

Justice Reinvestment in North Carolina

Reducing Spending on Corrections and Reinvesting in Strategies to Increase Public Safety



Background

In 2009, Governor Beverly Perdue, Supreme Court Chief Justice Sarah Parker, Senate President Marc Basnight, Senate Minority Leader Phil Berger, House Speaker Joe Hackney, House Minority Leader Paul Stam, and Sentencing and Policy Advisory Commission Chairman Judge Spainhour requested technical assistance from the Council of State Governments Justice Center (“CSG Justice Center”) to help develop a statewide policy framework to reduce spending on corrections and reinvest in strategies to increase public safety.

North Carolina overhauled its sentencing system under the 1994 Structured Sentencing Act, which established sentencing guidelines based on offense severity and prior criminal record, thus reserving prison space for the most serious and repeat offenders. Now faced with a growing prison population, the state has requested assistance to strengthen this system and develop strategies to control corrections spending and increase public safety.

The CSG Justice Center is a national nonprofit, nonpartisan organization that works with state policymakers to analyze data and develop fiscally sound strategies to increase public safety. Assistance is provided in partnership with the Public Safety Performance Project of the Pew Center on the States and made possible through funding support provided by Pew and the Bureau of Justice Assistance, a component of the U.S. Department of Justice and the State of North Carolina.

To guide the CSG Justice Center’s analyses of the state’s criminal justice system and development of policy options, the state has established a work group. Members of the work group represent both parties and all three branches of state government, including the two chambers of the General Assembly. The work group will review data analyses from the CSG Justice Center and develop a legislative package to address the projected growth in North Carolina’s prison population, generate savings, and reinvest in strategies to increase public safety.

Snapshot of Corrections, Recidivism, and Cost Trends in North Carolina

The increase in the number of people incarcerated in state prison in North Carolina has outpaced the growth in the state's resident population.

North Carolina's resident population increased 14 percent between 2000 and 2008.¹ This growth rate, however, was considerably lower among young adults between the ages of 18 and 34 who account for a disproportionately large share of crimes committed in any state. That age group grew just 5 percent over these eight years.² Yet during the same period, the prison population grew 25 percent, from 31,581 to 39,326 people.³

The prison population is projected to continue growing. Assuming existing policy remains unchanged, the state will need to expand the capacity of the state system at a significant cost to taxpayers.

The Sentencing and Policy Advisory Commission projects that the prison population will increase by 25 percent, or 10,000 inmates, between 2009 and 2019.⁴ The existing prison capacity is about 39,000 beds and the Department of Correction (DOC) estimates that it will face a shortfall of about 8,500 beds by FY 2019. Building and operating these new prison beds will cost more than \$2 billion between FY 2012 and FY 2019. Construction costs alone will approach \$775 million between FY 2012 and FY 2019, with one third of this investment needed by FY 2012.⁵

Such costs mean that state spending on corrections would intensify. As it is, between 2000 and 2008, the DOC budget increased 43 percent, from \$918 million to more than \$1.31 billion.⁶

Although reported crime rates in the state have decreased, arrests for property and drug crimes have increased.

Between 2000 and 2008, North Carolina's violent and property crime rates as reported to police decreased six percent and eight percent, respectively. Over that same period, arrests for violent crimes decreased by nine percent. However, arrests for property crimes increased by 27 percent and drug arrests increased by nine percent.⁷

More than half of all admissions to prison are for probation revocations.

In 2009, probation revocations accounted for 53 percent of prison admissions.⁸

There is a critical shortage of substance use disorder treatment programs for individuals involved in North Carolina's prison system.

During FY 2009, DOC screening data indicated that of the individuals admitted to prison, 30 percent needed high-intensity, long-term substance use disorder treatment services, and an additional 32 percent needed a medium-intensity, shorter-term level of services.⁹ However, the state's prison system has a limited capacity to treat these individuals. Between FY 2001 and FY 2009, the number of prison-based treatment slots declined by 23 percent. Because of limited resources, it is estimated that only one-third of prisoners with substance use disorders who need services receive them.¹⁰

1. US Census Bureau Population Estimates. <http://www.census.gov/compendia/statab/2010/tables/10s0012.xls>

2. Ibid.

3. North Carolina Department of Correction, Annual Statistical Reports (FY1999–2000 and FY 2007–2008), <http://randp.doc.state.nc.us/pubdocs/0004182.PDF> and <http://randp.doc.state.nc.us/pubdocs/0007058.PDF>.

