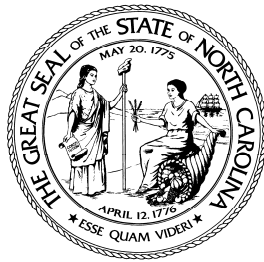


North Carolina
Sentencing and Policy Advisory Commission

**Justice Reinvestment Act
Implementation Evaluation Report**



*Project Conducted in Conjunction with the
Division of Adult Correction of the
North Carolina Department of Public Safety*

Submitted pursuant to N.C. Gen. Stat. § 164-50 (2011)

April 15, 2012

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INTRODUCTION

In 2011, the North Carolina General Assembly directed the Sentencing and Policy Advisory Commission and the Division of Adult Correction (DAC) of the Department of Public Safety (DPS) to jointly conduct ongoing evaluations regarding the implementation of the Justice Reinvestment Act (JRA, *see* S.L. 2011-192, Section 8). This report constitutes the first report in compliance with the directive and includes background on Justice Reinvestment in North Carolina, a summary of major provisions in the legislation, a description of implementation efforts since the Act's passage, and observations regarding implementation to date.

Justice Reinvestment Implementation Report Subcommittee

In response to the mandate to conduct ongoing evaluations of the implementation of the JRA, the Commission established the Justice Reinvestment Implementation Report Subcommittee. The purpose of the Subcommittee is to gather information, review data where available, and report to the Commission any recommendations regarding the implementation of the JRA. The Subcommittee met three times: February 10, February 24, and April 13, 2012. At the April 13 meeting, the Subcommittee reviewed and accepted the final report.

Limitations of the Current Report

Due to the effective dates of the Act and a submission date of April 15, 2012, this report can only address the early stages of implementation. There are no data yet available to analyze the impact of the JRA provisions. As more offenders and cases work their way through the system, empirically-based research will be used to measure utilization of new tools (*e.g.*, quick dip, Confinement in Response to Violations, Advance Supervised Release) established under the JRA and the effect of the JRA on prison and probation resources and on recidivism.

The current report is based on information provided by the agencies involved about the major efforts undertaken to date to implement the JRA, including agency training, policy and programmatic changes, and data collection and/or data system changes. Also included are observations from agencies, practitioners, trainers, and other field personnel regarding challenges experienced implementing the Act.

Background – Justice Reinvestment in North Carolina

In 2009, North Carolina's executive, legislative and judicial leadership requested technical assistance from the Council of State Governments (CSG) Justice Center to study North Carolina's criminal justice system. The bi-partisan request was made in response to the state's increasing prison population and with the hope the CSG would determine ways North Carolina could curb expenditures for building prisons as well as ways to reinvest in strategies to reduce corrections spending overall.¹

¹ Due to a confluence of factors, the prison population in North Carolina has declined since 2009. Legislative changes made to the felony punishment chart in 2009, as well as changes to earned time credits made in 2011, contributed to the decline. North Carolina has also experienced changes in demographic trends (including a decrease

From 2009 to 2010, the CSG analyzed North Carolina data, examined the criminal justice system, and engaged stakeholders and policymakers to identify potential areas for improvement in sentencing, supervision, and treatment practices. The CSG found increasing probation revocations and various sentence enhancements were two factors straining the prison system. The CSG also noted the lack of supervision for many offenders leaving prison, as well as inadequately targeted treatment in the community. The CSG developed and recommended a legislative package designed to increase public safety while curbing spending on corrections by reinvesting in community treatment.²

The policy options presented by the CSG were incorporated into House Bill 642, The Justice Reinvestment Act. Representatives Bordsen, Faircloth, Guice, and Parmon introduced H.B. 642 in the North Carolina General Assembly during the 2011 Session. Both the House of Representatives and Senate ultimately passed the legislation with overwhelming support; Governor Perdue signed the Act into law on June 23, 2011.

Major Provisions of the Justice Reinvestment Act

The JRA makes changes to North Carolina's court system, corrections system (both to prisons and probation), and to post-release supervision. The Act also creates a statewide confinement program for misdemeanants, refocuses community resources, creates a new habitual breaking and entering felony offense, and modifies the punishment for habitual felons. A summary of the major provisions of the Act is provided below, by system.

