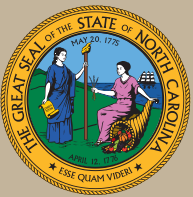


North Carolina
Fiscal Year 2014-2015

Justice
Reinvestment
Performance
Measures



Department of Public Safety
Division of Adult Correction &
Juvenile Justice

March 1, 2016



North Carolina Department of Public Safety

Adult Correction and Juvenile Justice

Pat McCrory, Governor
Frank L. Perry, Secretary

W. David Guice, Commissioner

March 1, 2016

Friends and colleagues:

Contained in this report are our initial analyses and findings of the performance measures related to the implementation of North Carolina's Justice Reinvestment Initiative (JRI). I take great pride in the fact that North Carolina was one of the first states to implement JRI and I am equally pleased to be able to report the positive benefits, both in terms of cost-effectiveness and public safety enhancement, our state has realized from this program in a relatively short time, as indicated in this document. I want to first thank the executive, legislative and judicial branches of our state for their extraordinary collaborative support of the creation and development of Justice Reinvestment in North Carolina. I also want to thank the U.S. Department of Justice, The Pew Charitable Trusts, and the Council of State Governments Justice Center for their guidance and support of this program, as well as their input regarding the data utilized in this report. Finally, I want to thank our staff and the other supporters of the JRI in North Carolina. It is because of the efforts of all of these that North Carolina is often viewed as a national leader in the utilization of Justice Reinvestment, something which I am also very proud of and to which I pledge our continued commitment.

The State of North Carolina initially committed itself in 2011 to this comprehensive reform to the state's criminal justice system. The Department of Public Safety, Adult Correction and Juvenile Justice, along with its stakeholders, have worked diligently to build this program and to better ensure its sustainability. However, as we know, effective public policy is only as good as its performance outcomes, and the measurements of those outcomes are key to determining if, in fact, operational practices are gaining the desired results the policy intended. I am especially pleased that this report reveals that JRI in North Carolina is greatly benefiting the citizens of our state. Just as importantly, I believe the results indicated in this report support the need for our continued reinvestments in these evidence-based practices.

By continuing our investments in these reforms, for years to come, North Carolinians will continue to experience the long-term cost savings and public safety benefits for which JRI was intended. Because of the results such as those illustrated in this report, I sincerely believe North Carolina will continue to make its criminal justice system more effective and make the state a safer place to live.

It is my hope that you will find the information contained in this report useful. We look forward to our work together in providing this valuable program to the citizens of North Carolina and to bringing about the positive results we believe it will continue to produce.

Sincerely,

W. David Guice

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Overview of the North Carolina Justice Reinvestment Initiative (JRI)

Beginning in 2009 the state received technical assistance from the Council of State Governments Justice Center to study the criminal justice system using the JRI data-driven approach. The legislation that followed, the Justice Reinvestment Act (JRA) of 2011, made substantial changes to North Carolina sentencing laws and correction practices. During the implementation phase, the North Carolina Sentencing and Policy Advisory Commission is tasked with providing a report on implementation of the Act. These reports contain information about the provisions of the law, updates on implementation activities by affected agencies, and data related to changes in the state's criminal justice system. The impact of these changes will be seen in future years.¹ Beginning in FY 2014, the Department began to track intermediate outcomes measures to monitor implementation and document relevant changes JRA is meant to influence.

Sentencing Pre-JRI

The Structured Sentencing Act (SSA), enacted in 1994, provided judicial guidelines to sentence offenders to a community punishment, intermediate punishment, or active sentence in prison. The SSA prioritized prison resources for the most serious and chronic offenders and shifted some less serious, less chronic offenders from prison sentences to intermediate punishments in the community. Intermediate punishments were designed to be very intrusive and intense, restricting the offender's liberty while they remain in the community; community punishments are not as restrictive. The judge determined whether to order an intermediate or a community punishment based on the seriousness of the offense and the offender's prior criminal record. An offender placed on intermediate punishment received at least one of the following sanctions: special probation, residential community corrections, electronic house arrest, intensive supervision, day reporting center or drug treatment court. Judges could also sentence offenders to community punishments such as traditional probation, community service, or victim restitution. Offenders sentenced to active punishment served that time in jail or prison.

¹ For more information on JRA specific statistics, please use the address below to access the Commission's website to obtain these reports and figures. <http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/JRIReports.asp>

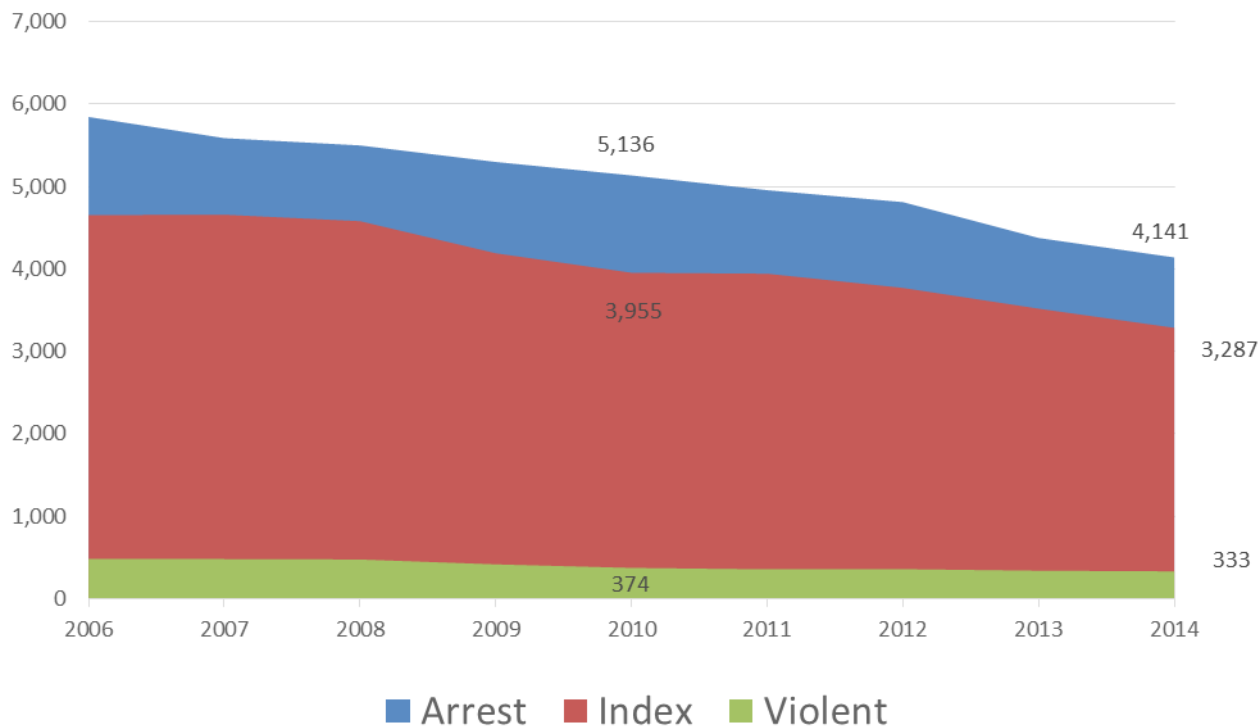
Justice Reinvestment Act of 2011

The Justice Reinvestment Act (JRA) expands post-release supervision to all felons, establishes advanced supervised release for some prisoners, limits judge's authority to revoke probation offenders, and transitions misdemeanor offenders from the prison system to local jails. Together these initiatives are expected to lower the overall prison population. While the creation of the State Misdemeanor Confinement program had an immediate impact on lowering the prison population, these other policies aim to lower the population over time and limit growth in the population by creating more successful periods of community supervision.