4. Based on June 2009 prison population (40,824) and estimates of FY 2019 June population (50,829). <http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/2010-popproj4.pdf>

5. Council of State Governments Justice Center estimate based on construction cost figures provided by North Carolina Department of Correction on January 29, 2010.

6. North Carolina Department of Correction, Annual Statistical Reports (FY 1999–2000 and FY 2007–2008). <http://randp.doc.state.nc.us/pubdocs/0004182.PDF> and <http://randp.doc.state.nc.us/pubdocs/0007058.PDF>.

7. U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States*. <http://www.fbi.gov/ucr/ucr.htm>

8. North Carolina Department of Correction, *Annual Statistical Report 2008–2009* (forthcoming).

The CSG Justice Center's Three Phases of Assistance

Experts from the CSG Justice Center will provide technical assistance to North Carolina policymakers in three phases.

PHASE 1

Analysis and Policy Development

The CSG Justice Center staff will comprehensively analyze North Carolina's prison, community corrections, crime, and recidivism data. This analysis will include a system-wide examination of the prison population, drivers of prison growth, and strategies used currently by policymakers.

To incorporate perspectives and recommendations from across the criminal justice system, the CSG Justice Center will engage stakeholders using formats such as focus groups, site visits, and personal interviews. Examples of stakeholders include, but are not limited to, judges, district attorneys, public defenders, law enforcement, and advocates for victims and survivors.

In collaboration with the work group, which will review analysis and share recommendations, the CSG Justice Center will develop consensus-based policy options that address the key factors behind North Carolina's escalating prison population and corrections expenditures.

A health systems team will analyze programs and services for people with behavioral health needs who come into contact with the criminal justice system.

PHASE 2

Policy Implementation

To ensure that policies are implemented effectively, staff members from the CSG Justice Center will provide technical assistance to state agencies and perform regular assessments of implementation progress. Policymakers will therefore be able to identify necessary adjustments to policies and strategies to ensure intended goals are achieved.

In addition, the CSG Justice Center will develop a *dashboard* tracking mechanism to help policymakers measure impacts of newly enacted policies on crime, court dispositions, jail populations, and the prison population.

PHASE 3

Accountability Strategies

Policymakers, with the assistance of regular presentations from CSG Justice Center experts, will put into effect accountability measures for the multiple agencies responsible for policy implementation. Continual monitoring of the dashboard and other accountability measures will help North Carolina ensure that gains achieved are sustained and savings generated are reinvested to foster safer and stronger communities.

9. North Carolina Department of Correction, Division of Alcoholism and Chemical Dependency Programs, *Annual Legislative Report*, FY 2008–2009, http://www.doc.state.nc.us/legislative/2010/Alcoholism_and_Chemical_Dependency_Programs.pdf

10. *Building a Recovery-Oriented System of Care: A Report of the NCIOM Task Force on Substance Abuse Services*, January 2009, http://www.nciom.org/projects/substance_abuse/Full%20Report.pdf.

To learn more about the justice reinvestment strategy
in North Carolina and other states, please visit:
www.justicereinvestment.org.

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The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.



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To learn more about the Bureau of Justice Assistance, please visit: <http://www.ojp.usdoj.gov/BJA/>.



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To learn more about the Public Safety Performance Project, please visit: <http://pewcenteronthestates.org>.

Points of view, recommendations, or findings stated in this document are those of the authors and do not necessarily reflect the official position or policies of the Bureau of Justice Assistance, U.S. Department of Justice, The Pew Charitable Trusts, Council of State Governments Justice Center, or the Council of State Governments' members.

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Incorporating Evidence-Based Practices Into Supervision Strategies



The Division of Community Corrections is implementing a new probation/parole supervision strategy where offenders are supervised based on their risk of re-arrest, not simply on the offender's latest conviction. North Carolina joins a growing group of probation agencies across the nation using Evidence Based Practices (EBP) to implement supervision strategies that are proven to work through empirical research and discontinuing those strategies that don't work.

