

North Carolina

Nancy LaVigne (principal investigator), Samuel Bieler, Lindsey Cramer, Helen Ho, Cybele Kotonias, Deborah Mayer, David McClure, Laura Pacifici, Erika Parks, Bryce Peterson, and Julie Samuels

North Carolina's prison population grew 29 percent in a decade and was expected to grow another 10 percent by 2020, costing the state hundreds of millions of dollars. Through the Justice Reinvestment Initiative (JRI), North Carolina enacted policies that were projected to save taxpayers \$560 million between 2011 and 2017. These policies include improving responses to probation violations, housing misdemeanants in jail instead of prison, and targeting resources to those at higher risk of reoffending. In the two years since enacting its reforms, North Carolina's prison population levels fell over 5 percent. As a result, the state was able to prevent new prison construction and close five correctional facilities.

Impetus for Justice Reinvestment

North Carolina's prison population climbed 29 percent between 2000 and 2011, and was expected to rise another 10 percent by FY 2020. This increase was projected to cost the state approximately \$378 million in new prison construction and additional operating costs.¹ In 2009, North Carolina leaders, including the governor, the Supreme Court chief justice, the chairman of the Sentencing and Policy Advisory Commission, and a bipartisan group of legislators requested technical assistance (TA) to confront these problems. The Council of State Governments Justice Center (CSG Justice Center) provided TA to North Carolina.

Establish Interbranch Bipartisan Working Group

With the support of technical assistance, state leaders established the North Carolina Justice Reinvestment Working Group, which consisted of representatives from both chambers of the General Assembly, the Administrative Office of the Courts, the Sentencing and Policy Advisory Commission, the Conference of Clerks of Court, the Conference of District Attorneys, the governor's policy office, the Department of Public Safety (DPS), and the Division of Mental Health, Developmental Disabilities and Substance Abuse Services.²

Engage Stakeholders

The working group, in collaboration with the CSG Justice Center, conducted meetings and focus groups with various additional stakeholders, including judges, defense attor-

HIGHLIGHTS

- Prison population grew 29 percent between 2000 and 2011.
- JRI reforms included improving responses to probation violations, housing misdemeanants in jails rather than in prisons, and targeting resources to those at higher risk of reoffending.
- JRI reforms were projected to reduce the prison population by 8 percent over six years and save \$560 million.
- The prison population has declined over 5 percent in the past two years, allowing the state to close five correctional facilities.
- North Carolina reinvested \$38 million of its savings to support probation and community-based treatment over four years.

neys, treatment providers, victim advocates, community members, and law enforcement and probation officers.³

Analyze Data and Identify Drivers

Through data analysis, the working group determined that in 2009, 53 percent of prison admissions in North Carolina were for probation revocations, and 76 percent of these did not involve convictions for a new offense. The working group found that probation officers did not have the resources to respond to violations effectively. Additionally, supervision resources were misallocated across risk to reoffend. A third of felony offenders on intensive supervision were low-risk while a third under less intensive supervision were high-risk. More than 85 percent of inmates were being released from prison unsupervised, despite data that showed these offenders have higher rates of recidivism than those sentenced to probation.⁴

The working group also found that community-based treatment resources were allocated ineffectively. There was no allocation of treatment on the basis of criminogenic risk and needs. The available resources were spread evenly across all levels of offenses without regard to preventing recidivism most effectively.⁵

Develop Policy Options

After nearly a year of data analysis and stakeholder discussions, three broad goals for policy in North Carolina emerged: strengthening probation supervision, holding offenders more accountable, and reducing recidivism. To reduce revocations, the North Carolina working group put forth policy options that would give probation officers the authority to respond to violations in a systematic way, focus their resources on offenders most likely to commit future crimes, and provide low-level drug offenders with incentives to complete probation successfully. To hold offenders more accountable, the working group recommended that every felon serve a mandatory period of supervision upon release from prison and that those who misbehave while incarcerated serve additional prison time. Additionally, the working group recommended reducing the possible sentence enhancements for those convicted of four or more felonies. At the time, prosecutors had the ability to enhance the sentence for habitual felons to the Class C level, regardless of the severity of the underlying offense.

