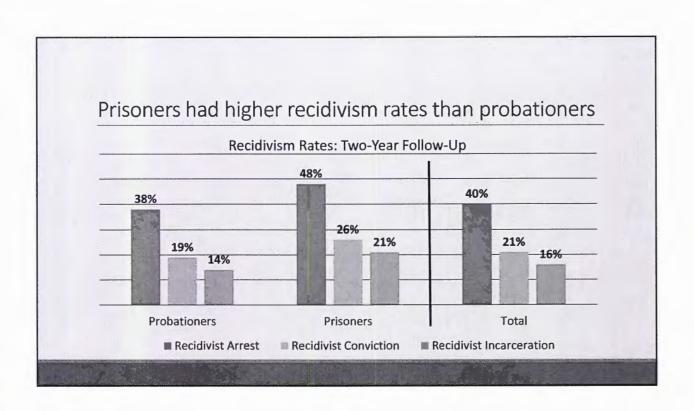
- · Arrests, convictions, and incarcerations (in state prison only) during follow-up
- Supplemental information on interim outcome measures for probationers

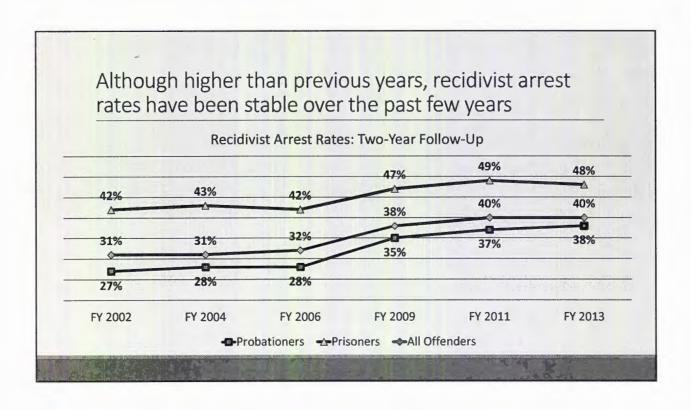
# FY 2013 Sample

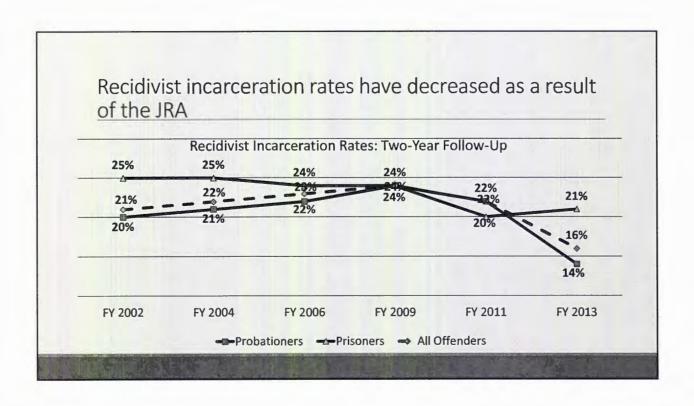
KEY FINDINGS





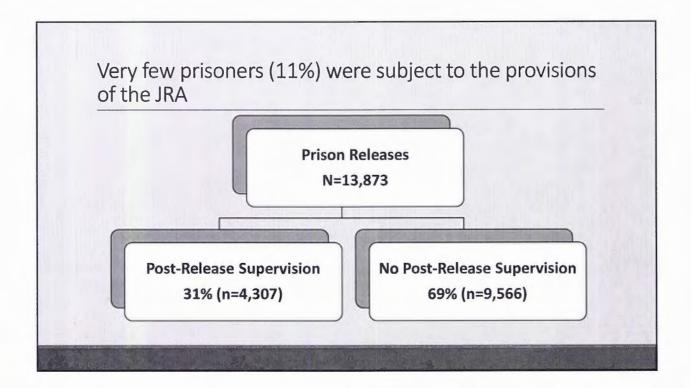


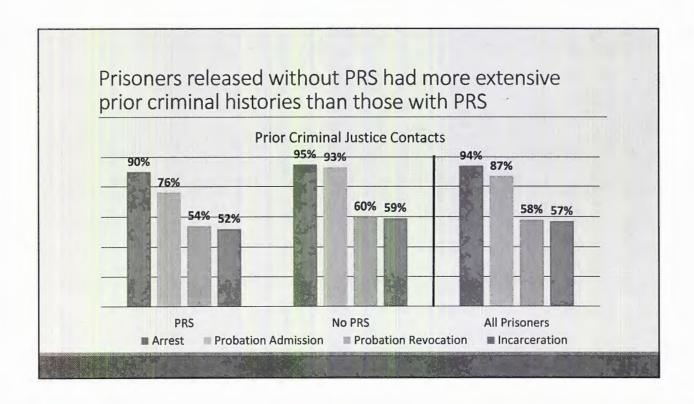


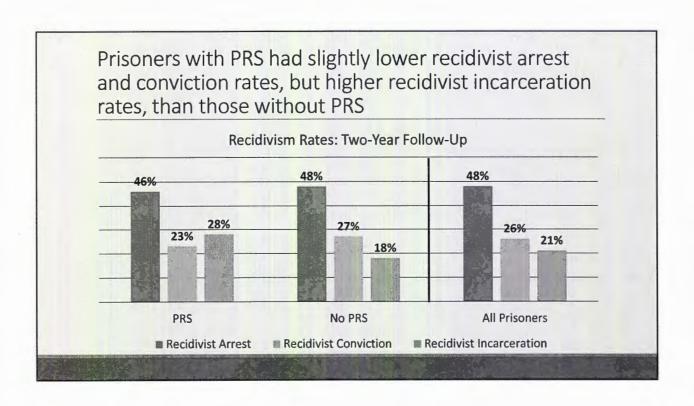


# Prison Releases

KEY FINDINGS

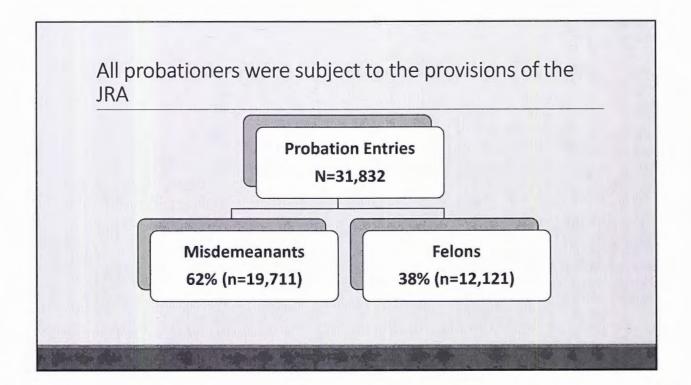


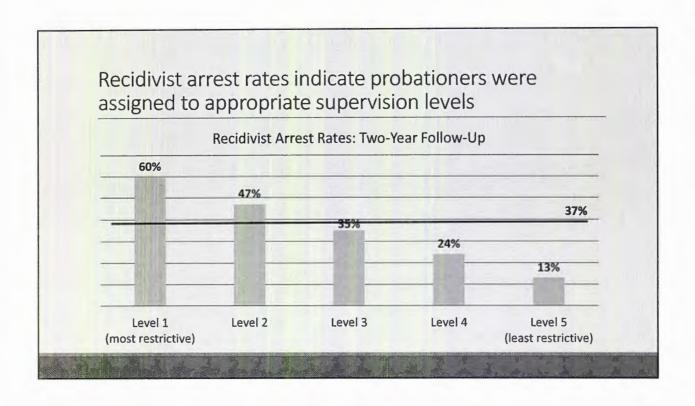


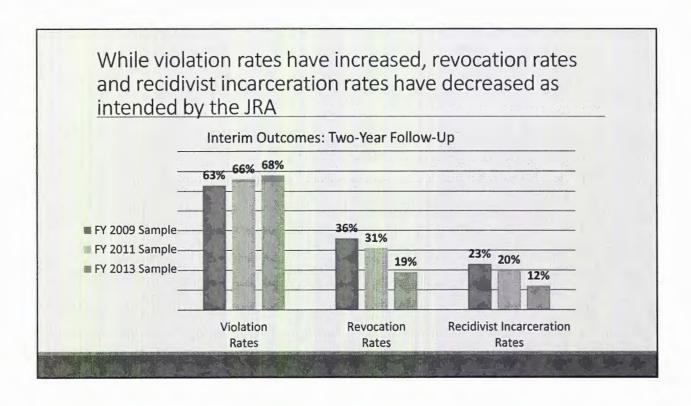


# **Probation Entries**

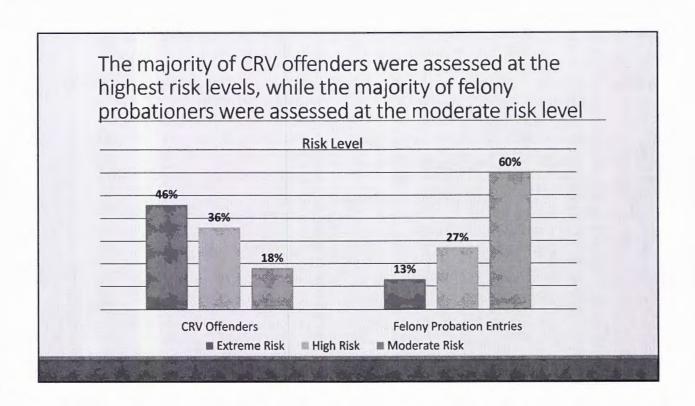
KEY FINDINGS

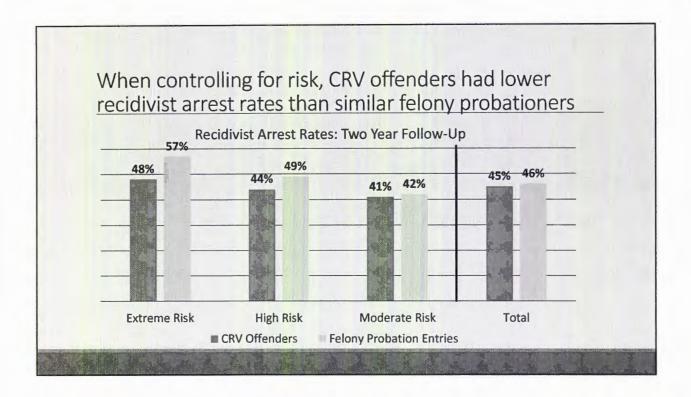












#### Conclusions

Statewide recidivism rates have generally been consistent over the past decade

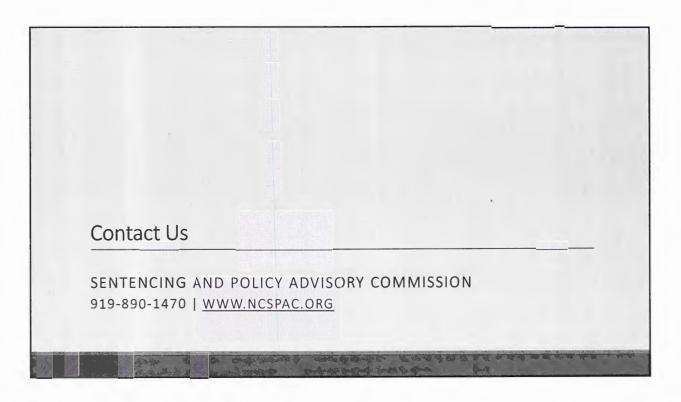
Consistent findings over time point to the relative success of probationers compared to prisoners

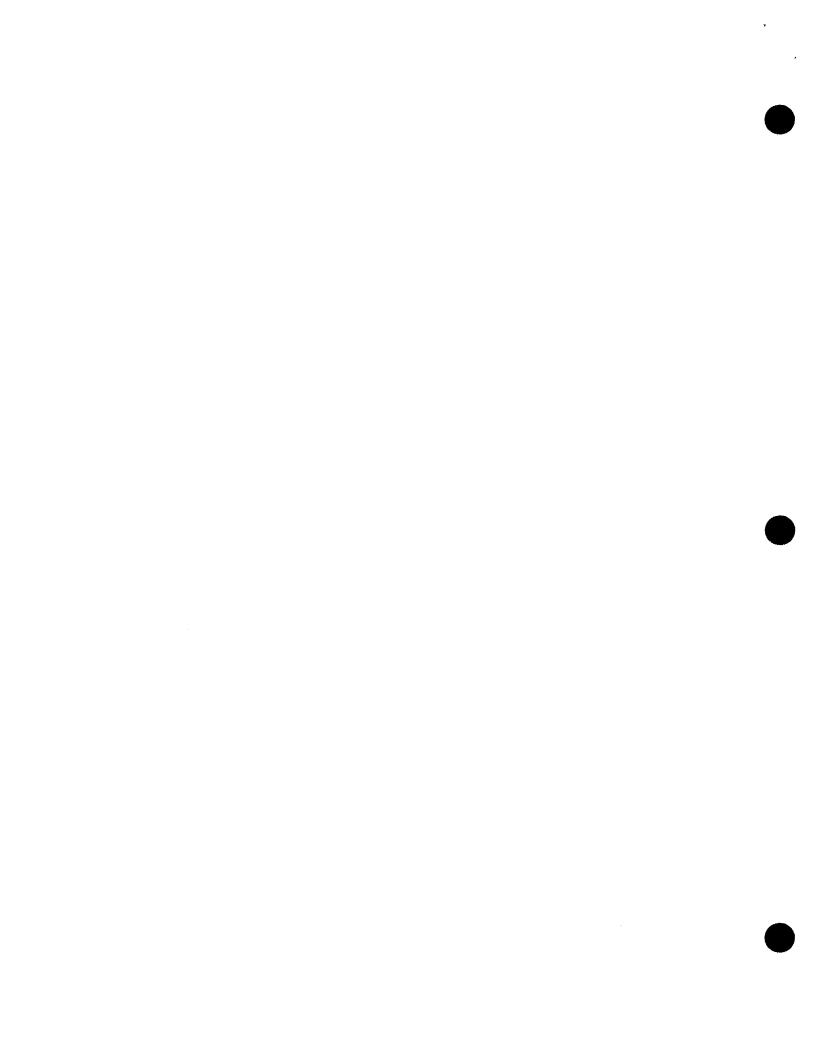
JRA has contributed to a decline in recidivist incarceration rate due to limits to revocations of probation and shifting misdemeanants out of prison

Risk assessments are a valuable tool in predicting recidivism

Expansion of PRS under JRA will have increasing importance in criminal justice system

SPAC recidivism studies are limited by lack of statewide automated jail data







Research Brief June 2016

#### A PRELIMINARY ANALYSIS OF CRV OFFENDERS RELEASED FROM PRISON IN FY 2013

In 1998, the North Carolina General Assembly directed the Sentencing and Policy Advisory Commission to prepare biennial reports evaluating the effectiveness of the State's correctional programs (N.C.G.S. § 164-47). The studies examine recidivism using samples of offenders released from prison or placed on probation in a given fiscal year and followed for a fixed two-year follow-up period.¹ As reported in the Commission's most recent study (2016), the FY 2013 probation entries are the first recidivism sample to be processed and supervised under the provisions and policies implemented under the Justice Reinvestment Act of 2011 (JRA).²,³ This brief focuses on a separate group of probationers: offenders with a felony conviction who were released from prison in FY 2013 having served a confinement in response to violation (CRV) imposed for a technical violation of probation (hereinafter referred to as CRV offenders).

With the enactment of the JRA, revocation of probation and activation of the suspended sentence may only occur for those who abscond supervision or commit a new crime. A CRV may be imposed for technical violations of probation, with revocation possible only after the imposition of two prior CRVs. Because the CRV was one of the first provisions of the JRA to go into effect (effective for violations of probation occurring on or after December 1, 2011), an early cohort of offenders subject to its use offers the opportunity to examine preliminary effects on outcomes. While programming was limited for the FY 2013 CRV offenders during their confinement, the results are promising in terms of the effectiveness of CRVs on offender outcomes, particularly when compared to outcomes for other felony probationers by risk level.

It should be noted that substantial changes to the CRV concept have been made since the enactment of the JRA. In 2014, the Department of Public Safety (DPS) announced its pilot program for designated CRV centers that would offer an approach tailored for CRV offenders, including intensive behavior modification programming. The CRV centers began receiving felons in December of 2014. And None of the FY 2013 CRV offenders participated in the CRV centers; as a result, this brief can only offer a preliminary examination of whether the period of confinement itself, absent the intense programming currently in place, has any effect on offender behavior.

The FY 2013 CRV offender sample is comprised of 1,381 offenders and includes only those with a most serious felony conviction in Class E through Class I and who also were assessed as extreme, high, or moderate risk using the Offender Traits Inventory-Revised (OTI-R).<sup>6</sup> Because the intent of the CRV is for

<sup>&</sup>lt;sup>1</sup> Data for offenders in the samples were provided by the Department of Public Safety and by the State Bureau of Investigation. A glossary of primary analysis variables and key terms is provided in Appendix A.

<sup>&</sup>lt;sup>2</sup> See the Sentencing Commission's recidivism reports at

http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/Recidivism/AdultRec.asp.

<sup>&</sup>lt;sup>3</sup> For more details on the JRA, see the Sentencing Commission's reports titled *Justice Reinvestment Act Implementation Evaluation Report* at <a href="http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/JRIReports.asp">http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/JRIReports.asp</a>.

<sup>&</sup>lt;sup>4</sup> Further information about CRV centers can be found at <a href="https://www.ncdps.gov/Adult-Corrections/Community-Corrections/Confinement-in-Response-to-Violation-CRV">https://www.ncdps.gov/Adult-Corrections/Community-Corrections/Confinement-in-Response-to-Violation-CRV</a>.

<sup>&</sup>lt;sup>5</sup> Probationers who received a CRV disposition and are not eligible for the CRV center (e.g., for medical or mental health reasons) will serve their CRV in a prison facility.

<sup>&</sup>lt;sup>6</sup> Only felony offenders were included in the CRV offender sample due to the 2015 legislative change that eliminated CRVs for misdemeanants sentenced to probation under the Structured Sentencing Act. In addition, the CRV offender sample was further restricted to offenders assessed as extreme, high, or moderate risk due to the low numbers in the low and minimal risk levels.

offenders to return to supervision following confinement, felony probation entries in FY 2013 (n=8,674) are used as a comparison group to examine preliminary outcomes of these first CRV offenders. Based on the offense and risk level composition of the CRV offenders, the comparison group of felony probation entries was restricted to similar offenders.

Figure 1 provides a summary of the personal characteristics of the CRV offenders and the felony probationers (see Appendix B, Tables B.1 and B.2 for a more detailed description). Overall, the CRV offenders and the felony probationers have similar characteristics. However, CRV offenders have a higher percentage of offenders aged 21-29 years (48%) and identified with a substance abuse need and/or a history of drug addiction (58%) compared to felony probationers (39% and 45% respectively). Findings from the Commission's recidivism studies show that offenders with these characteristics (i.e., younger offenders, offenders with substance abuse problems) tend to have higher recidivism rates compared to their counterparts (i.e., older offenders, offenders without substance abuse problems).

Figure 1
Personal Characteristics

# • 84% Male • 51% Black • 48% 21-29 Years at CRV Release • 10% Married • 69% High School Dropout • 43% Employed

• 58% Substance Abuse or Need

#### Felony Probation Entries N=8,674

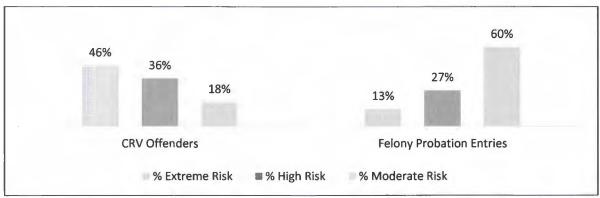
- 86% Male
- 51% Black
- 39% 21-29 Years at Probation Entry
- 11% Married
- 65% High School Dropout
- 45% Employed
- 45% Substance Abuse or Need

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

CRV offenders and felony probationers have similar criminal histories; 93% of CRV offenders and 91% of felony probationers had a prior fingerprinted arrest. As described previously, both groups are comprised of offenders with a most serious current conviction for a Class E through Class I felony; the two groups also had similar distributions by offense type (i.e., person, property, drug, other). Forty-four percent of CRV offenders and 48% of felony probationers had a Class H conviction as the most serious current conviction, while 46% of CRV offenders and 44% of felony probationers had a conviction for a property offense. See Appendix B, Tables B.1 and B.2 for more detailed information about prior criminal history.

DPS uses a validated instrument to assess each probationer's risk of reoffending and criminogenic needs and to place the probationer in the appropriate supervision level. Each offender is assigned to one of five risk levels based on their score: extreme, high, moderate, low, and minimal. Figure 2 compares the highest risk level groups of CRV offenders and felony probation entries and shows that the distributions for the two groups are a mirror image. The majority (82%) of the CRV offenders were assessed as extreme or high risk, while the majority (60%) of the felony probationers were assessed as moderate risk. It should be noted that CRV offenders by definition have already displayed evidence of misconduct by the imposition of a CRV – hence, their higher risk levels are somewhat expected. There were no differences between the two groups based on the need assessment. See Appendix B, Tables B.1 and B.2 for more information on risk and need levels.

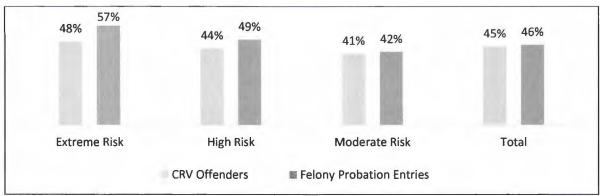
Figure 2 Risk Level



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

The Commission's primary measure of recidivism is fingerprinted arrests. Overall, CRV offenders and felony probation entries had similar recidivist arrest rates during the two-year follow-up (45% and 46% respectively), with the first recidivist arrest occurring within the eighth month on average for both (see Figure 3). However, when controlling for risk, Figure 3 shows that CRV offenders assessed as extreme and high risk have lower recidivist arrests (48% and 44% respectively) compared to felony probation entries (57% and 49% respectively) within the same risk levels. The lower recidivist arrest rates for CRV offenders are particularly surprising given the higher proportion of CRV offenders in the highest risk levels and that the CRV offenders have already experienced one failure on probation (i.e., technical violation(s) for which the CRV was imposed). This finding also holds true when examining additional measures of recidivism: CRV offenders in the extreme and high risk levels have lower recidivist conviction and recidivist incarceration rates compared to felony probationers in the same risk levels (see Appendix B, Figures B.1 and B.2).

Figure 3
Recidivist Arrest Rates: Two-Year Follow-Up



Note: See Tables B.1 and B.2 for the distribution of CRV offenders and felony probationers by risk level. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

While the findings regarding recidivist arrests for CRV offenders assessed as extreme and high risk are promising, the difference in recidivist arrests diminishes for offenders assessed as moderate risk. To provide additional context and possible explanations for the diminished effect on the moderate risk group, interim outcomes including violations of probation and two responses to violations – CRVs and revocations

– were also examined. Although the small number of CRV offenders in the moderate risk group must be considered, CRV offenders assessed as moderate risk had higher violation, CRV, and revocation rates than felony probation entries during the two-year follow-up (see Appendix B, Figures B.3, B.4, and B.5 for all three levels of risk).

The differences in outcome measures for moderate risk CRV offenders and felony probationers raise a question regarding whether the CRV is too restrictive a sanction for CRV offenders assessed as moderate risk. Future studies will be able to further examine patterns in outcomes over time. If comparative outcomes do not improve for moderate risk CRV offenders, it would suggest that less restrictive options may produce better outcomes for this group. It is also possible that the addition of intensive programming will improve outcomes for CRV offenders assessed as moderate risk – future studies will provide additional insight on the effect of the programming on outcome measures for this group.

The analysis in this brief reveals relatively small differences when comparing outcomes across risk levels for CRV offenders, a contrast to the greater variation found in outcome rates for felony probation entries. This finding, coupled with the high proportion of CRV offenders in the extreme and high risk groups, may warrant further examination. Future studies may be able to determine whether the risk instrument is accurately assessing the offenders who are sanctioned to a CRV, or if there are additional factors contributing to the relatively stable outcomes by risk level.

In summary, although programming was limited for the FY 2013 CRV offenders during their confinement, these preliminary results suggest that the 90-day limitation of the CRV (instead of activation of the entire suspended sentence due to revocation) may be enough to produce positive results for these offenders. In addition to addressing the preliminary effect of the CRV on outcome measures, the cohort examined in this brief also provides a foundation and a basis of comparison for future studies. With the implementation of CRV centers and the addition of targeted programming for offenders sanctioned with a CRV, future recidivism reports will provide more insight into these early indicators of lower recidivism rates for CRV offenders in the highest risk levels, the effectiveness of the CRV for moderate risk offenders, and the relative variation across outcome measures by risk level.

#### APPENDIX A: GLOSSARY OF TERMS<sup>7</sup>

Arrest: A record of a fingerprinted arrest in North Carolina maintained in the SBI CCH system. An arrest for which an offender was not fingerprinted (e.g., a misdemeanor offense for which fingerprinting is not required), indictment without an arrest, or failure to find a match for an offender in the SBI CCH database results in the lack of an arrest record. The lack of an arrest record was interpreted as the lack of an arrest. Arrests for impaired driving or other traffic offenses were excluded from analysis, as were arrests that were not for crimes, such as arrests for technical violations of probation. Arrests associated with the current conviction are excluded. The study examined two types of arrest:

- Prior Arrest: Fingerprinted arrest that occurred before the current conviction that placed the
  offender in this sample.
- Recidivist Arrest: Fingerprinted arrest that occurred within the two-year follow-up period.

**Conviction:** A conviction for an offense in the North Carolina state court system. Convictions for impaired driving or other traffic offenses were excluded from analysis, as were convictions that were not for crimes, such as convictions for technical violations of probation. The study examined three types of convictions:

- **Prior Conviction:** A conviction that occurred before the current conviction that placed the offender in this sample, based on data recorded in the SBI CCH system.
- Current Conviction (Most Serious): The conviction that placed the offender in the sample as a
  probation entry or CRV prison release during FY 2013, based on information in OPUS. Conviction
  offenses were ranked in terms of seriousness based on offense class and sentence length. The
  offense corresponding to the highest offense class was selected as the most serious current
  conviction for analysis purposes. If the offender had more than one conviction in this class, then the
  offense with the longest sentence length was selected.
- Recidivist Conviction: A conviction that occurred within the two-year follow-up period, based on
  data recorded in the SBI CCH system. The arrest corresponding to the conviction had to have
  occurred during the follow-up period also.