The JRA also made several changes to strengthen community supervision. JRA redefines community and intermediate punishment so that probation officers have a broader range of swift and certain sanctions to impose regardless of punishment level. JRA allows probation officers to use delegated authority to impose electronic monitoring or require an offender to be confined in jail for up to six days per month (2-3 days at a time) to address non-compliant behavior. JRA requires probation officers to assess probationers for their risk of reoffending and supervise them accordingly and sets in statute a caseload goal of 60 for high and moderate risk offenders. JRA also limits time in confinement for certain violations of probation.²

² For more specific information about JRA, see [The North Carolina Justice Reinvestment Act 2012](#) by James M. Markham.

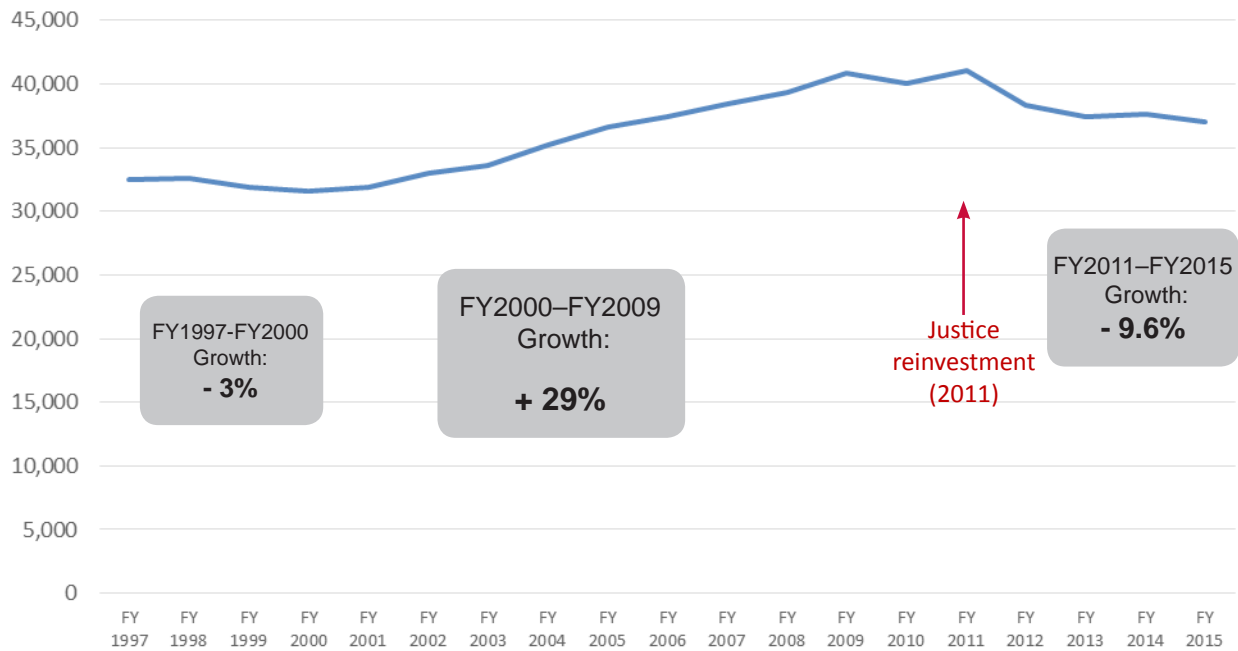
☀ State Arrest and Crime Trends per 100,000 Residents¹



Key Finding:

Since 2006 leading indicators of crime in North Carolina have decreased; the arrest (17 percent) and index (14 percent) crime rate fell more than 10 percent between 2010 and 2014, the violent rate fell 8.5 percent over the same period.

JRA Performance Measure: Prison Population



Key Finding:

In 2009 the state’s prison population was growing significantly, up 29 percent over FY 2000; since enactment of the JRA in 2011, the prison population has decreased 9.6 percent, though June 30, 2015.

Related Points:

- The 37,059 inmates in a state prison at fiscal year’s end 2015 represents the lowest fiscal year end population in a full decade; since June 30, 2005.
- The reduction in population allowed the state to remain out of jail backlog for the past four fiscal years saving what was a \$1 million dollar per month cost during first 6 months of FY 2011.
- The reduction in prison population alone has saved the state nearly \$64.2 million since the end of FY 2012.

JRA Performance Measure: Prison Admissions Composition



Key Finding:

In FY 2015 there was a 65 percent drop in the number of admissions due to probation revocation compared to the year prior to enactment (FY 2011), from 15,118 to 5,291 revocation admissions; as anticipated, returns from post-release have increased. Over the same period CRV admissions due to technical violations has increased.

Related Points:

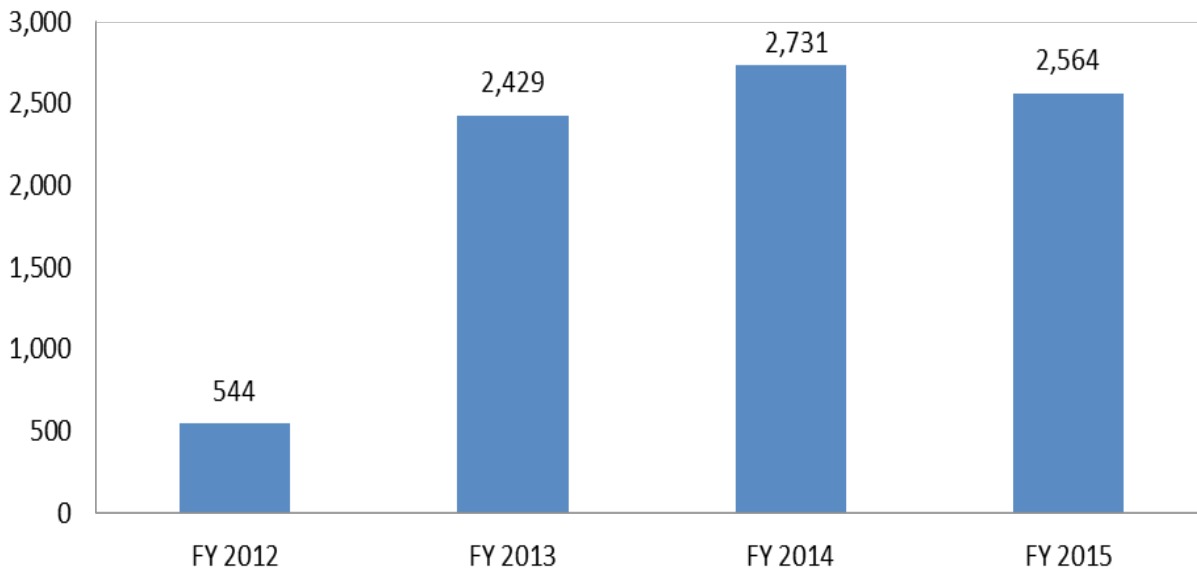
- Since the turn of the 21st century, admissions to North Carolina state prisons due to revocations of probation comprised about half of all admissions.
 - The percentage of new admissions due to revocations had increased to nearly 53 percent (15,976 inmates) by FY 2009.
 - More than three-quarters (76 percent) were due to technical reasons, not new crimes.
- The JRA more clearly defined when a revocation of probation may result in the activation of a sentence (i.e., new criminal activity or absconding).
- Individuals committing technical violations of probation conditions (e.g., failure to attend treatment, positive drug screen) may be confined for up to 90-days in prison (Confinement in Response to Violation-CRV). Upon completion of this confinement, they are returned to the community to complete supervision.