This commitment to EBP brings a new method of assigning supervision levels. Probation officers will be supervising offenders based on the results of a data-driven risk-needs assessment, overlaid with the sanctions and requirements of the Court. The approach considers not only an offender's risk of re-arrest, but also his or her criminogenic needs related to things such as dysfunctional family environment, criminal peers, antisocial behavior and values, and substance abuse. Research shows these factors are most important in determining which offenders need more attention, and which need to be removed from the community quickly in the event of non-compliant behavior.

Probation officers assess offenders using 10 questions that make up the Offender Traits Inventory (OTI). This assessment tool very accurately determines the offender's probability of re-arrest within one year. A "high" risk level means a 31% chance of re-arrest within the first year of supervision. An offender's score on the OTI is one factor in determining what level of supervision he or she should be assigned.

To determine what supervision level is appropriate, an offender's risk and needs are reviewed. Data shows that offenders fall into a variety of risk and needs levels -- with many scoring high in one area and moderate or low in others. Those potential combinations

were analyzed and supervision levels created. National research shows that offenders with the highest risk and needs require more supervision and treatment with frequent officer contact while the lowest risk offenders require minimal supervision and can benefit from self-reporting programs and technologies.

An important aspect of offender supervision is the response to non-compliance. Responses to negative offender behavior are based on the severity of the behavior and level of supervision. Matching supervision and severity levels give officers options in dealing with noncompliance. (See chart below.) Behavior determined to be a risk to public safety results in an offender's arrest and return to court. Intervention strategies such as modifying the judgment, increasing frequency of contacts or drug screens can be used in mid-level risk areas.

Non-compliance Severity	Supervision Level				
	L1	L2	L3	L4	L5
S1 (Public Safety)					
S2 (Crime)					
S3 (Recurring/Multiple)					
S4 (Singular)					
S5 (Non-willful)					

The chart outlines the response to non-compliant behavior, with **red** representing public safety risk requiring arrest and return to court; **green** representing intervention to increase restrictions on the offender; and **blue** representing response to non-compliance considered "technical" in nature, such as not paying fees/fines.

These approaches are designed to have positive effects on revocation and absconder rates and to encourage successful completion of supervision, treatment and community service.

For more information, go to www.doc.state.nc.us/dcc and click on the Evidence Based Practices button.

North Carolina Department of Correction

Division of Alcoholism and Chemical Dependency Programs

DACDP Overview

- One of the largest substance abuse treatment organizations in North Carolina, employing almost 250 staff from Haywood to Tyrrell counties
- Promotes programming that reflects “best practices” for intervention and treatment, as established by the National Institute of Health and the U.S. Department of Health and Human Services
- All clinical staff registered or credentialed through the North Carolina Substance Abuse Professional Practice Board
- Eighteen prison-based programs located within NCDOC prison facilities
- Two community-based residential programs for probationers and parolees
- Two contracted private facilities

In Fiscal Year 2008-2009

- All incarcerated offenders are screened during diagnostic processing for substance abuse issues using the Substance Abuse Subtle Screening Inventory (SASSI)
- Of the total number of 26,325 offenders who were screened, 63% or 16,493 indicated a need for intermediate or long-term substance abuse treatment.
- Of the 16,493 identified offenders who were eligible, only 5,932 or 36% were referred to intermediate or long-term substance abuse treatment programs.
- 68% or 2,275 of female offenders who were screened indicated a need for intermediate or long-term substance abuse treatment.
- 71% or 2,775 of youthful male offenders (under 22) who were screened indicated a need for intermediate or long-term substance abuse treatment.
- For every substance abuse treatment slot available there are 3 inmates who need substance abuse treatment. In other words, when variables are held constant an inmate who needs treatment has a 35% chance of placement in a treatment program.

Prison-Based Programs

- (2) 35 day programs to deliver short-term treatment
- (11) 90 day programs to deliver intermediate treatment
- (5) 6-12 month programs to deliver long-term treatment

Community-Based Programs

- DART Cherry for male probationers and parolees (2 therapeutic community programs – 100 beds each, one 28-day short-term program – 100 beds)
- Black Mountain Substance Abuse Treatment Center for Women – a therapeutic community program of 50 beds

Contracted Private Facilities

- Mary Frances Center - 100 minimum custody beds for incarcerated female offenders located in Tarboro, NC
- Evergreen Rehabilitation Center – 100 minimum custody beds for male offenders located in St. Pauls, NC