**Incarceration:** Confinement in North Carolina's prison system as a result of an active sentence imposed for a criminal conviction or revocation of supervision; data based on OPUS records. Does not include incarceration in jails, other states, or Federal facilities. In addition, offenders who served a CRV for technical violations or who entered prison as a safekeeper or a pre-sentence diagnostic were not included in the measure. The study examined three types of incarceration:

- **Prior Incarceration:** An incarceration period that ended before the current probation admission for probationers and CRV offenders.
- Recidivist Incarceration: An incarceration that occurred during the follow-up period.

**Need Level:** Using the Offender Self-Report and the Officer's Interview/Impressions Worksheet assessment tools, the offender's need is assessed by addressing six criminogenic factors (dysfunctional family, criminal peers, anti-social personality, anti-social values, substance abuse, and self-control) and is used in combination with the OTI-R to determine supervision level, program placement, and other interventions for probationers. These assessments are administered within the first 60 days of probation supervision. The assessment divides the probationers into five need levels: extreme, high, moderate, low, and minimal.

**Risk Level:** The Offender Traits Inventory-Revised (OTI-R) is a validated instrument used to assess the offender's risk of reoffending administered by probation officers within 60 days of admission to probation or PRS. Each offender is assigned to one of five levels of risk based on their score: extreme, high, moderate,

<sup>&</sup>lt;sup>7</sup> For a more detailed glossary, see <a href="http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/Recidivism/AdultRec.asp">http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/Recidivism/AdultRec.asp</a>.

low, or minimal. The OTI-R was fully implemented by the spring of 2012. OTI-R results are reported for probation entries only in this analysis.

**Probation Violation:** A violation of supervision conditions during the follow-up period. A violation is included in the study if it was a "completed" violation – meaning the violation was either disposed of by the court in a violation hearing or handled by the DPS using delegated authority. Probation violations fall into three categories:

- **Criminal:** A probation violation entered due to a pending criminal charge(s) or conviction for a new crime(s) during the two-year follow-up period.
- Absconding: A probation violation entered due to absconding supervision during the two-year follow-up period. Absconding occurs when a probationer avoids supervision by leaving the jurisdiction or otherwise making him/herself unavailable to the probation officer.
- Technical: Violation of the conditions of supervision that require probationers to conform their behavior in a manner not normally applicable to a person who is not under criminal justice system supervision (e.g., possession of a firearm, failure to follow treatment recommendations, failure to obtain employment). A technical violation does not necessarily imply criminal activity.

**Revocation:** A revocation of community supervision due to violation(s) and the activation of the suspended prison sentence. Prior to the implementation of the JRA, revocations of probation or PRS included revocations due to technical violations along with those for new crimes and absconding. After the implementation of the JRA, revocations included violations due to a new crime or absconding and only included revocations for technical violations after two CRVs are imposed for probationers and after three technical violations are imposed for PRS offenders. The JRA changes to revocations apply to probationers under supervision in the community effective December 1, 2011 and to prison releases placed on PRS for offenses committed on or after December 1, 2011. The study identifies two types of revocation:

- **Prior Revocation:** Revocation that occurred before the current conviction that placed the offender in this sample.
- Recidivist Revocation: Revocation that occurred during the two-year follow-up period. In addition, recidivist revocations were examined with regard to their seriousness. Revocations fall into three categories:
  - **Criminal:** Revocation due to a violation entered due to a pending criminal charge(s) or conviction for a new crime(s) during the two-year follow-up period.
  - Absconding: Revocation due to absconding supervision during the two-year follow-up period.
     Absconding occurs when a probationer avoids supervision by leaving the jurisdiction or otherwise making him/herself unavailable to the probation officer.
  - Technical: Revocation due to violation(s) of the conditions of supervision that require probationers to conform their behavior in a manner not normally applicable to a person who is not under criminal justice system supervision (e.g., possession of a firearm, failure to follow treatment recommendations, failure to obtain employment). A technical violation does not necessarily imply criminal activity. For JRA offenders, a technical revocation of probation can only occur after the imposition of two CRVs.

#### **APPENDIX B: ADDITIONAL TABLES AND FIGURES**

Table B.1
Profile of CRV Offenders (N=1,381)

Personal Characteristics %		<b>Prior Criminal Justice Contacts</b> continued			
Gender		Prior Revocations			
Female	16	% with Any Prior Revocation		45	
Male	84	Total # of Prior Revocations		1,083	
Race		<b>Prior Incarcerations</b>			
Black	51	% with Any Prior Incarceration		43	
White	46	Total # of Prior Incarcerations		1,148	
Other/Unknown	3	<b>Current Conviction</b>		%	
Age at CRV Release		Offense Class			
Under 21 Years	13	Class E		5	
21-29 Years	48	Class F		11	
30-39 Years	23	Class G		15	
40-49 Years	11	Class H		44	
50 Years and Older	5	Class I		25	
Marital Status		Offense Type			
Single	75	Person		13	
Divorced/Separated	14	Property		46	
Married/Widowed	11	Drug		33	
Other/Unknown	0	Other		8	
Education		Risk and Need Assessments	#	%	
High School Graduate	31	Risk Level			
High School Dropout	69	Extreme	631	46	
Employment		High	499	36	
Employed	43	Moderate	251	18	
Unemployed	57	Need Level			
Substance Abuse		Extreme	484	35	
None Indicated	42	High	271	19	
Substance Abuse or Need	58	Moderate	452	33	
Prior Criminal Justice Contacts		Low	162	12	
Prior Arrests		Minimal	12	1	
% with Any Prior Arrest	93	Supervision Level	#	%	
Total # of Prior Arrests	5,895	Level 1 (Most Restrictive)	282	21	
<b>Prior Probation Admissions</b>		Level 2	662	48	
% with Any Prior Prob. Admission	61	Level 3	346	25	
Total # of Prior Prob. Admissions	1,702	Level 4	89	6	
		Level 5 (Least Restrictive)	2	0	

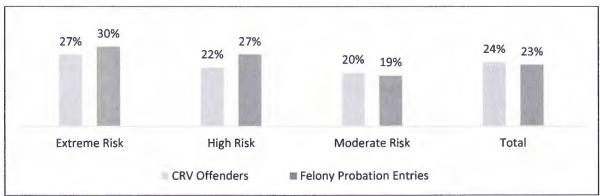
Note: Twelve offenders were missing education information; 181 were missing employment information. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table B.2
Profile of Felony Probation Entries (N=8,674)

Personal Characteristics	%	Prior Criminal Justice Contacts continued			
Gender		<b>Prior Revocations</b>			
Female	14	% with Any Prior Revocation		48	
Male	86	Total # of Prior Revocations		6,977	
Race		Prior Incarcerations			
Black	51	% with Any Prior Incarceration		40	
White	45	Total # of Prior Incarcerations		6,651	
Other/Unknown	4	<b>Current Conviction</b>		%	
Age at Probation Entry		Offense Class			
Under 21 Years	19	Class E		4	
21-29 Years	39	Class F		10	
30-39 Years	25	Class G		12	
40-49 Years	12	Class H		48	
50 Years and Older	5	Class I		26	
Marital Status		Offense Type			
Single	74	Person		11	
Divorced/Separated	14	Property		44	
Married/Widowed	12	Drug		35	
Other/Unknown	0	Other		10	
Education		Risk and Need Assessments	#	%	
High School Graduate	35	Risk Level			
High School Dropout	65	Extreme	1,082	13	
Employment		High	2,351	27	
Employed	45	Moderate	5,241	60	
Unemployed	55	Need Level			
Substance Abuse		Extreme	2,776	32	
None Indicated	55	High	1,624	19	
Substance Abuse or Need	45	Moderate	2,917	33	
Prior Criminal Justice Contacts		Low	1,188	14	
Prior Arrests		Minimal	169	2	
% with Any Prior Arrest	91	Supervision Level	#	%	
Total # of Prior Arrests	36,659	Level 1 (Most Restrictive)	1,391	16	
<b>Prior Probation Admissions</b>	•	Level 2	3,663	42	
% with Any Prior Prob. Admission	69	Level 3	2,789	32	
Total # of Prior Prob. Admissions	12,754	Level 4	831	10	
	-	Level 5 (Least Restrictive)	0	0	

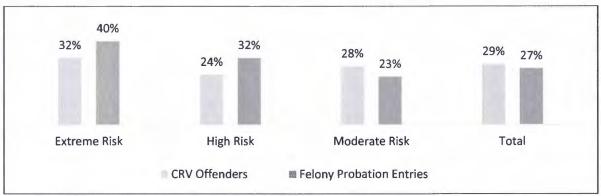
Note: Twelve offenders were missing education information; 7 were missing employment information. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Figure B.1
Recidivist Conviction Rates: Two-Year Follow-Up



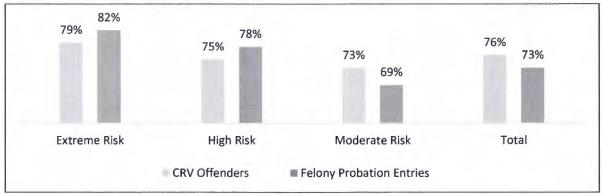
Note: See Tables B.1 and B.2 for the distribution of CRV offenders and felony probationers by risk level. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Figure B.2
Recidivist Incarceration Rates: Two-Year Follow-Up



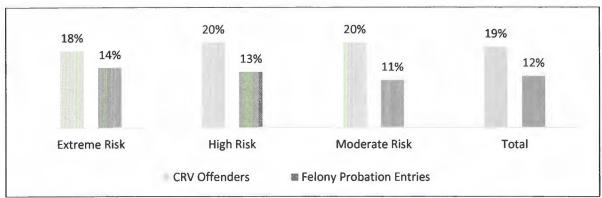
Note: See Tables B.1 and B.2 for the distribution of CRV offenders and felony probationers by risk level. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Figure B.3
Violation Rates: Two-Year Follow-Up



Note: See Tables B.1 and B.2 for the distribution of CRV offenders and felony probationers by risk level. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

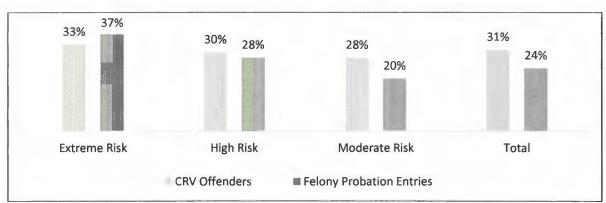
Figure B.4
CRV Rates: Two-Year Follow-Up



Note: For CRV offenders, a CRV during the two-year follow-up indicates a subsequent CRV. For felony probation entries, a CRV during the two-year follow-up indicates at least one CRV. See Tables B.1 and B.2 for the distribution of CRV offenders and felony probationers by risk level.

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

Figure B.5
Revocation Rates: Two-Year Follow-Up



Note: See Tables B.1 and B.2 for the distribution of CRV offenders and felony probationers by risk level. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Research Brief September 2016

#### CORRECTIONAL PROGRAMS AND RECIDIVISM FOR PRISON RELEASES

In 1998, the North Carolina General Assembly directed the Sentencing and Policy Advisory Commission to prepare biennial reports evaluating the effectiveness of the State's correctional programs (N.C.G.S. § 164-47). Correctional resources and, specifically, their effectiveness in increasing public safety and deterring future crime have continued to be of interest to legislators and policy makers. It is the goal of most programs to sanction and control offenders, to offer them opportunities that will assist in altering negative behavioral patterns, and, consequently, to lower their risk of reoffending (i.e., their recidivism). This research brief is a follow-up to the 2016 report that was submitted in compliance with the directive and examined recidivism for Structured Sentencing Act (SSA) offenders who were released from prison or placed on supervised probation in FY 2013.<sup>1,2</sup>

The research brief focuses on the FY 2013 prison release sample (i.e., prisoners with a felony offense) and examines participation in select correctional programs during incarceration and recidivism during the two-year follow-up. Additional analyses focus on outcomes by gender. Academic Education, Alcohol and Chemical Dependency Programs (ACDP), Correction Enterprises, Sex Offender Accountability and Responsibility (SOAR), Vocational Education, and Work Release were the six correctional (or in-prison) programs selected for analysis and are described below.<sup>3</sup>

- Academic Education: Academic Education is administered by the Rehabilitative Programs and Services Section within the Division of Adult Correction and Juvenile Justice (DACJJ). Postsecondary education is offered through continuing education (community college) courses of study for adult offenders and/or youthful offenders who have their diploma or high school equivalency credentials.
- Correction Enterprises: Correction Enterprises is a self-supporting prison industry program
  operating within the Department of Public Safety (DPS) in various prison units across the state.
  Correction Enterprises provides inmates with opportunities to learn job skills by producing
  goods and services for the DPS and other tax-supported entities.
- ACDP: Staff from the ACDP administer and coordinate chemical dependency screening, complete a "common assessment" and provide intervention, treatment, aftercare, and continuing care services for female and male inmates with substance abuse problems.
- SOAR: The SOAR program was established in 1991 for the treatment of male inmates who have committed sexual offenses and meet eligibility criteria for the program. The program's goal is to

<sup>&</sup>lt;sup>1</sup> See the Sentencing Commission's Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in FY 2013 at http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/recidivism 2016.pdf.

<sup>&</sup>lt;sup>2</sup> Data for offenders in the samples were provided by the Department of Public Safety (DPS) and the State Bureau of Investigation (SBI).

<sup>&</sup>lt;sup>3</sup> The six correctional programs in the research brief have been previously examined as special topics in the Sentencing Commission's prior recidivism reports.

change offenders' cognition, values, and expectations that have supported and maintained their sexually abusive cycle of behavior.

- Vocational Education: Vocational Education is administered by the Rehabilitative Programs and Services Section within the DACJJ and is a collaborative effort with the North Carolina Community College System. Vocational training (e.g., welding, cosmetology, horticulture) is provided through curriculum or continuing education offerings, or a combination of both.
- Work Release Program: The Work Release Program provides select inmates the opportunity for employment in the community during imprisonment, addressing the transitional needs of soonto-be released inmates. Inmates are carefully screened for participation and can only be approved for the program by prison managers or the Post-Release Supervision and Parole Commission.

The FY 2013 sample was comprised of 13,873 prison releases. Ninety percent of prisoners were male and 10% were female. The distribution of select prison programs by gender was generally similar to the overall prison population by gender. Notably, nearly half of the FY 2013 prison releases were in Academic Education and a little over one-third were in Vocational Education while incarcerated. Table 1 examines the number of males and females in each program as a percentage of the total population of males or females. A higher percentage of the female prison population were in Academic Education, ACDP, and Vocational Education during incarceration, while a higher percentage of males were in Correction Enterprises. A similar percentage of males and females were in Work Release.

Table 1
Prisoners in Select Correctional Programs by Gender

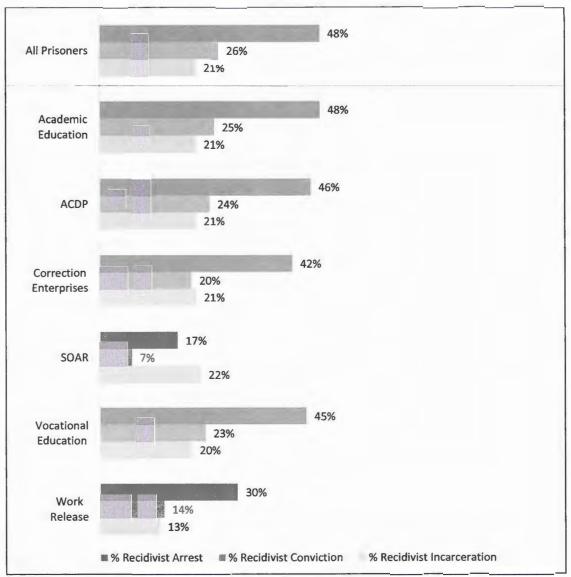
					Females n=1,395		
Select Correctional Programs	Program         Prisoners         Program         N           6,744         49         5,911	% of all Males	# in Program	% of all Females			
Academic Education	6,744	49	5,911	47	833	60	
ACDP	3,124	23	2,754	22	370	27	
Correction Enterprises	1,692	12	1,589	13	103	7	
SOAR	41	0	41	0	n/a	n/a	
Vocational Education	4,753	34	4,082	33	671	48	
Work Release	798	6	703	6	95	7	

Note: Prisoners can participate in multiple prison programs during their incarceration period and, therefore, may be represented in more than one program.

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

Figure 1 provides recidivism rates for prison releases by select correctional programs. Recidivism was defined broadly as arrest, conviction, or incarceration during a fixed two-year follow-up period. (For detailed definitions, see Appendix B of the 2016 recidivism report.) Recidivism rates for prisoners in Academic Education, ACDP, and Vocational Education were fairly similar or slightly lower than those found for the overall prison population. Prisoners in Correction Enterprises, SOAR, and Work Release generally had lower recidivism rates than the overall prison population.

Figure 1
Criminal Justice Outcomes for Prison Releases by Select Correctional Programs

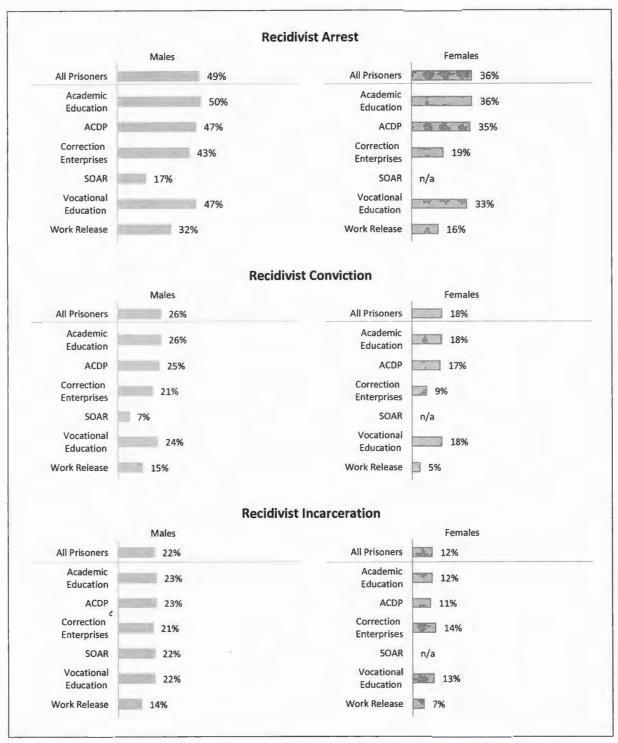


Note: Prisoners can participate in multiple prison programs during their incarceration period and, therefore, may be represented in more than one program.

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

Figure 2 presents criminal justice outcomes for select correctional programs by gender. Overall, males had higher recidivism rates than females. Males and females in Academic Education, ACDP, and Vocational Education had fairly similar or slightly lower recidivism rates than the overall recidivism rates for males and females, while males and females in Correction Enterprises and Work Release generally had lower recidivism rates than the overall recidivism rates for males or females.

Figure 2
Criminal Justice Outcomes for Prison Releases by Select Correctional Programs and Gender



Note: Prisoners can participate in multiple prison programs during their incarceration period and, therefore, may be represented in more than one program.

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

This research brief is intended to provide a broad overview of prison programs. The analysis does not include an examination of characteristics of prisoners in select programs (e.g., age, risk level, need level, sentence length) or their level of participation in the program (e.g., duration, successful completion). As such, the findings are not intended to be exhaustive. It should be noted that the recidivism rates of prison programs cannot be compared to one another for several reasons. Not only does program availability vary by prison, but the capacity of programs can be affected by the availability of funding. In addition, prisoners can participate in multiple programs during their incarceration period and, therefore, may be represented in more than one of the six prison programs examined. Future examination of prison programs and their effectiveness will include additional analysis variables following the DPS's realigning and remissioning of its prison programs and recent effort to assign offenders to prison programs based on a validated risk and need instrument. A more comprehensive analysis will allow for greater understanding of prison programs and their effect on recidivism.





## Joint Appropriations Committees on Justice and Public Safety

Overview of North Carolina's Reeutry Efforts: An Opportunity for Collaboration and Innovation

> Nicole Sullivan, Director Rehabilitative Programs and Services

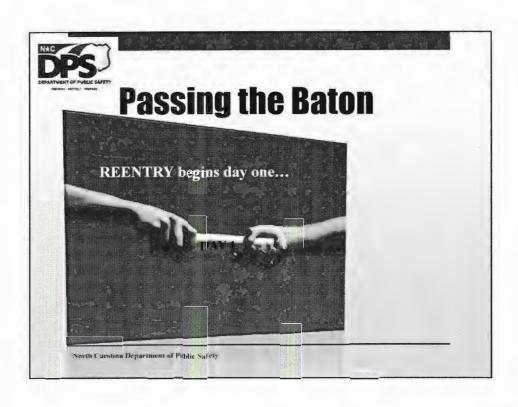
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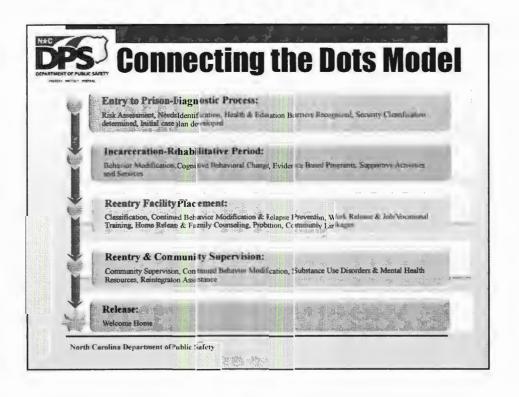


## Points to Consider....

- \* FY 2015-16, State prison entries totaled 23,531
  - · 24% with sentence length less than one year
  - 31% with sentence length between 1-2 years
  - 26% with sentence length between 2-5 years
    - 95% of the state's incarcerated population will be released at some point
- FY 2015 -2016, State prisons released 23,875
  - · Custody Levels
    - o 9% in Close Custody
    - o 29% in Medium Custody
    - o 63% in Minimum Custody

North Carolina Department of Public Safety







## The Phases of Reentry

#### **❖Phase 1: Getting Ready (Institutional Phase)**

- · Assessment & Classification
- · Rehabilitative Programming & Jobs

#### **❖Phase 2: Going Home (Transitional Phase)**

- · Release Planning and Preparation
- · Reentry Facility Placement
- Supervision & Services

#### ❖ Phase 3: Staying Home (Community Phase)

- . Conditions of Release
- · Discharge Planning & Aftercare
- Reintegration Assistance

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## Phase 1 – Getting Ready

#### **❖Institutional Phase**

- · Assessment & Classification Diagnostic Process
  - o Risk Assessment
  - o Needs Identification
  - o Barriers Recognized
  - o Security Classification
  - o Initial case plan developed
- Prison Programming Plan Determines housing location and case plan for programming
  - Matching person to right prison facility to address risk, needs, security, and programming identified during diagnostic process

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## Phase I – Getting Ready

#### **❖Institutional Phase** − Jobs

- · Prison Facility Jobs
  - Food service, Maintenance, Janitorial, General Labor crews, DOT crews
- · Correction Enterprises
  - Provides rehabilitative opportunities and produces high-quality merchandise at a savings to the taxpayer
- \* Inmate Construction Program
  - Provides on the job training in marketable construction skills while reducing the cost of capital projects
- · Work Release
  - Provides an opportunity for employment in the community during the period of incarceration

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## Phase I – Getting Ready

#### **\*Institutional Phase**

- · Ongoing Activities:
  - o Re-mission current prison facilities
    - Reentry
    - · Behavior Modification
    - · Specialized Treatment:
      - Mental Health
      - Substance Use Disorders
      - Sex Offenders
      - Gang Affiliated

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## Phase 2 - Going Home

#### **❖**Transitional Phase

- · Release Planning & Preparation
  - o 12-15 months remaining on sentence
  - o Address any remaining core programming and treatment needs
  - Specific attention to Chronic Medical, Mental Health, Veteran, Substance Use Disorders, Family Reunification
  - Transition Document Envelope (TDE) to gather state issued ID cards (DMV), Birth Certificate, Social Security card, academic and vocational credentials, and discharge & aftercare plans
  - o Community linkages, programming and services
    - Conducted by community-based organizations, faith-based organizations, non-profits, etc.

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## Phase 2 – Going Home

#### **\***Transitional Phase

- · Supervision and Services
  - o Institutional Probation/Parole Officer (IPPO)
    - · Based at Reentry Prison Facility
    - Team Approach working with Case Manager and Programs staff
    - Coordinate release planning with Parole Commission and supervising officer in home county
    - Deliver evidence-based programming focused on life skills for successful reentry
    - Connect with community resources and support in home community

North Carolina Department of Public Safety





## **Phase 3 – Staying Home**

- **Community Phase** 
  - · Conditions of Release
    - o 9 months remaining on sentence "REENTRY WINDOW"
    - Institutional Probation/Parole Officer and Prison Case Manager
      - Discuss release plans and conditions at monthly meetings with individuals preparing for release
      - · Home Plan investigation
      - · Employment, Education, Family, Transportation, Housing
      - Discharge Planning & Aftercare: Medical, Mental Health, Substance Use Disorders
        - Coordinate applications for public benefits (e.g., food assistance, Medicaid, Social Security, etc.)