The working group proposed capping the enhancement to four class levels for nonviolent offenses. For example, a Class I felony could be enhanced up to a Class E felony, but not up to a Class C or D felony. At the same time, the working group proposed lowering the number of convictions necessary to be convicted under a habitual breaking and entering status from four prior convictions to two. To reduce the risk of reoffending, the working group suggested that inmates be incentivized to complete risk reduction programs and that community-based treatment resources be focused on evidence-based practices (EBPs) that have been shown to reduce the risk of re-offense.⁶

These three main policy goals formed the basic justice reinvestment framework in North Carolina, but the working group put forth three additional policy options projected to save the state considerable money. Those three options were to limit the maximum length of sentences for probation violations, increase the length of post-incarceration supervision for serious offenders, and have misdemeanants serve time in jail or on probation rather than in prison.⁷

Codify and Document Changes

In June 2011, a bipartisan coalition in North Carolina passed House Bill (HB) 642, The Justice Reinvestment Act (JRA). The bill included every policy option recommended by the working group that required legislation to implement. The bill was shepherded through the legislature by a legislative champion and a bipartisan group of co-sponsors. JRA was projected to save North Carolina \$214 million in averted construction costs and \$346 million in reduced and averted operations costs by FY 2017, as well as to decrease the incarcerated population by nearly 5,000 inmates.⁸

Implement Policy Changes

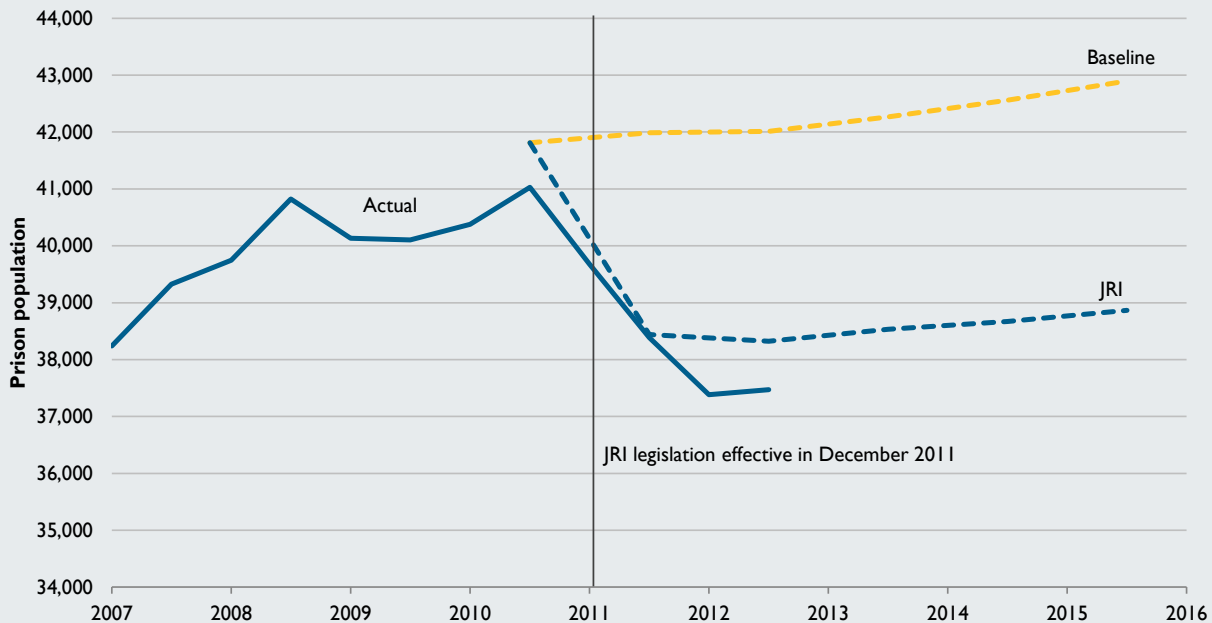
In addition to receiving technical assistance from the CSG Justice Center, DPS requested assistance from the University of North Carolina (UNC) School of Government to provide training to state and local government officials. UNC included JRA training in its semiannual judicial training conferences and disseminated materials explaining JRA's policy changes. The JRA working group continues to act as the oversight entity for implementation, while the Core Implementation Team oversees the day-to-day operational tasks of implementation throughout the state. Nine issue-specific working groups were convened to assist with implementation, and a JRI coordinator was hired to coordinate and manage the overall implementation of JRA. The North Carolina Sheriff's Association was tasked with implementing the misdemeanor confinement program, in which county jails house misdemeanants who would otherwise serve time in prison.⁹