☀ JRA Performance Measure: Prison Admissions Composition

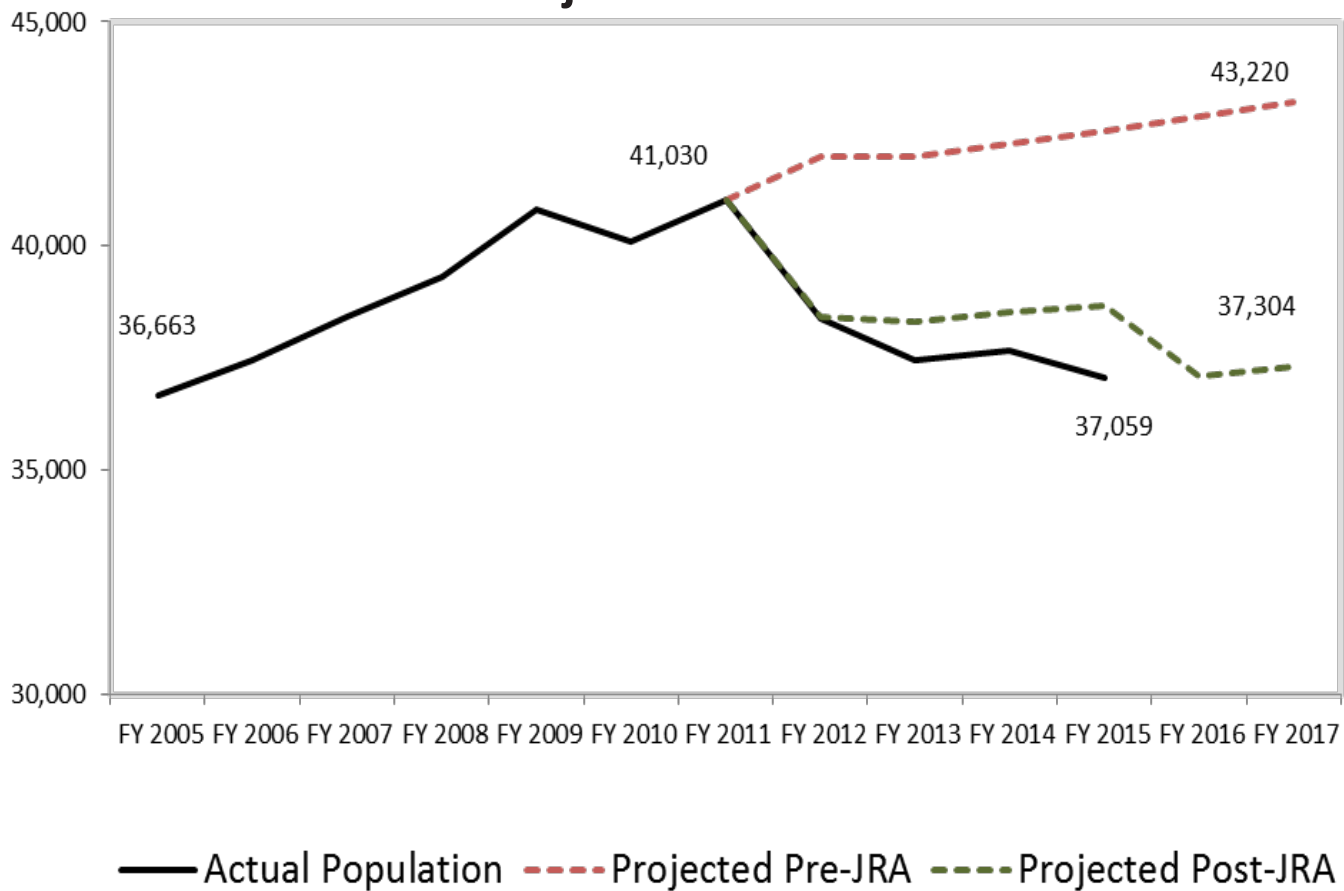
Related Analysis:

- Since December 2014, the Department has opened three CRV centers; two for men and one for women.
 - The two male facilities serve the western (Burke CRV Center) and eastern (Robeson CRV Center) areas of the state.
 - There is a single female CRV center located at Eastern Correctional Institution in Greene County.
- Entries to CRV centers are expected to average around 2,500 offenders per year.
 - CRV centers provide structured cognitive behavioral and substance abuse interventions in a controlled residential environment.
 - Education and employment services, along with recreational and other pro-social activities are included as part of a behavior management model.

CRV Entries: FY 2012-2015



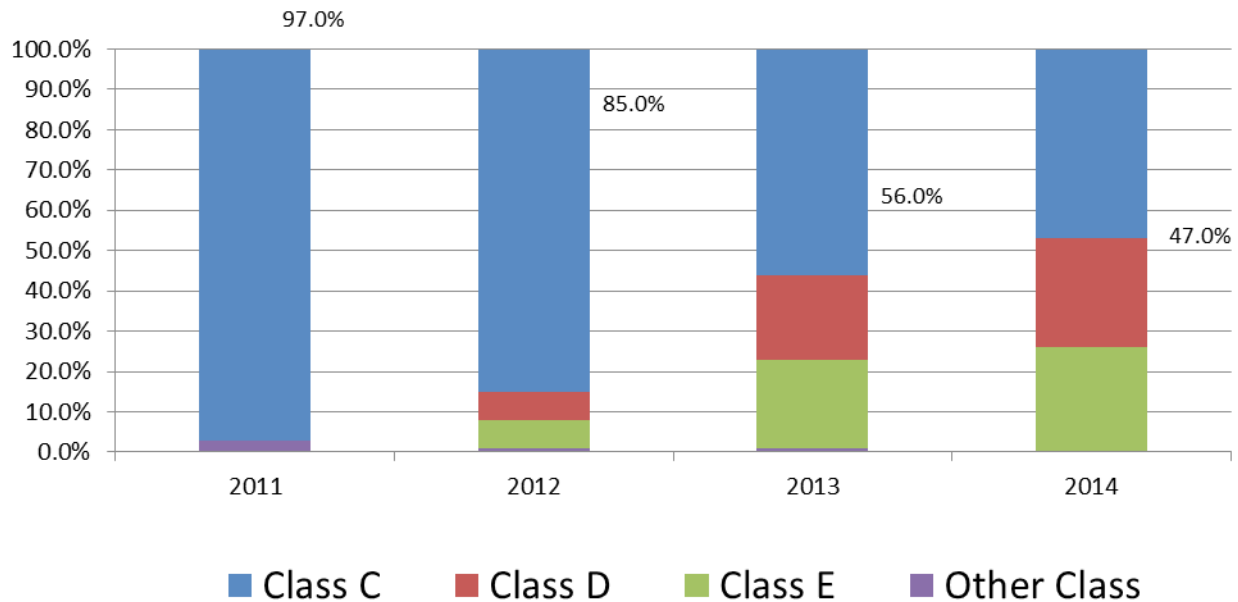
JRA Performance Measure: Prison Population Projection Trends