North Carolina Department of Public Salety



## Phase 3 –Staying Home

- \* Community Phase
  - · Reintegration Assistance
    - o Local Reentry Councils
      - · Current pilot in 5 areas of state (involving 9 counties)
        - Buncombe, Mecklenburg, Nash/Edgecombe/Wilson, Pitt, and Hoke/Scotland/Robeson
        - New Councils funded December 2016 in McDowell, Wake, Durham, and New Hanover
        - Other operational Councils: Craven/Pamlico, Carteret, and Onslow/Jones
        - Future expansion areas: Cumberland, Guilford, Forsyth
      - · Major Local Reentry Council elements
        - Intermediary Agency
        - Dedicated reentry staff
        - Supportive services funding
        - Automated case management software

North Carolina Department of Public Safety



## Phase 3 – Staying Home

#### **❖Community Phase**

- · Reintegration Assistance
  - o Local Reentry Council Outcomes (as of March 3, 2017)
  - o Pilot sites entered data regarding 452 reentry participants
    - · Mostly male, 26-30 age range
    - 58% released from state prison facilities
    - · 68% currently under state community supervision
    - Services Requested: Employment, Housing, and Transportation
      - 96 placed in full-time jobs, wages greater than \$10.00/hr

North Camlina Department of Public Safety



## **State Agency Partnerships**

- NC Community College System Provides academic and vocational education in all prison facilities
- DHHS Assesses treatment needs and makes referrals for behavioral health services
- Commerce/DWS Provides employment assistance at prison facilities
- DMV Issues state identification (using mobile units) at prison facilities

North Carolina Department of Public Safety



## **QUESTIONS**

North Carolina Department of Public Safety

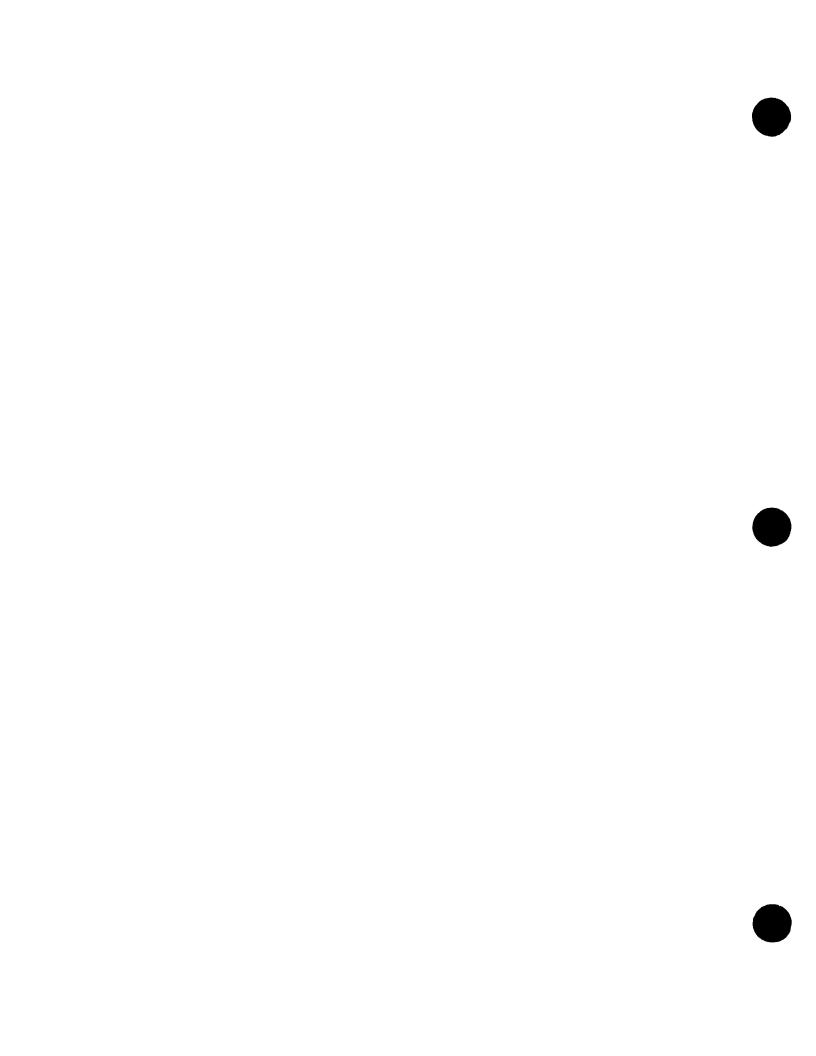
#### VISITOR REGISTRATION SHEET

Name of Committee Public Safety

3/5/17

#### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS NAME NC DPS Michelle Hall 11 11 Ginny Hevener Nicole Sullivan JOEF EATER lin Moore NC DOS Ann Anderson OSBM MildredSpearman NCAOC Kris Panke DRNC



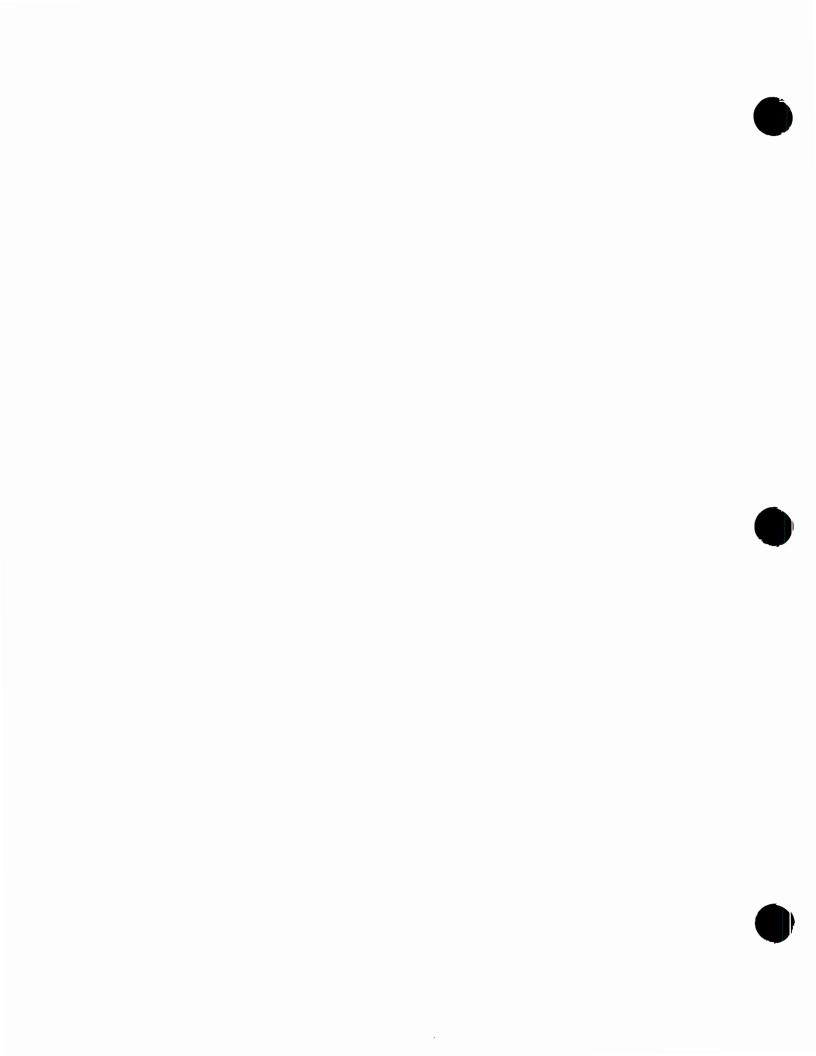
#### VISITOR REGISTRATION SHEET

Name of Committee

Date

#### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

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## Joint Committee On Appropriations On Justice and Public Safety

March 9, 2017

Room 415 LOB

8:30 AM

**House Sergeant at Arms:** 

**BARRY MOORE** 

**WILLIAM MOORE** 

**BILL RILEY** 

**Senate Sergeant at Arms:** 

WILLIAM "BILLY" FRITSCHER

JIM HAMILTON

## Senate Pages Attending

COMMITTEE:	Apps. Justice	Pub. Sefe	ROOM: _	415
DATE	: 3-9	TIME:	8:31	9

PLEASE PRINT LEGIBLY!!!!!!!!!!!!....or else!!!!!

Page Name	Hometown	Sponsoring Senator				
1. Samuel Gammon	New London	Mokinnis				
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Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.

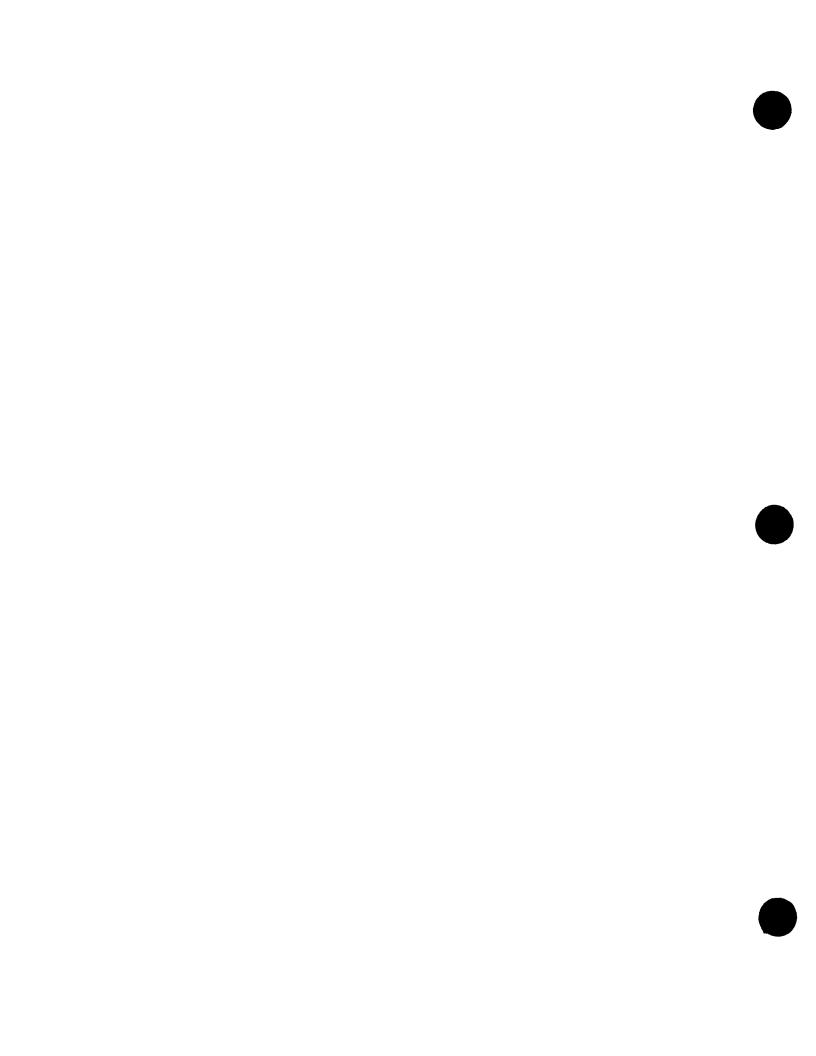
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# NORTH CAROLINA HOUSE OF REPRESENTATIVES JOINT COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2017-2018 SESSION

You are hereby notified that the House Committee on Appropriations, Justice and Public Safety will meet JOINTLY as follows:

DAY & DATE: TIME: LOCATION:	Tuesday, March 14, 2017 8:30 AM 415 LOB	
		Respectfully,
		Representative James L. Boles, Jr., Co-Chair Representative Ted Davis, Jr., Co-Chair Representative Allen McNeill, Co-Chair Representative Rena W. Turner, Co-Chair
I hereby certify the Monday, March	•	ommittee assistant at the following offices at 11:22 AM on
	Principal Clerk Reading Clerk – House Cha	mber

Kerry Guice (Committee Assistant)



## JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY Room 415 Legislative Office Building

#### March 14, 2017 8:30 A.M.

#### I. CALL TO ORDER

Chairs:

Senator Warren Daniel Senator Shirley Randleman

Senator Norm Sanderson

Representative Jamie Boles Representative Ted Davis Representative Allen McNeill

Representative Rena Turner, Presiding

#### II. OPENING REMARKS BY CHAIRS

#### III. PRESENTATIONS

Justice Reinvestment Act
Jamie Markham, School of Government

#### IV. COMMITTEE DISCUSSION

#### V. OTHER BUSINESS:

Next meetings:

March 15: Community Corrections

March 16: Prisons Wrap-Up

#### VI. ADJOURNMENT

#### House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee

## **ATTENDANCE**

## Appropriations, Justice and Public Safety

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## **ATTENDANCE**

## **Appropriations, Justice and Public Safety**

DATES	14/2019								
V C Cl. 1	3/1		+						
Kerry Guice, Clerk	V		-	+					
Judy Lowe, Clerk	V								
Laura Sullivan, Clerk	V	-		-					
Barb Gaiser, Clerk	V		+						
Kristine Leggett, Fiscal	V								
John Poteat, Fiscal	V	^							
Mark White, Fiscal	V	~							
Emily Johnson, Legal						+			
Nicole Dupree, Legal									
·									
Andy Perrigo, Clerk									
Jeb Kelly, Clerk									
Kathy Voss, Clerk	V								
Matt Hambidge Speeker's Office		7					-		
Matt Hambidge, Speaker's Office Mary Jennings, Speaker's Office									
Pront Woodeau Pro Town Office									
Brent Woodcox, Pro Temp Office									
Dylan Watts, Pro Temp Office									
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		9.00	

#### House Committee on Appropriations, Justice and Public Safety Tuesday, March 14, 2017 at 8:30 AM Room 415 of the Legislative Office Building

#### **MINUTES**

The House Committee on Appropriations, Justice and Public Safety met at 8:30 A.M. on March 14, 2017, in Room 415 of the Legislative Office Building. Representatives Belk, Boles, Davis, C. Graham, G. Graham, John, Jones, McNeill, Richardson, Rogers, Speciale, Stevens, Turner, and Willingham attended. Senators Daniel, Foushee, Randleman, and Sanderson were also in attendance.

Representative Rena Turner presided. She called the meeting to order at 8:32 A.M. Chairman Turner introduced the Sergeant at Arms staff and pages present for the meeting.

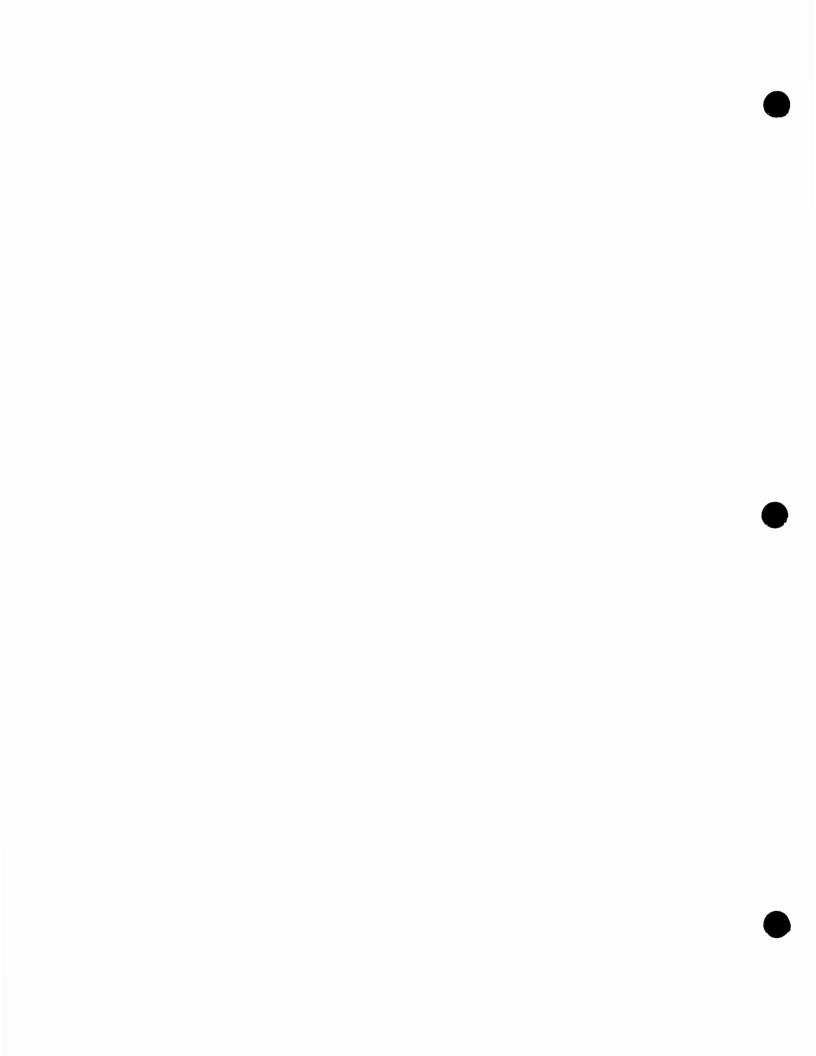
Chairman Turner introduced Jamie Markham, School of Government, to give an overview of the Justice Reinvestment Act. A copy is attached as Exhibit "A".

The meeting adjourned at 9:30 AM.

Representative Rena Turner, Chair

Presiding

Barbara Gaiser Committee Clerk



# Justice Reinvestment in North Carolina

Jamie Markham
Associate Professor, UNC School of Government

March 14, 2017

UNC
KENDOL OF GOVERNMENT

WWW.sog.unc.edu

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

Council of State Governments
 JUSTICE ★ CENTER

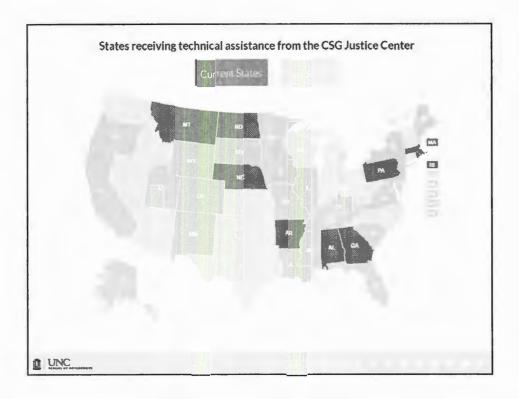


Public Safet; Performance Project



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## **Findings**

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

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## Legislation

2011 Justice Reinvestment Act

2011 Technical Corrections Act

2012 Technical Corrections Act

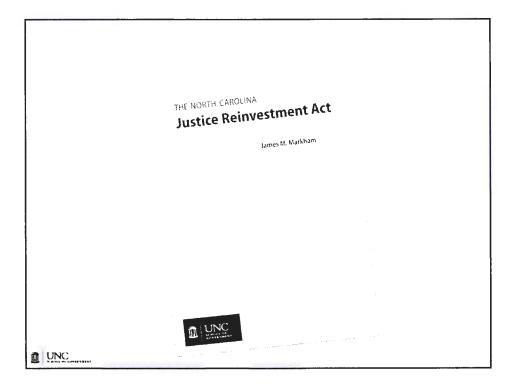
2013 Clarifying Changes Act

2014 Jail Credit Clarifications

2015 CRV eliminated for misdemeanants

2016 JRA Amendments







**Finding:** Over half of new prison entries are revoked probationers

## Limit Judges' Authority to Revoke

#### Before JRA

Judge could revoke for any single violation of probation

2015: CRV repealed for misdemeanants

 Substitute 2-3 day "quick dips" for CRV

#### After JRA

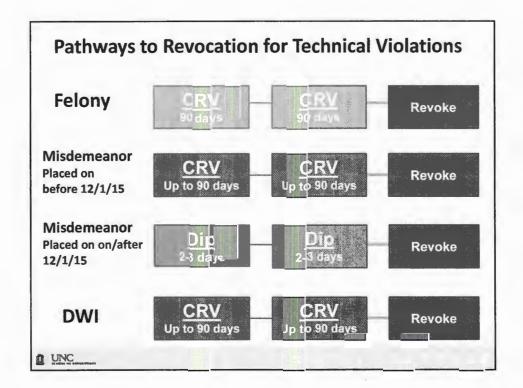
Revocation limited to:

- New criminal offense
- Absconding

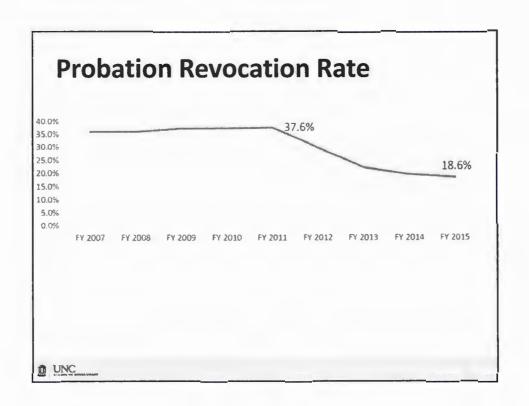
All other violations:

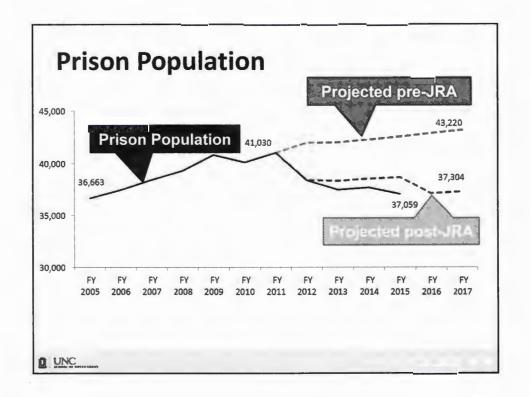
- 90-day "Confinement in Response to Violation" (CRV)
- After two CRV periods, court may revoke

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

### Post-Release Supervision (PRS) for All Felons

#### Before JRA

9-month PRS for Class B1-E felons

#### After JRA

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

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

## **Expand Delegated Authority**

#### Before JRA

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

#### After JRA

Probation officer has expanded authority to impose more conditions in response to violations or risk level

 Includes power to impose "quick dips" in the jail in response to violation

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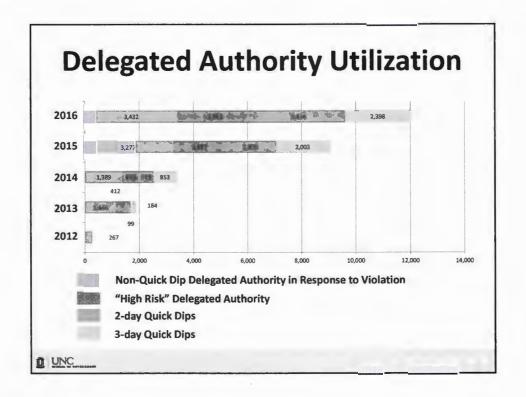


## **Delegated Authority**

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

Note: Delegated authority does not apply in DWI cases

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Finding: Unusual number of misdemeanants in prison

## **Change Place-of-Confinement Rules**

#### Before JRA

Felons: Prison, except at sheriff/board request

#### Misdemeanants:

- 1-90 days: Local jail
- 91+ days: Jail or prison in judge's discretion

#### After JRA

Felons: Prison

#### Misdemeanants:

- \_ 1-00 dayer Localiail
- \_ 9 Since 2015:
  - 1-90: Local jail
    - 91+: SMCP
- 18 ALL DWI: SMCP
- \_

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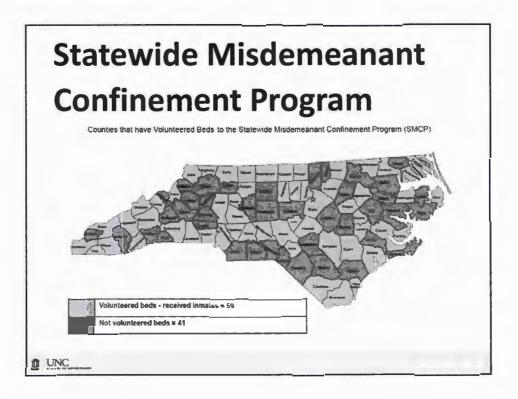
## Statewide Misdemeanant Confinement Program (SMCP)

#### Process:

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







## **SMCP Numbers**

As of 31 January 2017:

- Capacity: 1737 beds

- Population: 1102 inmates

- DWI population: 160

- 2015 year-end Fund balance: \$50 million -

- 2016 reimbursements paid: \$18 million

2016 medical payments: \$1 million





## **Other Changes**

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



## **Advanced Supervised Release (ASR)**

#### Before JRA

No felon released before serving minimum sentence

#### ASR sentences

2016: 79

2015: 90

2014: 71

#### After JRA

ASR gives opportunity for early release upon completion of "risk reduction incentives" in prison

- Only certain Class D-H defendants eligible
- Requires trial judge and prosecutor approval





## G.S. 90-96 Deferral Expanded

#### Before JRA

Optional deferral program for first-time drug offenders

Mostly misdemeanants
 If successful on G.S. 90 96 probation, conviction
 is dismissed

#### After JRA

Mandatory deferral program for first-time drug offenders

Returned to discretionary status in 2013



## **Habitual Felon Law**

#### Before JRA

Fourth/subsequent felony sentenced as Class C felony, regardless of offense class

– E.g., Class I → Class C

#### After JRA

Four-class enhancement for fourth/subsequent felony, capped at Class C

- Class I → Class E
- Class H → Class D
- All others → Class C

914 habitual felon sentences in 2016

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## **Habitual Breaking/Entering**

#### Before JRA

#### None

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

#### After JRA

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

#### 1 UNC

## **Questions?**

Jamie Markham UNC School of Government markham@sog.unc.edu (919) 843-3914

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## **VISITOR REGISTRATION SHEET**

Appropriations Com	mittee on Justice and Public Safety						
Date:	4/200						
VISITORS: PLEASE SIGN IN	VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE <u>CLERK</u>						
NAME FIRM OR AGENCY AND ADDRI							
Dawn Blagrone	CIRC						
Dawn Blagrone Rebecca Hurdock	SPAC						
MARK HAMMONDS J. R. ROWELL	Clone or Superior Court - ADSON Courty						
J. R. ROWELL	CLERK OF SUPERIOR CT UNION CO.						