Changes to the Court System

The JRA expands the existing drug diversion program (G.S. 90-96) to make it mandatory. The mandatory diversion requires that all first-time offenders convicted of a misdemeanor or Class I felony possession of drugs or paraphernalia offense be placed in the program.

An habitual breaking and entering status offense is created. Offenders who commit their second felony breaking and entering offense (1st degree burglary, 2nd degree burglary, breaking out of dwelling, breaking or entering buildings generally, breaking or entering a place of religious worship) are sentenced in Class E according to the felony punishment chart.

The existing habitual felon law is modified under the JRA. Previously, upon conviction of a fourth felony, offenders were eligible to be convicted under the habitual felon law and were sentenced to Class C, according to the felony punishment chart. The JRA modifies the law so habitual felons are sentenced four classes higher than the class of the current offense, but no higher than Class C, and according to the felony punishment chart.

in the rate of growth in the state's population, particularly for males ages 16-24), and decreases in crime trends overall. (For a full report on North Carolina's prison population, see NC Sentencing and Policy Advisory Commission, *Prison Population Projections FY 2012-FY 2021*). This phenomenon is not unique to North Carolina; at least half of states in the U.S. reported a decline in prison populations in 2010 (see U.S. Department of Justice, Bureau of Justice Statistics, *Prisoners in 2010*).

² For the full report from the Council of State Governments, see Council of State Governments Justice Center, *Justice Reinvestment in North Carolina, Analysis and Policy Framework to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety*, April 2011.

The JRA redefines Community and Intermediate Punishments. Community Punishment is defined as any sentence other than an Active Punishment, drug treatment court, or special probation (split sentence). Intermediate Punishment is defined as supervised probation. It may include any other condition of probation. Drug treatment court and special probation (split sentence) are limited to Intermediate Punishment sentences. The court has the discretion to impose supervised probation with no additional conditions as an Intermediate Punishment.

The JRA creates short periods of confinement (“quick dips”) in jail as a new condition of probation. The court is authorized to impose up to six days per month in jail. The days must be imposed in two- or three-day increments and may not exceed six days per month for up to three months total. This condition can be imposed as part of a Community or Intermediate Punishment; it is separate from special probation (split sentence).

Advanced Supervised Release (ASR) is created under the JRA for offenders receiving active sentences. ASR allows judges to decide at sentencing whether an eligible offender will be ordered to this prison program. If the prosecutor objects, the offender cannot be ordered into the program. It entitles an offender, upon successful completion of programming recommended by the DAC, to be released from prison and placed on post-release supervision after serving a specific amount of time but prior to completing the minimum sentence imposed.

Changes to Probation

The JRA codifies the use of risk and needs assessments as a strategy in managing offenders and allocating resources in the community. The Act directs the DAC to perform a risk assessment on offenders sentenced to probation. Supervision and other resources are targeted based on offenders’ levels of risk and need.

The Act expands delegated authority for probation officers. Probation officers now have the authority to impose most of the current conditions of probation and the authority to respond to a violation by placing the probationer in jail for two- or three-day periods (“quick dips”) without a court hearing. The sanction may be used up to six days per month for up to three months. The officer must first obtain a voluntary waiver of the court hearing from the probationer.

Under the JRA, prison time imposed for technical violations of probation is limited. The penalty for a first or second technical violation of probation is set at 90 days imprisonment for a felon and up to 90 days for a misdemeanor (which could result in the entire misdemeanor sentence being served). The court is allowed to revoke probation and activate the suspended sentence in response to a third technical violation. Otherwise, revocation is authorized only if the probationer commits a new crime or absconds. Offenders who have their probation revoked and serve their entire suspended sentence are placed on post-release supervision.

Changes to Prisons

The JRA authorizes a potential reduction to the minimum sentence while in prison under ASR. An offender (*see* above “Changes to Court System”) who successfully completes programming recommended by the DAC while in prison is allowed to be released from prison and placed on

post-release supervision at the shortest mitigated sentence if the offender was sentenced to a non-mitigated minimum sentence, or at 80% of the minimum sentence if the offender was sentenced to a mitigated minimum sentence.