North Carolina received BJA subaward funding to train corrections staff, judges, defense attorneys, and prosecutors on JRA changes; to train corrections staff on EBPs; to purchase videoconference equipment for probation revocation hearings; and to update DPS's corrections population forecasting model.¹⁰

Implementation of HB 642 has been an ongoing process in North Carolina since 2011. State leaders and stakeholders have decided that the original timeline for implementation was too ambitious. More time was needed to train agency leaders, frontline staff, and community-based service providers, and to explain the implications of the new policies for day-to-day practice. In response to implementation challenges, DPS instituted a second round of training for its

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FIGURE I
North Carolina Prison Population



Sources: JRI and baseline population projection data are from Council of State Governments Justice Center (2011b). Actual population data are from North Carolina Department of Public Safety Office of Research and Planning (2013).

Notes: Data do not include individuals in the statewide misdemeanor confinement program. Dotted lines represent projections.

staff after practitioners had gained some experience under the new law. In 2013, DPS hired an EBP coordinator to support the use of EBPs in the department. DPS also hired a permanent justice reinvestment administrator.¹¹

With support from the CSG Justice Center, North Carolina implemented a pilot project in four counties to thoroughly examine the effectiveness of administrative responses. Probation officers in the four counties are using a grid of rewards and sanctions based on EBPs to reduce the number of people being revoked from probation to prison. Every response is recorded in a behavior log that will be used as a primary data source to evaluate probationer outcomes in the pilot sites. North Carolina will continue its pilot on a rolling basis to reach out to additional probation officers. Data will be examined throughout the pilot and at its conclusion to determine whether administrative responses were effective in changing offender behavior.¹²

North Carolina has also developed a statewide community treatment program, Treatment for Effective Community Supervisions (TECS), to replace the locally based Criminal Justice Partnership. TECS funding requires vendors to target high-risk or high-need offenders and to use EBPs.¹³

The new probation guidelines in North Carolina have promoted a culture shift among probation officers from a retribution framework to a risk-reduction philosophy. Shifting the culture in DPS, though fueled by JRI, began before JRI and has been slow but successful.¹⁴

Reinvest Savings

On the basis of projected savings from JRA, the working group recommended a reinvestment of \$10 million annually for prison-based and community-based programs directed toward those most at risk of re-offense, and for additional probation officer positions.¹⁵ In both FY 2012 and 2013, North Carolina appropriated \$8 million for community-based treatment programs that target criminogenic risk and need. For FY 2014 and 2015, North Carolina reinvested \$4 million over two years for community-based treatment programs, as well as \$18 million for 175 new probation officer positions.¹⁶

Measure Outcomes

Delays in implementation have limited the amount of information available to measure outcomes of the legislation, but preliminary data are positive. Between December 2011 and June 2013, North Carolina's prison population decreased almost 5.6 percent, from 39,678 to 37,369 prisoners, exceeding population reduction projections (see figure 1).¹⁷ This decrease has enabled the state to close five prisons.¹⁸ Additionally, in FY 2012, 63 percent of all felony admissions to prison were the result of a new crime, and only 37 percent were due to technical violations on community supervision.¹⁹

The prison population had begun decreasing in June 2011, even though the earliest effective date for the provisions in JRA was December 1, 2011. This suggests that there may have been other factors that contributed to a decline in the prison population. In April 2012, the North Carolina Sentencing and Policy Advisory Commission released a legislatively mandated report assessing the impact of JRA.²⁰ The report noted that while it was too early to realize the full benefit of JRA, the prison population decline could be attributed to a confluence of factors, including previous criminal justice reforms, changes in demographics, changes in crime trends, and JRA.

The CSG Justice Center will develop a dashboard to track the impacts of new legislation on crime, court dispositions, and corrections populations. The Department of Corrections, the Administrative Office of the Courts, and the Sentencing and Policy Advisory Commission all required modification of their data collection systems to track outcomes effectively. These changes were accomplished with existing resources. The departments are committed to tracking probation revocation rates, percentage of prison admissions due to probation revocations, and recidivism rates of low-level offenders, as well as community-based treatment participation and completion rates.²¹ The Sheriff's Association is committed to tracking the misdemeanor confinement program.²²

Notes

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