Key Finding:

Prior to passage of the JRA, prison population projections indicated 5 percent growth over the June 30, 2011 population, from 41,030 to 43,220, with a deficit of nearly 1,300 prison beds. After enactment, population indicators and projections been revised downward. The most recent population projections are nearly 15 percent lower for the same time period.

JRA Performance Measure: Habitual Felons Sentenced in Appropriate Penalty Class²



Key Finding:

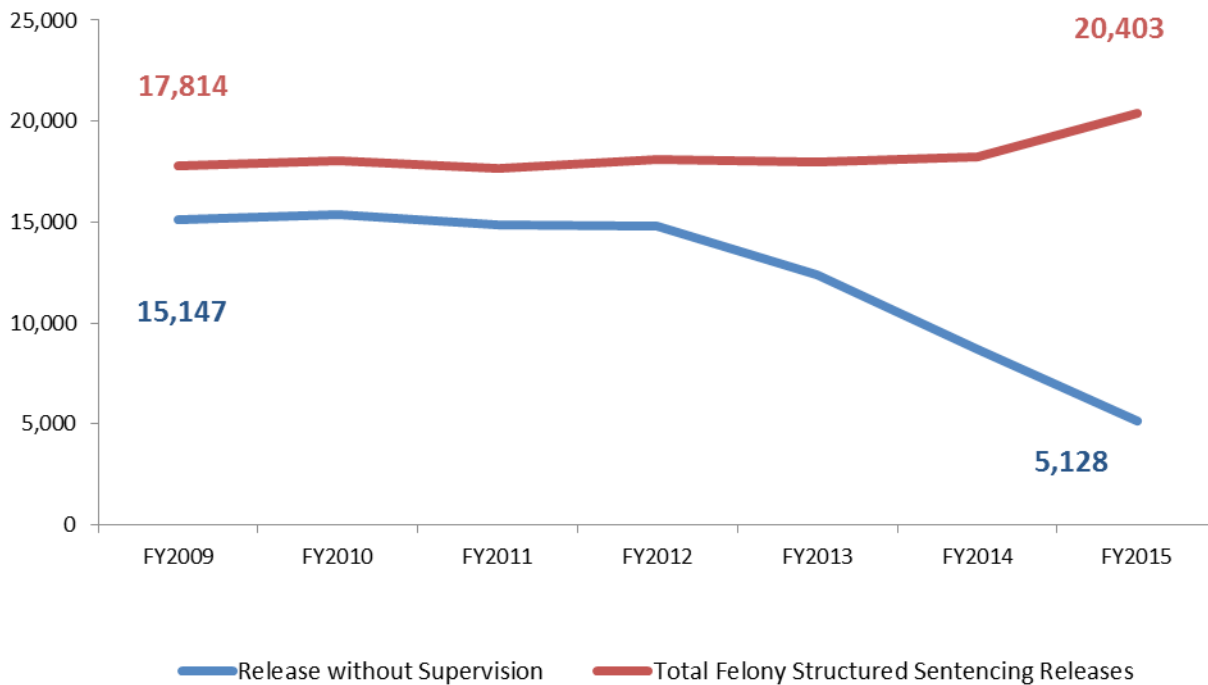
Habitual status offenders (i.e., Habitual Felon, Habitual B&E) are spending less time in prison; less than half (47 percent) of offenders sentenced in calendar year 2014 were sentenced to Class C punishment compared to 97 percent during calendar year 2011.³

Related Point:

The net impact of these sentencing options has increased prison admissions for habitual status offenses (121 during 2014 for Habitual B & E), however, because the punishment (i.e., penalty class) is lower than before these inmates are spending less time in prison.

³ North Carolina Sentencing and Policy Advisory Commission. *Justice Reinvestment Act Implementation Evaluation Report*. (Raleigh: State of North Carolina, 2015).

JRA Performance Measure: Prison Releases



Key Finding:

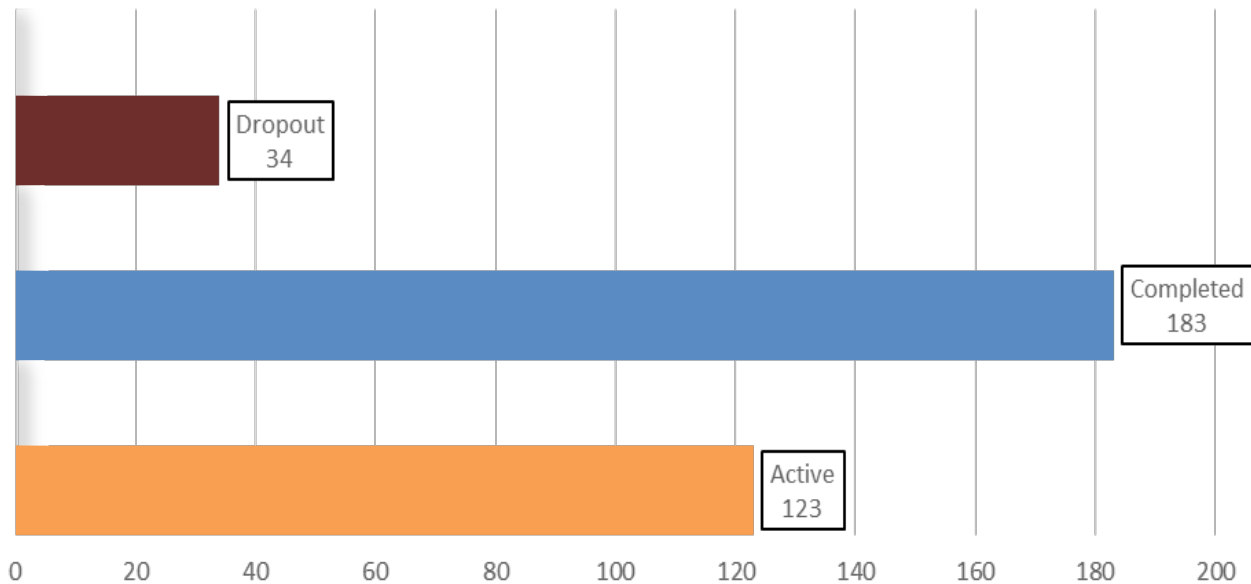
During FY 2015 the majority (75 percent) of people convicted of felonies received post-release after leaving prisons; up from only 16 percent during FY 2011.