Changes to Post-Release Supervision

Post-Release Supervision (PRS) under the JRA is expanded to include all felons. Nine months of supervision is required for Class F through I felons released from prison and five years of supervision is required for Class F through I felons convicted of a sex offense. The revocation period for these offenders is nine months. The JRA also extends the period of supervision and revocation for violent felons. Twelve months of PRS is required for Class B1 through E felons released from prison; the revocation period is twelve months. Class B1 through E felons convicted of a sex offense will continue to get five years of supervision; the revocation period is five years.

Similar to probation, prison time imposed for technical violations on PRS is limited. The penalty for a first, second, or third technical violation is set at 90 days of imprisonment. Upon the fourth technical violation, the Post-Release Supervision and Parole Commission may revoke post-release supervision and impose the rest of the prison sentence. The Commission is authorized to revoke supervision and activate the entire sentence if the supervisee commits a new crime or absconds, or if the supervisee was originally convicted of a sex offense and subsequently violates a condition of supervision.

Resources

The Criminal Justice Partnership Program (CJPP) is repealed under the Act and the Treatment for Effective Community Supervision (TECS) Program is created. The DAC is authorized to enter into contractual agreements with eligible entities for the operation of community-based corrections programs. TECS focuses on certain offenders: (1) offenders convicted of a felony; (2) offenders participating in the felony drug diversion program; and (3) offenders who are identified by the DAC to have a high likelihood of re-offending and who have a moderate to high need for substance abuse treatment. Programs eligible for funding include substance abuse treatment programs and cognitive-behavioral programming and other evidence-based programming.

Under the JRA, the Statewide Misdemeanant Confinement Program (SMCP) is created. Most misdemeanants will be housed in local jails, instead of state prisons. The North Carolina Sheriffs' Association operates the SMCP which is funded by the Statewide Misdemeanant Confinement Fund. Misdemeanants who receive a sentence between 91 and 180 days of confinement are placed under the Program. The SMCP finds space to house those misdemeanants in participating local jails. If the participating local jails are full, the DAC houses the offenders. (The SMCP does not apply to offenders convicted of impaired driving offenses.)

Implementation – Oversight and Work Groups

The North Carolina General Assembly passed the JRA in June 2011. Due to the short period of time between passage and the Act's effective dates, a structure was needed to oversee the implementation. A multi-agency work group was established for this purpose. The Justice Reinvestment Work Group (*see* Appendix A and Appendix B for an organizational chart and membership list) was comprised of members representing the Governor's Office, state agencies, Commissions, and Associations. The Work Group met twice, on September 15, 2011, and November 15, 2011, to approve an implementation plan (*see* Appendix C) and to discuss the implementation progress of the JRA.

The Work Group established a Core Implementation Team, which included membership from key public safety agencies. This group was responsible for collaborating to develop policy recommendations, answering questions about the JRA, informing the Work Group of critical problems or challenges, and facilitating agency coordination during the implementation phase. The Core Team met approximately once a week from September 2011 to December 2011.

Issue-Specific Work Groups were also established under the Work Group and the Core Implementation Team. These Work Groups focused on the following issues:

- Habitual Felon and Drug Diversion
- Advanced Supervised Release
- Community/Intermediate Punishment and Jail Confinement
- Misdemeanant Confinement
- 90-Day Confinement and Post-Release Supervision
- Treatment for Effective Community Supervision
- Quality Assurance and Accountability
- Communication
- Training and Stakeholder Education.

The nine Issue-Specific Work Groups met as needed to identify implementation challenges and to work collaboratively cross-agency to address problems. Reports regarding meeting plans and actions were submitted back to the Work Group.

TRAINING

The JRA changes to the court and correctional systems (probation and prisons) necessitated training for multiple agencies and organizations across the state. Major agency and organizational training efforts to date are described below. Additionally, the University of North Carolina School of Government (SOG) continues to post short articles about JRA issues on its blog "North Carolina Criminal Law" and to respond to practitioners' phone calls and emails.

Agency Training

Administrative Office of the Courts

In coordination with the SOG, the Administrative Office of the Courts (AOC) offered training sessions to various groups on the JRA including Court of Appeals Judges, Superior Court Judges, District Court Judges, Prosecutors, and Clerks of Court.

The SOG held seven training sessions for prosecutors on August 9, September 16, November 30, December 2, and December 9, 2011, and on January 25 and February 17, 2012. These sessions ranged from two hours to four hours in length and focused on the aspects of the JRA relevant to prosecutorial practices. An estimated 174 District Attorneys and Assistant District Attorneys participated in these training sessions.