### **VISITOR REGISTRATION SHEET**

Appropriation	Appropriations Committee on Justice and Public Safety							
Date:	03/14/17							

## VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
and Brandon	NC DPS
Duldfinell	NB
Barbara Move	No Acc
Mildred Spearmon	NCAOC
Vamie Lassiter	Conf of Clerks
Ann Anderson	OSBM
Ceri dirthur	NCRMA

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# House Pages Assignments Tuesday, March 14, 2017 Session: 2:00 PM

Membe	Comments	Staff	Time	Room	Committee
Rep. Speaker Tin Moore		Emilie Norwood	8:30 AM	1027/1128	Appropriations on Department of Transportation
Rep. Speaker Tim Moore		Emily Pennington			
Rep. Mike Clampit		Marissa Huggins	8:30 AM	Other	Appropriations on Education / Higher Education
Rep. Speaker Tim Moore		Sophia Sload			
Rep. Speaker Tim Moore		Savannah Barnes	8:30 AM	425	Appropriations on General Government and Information Technology
Rep. Speaker Tim Moore		Eleanor McNamee			
Rep. Garland Pierce		Hannah Bethea	8:30 AM	415	Appropriations on Justice and Public Safety
Rep. Sarah Stevens		Makenzie Waites			
Rep. Speaker Tim Moore		Emily Kornegay	8:30 AM	421	Appropriations, Agriculture and Natural and Economic Resources
Rep. Speaker Tim		Hannah Lewis			

Monday, March 13, 2017

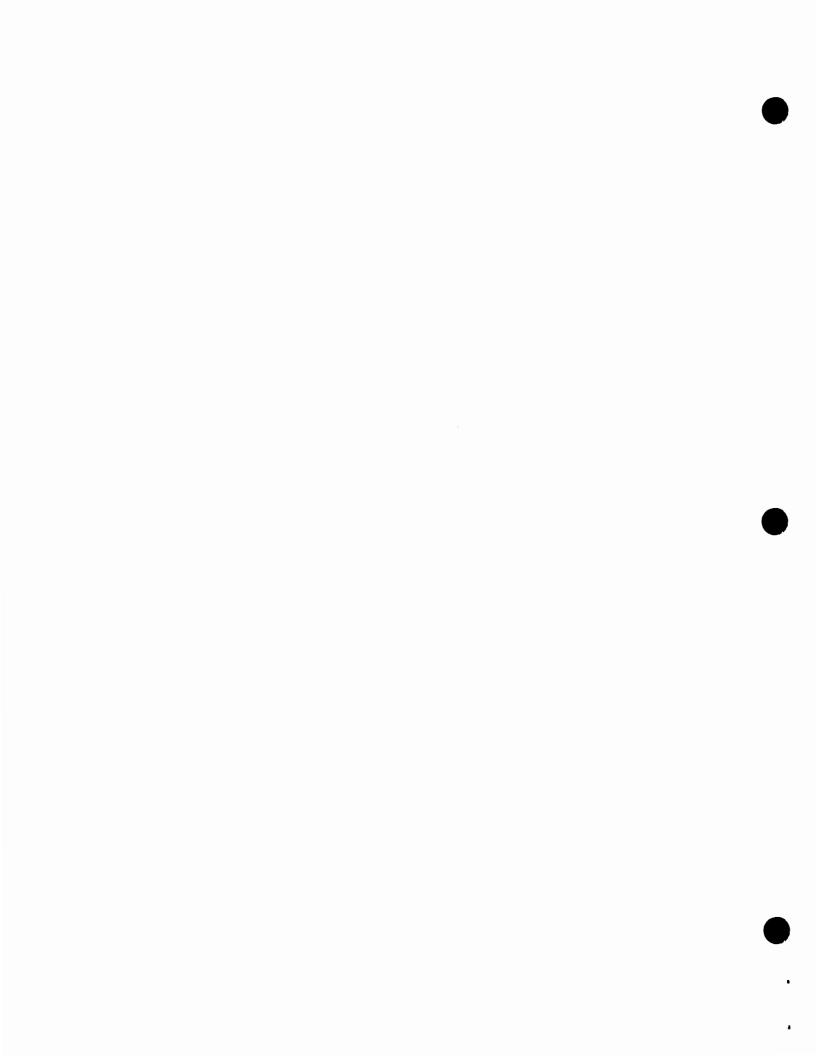
Page: 1 of 2

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## House Pages

Assignments Tuesday, March 14, 2017

Committee	Room	Time	Staff	Comments	Member
					Moore
Finance	544	9:00 AM	Eliza Hilton		Rep. Speaker Tim Moore
			Wilson Moore		Rep. Speaker Tim Moore
Education - K-12	643	10:00 AM	Yasmeen Ayesh		Rep. Speaker Tim Moore
			Jasmine Jones		Rep. Speaker Tim Moore
			Yara Mahmoud		Rep. Speaker Tim Moore
			Mariah Pride		Rep. Speaker Tim Moore



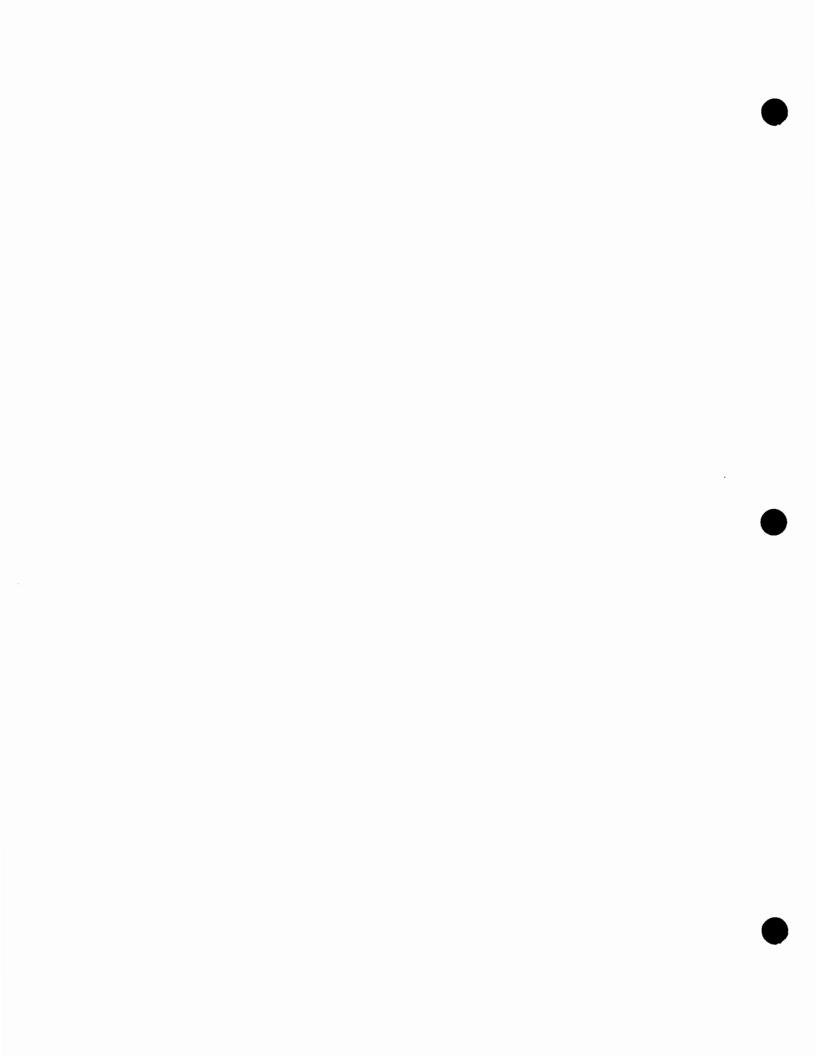
# Senate Pages Attending

COMMITTEE: <u>I</u> t	Apps. Justi	ce Pub	lic Safety _ROOM:	415
DATE: _	3-14	TIME: _	8:30	

## PLEASE PRINT <u>LEGIBLY</u>!!!!!!!!!!!!....or else!!!!!

Page Name	Hometown	Sponsoring Senator
(1) Chrisean Hardy	Winston-Salem	Sp. Paul Lowe
(2) Caitlyn Sosbe	Rougemont	Sn. Michael Woodard
3 Alyssa Alfaro	Goldsboro	Sn. Louis Pate
4. Jillian Jessup	Raleigh	Sn. Juhn Alexander
5.		THE CHIVIOLEY
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Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.





## Joint Committee ON

## **Appropriations, Justice and Public Safety**

March 14, 2017

Room 415 LOB

8:30 AM

**Senate Sergeant at Arms:** 

LARRY HANCOCK
LINDA MATTHEWS

HOUSE SET AT ARMS

BILL MOORE

BILL RISEY

BARRY MOORE

#### Senate Committee on Appropriations on Justice and Public Safety Wednesday, March 15, 2017 at 8:30 AM Room 415 of the Legislative Office Building

#### **MINUTES**

The Senate Committee on Appropriations on Justice and Public Safety met at 8:34 AM on March 15, 2017 in Room 415 of the Legislative Office Building. 12 members were present.

Senator Norman W. Sanderson, Chair, presided.

The chair welcomed all members and visitors then introduced and thanked House Sergeants at Arms, Bill Moore, Bill Riley, Barry Moore and Senate Sergeants at Arms John Enloe and Tom Burrows. He then introduced House Pages Yara Mahmoud and Eleanor McNamee, sponsored by Speaker Tim Moore and Senate Pages Aleksia Kliene of Cary, sponsored by Senator Barringer and Candace Bowden of Wilmington, sponsored by Senator Lee.

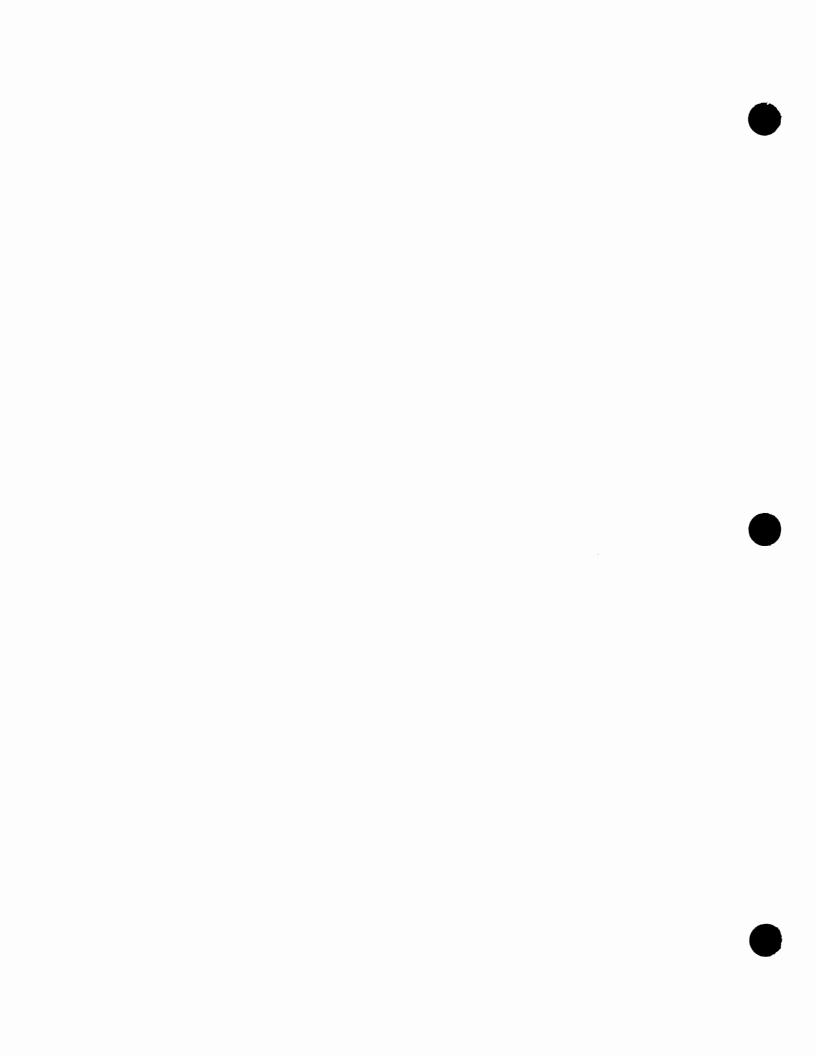
The chair introduced Ms. Kristine Leggett and Mr. John Poteat, from our Fiscal Research Division, for a presentation and reporting on the DPS-Community Corrections budget. See attachments. Fiscal staff and DPS staff responded to questions from Representatives Johns, McNeill, C Graham, G Graham, and Richardson and Senator Sanderson.

There being no further business, the meeting adjourned at 9:38 am.

Senator Norman W. Sanderson, Chair

Presiding

Kathy Voss Committee Clerk



## JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFE ΤΥ Room 415 Legislative Office Building

#### March 15, 2017 8:30 A.M.

#### I. CALL TO ORDER

Chairs:

Senator Warren Daniel

Senator Shirley Randleman

Senator Norm Sanderson, Presiding

Representative Jamie Boles Representative Ted Davis Representative Allen McNeill Representative Rena Turner

#### II. OPENING REMARKS BY CHAIRS

#### III. PRESENTATIONS

DPS-Community Corrections Budget John Poteat, Fiscal Research Division

#### IV. COMMITTEE DISCUSSION

#### V. OTHER BUSINESS:

Next meeting:

#### VI. ADJOURNMENT

#### House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

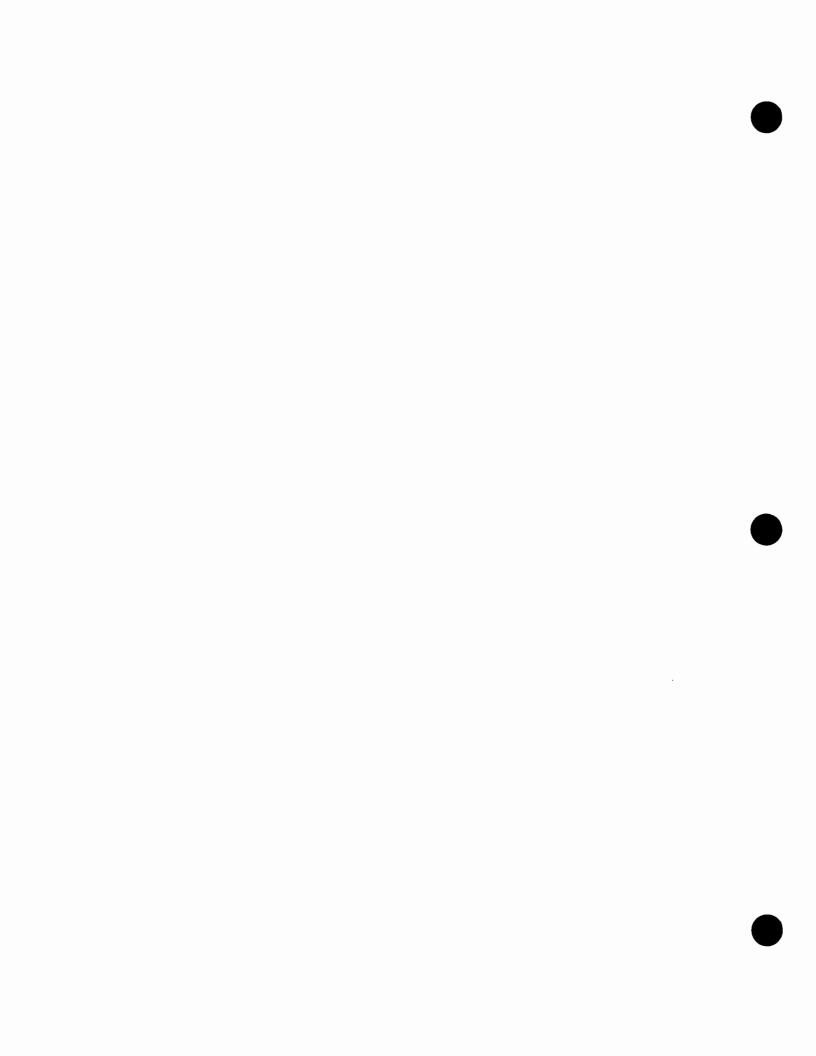
Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee



## **Community Corrections**

### **Department of Public Safety**

**G.S. Reference:** 15A-1341

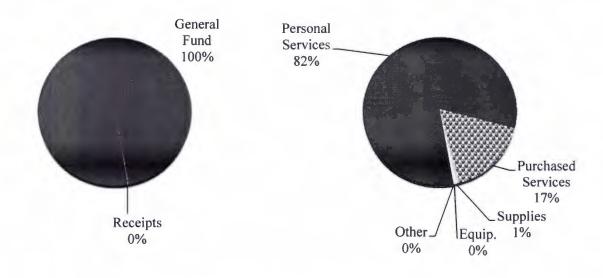
Provides for the conditions of supervision for persons on probation.

	FY 2014-15	Y 2014-15 FY 2015-16 FY 2016-17		FY 2017-18	FY 2018-19	
	Actual	Actual	Authorized	Base	Base	
Expenditures	\$182,384,279	\$189,275,434	\$199,879,916	\$201,472,193	\$201,481,034	
Less Receipts	\$1,533,613	\$817,215	\$508,662	\$308,662	\$308,662	
Appropriation	\$180,850,666	\$188,458,219	\$199,371,254	\$201,163,531	\$201,172,372	
FTE	2,707.80	2,703.80	2,701.80	2,701.80	2,701.80	

#### FY 2017-18 Base Budget

#### **Source of Funds**

#### **Expenditure of Funds**



Fund	Fund Title	Page in Budget
1360	Community Corrections - Management	103
1365	CC - Interstate Compact	106
1370	CC - Regular Supervision	108
1375	CC - Community Supervision Programs	111
1377	CC - Electronic Monitoring	113
1380	CC - Judicial Services	115

## Community Corrections Department of Public Safety

#### **Expenditures: Summary by Account**

	531-XXX	532-XXX	533-XXX	534-XXX	535 - 538-XXX		
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE
1360	\$2,457,380	\$322,401	\$12,507	\$10,215	\$2,857	\$2,805,360	32.30
1365	\$603,441	\$60,866	\$3,540	\$2,670	\$37,443	\$707,960	10.00
1370	\$148,614,313	\$14,787,410	\$1,183,267	\$1,161,595	\$61,278	\$165,807,863	2,409.00
1375	\$302,748	\$12,098,387	\$2,272	\$539	\$375	\$12,404,321	4.50
1377	\$406,948	\$6,484,885	\$1,126	\$4,268	\$450	\$6,897,677	6.00
1380	\$12,708,216	\$77,148	\$25,196	\$4,715	\$33,737	\$12,849,012	240.00
Total	\$165,093,046	\$33,831,097	\$1,227,908	\$1,184,002	\$136,140	\$169,321,183	2,701.80

#### **Revenues: Summary by Account**

	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
1360	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1365	\$0	\$0	\$0	\$0	\$0	\$199,845	\$199,845
1370	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1375	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1377	\$0	\$0	\$108,817	\$0	\$0	\$0	\$108,817
1380	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$108,817	\$0	\$0	\$199,845	\$308,662

Fund	Fund Title	Page in Budget
1360	Community Corrections - Management	103
1365	CC - Interstate Compact	106
1370	CC - Regular Supervision	108
1375	CC - Community Supervision Program	111
1377	CC - Electronic Monitoring	113
1380	CC - Judicial Services	115

## **Confinement in Response to Violation Facilities**

### **Department of Public Safety**

**G.S. Reference:** 15A-1344 (d2)

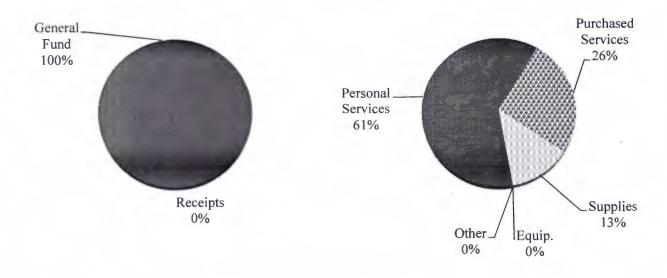
Provides for the confinement of certain probation violators in a CRV facility to provide security and treatment.

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Authorized	Base	Base
Expenditures	\$4,131,208	\$7,506,814	\$10,326,770	\$10,495,134	\$10,495,134
Less Receipts	\$0	\$0	\$0	\$0	\$0
Appropriation	\$4,131,208	\$7,506,814	\$10,326,770	\$10,495,134	\$10,495,134
FTE	86.00	111.00	121.00	121.00	121.00

#### FY 2017-18 Base Budget

#### **Source of Funds**

#### **Expenditure of Funds**



Fund	Fund Title	Page in Budget
1355	CRV Facilities	101

## Confinement in Response to Violation Facilities Department of Public Safety

#### **Expenditures: Summary by Account**

		532-XXX 533-XXX		534-XXX	535 - 538-XXX			
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE	
1355	\$6,422,629	\$2,720,450	\$1,325,500	\$13,200	\$13,355	\$10,495,134	121.00	
Total	\$6,422,629	\$2,720,450	\$1,325,500	\$13,200	\$13,355	\$10,495,134	121.00	

#### Revenues: Summary by Account

	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
1355	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Fund	Fund Title	Page in Budget
1355	CRV Facilities	101

## Post-Release Supervision and Grievance Resolution Board Department of Public Safety

#### **Expenditures: Summary by Account**

	531-XXX	532-XXX	533-XXX	534-XXX	535 - 538-XXX		
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE
1390	\$2,528,290	\$193,157	\$10,636	\$9,661	\$1,275	\$2,743,019	33.00
1392	\$417,285	\$69,046	\$7,805	\$3,468	\$100	\$497,704	5.00
Total	\$2,945,575	\$262,203	\$18,441	\$13,129	\$1,375	\$3,240,723	38.00

#### **Revenues: Summary by Account**

	432-XXX	434-XXX	435-XXX	436-XXX	437 - XXX	438-538-XXX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contributions & Donations	Misc.	Intergovern- mental Transactions	Total
1390	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1392	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Fund	Fund Title	Page in Budget
1390	Post-Release Supervision/Parole Comm	120
1392	Grievance Resolution Board	122

## Post-Release Supervision and Grievance Resolution Board

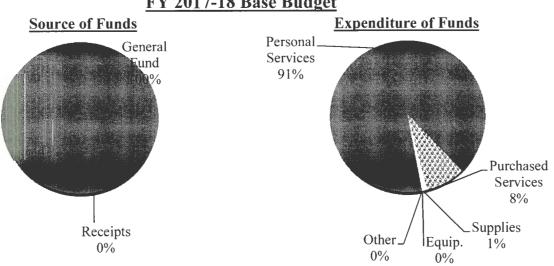
#### Department of Public Safety

G.S. Reference: 143B-720 and 148-118.6

Provides for a four-member Commission that sets the conditions of post-release supervision for offenders and considers the parole of eligible inmates and offenders. Provides for a five-member board that investigates inmate grievances.

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Authorized	Base	Base
Expenditures Less Receipts	\$3,065,248 \$21,941	\$3,232,575 \$5,972	\$3,182,397 \$0	\$3,240,723 \$0	\$3,245,747 \$0
Appropriation	\$3,043,307	\$3,226,603	\$3,182,397	\$3,240,723	\$3,245,747
FTE	39.00	40.00	38.00	38.00	38.00

#### FY 2017-18 Base Budget



Fund	Fund Title	Page in Budget
1390	Post-Release Supervision/Parole Comm.	120
1392	Grievance Resolution Board	122

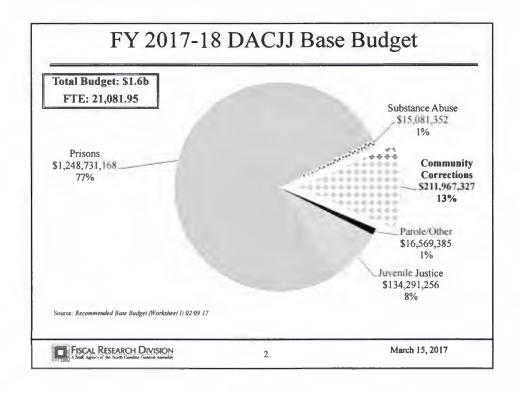
# Joint Appropriations Committees on Justice and Public Safety Department of Public Safety Community Corrections







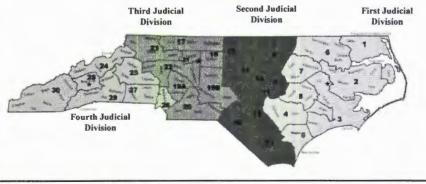




## Adult Correction—Community Corrections

#### G.S. 143B-701. Division of Adult Correction - duties.

It shall be the duty of the Department to provide the necessary custody, supervision, and treatment to control and rehabilitate criminal offenders and thereby to reduce the rate and cost of crime and delinquency.



FISCAL RESEARCH DIVISION

3

March 15, 2017

## **Community Corrections Section**

■ Budget: \$220.2 million

Locations: 239

Facilities: 4

Beds: 800

Under Supervision: 97,839

Employees: 2,938 employees

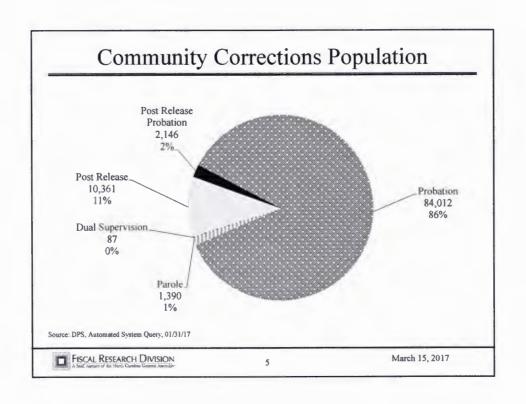
• Miles Driven: 18,823,689 miles in 2,145 vehicles

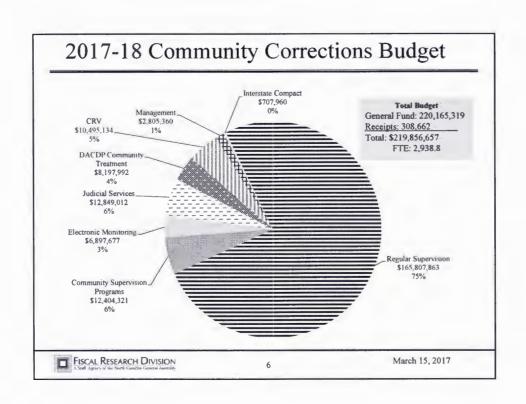
10th largest "city" in NC

Source: Community Corrections Administration

FISCAL RESEARCH DIVISION

March 15, 2017





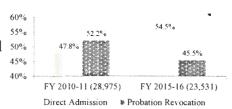
## Community Corrections Population Drivers

#### Structured Sentencing—FY 2015-16:

- 16,983 felons received supervised probation
- 25,511 misdemeanants received supervised probation

#### Justice Reinvestment Act

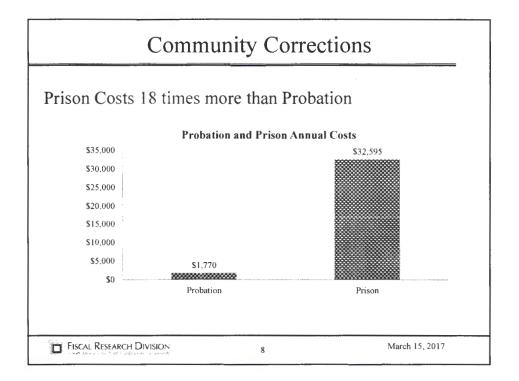
- All felons receive Post-Release Supervision (an additional 8,568 since 2011-12)
- FY 2010-11: 1,563 additional 50% 45%



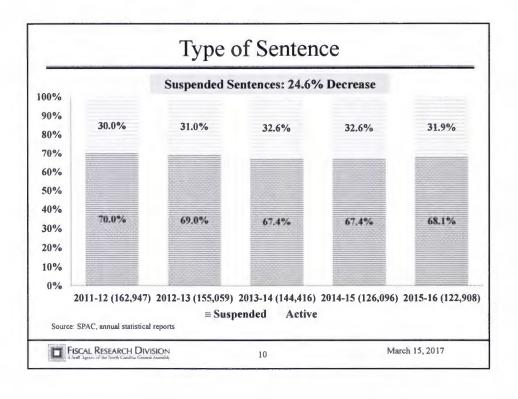
FISCAL RESEARCH DIVISION

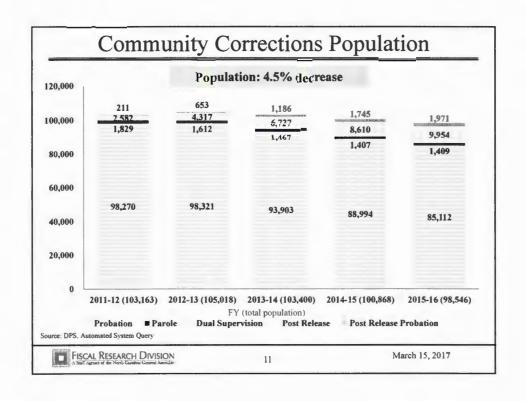
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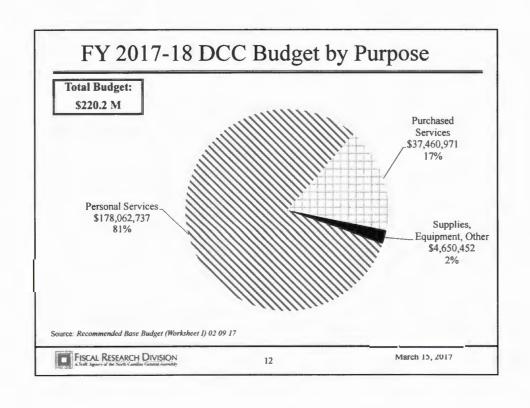
March 15, 2017