Related Point:

An unintended consequence of the state’s elimination of parole supervision in 1994 was that few individuals received supervision upon release from prison. Recognizing that public safety and the chance of success upon reentry could be improved by increasing supervision requirements, the JRA requires every person with a felony conviction to receive 9 or 12 months of post-release supervision.⁴

⁴ Council of State Governments Justice Center. *Justice Reinvestment in North Carolina: Three Years Later*. (New York: Council of State Governments Justice Center, 2014).

JRA Performance Measure: Advanced Supervised Release



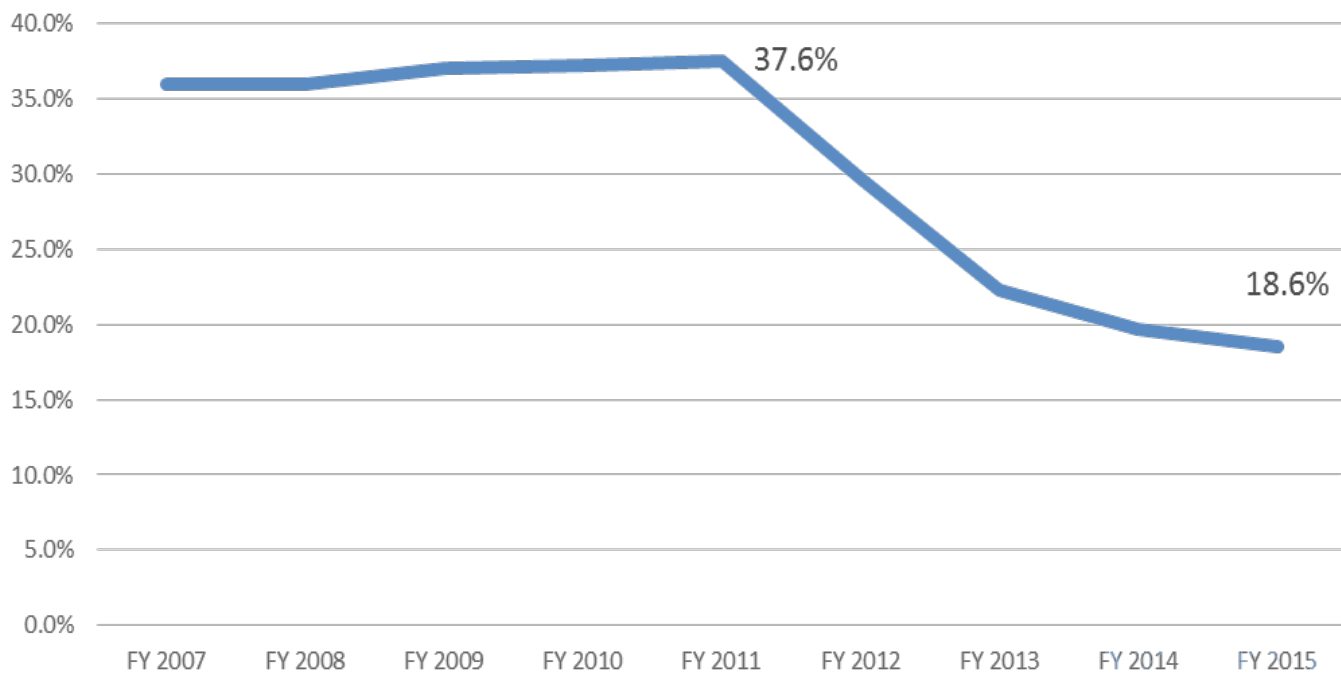
Key Finding:

At the end of FY 2015 340 inmates were adjudicated with at least one advanced supervised released (ASR) sentence since program implementation on December 1, 2011.

Related Points:

- A new sentencing option for judges offering advanced supervised release from prison was included in the legislation in order to encourage individuals to complete evidence-based programs, such as cognitive behavioral interventions, designed to reduce the likelihood of reoffending.
- The vast majority (95.3 percent) of ASR sentenced inmates exiting prison fulfilled the requirements of the program.
- As of June 30, 2015, nine inmates have exited prison having dropped out of the ASR program; 25 program drop outs are still incarcerated.

JRA Performance Measure: Probation Revocations



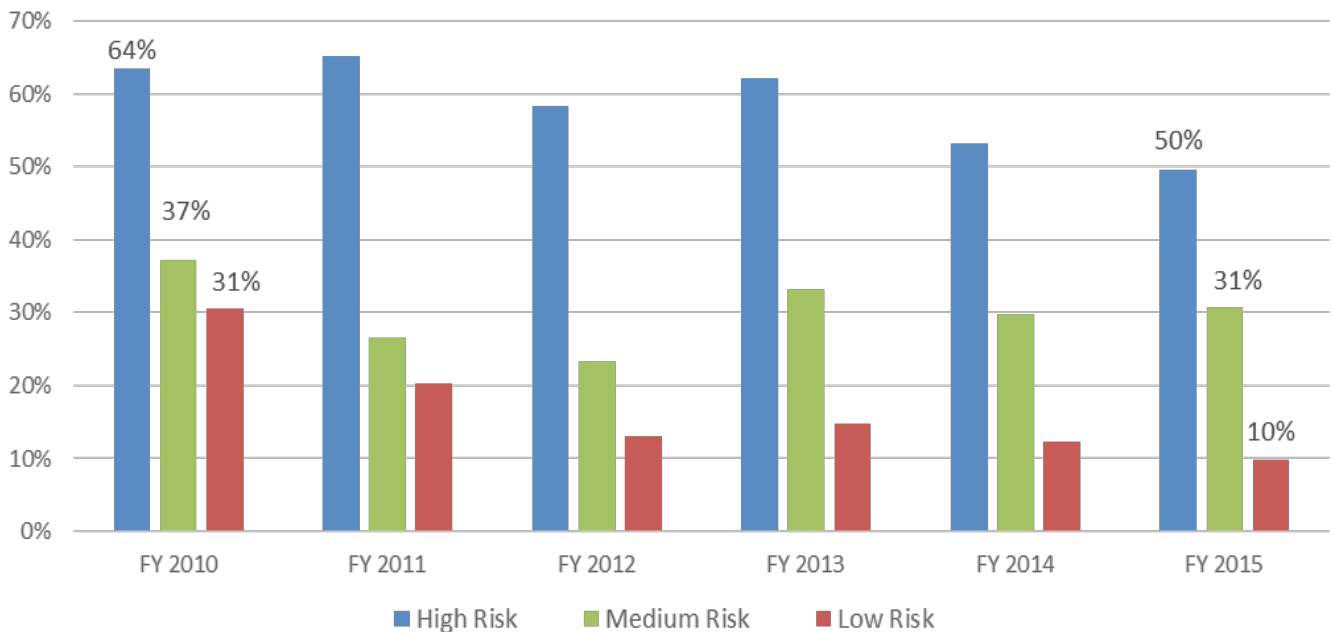
Key Finding:

During FY 2015 the revocation rate fell to 18.6 percent; a 57 percent decrease in the number of individuals failing supervision compared to FY 2011, the last fiscal year before the JRA was enacted.