Admissions: 63,246		Exits: 64,696		
Felons		Misdemeanan	ts	
Probation Population	40,898	Probation Population	46,045	
Admissions	18,267	Admissions	32,649	
Exits	18,133	Exits	35,887	
Average Length of Stay	27 months	Average Length of Stay	14 months	
ource: SPAC and DPS				
FISCAL RESEARCH DIVISION		9	March 15, 2017	







## 2017-18 CC FTE Positions

Area	#
Community-Based Substance Abuse Treatment	127
DART-Cherry (Wayne)	42
Black Mountain Treatment Center for Women (Buncombe)	85
Regular Probation	2,409
Judicial Division/Assistant Division Administrators	8
Judicial District Managers/Asst. JDMs	54
Chief PPOs	269
PPOs + W/A PPO Associates	1,675 +199
PPO Field Specialists	25
Admin & Other	179
Judicial Services	240
Commitment in Response to Violation (CRV) Centers	138
Burke CRV	66
Robeson CRV	72
Electronic Monitoring	. 6
Interstate Compact	10
Parole Commission	33.3
Management & Community Supervision Programs	37.38
Total	3,000.68

Source: Beacon BO 149 (01 24 2017)

FISCAL RESEARCH DIVISION

13

March 15, 2017

## Regular Supervision

FTE: 2,409

**FY 2017-18 Requirements:** \$165,807,863

90% of Budget is Personal Services

30 Offices in 4 Divisions

Administration: 179

Division and District Management: 62

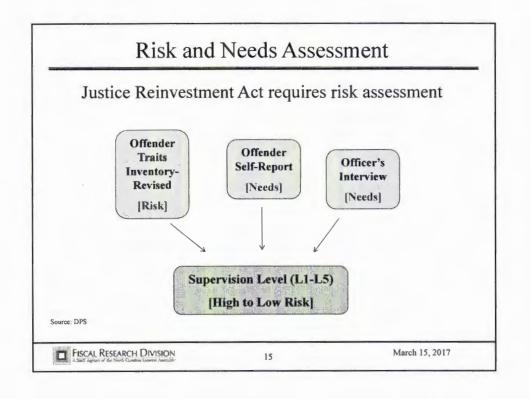
• Chief Probation Officers: 269

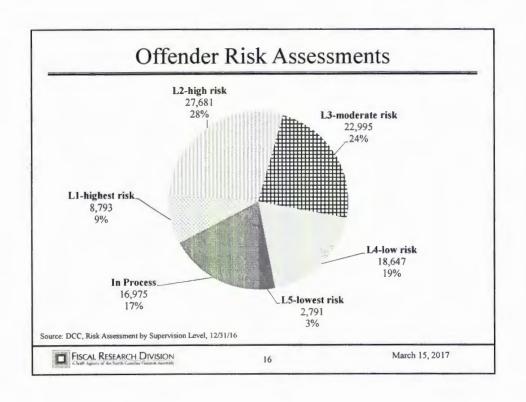
Probation Officers: 1,899

Source: Recommended Base Budget (Worksheet I) 02'09 17 and Beacon BO 149 Report (01/24/17)

FISCAL RESEARCH DIVISION

14



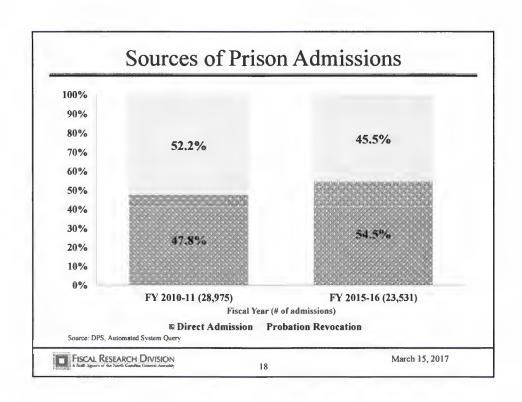


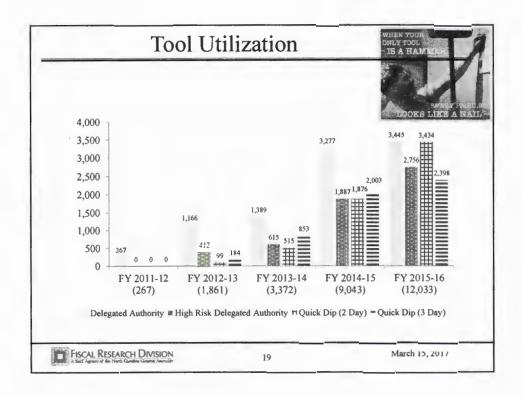
## Regular Supervision—Caseloads

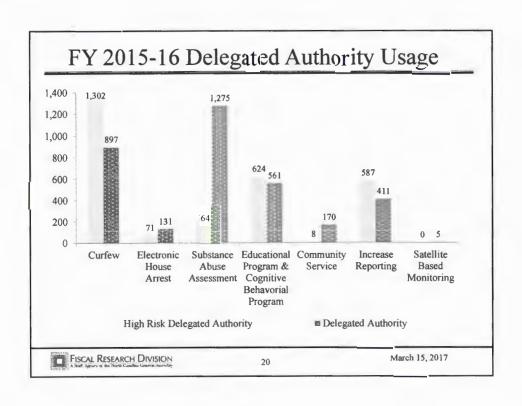
#### **Probation Officers**

- High-Risk (L1-L2): 40
- High-to-Moderate Risk (L2-L3): 60
- Low-Risk (L4-L5): 120
- All Risk (L1-L5): 60

	Caseloads b	y Division	
	Caseload Average	Current Staff	Offender
Division 1	55	424	21,557
Division 2	57	499	25,399
Division 3	61	501	27,808
Division 4	55	431	21,561
Statewide	57	1,855	96,325
FISCAL RESEARCH DIVISION	. 17		March 15, 2017







#### **Judicial Services**

FTE: 240

FY 2017-18 Requirements: \$12,849,012

Judicial Services Coordinators and Specialists: 228

Monitor unsupervised community service caseloads and also process supervised probation cases out of court; average: 90

#### FY 2015-16 Unsupervised Cases:

• Felonies: 246 (1% of the total)

Misdemeanors: 21,211 (34% of the total)

Source: Recommended Base Budget (Worksheet I) 02/09/17 and Beacon BO 149 Report (01/24/17)

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21

March 15, 2017

## **Community Supervision Program**

FTE: 4.5

FY 2017-18 Requirements: \$12,404,321

98% of Budget is Purchased Services

Treatment for Effective Community Supervision (TECS)

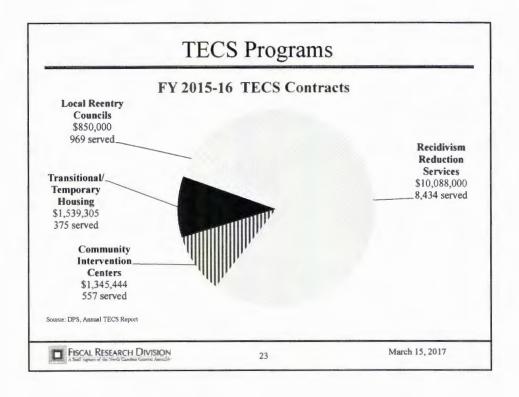
Fund evidence-based programs

- Cognitive Behavior Intervention (CBI)
- Substance Abuse services

Providers awarded 25% of contract amount as a base plus milestone deliverables for additional payments

Source: Recommended Base Budget (Worksheet I) 02 09 17 and DPS, Annual TECS Report

FISCAL RESEARCH DIVISION



## Confinement in Response to Violation Centers

**FTE:** 121

FY 2017-18 Requirements: \$10,495,134

Court orders offenders based upon technical violations

Mix of Custody, Probation, Program, and Administrative Staff

Hybrid of Prison and Community Correction facility

- Prisons: supervise operation, staff, budget, health care
- Probation: PPO staffing, programing, contract with providers



Source: Recommended Base Budget (Worksheet I) 02 09 17 and DPS

FISCAL RESEARCH DIVISION

24

## Confinement in Response to Violation Centers

#### Facilities:

■ Burke: 66 FTE and 248 beds

Robeson: 72 FTE and 192 beds

• Eastern CI: 1 FTE\* and 96 beds

200 hours over 90 days (CBI, substance abuse, & life skills):

- Mandatory group programs (16.5 hours/week)
- Discretionary programs w/Community Colleges (14 hours/week)

Local county health department

Community volunteer

\* 4-6 PPOs come weekly to provide programming

Source: DPS

FISCAL RESEARCH DIVISION

25

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March 15, 2017

## **Electronic Monitoring**

FTE:

6

FY 2017-18 Requirements: \$6,788,860

94% of Budget is Purchased Services

\$90 fee plus actual daily cost (\$7.36)

FY 2015-16 Collected: \$107,226



Source: Recommended Base Budget (Worksheet 1) 02:09:17

FISCAL RESEARCH DIVISION

26

## **Electronic Monitoring**

	Sex Offenders		Adult Correction	
	FY 2014-15	FY 2015-16	FY 2014-15	FY 2015-16
Lifetime	336	390	-	
Satellite Based Monitoring	358	387	-	-
Electronic House Arrest	28	30	465	488
Electronic Monitoring	228	155	1,689	1,270
Radio Frequency	-		738	450
TOTAL	950	962	2,892	2,208

Note: Lifetime and Satellite Based are court ordered

Source: DPS, Electronic Monitoring



27

March 15, 2017

## **Community Based Treatment**

#### **DART-Cherry**

**FTE:** 85

FY 2016-17 Requirements: \$4,964,415

90-day male facility in Wayne County

Capacity: 300

Daily Cost: \$64.51 Enrollment: 1,354

72% completion rate



Source: Recommended Base Budget (Worksheet 1) 02:09'17

FISCAL RESEARCH DIVISION

28

## Community Based Treatment

#### **Black Mountain Substance Abuse Treatment Center**

FTE: 42

FY 2016-17 Requirements: \$2,672,669

90-day female facility in Buncombe County

Capacity: 60

Daily Cost: \$137.50 Enrollment: 293

82% completion rate



Source: Recommended Base Budget (Worksheet 1) 02:09 17 and DPS

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29

March 15, 2017

# Parole and Post-Release Supervision Commission

**FTE**: 33

**FY 2017-18 Requirements:** \$2,743,019

Commissioners: 4

• Case Analysts: 16

Administrative: 11

Psychologist and Program Development Coordinator: 2

Source: Recommended Base Budget (Worksheet I) 02 09 17

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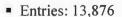
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## Parole and Post-Release Supervision Commission

Sets Post-Release conditions for all felons exiting prison

- B1-E: 12 months
- F-I: 9 months

Parole Population: 13,434



• Exits: 12,089





31

March 15, 2017

#### Parole & Medical Release

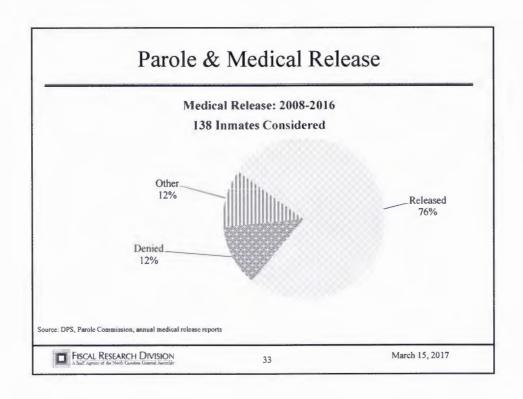
G.S. 15A-1369 directs the Department of Public Safety and the Post-Release Supervision and Parole Commission to provide for the medical release of inmates who are permanently and totally disabled, terminally ill, or geriatric. Department determines:

- the inmate is permanently and totally disabled, terminally ill, or geriatric; and
- is incapacitated to the extent that the inmate does not pose a public safety risk; and

32

 Ineligible: convicted of a capital felony or a Class A, B1, or B2 felony and persons convicted of a Sex Offense registry offense

FISCAL RESEARCH DIVISION



## Reinvestment

#### 2013:

- Probation Officers: \$12.1 million and 175 new positions
- Parole Commission: \$374,000 and 8 new positions
- Electronic monitoring equipment: \$1.8 million
- Substance funds for high-risk population: \$2 million

#### 2014:

- CRV Centers: \$7.4 million and 86 positions
- Probation vehicles: \$1.8 million for 100 new vehicles

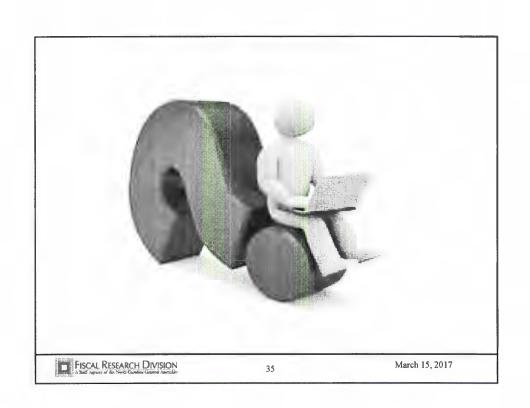
#### 2015:

• Electronic monitoring equipment: \$2.6 million





34



## **VISITOR REGISTRATION SHEET**

Appropriations Committee on Justice and Public Safety				
Date:	3/15/2017			

## $\frac{\text{VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE}}{\text{CLERK}}$

NAME	FIRM OR AGENCY AND ADDRESS
Dawn Bharo Ve	CJPC
LAD RUBERT	CJPC
Judy Brandon	NC DPS
ayski klelman	SH
Mildred Spear	- NCAOC
Py Down	Conference of DAs
Xexi aymiv	NCEMA
HARON GALLAGHER	Community Colfressous
CYNTHIA WILLIAMS	Communey Collections
Ann Anderson	OSBM
	\\
	7



# House Committee on Appropriations, Justice and Public Safety Tuesday, March 21, 2017 at 8:30 AM Room 415 of the Legislative Office Building

#### **MINUTES**

The House Committee on Appropriations, Justice and Public Safety met at 8:30 AM on March 21, 2017 in Room 415 of the Legislative Office Building. Representatives Jamie Boles, Ted Davis, Jr., Allen McNeill, Rena Turner, Chairs, and Mary Belk, Charles Graham, George Graham, Brenden Jones, William Richardson, David Rogers, Michael Speciale, Sarah Stevens and Shelly Willingham attended as well as four Senators.

Representative Ted Davis, Jr. Chair, presided. He introduced the Sargeants-at-Arms from the House, Bill Moore, Bill Reily and Barry Moore and from the Senate, Billy Fritscher and Terry Edmondson. House pages Colin Konieczka and Garrett Penley and Senate pages Isaac Castelloes and Lawson Cope were also introduced.

He called for comments from the other Chairs and there were none.

Chairman Davis introduced Mark White from the Fiscal Research Division who gave a comprehensive report on the Department of Public Safety-Division of Juvenile Justice Budget. A copy of the report is included as Attachment A.

Following the presentation, the Chairman asked if there were any further questions. Several members requested additional information and Mr. White indicated he would provide supplemental reports.

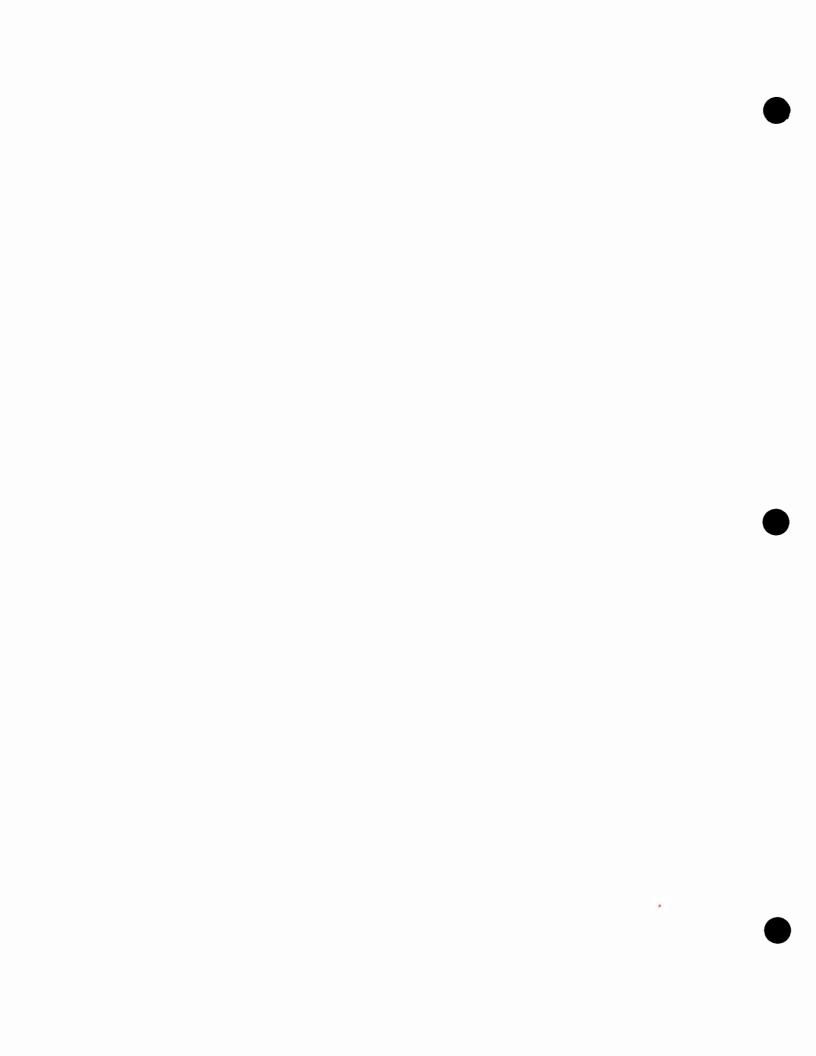
The meeting adjourned at 9:30 AM.

Representative Ted Davis, Jr., Presiding Chair

Judy Lowe, Committee Clerk

Attachment A:

Department of Public Safety-Division of Juvenile Justice Budget



# NORTH CAROLINA HOUSE OF REPRESENTATIVES JOINT COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2017-2018 SESSION

You are hereby notified that the House Committee on Appropriations, Justice and Public Safety will meet JOINTLY as follows:

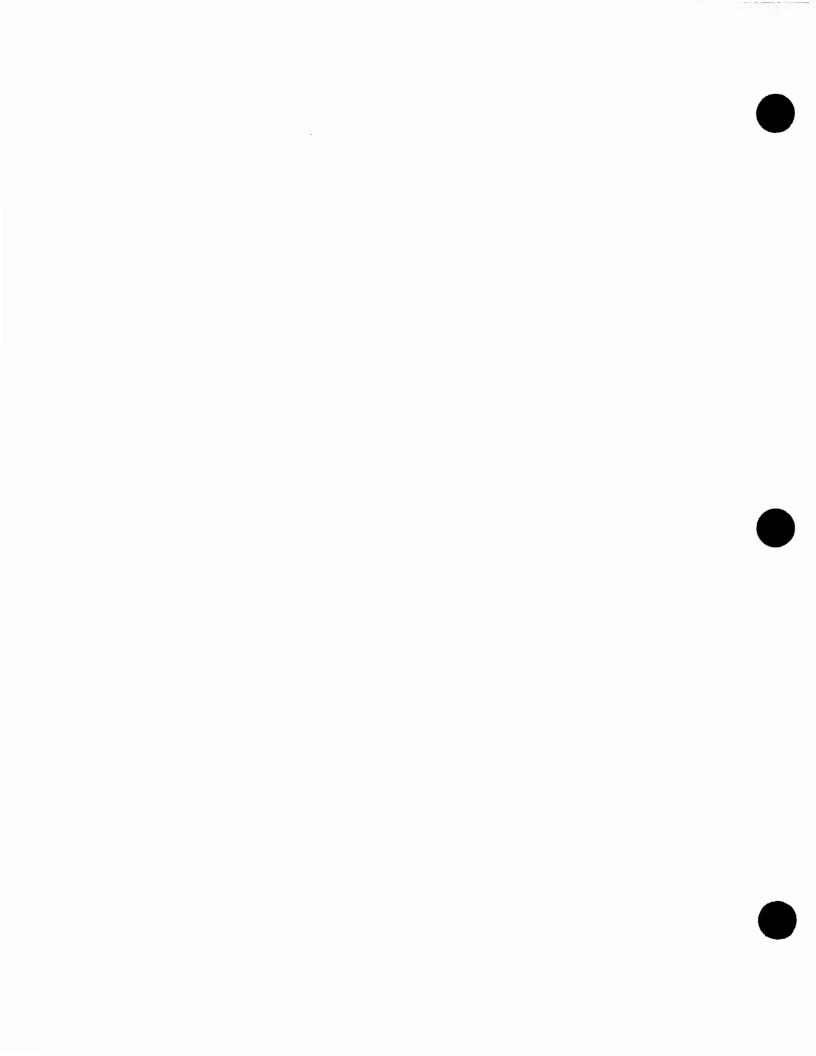
moor oom (IEI	us remevis.	
DAY & DATE:	Tuesday, March 21, 2017	

TIME: 8:30 AM LOCATION: 415 LOB

Respectfully,

Representative James L. Boles, Jr., Co-Chair Representative Ted Davis, Jr., Co-Chair Representative Allen McNeill, Co-Chair Representative Rena W. Turner, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at	4:25 PM on
Thursday, March 16, 2017.	
Principal Clerk Reading Clerk – House Chamber	
Kerry Guice (Committee Assistant)	



## JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY Room 415 Legislative Office Building

#### March 21, 2017 8:30 A.M.

#### I. CALL TO ORDER

Chairs: Senator Warren Daniel

Senator Shirley Randleman Representative Ted Davis, Presiding

Senator Norm Sanderson Representative Allen McNeill

Representative Rena Turner

Representative Jamie Boles

#### II. OPENING REMARKS BY CHAIRS

#### III. PRESENTATIONS

DPS – Division of Juvenile Justice Budget *Mark White, Fiscal Research Division* 

#### IV. COMMITTEE DISCUSSION

#### V. OTHER BUSINESS:

#### VI. ADJOURNMENT

#### House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee



#### Joint Appropriations Committees on Justice and Public Safety

# Department of Public Safety Division of Adult Correction and Juvenile Justice Division of Juvenile Justice

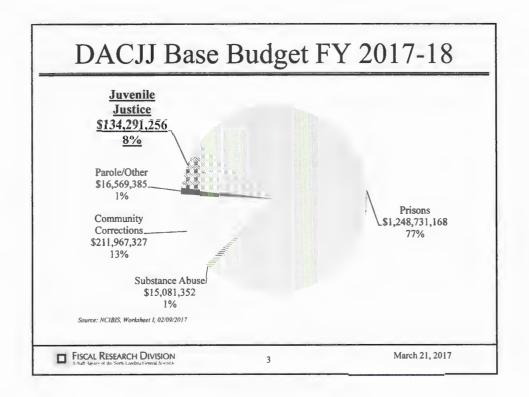
March 21, 2017

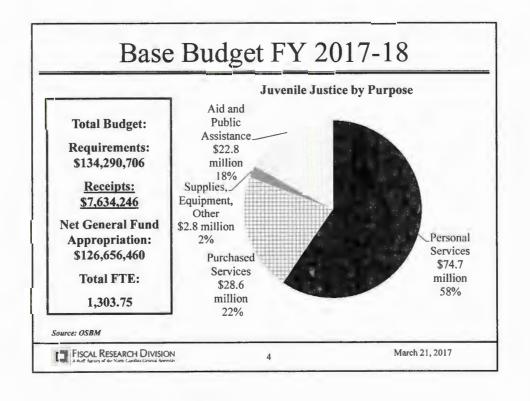


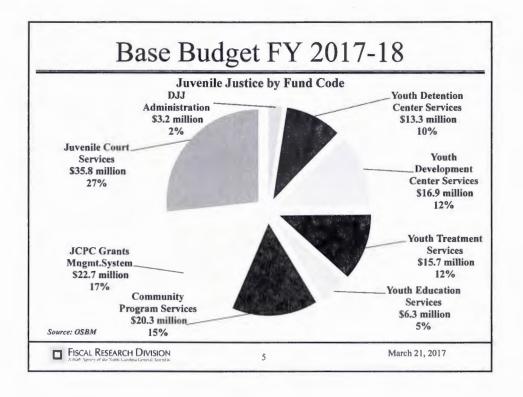
## Outline

- I. Juvenile Justice: Basic Facts and Current Trends
- II. The Process
  - i. Level I Community Programs and JCPCs
  - ii. Level II Community and Residential Programs
  - iii. Level III Youth Development Centers
- III. Recent Budget Actions
- IV. Questions

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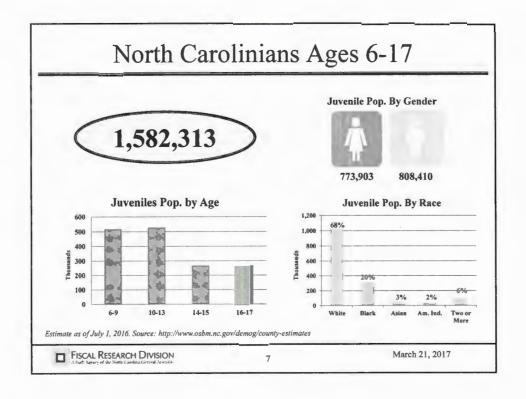
## Defining Juvenile

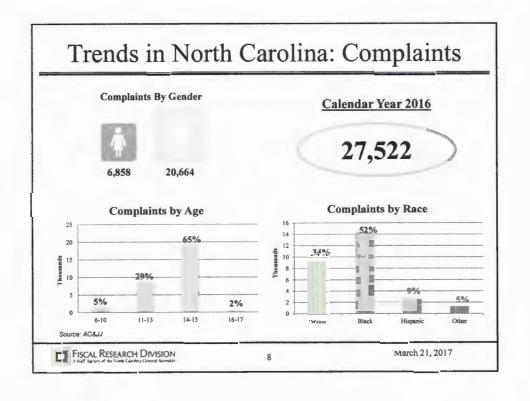
- · Individuals over the age of 16 are considered adults
- Juveniles over the age of 13 who commit a felony may be transferred and prosecuted in the adult corrections system
- Two types of youth in the juvenile justice system:
  - Delinquent youth: children aged 6 to 15 who have committed a crime
  - Undisciplined youth: children aged 6 to 17 who are beyond the disciplinary control of their parent or guardian
- A "status offense" is an offense that is a crime only because of the age of the person committing it (truancy, running away from home, alcohol consumption)