Related Points:

- Prior to JRA the probation revocation rate was 37.6 percent indicating that more than one-third of individuals exiting probation were unsuccessful.
- The JRA limits the length of incarceration to 90 days for people convicted of felony offenses who violate the conditions of probation, but have not committed a new crime or absconded.

JRA Performance Measure: Supervision by Risk



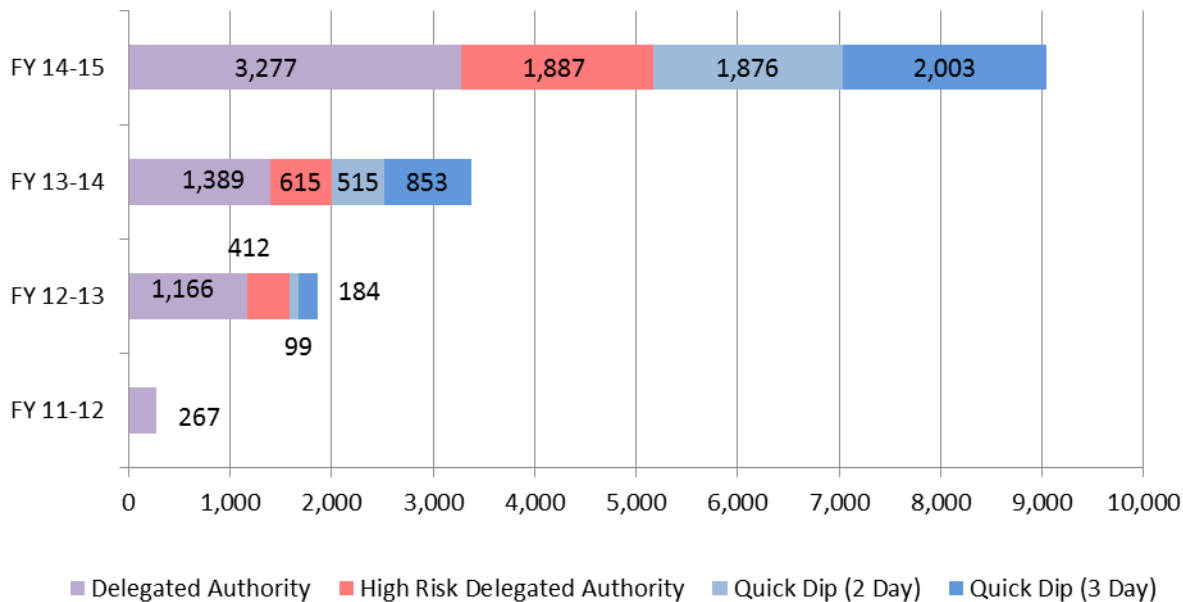
Key Finding:

During FY 2015 as revocation rates continued to improve, revocation rates by risk level indicate that supervision based on this factor leads to improved outcomes at each level of risk; particularly for individuals at high and low risk for re-arrest who showed better outcomes as supervision became tailored to that risk.

Related Points:

- JRA requires officers to assess probationers for their risk of reoffending and supervise them accordingly.
- High risk revocation rates dropped from 64 percent during FY 2010 to 50 percent during FY 2015.
- Medium risk rates dropped from 37 percent in FY 2010 to 31 percent during FY 2015.
- Revocations rates of low risk offenders, who since JRA are now seen less frequently than pre-JRA, had the largest decrease, from 31 percent during FY 2010 to 10 percent during FY 2015.
- The JRA set caseload targets of 60, allowing officers to place greater emphasis on high and medium risk offenders by allowing more time for quality contacts that focus on offender’s crime producing needs

☀ JRA Performance Measure: Utilization of Swift & Certain Sanctions



Key Finding:

Nearly 9,100 sanctions were utilized during FY 2015 to address non-compliant offender behavior, more than twice as many as during the prior year (3,372 sanctions in FY 2014).

Related Points:

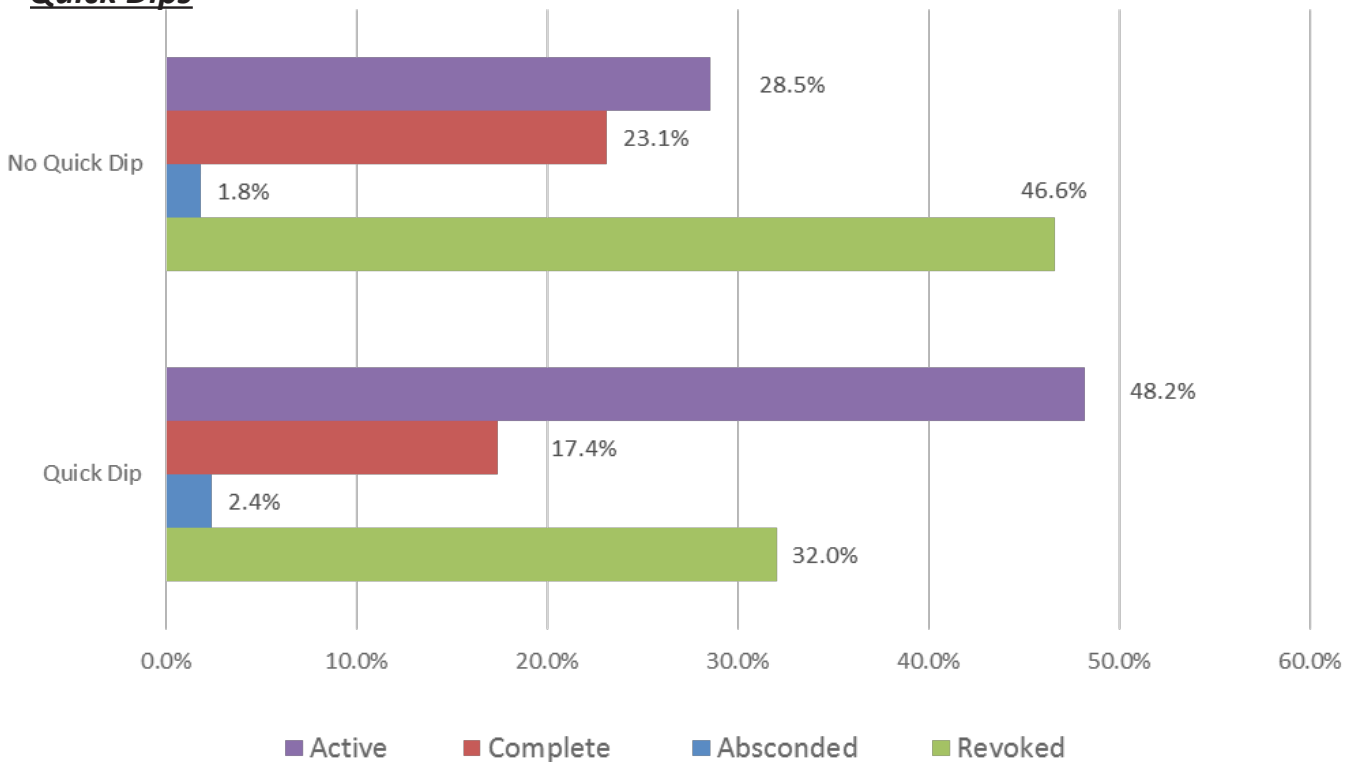
- JRA created additional tools for probation officers to increase offender accountability with swift and certain responses to negative behavior.
- Use of JRA tools has increased significantly; especially utilization of the administrative jail sanctions (“quick-dip”).
- During FY 2015, nearly 3,900 quick dips were ordered in response to non-compliant offender behavior, nearly three times the number ordered during the previous year (1,353).