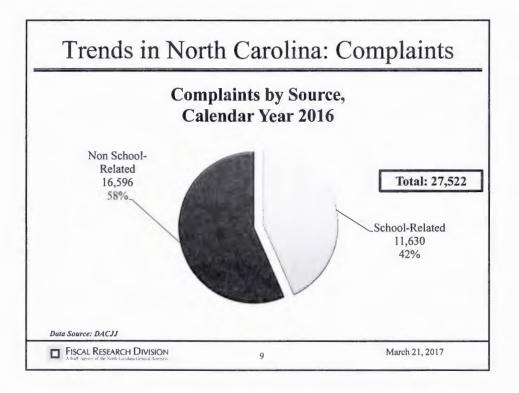
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Source: AC&JJ

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## The Process: Intake

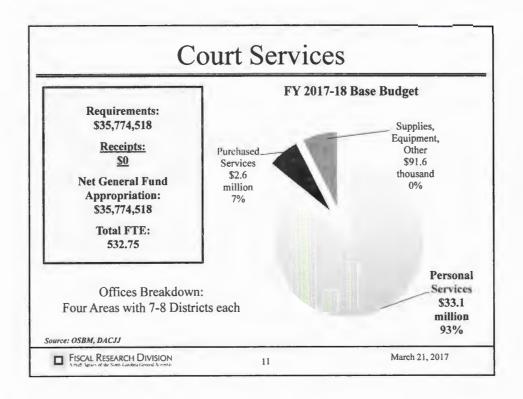
- Complaint made by parents/guardians, SROs, law enforcement, or DSS
- Juvenile screened and evaluated by a **court counselor**, who may:
  - Divert the juvenile;
  - Approve the complaint for court; OR
  - Resolve with no further action needed
- Certain offenses CANNOT be diverted and must proceed to court





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10



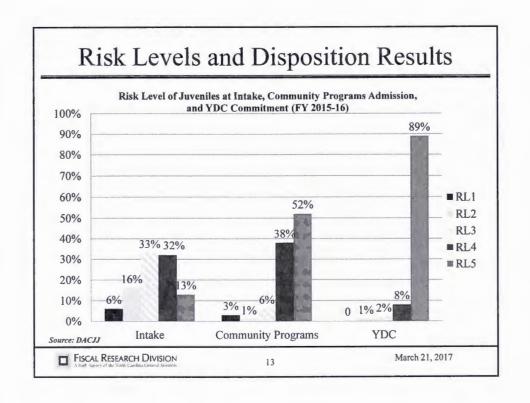
## Court Counselors at a Glance

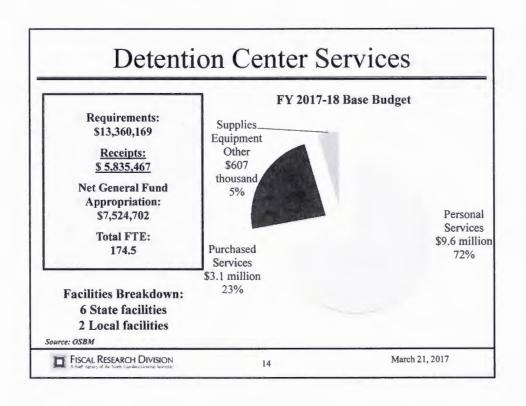
- 376 Juvenile Court Counselors State-wide
- Average salary: \$43,737
- Average Caseload:24 juveniles at a given time
- Average Cases Served Per Year:
   288
- Cost per child: \$1,865\*



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12





## **Detention Center Services**

State Detention Centers	FY 2015-16 Budget	FTE	Beds	Cost/Bed	ADP FY 2015-16
Alexander	\$2,164,191	31	24	\$90,175	21
Cabarrus	\$1,798,395	32	30	\$59,947	28
Cumberland	\$1,712,317	28	18	\$95,129	14
New Hanover	\$1,582,823	28	18	\$87,934	14
Pitt	\$1,445,827	27	18	\$80,323	16
Wake	\$1,942,291	32	24	\$80,929	20
Total	\$7,776,502	178	132	\$82,406	113
County Detention Centers	FY 2015-16 Budget	FTE	Beds	Cost/Bed	ADP FY 2015-16
Durham	\$1,172,694	21	14	\$83,764	9
Guilford	\$2,765,821	26	44	\$62,860	37

Source: DACJJ, County Govs.

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March 21, 2017

## **Detention Center Services**

15

## G.S. 143B-820 – State subsidy to county detention facilities

- Requires Juvenile Justice to pay the county:
  - 50% of cost of caring for a juvenile from within the county
  - 100% of cost of caring for juvenile from outside the county

#### Requires counties to pay Juvenile Justice:

 50% of cost of caring for a juvenile from within the county to Juvenile Justice when placed outside the county

Counties also pay 50% of cost at State facility

Base Budget Receipts from Counties, FY 2017-18: \$5.6 million

\$244/day

**Current Rate** 

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16

## The Process: Hearings and Adjudication

- If complaint against the juvenile is not closed or diverted, case proceeds to court
- · Judge may:
  - Dismiss charges;
  - Transfer serious cases to superior court; OR
  - Hold hearings for adjudication and disposition
- In dispositional hearing, judge decides plan of action based on General Statutes and JJ's Dispositional Chart



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17

March 21, 2017

## The Process: Sanctions

#### Level I – Community Disposition (2,824 juveniles, 61%)

Community based program, substance abuse treatment, restitution, fines, community service, victim/offender reconciliation, probation, license revocation, curfew, intermittent confinement, supervised day program

#### Level II - Intermediate Disposition (1,657 juveniles, 36%)

Anything under Community Disposition, plus must include one of the following: intensive probation, residential treatment facility, supervised day program, detention, regimented training program, house arrest, placement in a multipurpose group home

#### Level III - Commitment (133 juveniles, 3%)

Placement in a youth development center for at least 6 months

#### Total for FY 2015-16: 4,614 distinct juveniles adjudicated delinquent

G.S. 7B-2506-2517; Source: Sentencing Commission Juvenile Delinquent Population Projection Report, November 2016

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18

## Offense Classification and Disposition Level

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Offense	Level I (Community)	Level II (Intermediate)	<b>Level III</b> (Commitment)	TOTAL
Violent	4	90	38	132
(A-E felony)	(3%)	(66%)	(29%)	(3%)
Serious	346	743	69	1,158
(F-I felony; A1 misd.)	(30%)	(64%)	(6%)	(25%)
Minor	2,474	824	26	3,324
(1-3 misd.)	(74%)	(25%)	(1%)	(72%)
TOTAL	2,824	1,657	* 133	4,614

G.S., 7B-2508; Source: Sentencing Commission Juvenile Delinquent Population Projection Report, November 2016, Table 3

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19

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## Level I Disposition

### **Community Disposition**

- Community based program
- Substance abuse treatment
- Restitution
- Fines
- Community service
- Victim/offender reconciliation
- Probation
- License revocation
- Curfew
- · Intermittent confinement
- Supervised day program

Court counselors continue to work with the juvenile and family throughout process until court orders have been fulfilled and case is terminated

20

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## Level I: Community Programs

#### G.S. 143B-845 - Legislative Intent

- Develop community-based\* alternatives to youth development centers
- Provide community-based delinquency, substance abuse, and gang prevention strategies and programs
- Provide non-institutional dispositional alternatives that will protect the *community* and the juveniles
- Plan and organize programs and services at the *community level* and develop in partnership with the State

\*Emphasis added

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21

March 21, 2017

#### Level I: Juvenile Crime Prevention Councils (JCPCs)

- · 100 JCPCs, one for each county
- Consist of 27 members of the local community, including among others: chief of police; sheriff; district attorney, school superintendent, members of the public, members of the faith community, and two people under 18
- Charged by Division of Juvenile Justice to identify and fund local effective community programs for resolving delinquent juvenile justice cases
- JCPC-selected programs average cost per child: \$956



Base Budget for FY 2017-18:

\$22,745,217

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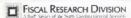
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## Level II Disposition

### **Intermediate Disposition**

- Intensive probation
- Residential treatment facility
- Supervised day program
- Detention
- Regimented training program
- House arrest
- Placement in a multipurpose group home





23

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## Level II: JCPC-Endorsed Programs

- Community-specific programs designed to address local needs for Level II youth
- 243 youth served in FY 2015-16
- Cost per child: \$3,321
- \$807,003 total
- Recidivism within 12 months: 29%



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## Level II: AMIkids

- · Functional Family Therapy model
  - Community-based
- 89 Counties
- 521 youth served in FY 2015-16
- Cost per child: \$5,083



- \$2.65 million total
- Recidivism within 12 months: 20%

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25

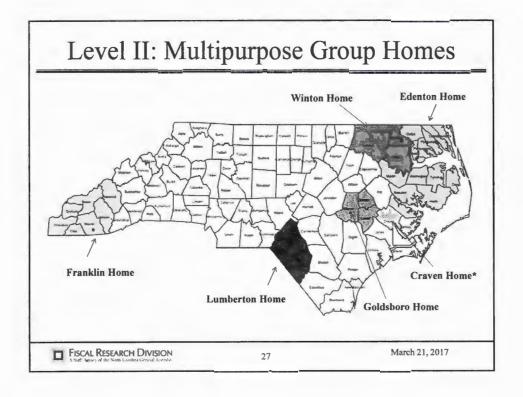
March 21, 2017

## Level II: Multipurpose Group Homes

- Contract with Methodist Home for Children
- 5 homes 8 beds each; 80 youth served annually
- Cost per child: \$24,184
- Recidivism rate within 12 months: 26%



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## Level II: Residential Programs

#### **Eckerd Youth Alternatives (boys)**

- \$4.7 million contract
- Two campuses: Candor (Montgomery) and Boomer (Wilkes)
- 3-month program for 64 boys (180 served in FY 2015-16)
- Cost per child: \$24,081
- Recidivism within 12 months: 30%

#### WestCare (girls)

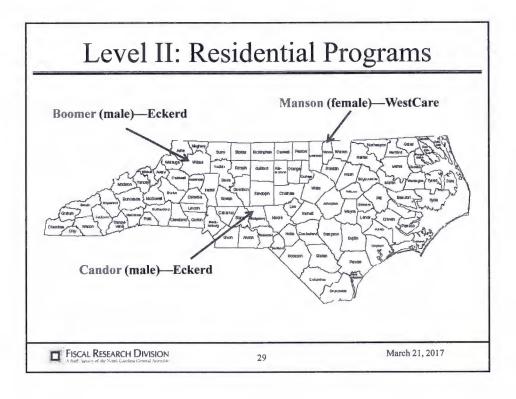
- \$1.45 million contract
- 3-month program for 16 girls (48 served in FY 2015-16)
- Cost per child: \$28,333
- · Recidivism within 12 months: 11%







28



#### Level II: Juvenile Crisis and Assessment Centers

- New, short-term residential services
  - Comprehensive clinical psychological assessment to match youth with appropriate community services
- Public-Private Partnership with Methodist Home for Children
- Locations:
  - Insight JCAC in Butner
  - Bridges JCAC in Winston-Salem
  - Western Area JCAC in Asheville
- Cost per child: \$25,644
- Recidivism within 6 months: 9%



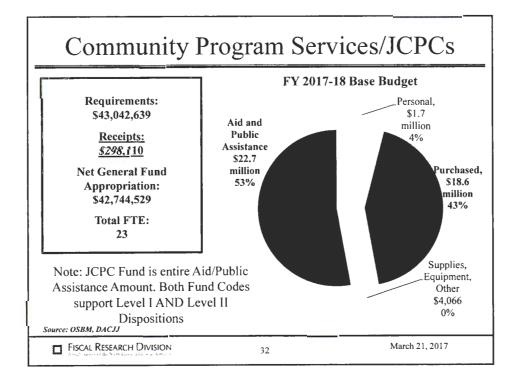


# Alternatives to Commitment Programs

- Community programs for youth who would otherwise be placed in YDC
- Provide wrap-around services for juveniles and families, including:
  - Home-based family counseling; individual counseling; tutoring; interpersonal skill-building; behavior management; cognitive behavior training; mentoring
- 152 juveniles served in FY 2015-16
- Cost per child: \$5,292
  - \$804,397 total funding, FY 2015-16
- Recidivism within 12 months: 24%

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3



#### Total Community Services Budget (Levels I and II Dispositions)

Total	\$40,916,299
Expansion Projects in Progress	\$673,276
Non-Residential	\$2,877,600
Residential	\$13,727,404
JCPC-Endorsed Level II Services	\$892,802
Regular JCPC Fund	\$22,745,217
Program	FY 2017-18 Base Budget

## Level III Disposition: Youth Development Centers

34

33

## Commitment

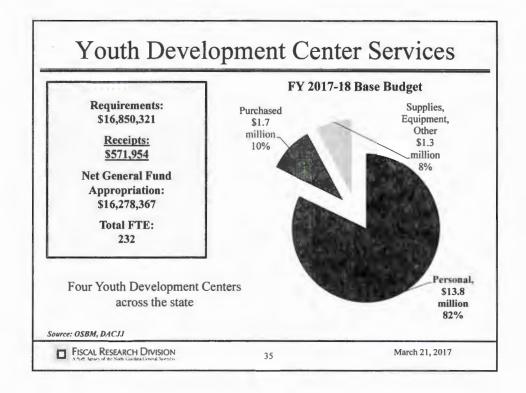
FISCAL RESEARCH DIVISION

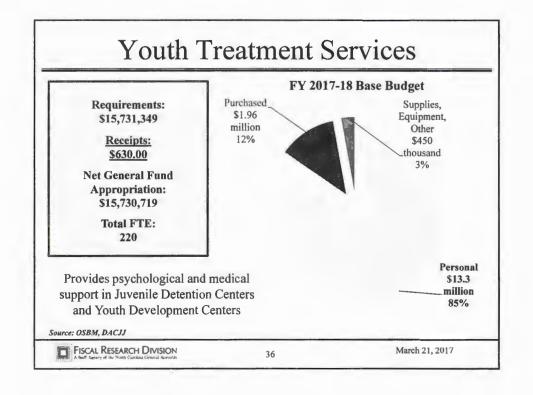
- Placed for minimum of six months
- Full-service facilities including education, basic healthcare, meals, etc.
- Typical but not exclusive resolution for violent felonies and repeat offenders

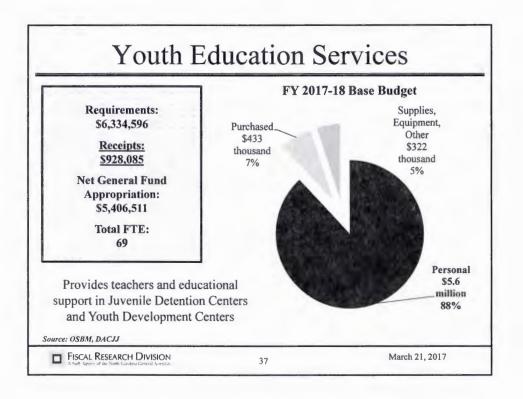


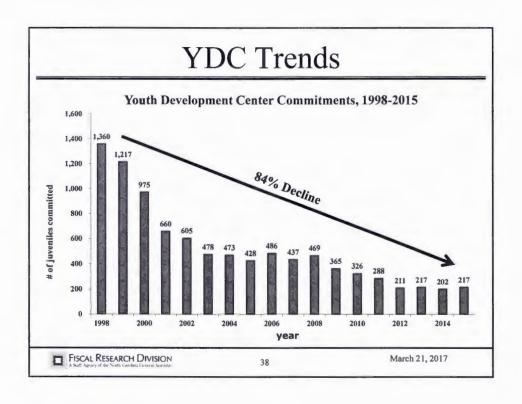
March 21, 2017

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# YDCs: FY 2017-18

	Number of Beds	Average Daily Population (FY 15-16)	FTE	Total Expenses	Cost Per-Bed
Chatham	32	30.2	71	\$4,436,111	\$138,628
Lenoir/ Dobbs	44	37.1	75	\$4,427,330	\$100,621
Cabarrus (Stonewall Jackson)	128	94.1	222	\$14,539,699	\$113,591
Edgecombe	44	27.3	72	\$4,230,693	\$96,152
Total	248	237	440	\$27,633,833	\$112,248 (Average)

Source: DACJJ; Annual Report on Youth Development Centers

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39

March 21, 2017

## Re-Entry Services from Level II or YDC

40

- · Craven Transitional Home
  - Male, 6-12 month residential program
  - 6 beds serving 16 youth annually
- · North Hills Transitional Home
  - Female, 6 to 12 month residential program
  - 5 beds serving 10 youth annually
- Cost per child: \$33,333
- Recidivism within 12 months: 22%



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# In Summary: Disposition Costs

Program	Cost Per Child (FY 15-16)
JCPC Programs – Level I	\$956
JCPC-Endorsed Level II Programs	\$3,321
AMIkids North Carolina Family Services	\$5,083
Alternatives to Commitment Programs	\$5,292
Eckerd Short-Term Residential	\$24,081
Multi-Purpose Group Homes Residential Program	\$24,184
Crisis and Assessment Centers	\$25,644
WestCare North Carolina Girls Program	\$29,333
Craven and North Hills Transitional Home	\$33,333
Youth Development Center	\$117,915
FISCAL RESEARCH DIVISION After Service of the North Conduct Linear Services 41	March 21, 2017

# In Summary

- Juvenile Justice trends:
  - Fewer complaints and lower rate of complaints despite growing state population



- Continued focus on community- and home-based programs over confinement
  - · Policy direction supported by research
  - Fewer juveniles placed in detention centers prior to adjudication
  - Fewer juveniles placed in YDCs

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42

## In Summary

- Juvenile Justice costs:
  - Primarily personnel-driven
    - Majority of personnel in Court Services
    - Low offender-to-counselor ratio facilitates programming and punishment tailored for individual needs and risks
    - YDC personnel includes teachers, nurses, psychological staff, etc.
  - Fewer facilities in operation and less demand for facilities

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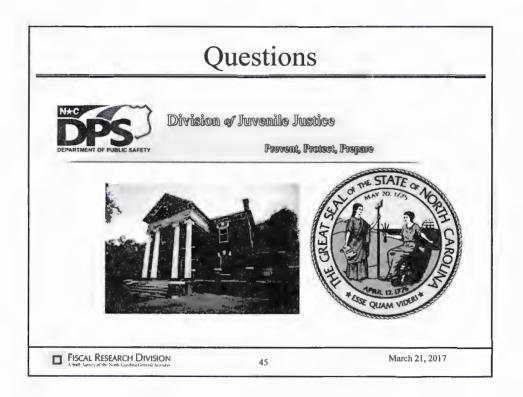
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March 21, 2017

## **Recent Actions**

- Facility Closures:
  - Richmond and Buncombe Detention Centers closed in FY 2013-14 budget
  - Gaston Detention Center closed in 2016
  - Swannanoa, Samarcand, Edgecombe, and Lenoir YDCs all closed within past six years
  - C.A. Dillon YDC closed in 2016
- Facility Openings/Renovations:
  - Buncombe Detention Center repurposed as Transitional Housing, 2016
  - Cabarrus Detention Center opened on campus of Stonewall Jackson YDC, 2016
  - Edgecombe YDC renovated and reopened, taking in former Dillon juveniles, 2016
  - Lenoir YDC soon to reopen; Dobbs YDC to close and convert to JCAC

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# North Carolina





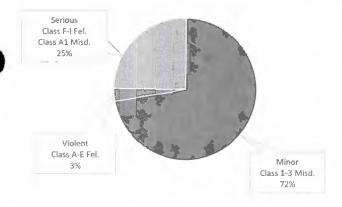
December 2016

# Quick Facts: Juvenile Dispositions

#### **FISCAL YEAR 2016**

- 4,614 delinquent dispositions were imposed for juveniles in FY 2016.
- The majority of juveniles were adjudicated for a minor offense.
- ⇒ Of the 1,158 adjudications for a serious offense, 35% were for Class A1 misdemeanor offenses.
- ⇒ Few (3%) juveniles received a Level 3 disposition (Commitment/YDC).
- ⇒ Most dispositions were for either a property offense (39%) or a person offense (36%).

#### Offense Classification

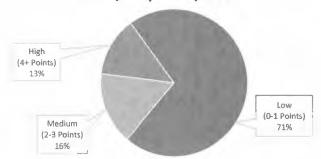


Offense Type	N	%	
Person	1,687	36	
Property	1,793	39	
Drug	366	8	
<b>Public Order</b>	768	17	

#### **Juvenile Characteristics**

- The vast majority of juveniles were male (79%).
- 52% of juveniles were Black, 34% were White, 9% were Hispanic, 1% were Native American, and 4% were Other.
- The average age at disposition was 14.
- The majority (71%) of juveniles had a low delinquency history level; 60% of juveniles had 0 delinquency history points.
- Slightly over half (53%) of dispositions involved a juvenile adjudicated for a minor offense with a low delinquency history level.

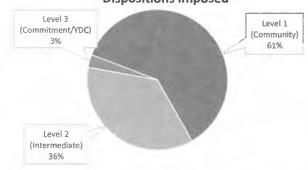
#### **Delinquency History Level**



#### **Dispositions Imposed**

- Most juveniles received a Level 1 disposition.
- Of the 4,481 juveniles receiving a Level 1 or Level 2 disposition, 22% received 6 months of probation, 13% received 9 months, 60% received 12 months, and 5% received another probation length.
- By statute, juveniles with a YDC disposition must be committed for a minimum of 6 months.
- The top 5 adjudicated offenses account for 37% of dispositions imposed in FY 2016.

#### **Dispositions Imposed**

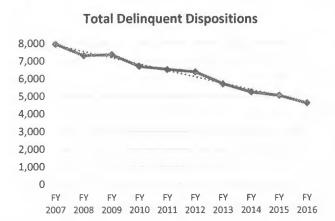


Top 5 Adjudicated Offenses						
Offense	Class	N				
Simple Assault	2	635				
Misdemeanor Larceny	1	441				
Disorderly Conduct at School	2	259				
Felony Breaking and/or Entering	Н	190				
Misdemeanor Breaking and Entering	1	168				

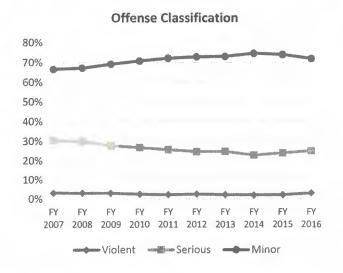
# Quick Facts: Juvenile Dispositions

#### FISCAL YEAR 2007 - FISCAL YEAR 2016

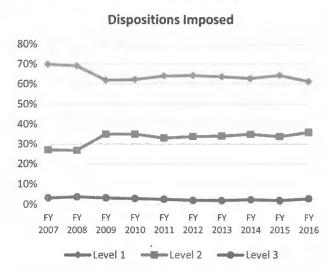
Over the past ten fiscal years, the number of delinquent dispositions has decreased 42% (from 7,973 in FY 2007 to 4,614 in FY 2016). Delinquent dispositions decreased 8% in the past fiscal year.



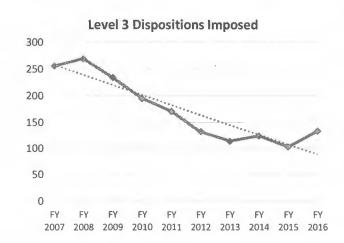
Historically, the distribution of dispositions by offense classification has remained remarkably stable. Over the past ten fiscal years, the majority of delinquent dispositions have been for minor and serious offenses, with totals ranging between 97% and 98%. The percentage of delinquent dispositions for violent offenses has remained between 2% and 3%.



From FY 2009 to FY 2016, the distribution of dispositions imposed has remained relatively stable from year to year. Shifts in Level 1 and Level 2 dispositions from FY 2008 to FY 2009 are most likely attributed to a methodological change in the way juvenile dispositions were captured.



Historically, Level 3 dispositions account for a very small percentage of overall dispositions. Over the past ten fiscal years, the number of Level 3 dispositions has decreased 48% (from 256 in FY 2007 to 133 in FY 2016. Level 3 dispositions increased from 103 to 133 over the past fiscal year.