☀ JRA Performance Measure: Utilization of Swift & Certain Sanctions

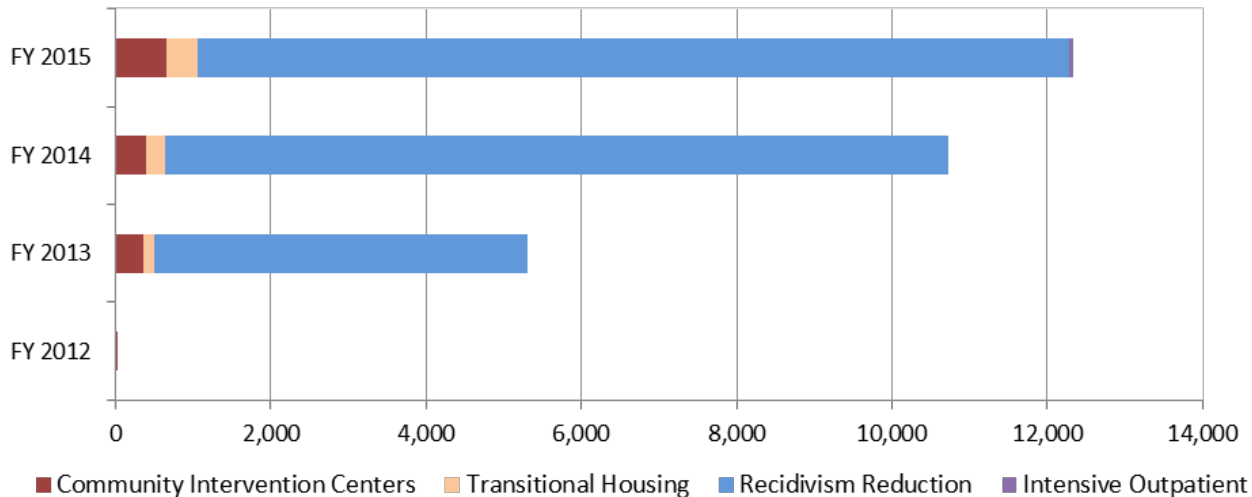
Related Analysis:

- To assess the impact of these sanctions, the Department compared outcomes for 1,200 offenders who during FY 2014 had a quick dip to a group of matched offenders who during FY 2014 did not have a quick dip as a response to similar non-compliance.
- The vast majority (66 percent) of offenders with a quick dip had a positive outcome compared to only about half (52 percent) of offenders from the comparison group, who did not have a quick dip.

One Year Outcomes for Offenders with Quick Dips Compared to Offenders without Quick Dips



JRA Performance Measure: Provide Community Interventions



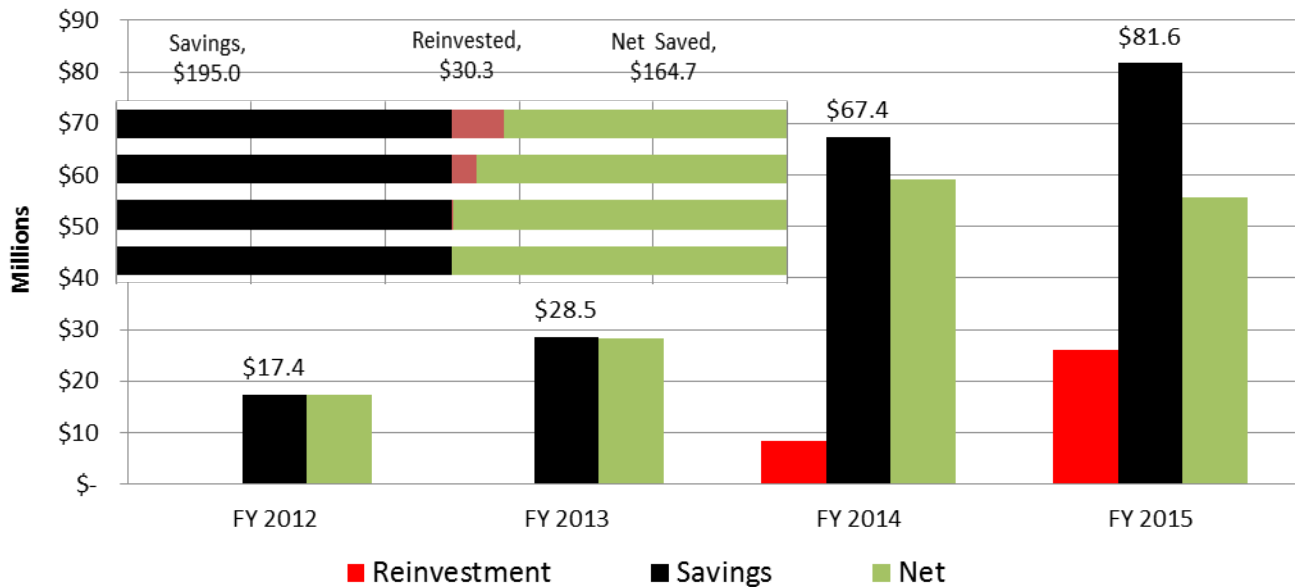
Key Finding:

Over 10,000 offenders have been provided treatment and services while in the community each year during FY 2014 and FY 2015.

Related Points:

- JRA created funding streams for community interventions that address criminogenic needs and other reentry barriers of the offender population.
- The Department contracts for a number of programs and services through the Treatment for Effective Community Supervision appropriation.
 - Short-term cognitive behavioral and substance abuse interventions are provided at Recidivism Reduction Services programs, which are most numerous and serve the largest number of offenders.
 - Intensive, longer term interventions are provided at Community Intervention Centers that operate primarily in urban areas of the state.
 - Transitional housing offers temporary housing for the general offender population (up to 90 days) and sex offenders (up to 60 days).
 - Funding specifically for Intensive Outpatient Substance Abuse Treatment began with limited funding during FY 2015.

JRA Performance Measure: Savings & Reinvestment in Millions



Key Finding:

The state has saved approximately 195 million dollars between FY 2012 and FY 2015 that can be attributed to policies enacted through the JRA; nearly 30.5 million dollars have been reinvested for a net savings of nearly 165 million dollars.

Related Points:

- Since passage of the JRA, the Department has closed 11 prisons along with supporting Regional offices and reduced the overall operating budget.
- Reinvestment has been made in additional probation officers and parole commission staff to supervise offenders in the community and the opening of two behavioral modification centers (CRV centers, see page 6).

JRA Performance Measure: Savings & Reinvestment

Related Analysis:

- Assumptions for these figures lie in anticipated continued funding at the estimated operating capacity (EOC) need prior to passage of the JRA.³
 - Staffing and facility costs are annualized based on recurring and non-recurring general fund dollars.
- Figures do not include \$267 million in costs averted from the anticipated construction and operational cost of additional prison beds needed based on projected prison population for FY 2017, by which a total of \$560 million in averted costs are anticipated.

General Fund Dollars	FY11-12	FY12-13	FY13-14	FY14-15	Totals
Total Savings:	(\$17,427,755.40)	(\$28,481,048.03)	(\$67,439,064.76)	(\$81,639,952.96)	(\$194,987,821.15)
Total Reinvestment:	\$0.00	\$169,267.00	\$8,279,338.00	\$21,860,357.00	\$30,308,962.00
Net:	(\$17,427,755.40)	(\$28,311,781.03)	(\$59,159,726.76)	(\$59,779,595.96)	(\$164,678,859.15)

Savings

General Fund Dollars ¹	FY2012	FY2013	FY2014	FY2015	Totals
Funded Capacity (EOC) ²	41,168	41,924	41,924	41,924	
Average Daily Population ^{3,4}	39,676	37,743	37,490	37,516	
Difference	-1,492	-4,181	-4,434	-4,408	
Annual Cost Per Inmate ⁵	\$4,469.45	\$4,238.63	\$4,398.14	\$4,605.87	
Inmate costs	(\$6,668,419.40)	(\$17,721,712.03)	(\$19,501,352.76)	(\$20,302,674.96)	(\$64,194,159)
Probation Officer Positions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Parole Commission Positions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other Prison Staff ⁶	\$0.00	\$0.00	(\$475,296.00)	(\$3,058,256.00)	(\$3,533,552.00)
Staff costs	\$0.00	\$0.00	(\$475,296.00)	(\$3,058,256.00)	(\$3,533,552.00)
Prison Closures ⁷	(\$10,759,336.00)	(\$10,759,336.00)	(\$44,862,416.00)	(\$51,342,589.00)	(\$117,723,677.00)
Conversions ⁸	\$0.00	\$0.00	(\$2,600,000.00)	(\$6,936,433.00)	(\$9,536,433.00)
CRV Centers	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Facility costs⁹	(\$10,759,336.00)	(\$10,759,336.00)	(\$47,462,416.00)	(\$58,279,022.00)	(\$127,260,110.00)
Total Savings	(\$17,427,755.40)	(\$28,481,048.03)	(\$67,439,064.76)	(\$81,639,952.96)	(\$194,987,821.15)

Reinvestment

General Fund Dollars	FY11-12	FY12-13	FY13-14	FY14-15	Totals
Probation Officer Positions ¹⁰	\$0.00	\$0.00	\$7,598,244.00	\$16,446,844.00	\$24,045,088.00
Parole Commission Positions ¹¹	\$0.00	\$169,267.00	\$681,094.00	\$1,056,094.00	\$1,906,455.00
Other Staff	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Staff Reinvestment	\$0.00	\$169,267.00	\$8,279,338.00	\$17,502,938.00	\$25,951,543.00
Prisons	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Conversions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CRV Centers ¹²	\$0.00	\$0.00	\$0.00	\$4,357,419.00	\$4,357,419.00
Facility costs	\$0.00	\$0.00	\$0.00	\$4,357,419.00	\$4,357,419.00
Total Reinvestment	\$0.00	\$169,267.00	\$8,279,338.00	\$21,860,357.00	\$30,308,962.00
Net: General Fund	(\$17,427,755.40)	(\$28,311,781.03)	(\$59,159,726.76)	(\$59,779,595.96)	(\$164,678,859.15)

Notes:

¹ Figures represent anticipated funding and capacity need prior to Justice Reinvestment Act.

² EOC capacity had Justice Reinvestment Act not been enacted; assumes funded EOC would match that reported in the January 2011 Prison Population Projections prepared by the North Carolina Sentencing and Policy Advisory Commission. <http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/2011-popproj.pdf> accessed September 16, 2015.

³ Actual recorded average daily population. Reference North Carolina Department of Public Safety Offender Population Unified System, September 12, 2015. *Division of Adult Correction and Juvenile Justice Rehabilitative Programs & Services Section.*

⁴ Includes savings from reduced number of days spent in prison due to Advanced Supervised Release sentencing option and the Habitual Felon four-class enhancement. Also includes costs of additional time spent in prison as a result of the Habitual Breaking & Entering status offense. Individual impact of these JRA elements has not be analyzed.

⁵ Annual cost to incarcerate an individual inmate for the year, the “per diem” rate. *North Carolina Department of Public Safety, Fiscal Section.*

⁶ Savings from “hubbing” three prisons (Buncombe, Raleigh CCW, and Tillery) and closing two Regional Prisons Offices; Piedmont Region and Female Command. Assumes savings are recurring due to reduced prison population from Justice Reinvestment. *North Carolina Department of Public Safety, Fiscal Section.*

⁷ Savings from closing 11 prisons; figures include cuts to staff positions supporting these prisons. Assumes savings are recurring due to reduced prison population from Justice Reinvestment. *North Carolina Department of Public Safety, Fiscal Section.*

⁸ Savings from converting Johnston and Eastern CI to minimum custody units. *North Carolina Department of Public Safety, Fiscal Section.*

⁹ Does not include \$267 million averted from the anticipated construction and operational cost of additional prison beds needed based on January 2011 Prison Population Projections prepared by the North Carolina Sentencing and Policy Advisory Commission for fiscal year 2017, by which time it is anticipated total averted costs, including those costs itemized here will total \$560 million. North Carolina Department of Public Safety, Central Engineering.

¹⁰ Cost of adding 175 probation officers to supervise in the community post-release offenders exiting prison. Includes approximately \$4.6 million in non-recurring funds for officer positions. Slightly more than \$10 million in recurring funds for staff salary and benefits. *North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, Section of Community Corrections.*

¹¹ Cost of adding Post-Release Supervision and Parole Commission staff to process post-release offenders exiting prison. *North Carolina Department of Public Safety, Fiscal Section.*

¹² Costs associated with start-up and staffing Confinement in Response to Violation (CRV) centers in Burke and Robeson counties for six months. CRV center population is included in the average daily prison population figures; therefore, the cost of housing CRV offenders is included in the FY14-15 “inmate costs” line. *North Carolina Department of Public Safety, Fiscal Section for open CRV costs; North Division of Adult Correction and Juvenile Justice Rehabilitative Programs & Services Section for CRV programming costs.*

(Endnotes)

1 Calendar year 2014 is the last reporting year. Reference North Carolina Department of Public Safety, State Bureau of Investigation. SBI Uniform Crime Reports. <https://www.ncdps.gov/Index2.cfm?a=000003,002965,003090> accessed February 22, 2016.

2 Calendar year 2014 are most current as of this report; updated statistics for habitual status offenders in calendar year 2015 is anticipated in mid-Spring when the 2016 Justice Reinvestment Act Implementation Evaluation Report is submitted by the SPAC.

3 North Carolina Sentencing and Policy Advisory Commission (2011). *Current Population Projections Fiscal Year 2010/11 to Fiscal Year 2019/20*. <http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/2011-popproj.pdf>