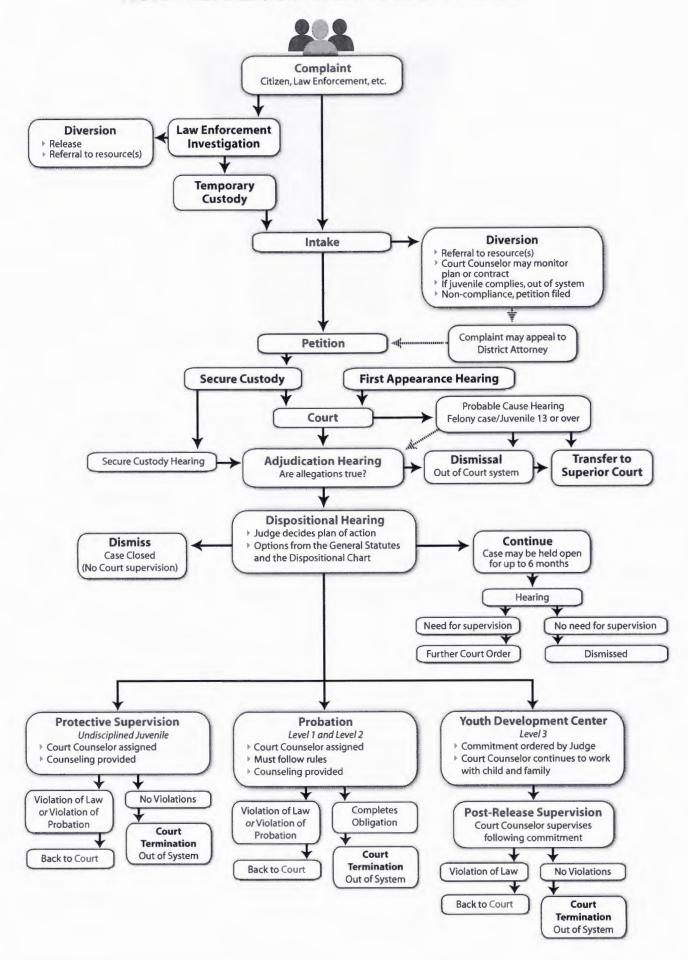


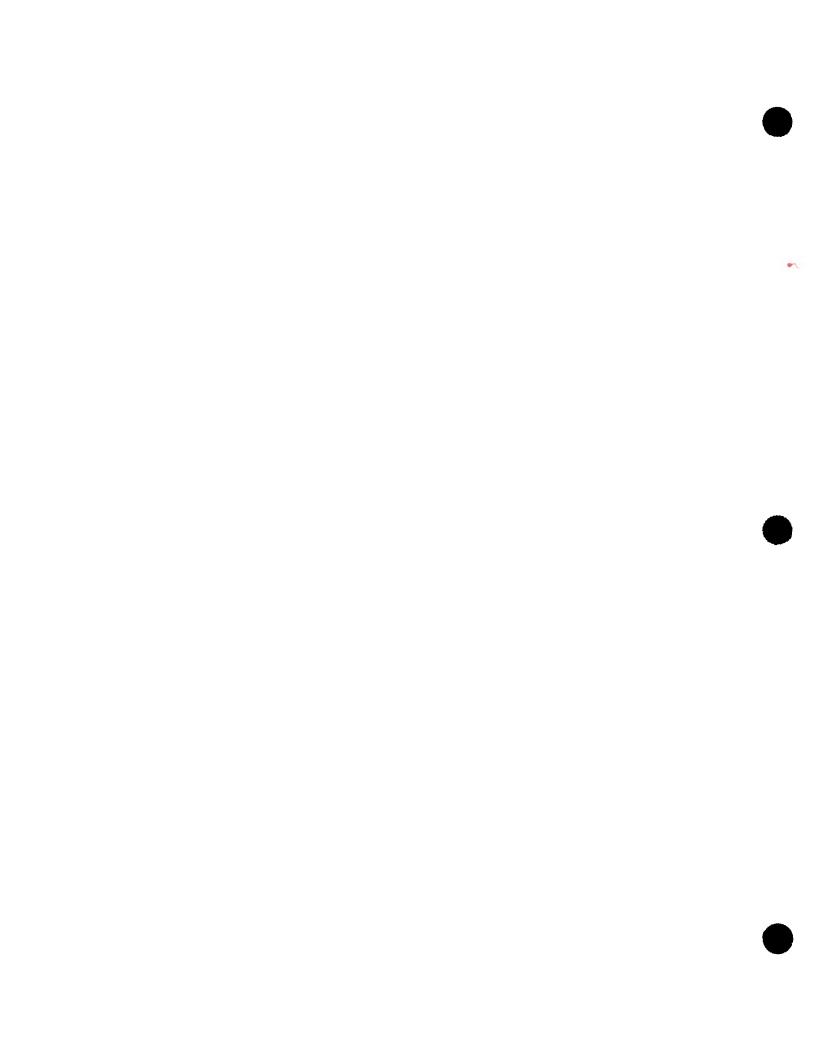
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2007 - FY 2016 Disposition Simulation Data

NC Sentencing and Policy Advisory Commission PO Box 2448 | Raleigh, NC 27602 (919) 890-1470 The Honorable W. Erwin Spainhour, Chairman Michelle Hall, Executive Director

For the NC Sentencing and Policy Advisory Commission's annual Youth Development Center Population Projections and all other publications, see the Commission's website: <a href="http://www.nccourts.org/Courts/CRS/Councils/spac/">http://www.nccourts.org/Courts/CRS/Councils/spac/</a>.

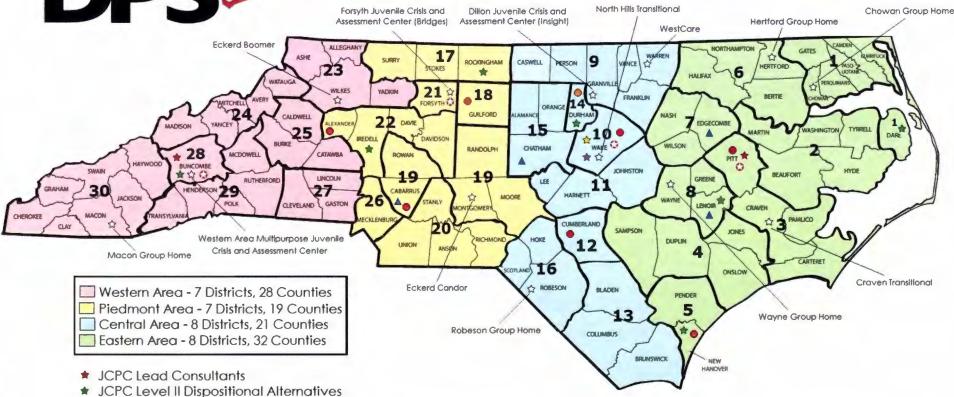
#### **North Carolina Juvenile Justice Process**





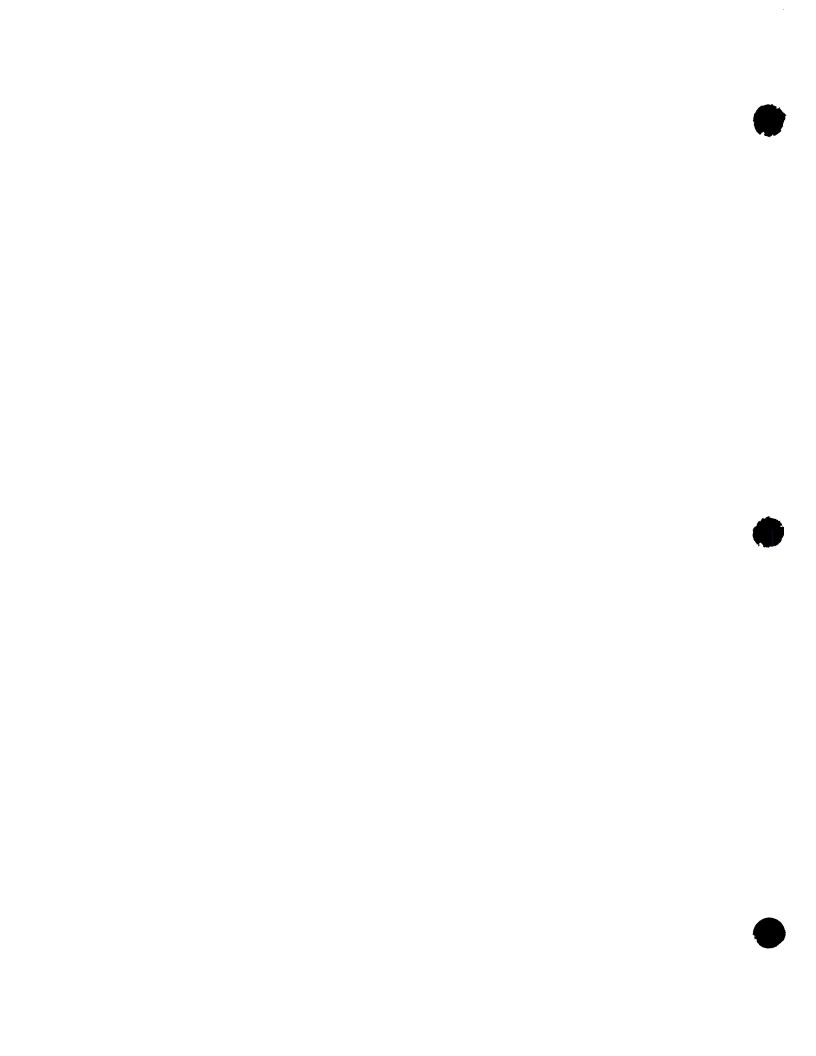


# Juvenile Justice Comprehensive Map



- ☆ Residential Community Programs
- Court Services Area Administrators
- **★** Juvenile Jusitice Central Office
- State Detention Centers
- County Detention Centers
- ▲ Youth Development Centers

- Edgecombe Youth Development Center will replace C.A. Dillon in 2016
- Functional Family Therapy (FTT) is available in 89 counties
- JCPC Programs are located in all 100 counties



# **Division of Juvenile Justice**

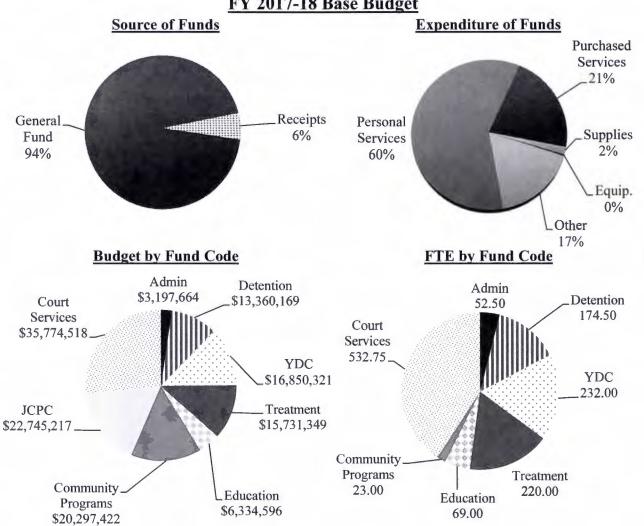
#### **Department of Public Safety**

G.S. 7B, G.S. 143B-800 ff. G.S. Reference:

The Division of Juvenile Justice provides disciplinary services for North Carolinians aged 15 and younger who are accused of committing a crime. These include court counselors, detention, commitment to a Youth Development Center, community programs, and other services.

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Authorized	Base	Base
Expenditures	\$127,291,971	\$125,466,682	\$133,179,146	\$134,291,256	\$134,296,464
Less Receipts	\$8,610,276	\$7,387,537	\$7,634,246	\$7,634,246	\$7,634,246
Appropriation	\$118,681,695	\$118,079,145	\$125,544,900	\$126,657,010	\$126,662,218
FTE	1,323.24	1,308.25	1,303.75	1,303.75	1,303.75

#### FY 2017-18 Base Budget



# Division of Juvenile Justice Department of Public Safety

#### **Expenditures: Summary by Account**

	432-XXX	434-XXX	435-XXX	436-XXX	137 - 438-XXX		
Fund Code	Personal Services	Purchased Services	Supplies	Equipment	Other	Total	FTE
1200	\$2,642,674	\$493,960	\$11,220	\$49,260	\$550	\$3,197,664	52.50
1210	\$9,647,927	\$3,105,091	\$519,953	\$81,668	\$5,530	\$13,360,169	174.50
1220	\$13,846,131	\$1,662,538	\$1,107,745	\$163,613	\$70,294	\$16,850,321	232.00
1225	\$13,318,790	\$1,962,506	\$408,774	\$12,650	\$28,629	\$15,731,349	220.00
1226	\$5,579,475	\$433,433	\$81,807	\$98,111	\$141,770	\$6,334,596	69.00
1230	\$1,726,051	\$18,567,305	\$4,066	\$0	\$0	\$20,297,422	23.00
1240	\$0	\$0	\$0	\$0	\$22,745,217	\$22,745,217	0.00
1250	\$33,104,910	\$2,578,042	\$56,983	\$11,584	\$22,999	\$35,774,518	532.75
Total	\$79,865,958	\$28,802,875	\$2,190,548	\$416,886	\$23,014,989	\$134,291,256	1,303.75

	531-XXX	532-XXX	533-XXX	534-XXX	535 - 538-XX	538-8XX	
Fund Code	Grants	Sales, Services & Rentals	Fees, Licenses & Fines	Contrib. & Donations	Misc.	Federal Funds	Total
1200	\$550	\$0	\$0	\$0	\$0	\$0	\$550
1210	\$176,449	\$9,342	\$0	\$0	\$5,649,676	\$0	\$5,835,467
1220	\$379,656	\$147,977	\$0	\$0	\$44,321	\$0	\$571,954
1225	\$0	\$0	\$0	\$0	\$630	\$0	\$630
1226	\$927,619	\$0	\$0	\$0	\$466	\$0	\$928,085
1230	\$0	\$0	\$0	\$0	\$32	\$0	\$32
1240	\$0	\$0	\$0	\$0	\$298,078	\$0	\$298,078
1250	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	\$1,484,274	\$157,319	\$0	\$0	\$5,993,203	\$0	\$7,634,796

Funds Included in Division/Program				
Fund	Fund Title	Page		
1200	DJJ Administration	352		
1210	Youth Detention Center Services	356		
1220	Youth Development Center Services	363		
1225	Youth Treatment Services	371		
1226	Youth Education Services	376		
1230	Community Program Services	383		
1240	JCPC - Grants Management System	389		
1250	Juvenile Court Services	390		

# North Carolina



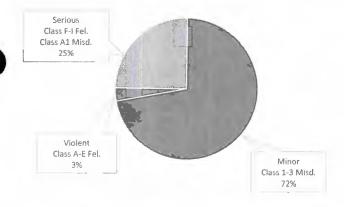
December 2016

# Quick Facts: Juvenile Dispositions

#### FISCAL YEAR 2016

- ⇒ 4,614 delinquent dispositions were imposed for juveniles in FY 2016.
- ⇒ The majority of juveniles were adjudicated for a minor offense.
- ⇒ Of the 1,158 adjudications for a serious offense, 35% were for Class A1 misdemeanor offenses.
- ⇒ Few (3%) juveniles received a Level 3 disposition (Commitment/YDC).
- Most dispositions were for either a property offense (39%) or a person offense (36%).

#### Offense Classification

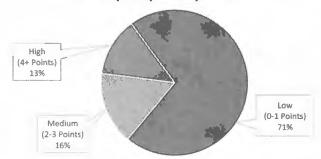


Offense Type	N	%
Person	1,687	36
Property	1,793	39
Drug	366	8
Public Order	768	17

#### **Juvenile Characteristics**

- The vast majority of juveniles were male (79%).
- 52% of juveniles were Black, 34% were White, 9% were Hispanic, 1% were Native American, and 4% were Other.
- The average age at disposition was 14.
- The majority (71%) of juveniles had a low delinquency history level; 60% of juveniles had 0 delinquency history points.
- Slightly over half (53%) of dispositions involved a juvenile adjudicated for a minor offense with a low delinguency history level.

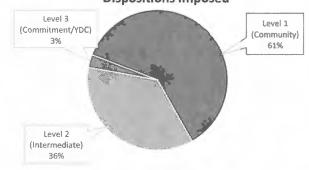
#### **Delinquency History Level**



#### **Dispositions Imposed**

- Most juveniles received a Level 1 disposition.
- Of the 4,481 juveniles receiving a Level 1 or Level 2 disposition, 22% received 6 months of probation, 13% received 9 months, 60% received 12 months, and 5% received another probation length.
- By statute, juveniles with a YDC disposition must be committed for a minimum of 6 months.
- The top 5 adjudicated offenses account for 37% of dispositions imposed in FY 2016.

#### **Dispositions Imposed**



#### Ton 5 Adjudicated Offenses

Top 5 Adjudicated Offerises					
Offense	Class	N			
Simple Assault	2	635			
Misdemeanor Larceny	1	441			
Disorderly Conduct at School	2	259			
Felony Breaking and/or Entering	H	190			
Misdemeanor Breaking and Entering	1	168			

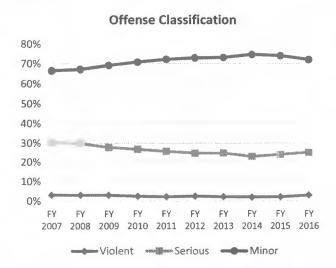
# Quick Facts: Juvenile Dispositions

#### FISCAL YEAR 2007 - FISCAL YEAR 2016

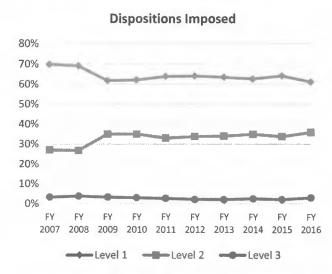
Over the past ten fiscal years, the number of delinquent dispositions has decreased 42% (from 7,973 in FY 2007 to 4,614 in FY 2016). Delinquent dispositions decreased 8% in the past fiscal year.

7,000
6,000
5,000
4,000
3,000
2,000
1,000
0
FY 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016

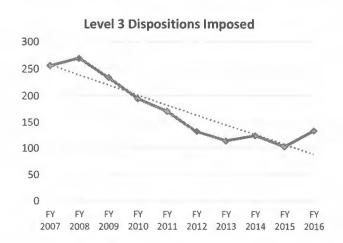
Historically, the distribution of dispositions by offense classification has remained remarkably stable. Over the past ten fiscal years, the majority of delinquent dispositions have been for minor and serious offenses, with totals ranging between 97% and 98%. The percentage of delinquent dispositions for violent offenses has remained between 2% and 3%.



From FY 2009 to FY 2016, the distribution of dispositions imposed has remained relatively stable from year to year. Shifts in Level 1 and Level 2 dispositions from FY 2008 to FY 2009 are most likely attributed to a methodological change in the way juvenile dispositions were captured.



Historically, Level 3 dispositions account for a very small percentage of overall dispositions. Over the past ten fiscal years, the number of Level 3 dispositions has decreased 48% (from 256 in FY 2007 to 133 in FY 2016. Level 3 dispositions increased from 103 to 133 over the past fiscal year.

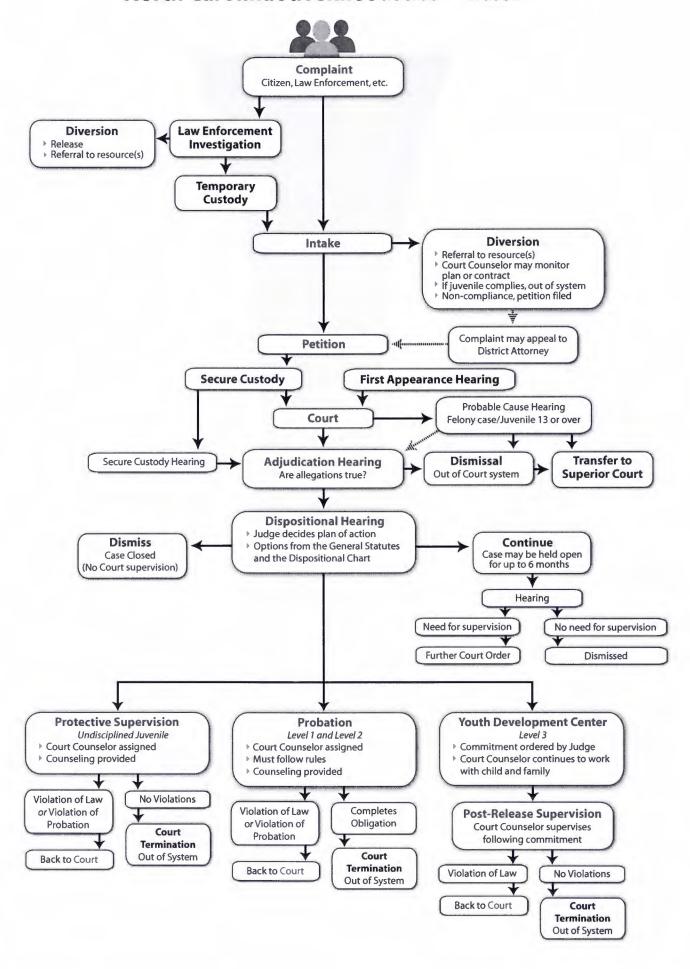


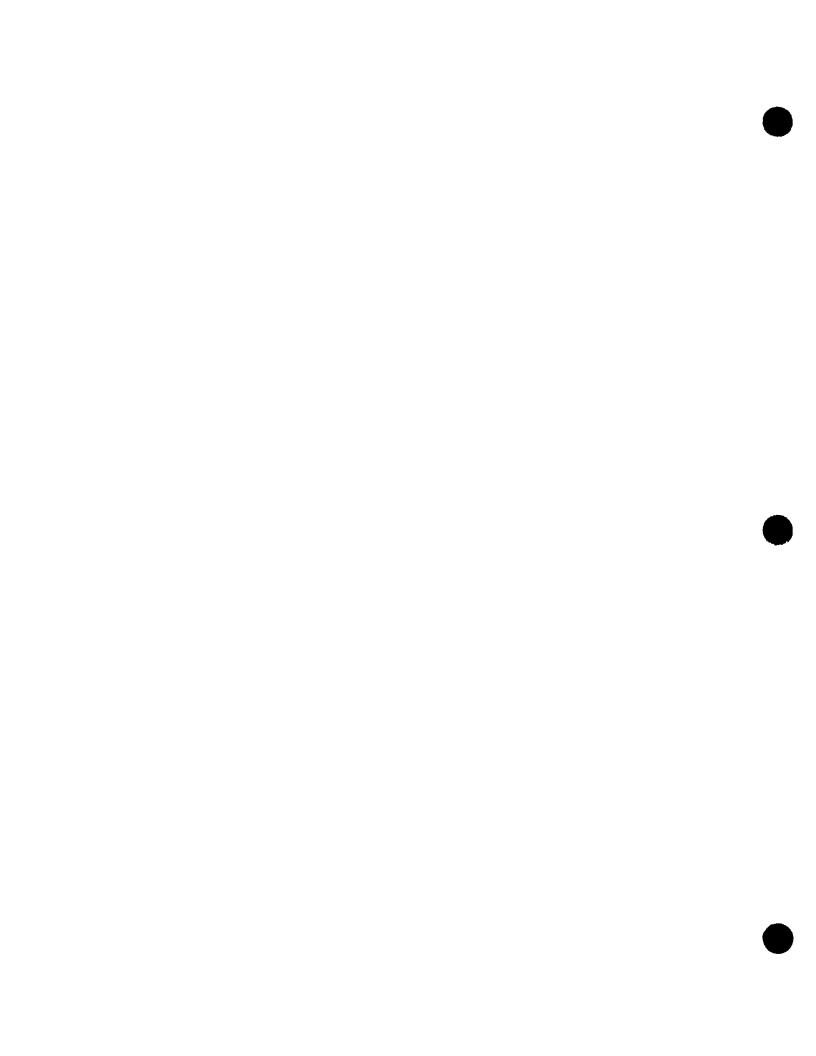
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2007 - FY 2016 Disposition Simulation Data

NC Sentencing and Policy Advisory Commission PO Box 2448 | Raleigh, NC 27602 (919) 890-1470 The Honorable W. Erwin Spainhour, Chairman Michelle Hall, Executive Director

For the NC Sentencing and Policy Advisory Commission's annual Youth Development Center Population Projections and all other publications, see the Commission's website: <a href="http://www.nccourts.org/Courts/CRS/Councils/spac/">http://www.nccourts.org/Courts/CRS/Councils/spac/</a>.

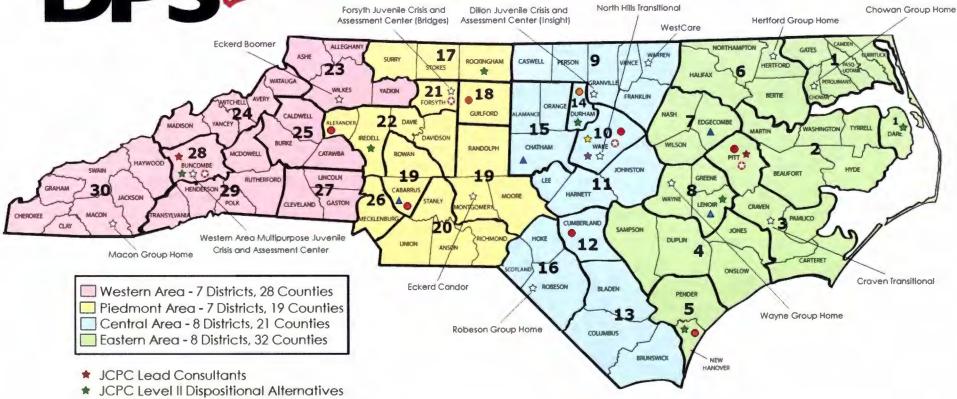
#### **North Carolina Juvenile Justice Process**





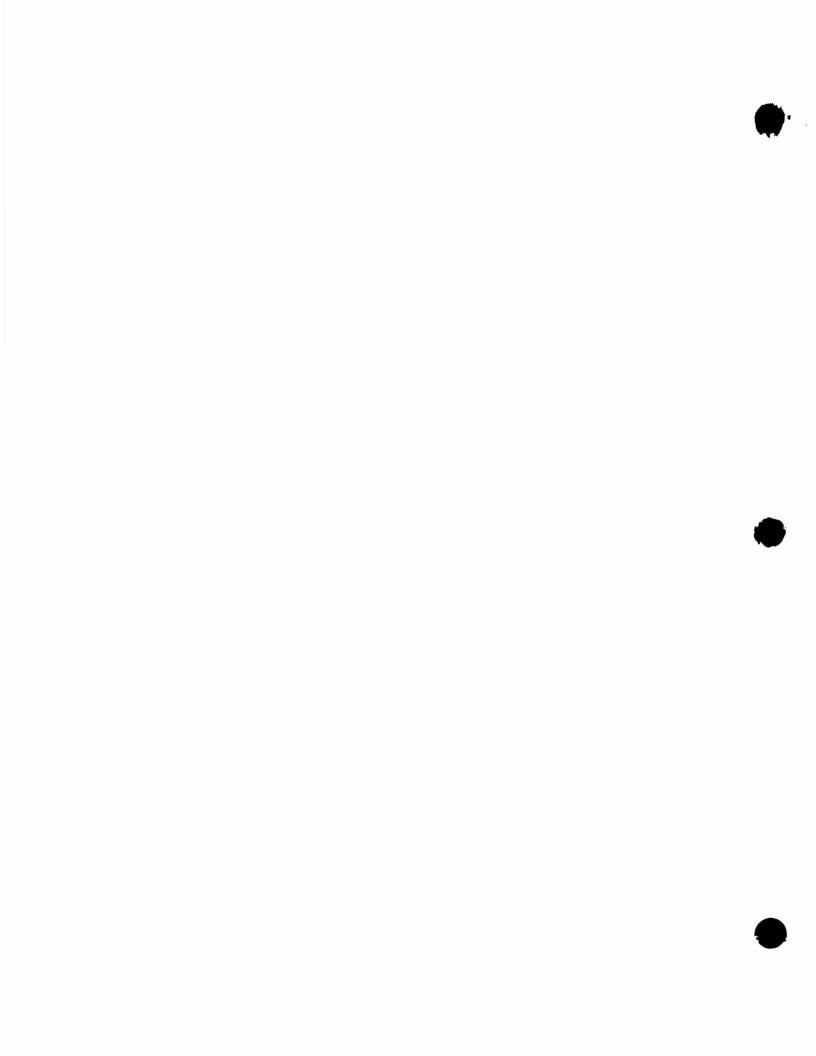


# Juvenile Justice Comprehensive Map



- ☆ Residential Community Programs
- Court Services Area Administrators
- DPS Headquarters
- ★ Juvenile Jusitice Central Office
- State Detention Centers
- County Detention Centers
- ▲ Youth Development Centers

- Edgecombe Youth Development Center will replace C.A. Dillon in 2016
- Functional Family Therapy (FTT) is available in 89 counties
- JCPC Programs are located in all 100 counties





Much 21, 2017 (DATE)

Joint Committee Appropriations on Justice & Public Safety

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Billy Fritscher	
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# House Pages Assignments Tuesday, March 21, 2017

Ses	sion	. 1.	00	PM
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Member	Comments	Staff	Time	Room	Committee
Rep. William Brisson		Joshua Babson	8:30 AM	425	Appropriations on General Government and Information Technology
Rep. Rodney Moore		Akirah Graves			3)
Rep. William Brisson		Autumn Brisson	8:30 AM	643	Appropriations on Health and Human Services
Rep. William Brisson		Kailey Gause			
Rep. Linda Hunt- Williams		Colin Konieczka	8:30 AM	415	Appropriations on Justice and Public Safety
Rep. Julia Howard		Garrett Penley			,
Rep. Joe John		Connor Scanlon	8:30 AM	Other	Appropriations, Education
Rep. Dean Arp		Kayla Yarborough			
Rep. George Cleveland		Lily Ahlin	8:30 AM	1027/1128	Appropriations, Transportation
Rep. Larry Bell		Blake Bellanger			
Rep. William Brisson		Autumn Brisson	10:00 AM	643	Education - K-12
Rep. William Brisson		Kailey Gause			
Rep. Linda Hunt- Williams		Colin Konieczka	11:00 AM	415	Appropriations, Capital

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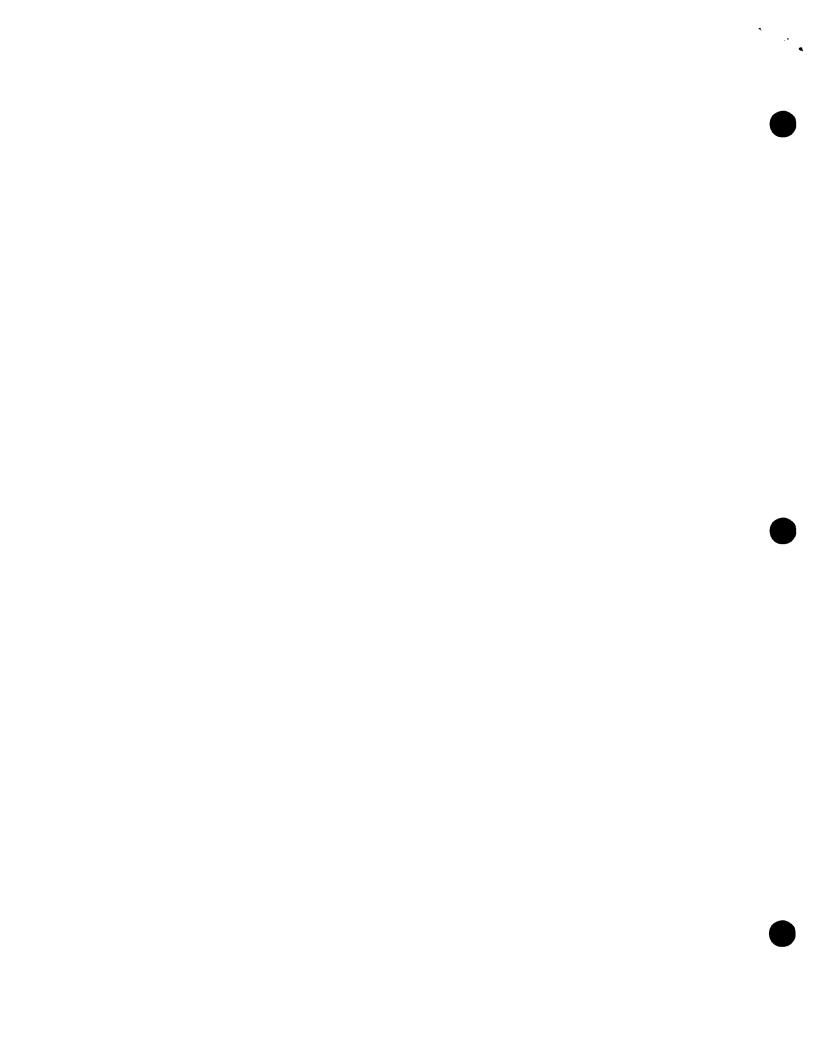
# Senate Pages Attending

COMMITTEE: Ut. Appoor J.	ustice	Safety _ROOM:_	415
DATE: 3-2/	TIME: _	8:3	0

## PLEASE PRINT <u>LEGIBLY</u>!!!!!!!!!!!!....or else!!!!!

Hometown	Sponsoring Senator
Wateforest Raleigh	Berger
Raleigh	Berger
	Wateforest Raleigh

Pages: Present this form to either the Committee Clerk at the meeting or to the Sgt-at-Arms.



#### **VISITOR REGISTRATION SHEET**

Appropriations, Justice and Public Safety

3/21/17

Name of Committee

#### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME FIRM OR AGENCY AND ADDRESS

Connor Bullard	House Intern (R. Turner)
Reg Down	DAs Conference
Make Rieder	Juvenil Justice Section - DAC DU-NPS
Kimberly Quintus	DPS, ACJJ, Juvenile Justice
CAtheRINE ANDERSON	DPS - DA 657 - 55
and Brandon	NC DPS
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Svanna Poirtery	Acm ve
Jillian Totman	MWCLLC
Tanch Colleton	CC32
Willian Lassita	1775 - 35

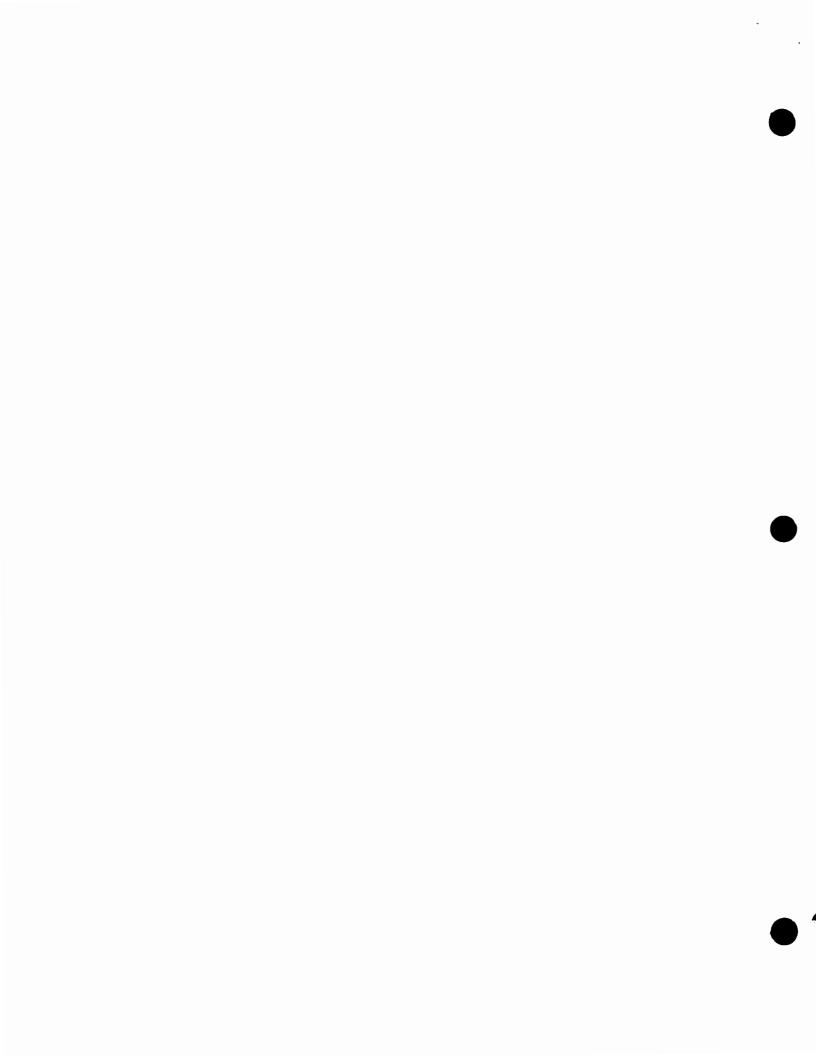
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## VISITOR REGISTRATION SHEET

Appropriations, Justice and Public Safety	3/21/17	
Name of Committee	Date	

## VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS	
Matthew Herr	DRNC	
Andy Sechii A	Rey-Stevens	
Notylyn Joyla	Rep. Sacuens	
Itan In	MUC	
Lexi arthur	NCEMA	
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#### Senate Committee on Appropriations on Justice and Public Safety Thursday, March 23, 2017 at 9:00 AM Room 415 of the Legislative Office Building

#### **MINUTES**

The Senate Committee on Appropriations on Justice and Public Safety met at 9:06 AM on March 23, 2017 in Room 415 of the Legislative Office Building. 16 members were present.

Senator Warren Daniel, Chair, presided.

Sergeant-at-Arms:

Senate: Tom Burroughs, Frances Patterson House: Bill Moore, Bill Riley, Barry Moore

Pages:

Senate: Bethany Forrest of Norwood (McInnis), Lawson Cope of Raleigh (Berger), Glory

Eaddy of Raleigh (Sanderson)

House: Joshua Babson (Brisson), Garrett Penley (Howard)

Agenda: State Crime Lab presentation by Director Byrd.

#### Discussion:

Byrd walked the committee through his budget presentation. Included in the presentation was an explanation of the difference between 'accreditation' and 'certification', at the request of Rep. John. Byrd then went on to complete his presentation. Byrd had a time restraint and was able to take few questions. Rep.George Graham asked that Byrd take a look at diversity in the Crime Lab staff. Members of the committee that had additional questions for Director Byrd were encouraged to submit the questions to the Chairs so that they can be submitted to Byrd for a written response.

The meeting adjourned at 9:41.

Senator Warren Daniel, Chair

Presiding

Andy Perrigo, Committee Clerk



## JOINT APPROPRIATIONS COMMITTEES ON JUSTICE AND PUBLIC SAFETY Room 415 Legislative Office Building

### March 23, 2017 9:00 A.M.

#### I. CALL TO ORDER

Chairs:

Senator Warren Daniel, Presiding

Senator Shirley Randleman Senator Norm Sanderson Representative Jamie Boles Representative Ted Davis Representative Allen McNeill Representative Rena Turner

### II. OPENING REMARKS BY CHAIRS

### III. PRESENTATIONS

State Crime Laboratory Annual Report John Byrd, Director NC State Crime Laboratory

### IV. COMMITTEE DISCUSSION

### V. OTHER BUSINESS

### VI. ADJOURNMENT

### House Appropriations Subcommittee on JPS

Rep. Boles (Chair)

Rep. Davis (Chair)

Rep. McNeill (Chair)

Rep. R. Turner (Chair)

Rep. Belk, Rep. C. Graham, Rep. G. Graham

Rep. John, Rep. B. Jones, Rep. W. Richardson,

Rep. Rogers, Rep. Setzer, Rep. Speciale,

Rep. Stevens, Rep. Willingham

### Senate Appropriations Subcommittee on JPS

Sen. Daniel (Chair)

Sen. Randleman (Chair)

Sen. Sanderson (Chair)

Sen. Blue, Sen. Britt, Sen. Foushee

## NORTH CAROLINA STATE CRIME LABORATORY FY2015/2016 Annual Report

Justice and Public Safety Appropriations Committees
Thursday, March 23, 2017
Raleigh, NC

1

## Agenda

Quality & Transparency
Case Submissions and Completions
Process Improvements
Expansion Requirements
Fiscal Resource Needs Identification
Video Testimony Pilot Report

### Our Mission:

Conduct the highest quality, technically proficient forensic analysis in a timely manner and provide unbiased expert witness testimony for the Criminal Justice Community.

### Our Purpose

Truth through Science so Justice is served.

## FY 15/16 Highlights

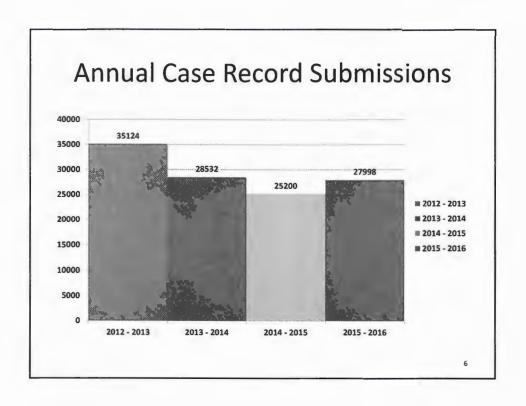
- Case inventory and Turnaround Times (TAT) continues to drop
  - FY 15-16 significant increase in submissions
- · Vacancy rate is at or lower than other agencies
- Toxicology Outsourcing contract is meeting expectations; winding down
- · New Western Lab on time and under budget
- Transparency and Accountability
- Video testing project mock court case complete

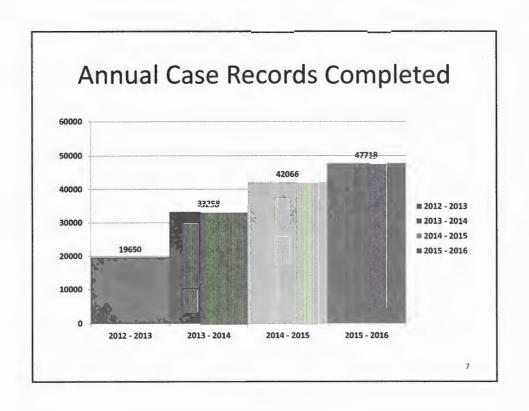
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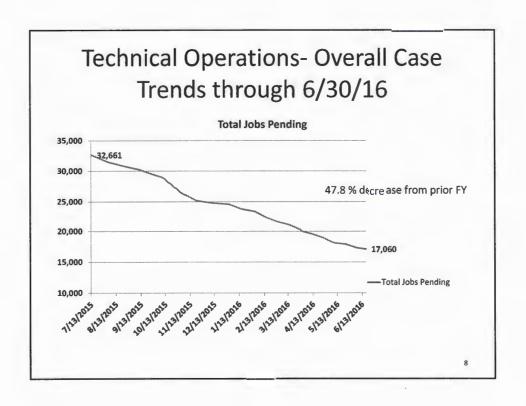
# Highest Forensic Science Quality Standards

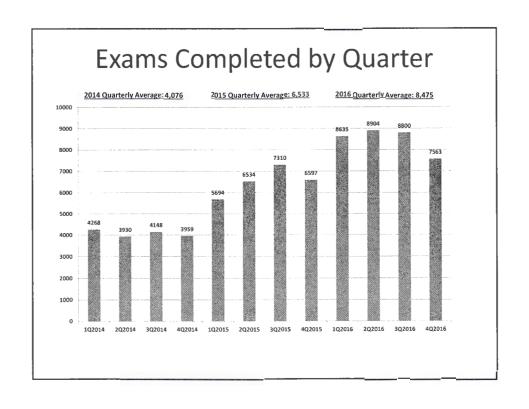
Laboratory Accreditation
Forensic Scientist Certification

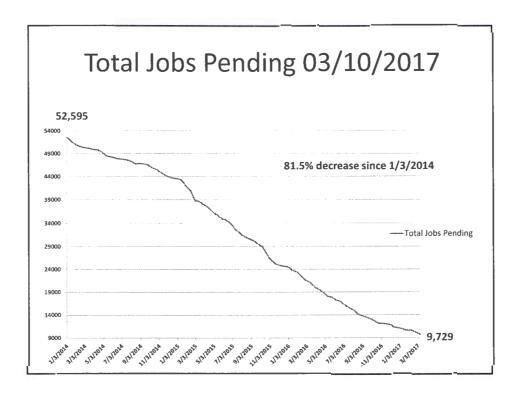
Submissions
Completions
Trends
Turnaround Time (TAT)
Rush Requests
DNA Database

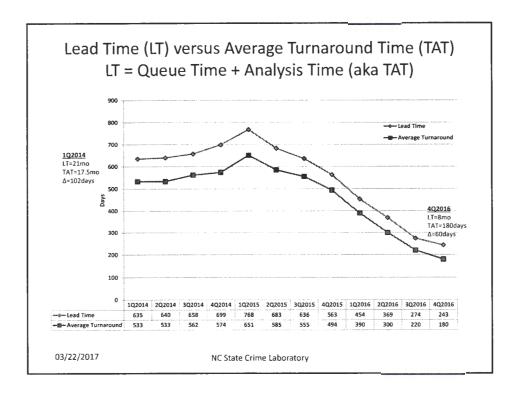










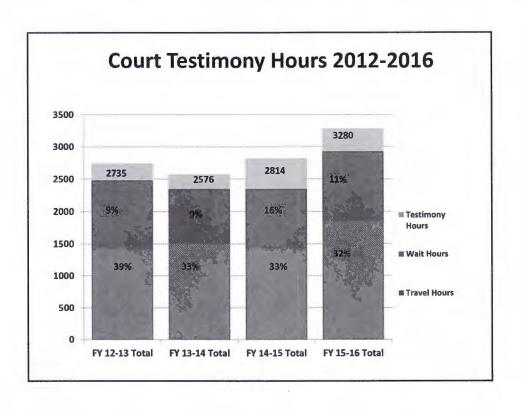


## **DNA** Database

- · Record 456 hits to the DNA Database
- Over 300,000 DNA profiles
- G.S. 15A-266.3A authorized the collection of DNA profiles from those arresited for 35 additional offenses to include all violent felonies.
- Duplicate sample submissions around 20%
- Expungement workload continues to rise

Process Improvements
Court Testimony
Judicial Efficiencies
Toxicology Outsourcing
Stop Works

June 2009 Impact of Melendez-Diaz v. Massachusetts



### **UNC School of Government**

Report of the State Crime Laboratory Working Group: Administrative Solutions to Alleviate Lab Backlog

- Memorandum of Agreement (MOA)
  - 17 recommendations
- 26 Judicial Districts have adopted the MOA or modified MOA (As of 1/4/2016)
- 12 are pending finalization
- · 12 have made no indication to adopt
- Stop Work notifications are addressed in 5 of 17 recommendations.
- Goal = Quality and Timely Analysis

15

## **Toxicology Outsourcing**

- 5,019 cases outsourced; 25 Batches sent.
- Total funds spent to date \$1,865,541.03
- AG has approved moving forward with Sexual Assault Kit testing
  - Kits older than one year sitting in LEAs
  - Request for Proposal (RFP) posted 3/21/17

## **Stop Works**

- 43 of 44 DAs either fully or partially participating
- Some DAs have changed internal business processes to help us eliminate inflated caseloads. This efficiency opportunity helps the State have a more accurate workload assessment.

17

## Video Testimony Pilot Greensboro, NC

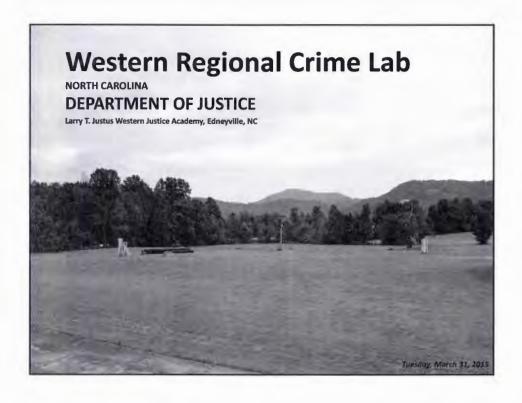
May 26, 2016
Chief District Judge H. Thomas Jarrell,
Presiding

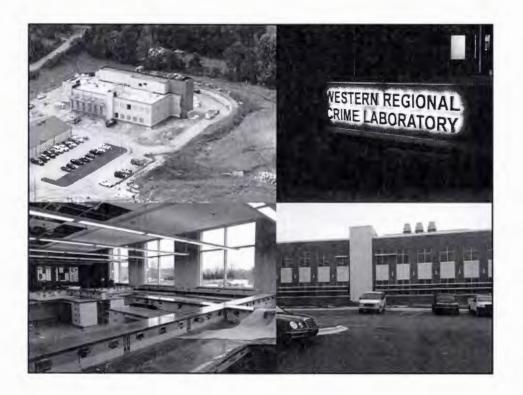


## Expansion

Western Regional Laboratory

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### **Fiscal Resources**

Unfunded Mandates
2011 Forensic Science Act

23

# Unfunded Mandates from 2011 Forensic Science Act

- Forensic Science Advisory Board
- Ombudsman
- · Laboratory Accreditation
- Scientist Certification
  - Training
  - Recertification

"Continuing external education in the disciplines in which analysis is performed is critical for the professional development of forensic scientists and a *requirement* for continued certification."\*

\*Quote from FSAB letter to NCGA dated 11 February 2016

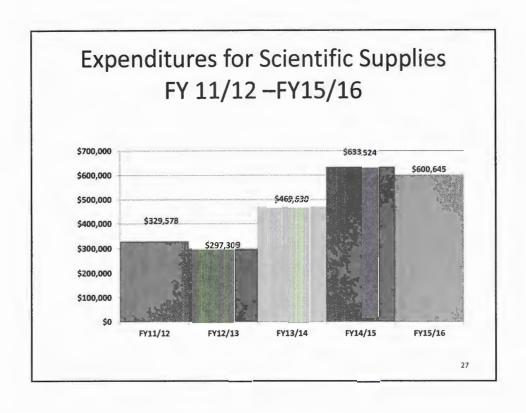
## Scientific Equipment

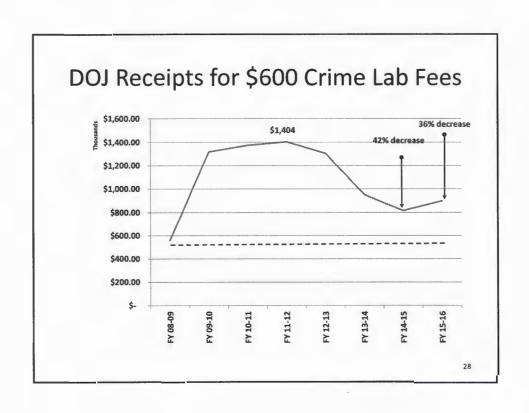
- \$13.5 million scientific equipment inventory
- \$64,680 annual replacement budget
- Industry standard replace scientific equipment every five years

25

## **Operational Expenses**

- Certified Budget for operating expenses for FY15-16: \$3,864,007 (\$750k is non-recurring)
- Actual operating expenses for FY15-16: \$5,019,021
  - Δ made up in carry forward funding and lapse salary
- Certified Budget for FY 16-17 is \$7,393,530 (\$3.925M is non-recurring)





## **DOJ Budget Requests**

- Finance unfunded mandates from the 2011 Forensic Science Act
  - Scientist certification, Laboratory accreditation, and Forensic Science Advisory Board
- Appropriate funding for 6.0 FTE positions
  - 5.0 Forensic Scientists current court receipt funding source is unreliable
  - 1.0 Ombudsman another unfunded mandate from the Forensic Sciences Act
- Establish a Special Reserve Fund No Cost
  - Allows the Lab to lease scientific equipment a best practice for Crime Labs nationally.
- Fund replacement of Outdated Equipment
  - Industry standard for replacing Lab equipment is 5 years.

## **Program Updates**

- Toxicology Outsourcing Concluded
- Testing of Untested Sexual Assault Kits older than one year
- CODIS Hit Follow Thru
- Recommend Adopting UNC SOG MOA
  - · Reduce wait time for scientists

### Skin in the Game

Transparency and Accountability

31

# Strengthening Forensic Science in the United States: A Path Forward, August 2009

### **Recommendation 4:**

To improve the scientific bases of forensic science examinations and to maximize independence from or autonomy within the law enforcement community, Congress should authorize and appropriate incentive funds to the National Institute of Forensic Science (NIFS) for allocation to state and local jurisdictions for the purpose of removing all public forensic laboratories and facilities from the administrative control of law enforcement agencies or prosecutors' offices.

## Conclusion

http://ncdoj.gov/crime-lab.aspx
Director John Byrd jbyrd@ncdoj.gov
North Carolina State Crime Laboratory

33

## **Back Up Slides**

## **Laboratory Accreditation**

- Sustained ISO/IEC 17025 Accreditation
- Audit by ANAB
- Audit by VA State Crime Laboratory
- DNA Quality Assurance Standards (QAS)
- · In compliance with all established standards



35



### **Scientist Certification**



All eligible scientists independently certified

International Association for Identification (IAI)



American Board of Criminalistics (ABC)

Association of Firearm and Tool Mark Examiners (AFTE)

American Board of Forensic Toxicologists (ABFT)

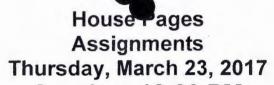


EnCase Certified Examiner (EnCE)



International Association for Property and Evidence (IAPE)





Sess	ion:	12:00	PM

Member	Comments	Staff	Time	Room	Committee
Rep. George Cleveland		Lily Ahlin	8:30 AM	421	Agriculture / Environment / Natural Resources
Rep. Linda Hunt- Williams		Colin Konieczka			
Rep. William Brisson		Autumn Brisson	8:30 AM	Other	Appropriations, Education
Rep. William Brisson		Kailey Gause			
Rep. Larry Bell	***************************************	Blake Bellanger	8:30 AM	1027/1128	Appropriations, Transportation
Rep. Joe John		Connor Scanlon			
Rep. William Brisson		Joshua Babson	9:00 AM	415	Appropriations on Justice and Public Safety
Rep. Julia Howard		Garrett Penley			
Rep. Rodney Moore		Akirah Graves	9:00 AM	1228/1327	lomeless, Foster Care, and Dependency
Rep. Dean Arp		Kayla Yarborough			



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### VISITOR REGISTRATION SHEET

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Appropriations, Justice and Public Safety

Name of Committee

3-23-17

Date

## VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

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Manah Cowell	NASW-NC
MATHEW CONGORARDE	NC POI
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### VISITOR REGISTRATION SHEET

Appropriations, Justice and Public Safety

Date

Name of Committee

## VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kric Parlis	NCAJ
Connor Bulland	Hase Intern
Jennifer Remy	State Crime Lab
Jody West	State Crime Lab
Karen Morrow	State Crime Lab
Zach Kallenbah	State (11me Lab
Chris Parker	State Chime Lab
Ann Hamlin	North Carolina Stale Crime Laboratory
PETE WARE	NC. State Crine Lab
Robert PASCHOL	NC DO]
Ann Anderson	OSBM







# Senate Pages Attending

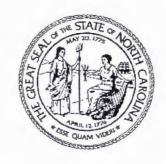
committee:J	+. App. on Jus	tice Safety	ROOM:	415
DATE:	3-23	TIME: _	9 Am	

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Page Name	Hometown	Sponsoring Senator
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(2) Lawson Cope	Raleigh	Berger
3. Glory Eaday	Raleigh	Sanderson
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March 23, 2017 (DATE)

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