Superior Court Judges and District Court Judges received an overview of the JRA from the SOG at their Fall Conferences held on October 18, 2011 and October 12, 2011, respectively. New Superior and District Court Judges were trained on probation and sentencing under JRA on December 8, 2011, and January 24, 2012, respectively. SOG offered an advanced sentencing course for Superior Court Judges on September 10, 2011, and a seminar on the JRA and related issues for District Court Judges February 20 and 21, 2012. Overall, judges' training sessions ranged from one hour to two days.

The Court of Appeals judges participated in a one-hour training session from the SOG on December 7, 2011; research assistants for Court of Appeals judges received a 90-minute training on the JRA on September 9, 2011.

Clerks of Court received one hour of JRA training on August 12, 2011, specifically related to probation violations. Clerks received a 90-minute training on the JRA, followed by a 45-minute panel discussion at their conference in March 2012. An estimated 80 clerks attended.

Division of Adult Correction

The DAC currently employs roughly 21,000 people. DAC focused on two rounds of training. The purpose of the first round of training was to expose employees to the JRA generally. This round of training reached 3,300 people. The second round of training focused on written policies modified as a result of the JRA.

Section of Community Corrections

In the first round of training, the Section of Community Corrections (SCC), with the assistance of the SOG, conducted two webinar sessions on the JRA, held on November 17, 2011. An estimated 2,300 Community Corrections employees participated in the webinars. The DAC also devoted two days to a Justice Reinvestment Training Institute, held on December 6 and 7, 2011. An estimated 130 managers and supervisors participated in the institute each day. During the second round of training, the SCC held four Division Trainings on January 10, January 17, January 18, and January 19, 2012. An estimated 50 managers and supervisors and 225 Chief

Probation and Parole Officers attended the Division Trainings. The Section also held sixteen in-depth policy and process trainings for probation officers starting January 31, 2012 through February 2012. An estimated 2,000 officers participated in these trainings.

Section of Prisons

The Section of Prisons (SOP) held seven Justice Reinvestment Training Sessions across the state on November 28, November 29, December 1, December 5, December 8, December 9, and December 13, 2011. An estimated 900 case managers, diagnostic center employees and managers attended the sessions. The SOP held an additional training session on March 7, 2012 for prison case managers and other prison staff. Finally, the DAC distributed a special edition of the *Corrections News* newsletter about the passage of the JRA to every employee (*see* www.doc.nc.gov/Newsletter/JRnewsletter.pdf).

Web Resources and Public Education

In addition to face-to-face training and webinars, the DAC developed a dedicated webpage with information on the JRA (*see* <http://jr.nc.gov>). The webpage contains information related to all agencies affected by the JRA, with links to each agency's website and supplemental information on the JRA changes. DAC also developed an e-learning module that came online in March 2012. Through this module, the Division will expose the remaining employees to the JRA. Lastly, through the North Carolina Speaker's Bureau, the Division will identify civic clubs throughout the state and deploy managers and supervisors to educate the public on the JRA.

Other

Defense Attorneys

The SOG also provided training in eight sessions for defense attorneys across the state, as well as presented information about the JRA at Continuing Legal Education courses for private counsel and public defenders. These sessions ranged from one hour to two hours.

County Attorneys

County attorneys received a JRA overview from the SOG, with an emphasis on the SMCP, on February 11, 2012.

North Carolina Sheriffs' Association

The North Carolina Sheriffs' Association (NCSA) provided training on the SMCP across the state for over 420 sheriffs and sheriff's personnel. Additionally, some Assistant District Attorneys, Clerks of Court, and county finance managers attended the trainings.

POLICY AND PROGRAMMATIC CHANGES

In addition to training, agency and organizational policies and programs required modifications due to the changes under the JRA. A description of policy changes and programmatic changes made by the AOC, DAC, and the NCSA is provided below.

Administrative Office of the Courts

The AOC Forms Committee modified AOC forms as a result of changes made under the JRA; specifically, to capture information related to Advanced Supervised Release, Confinements in Response to Violations (CRV), quick dips, conditions of probation, and revocations. Some AOC forms exist in multiple versions due to the effective dates of the statutory changes. Some changes made to the forms reflect policy decisions made by the agency.

The court can impose periods of confinement for probation violations, CRVs, under the JRA. (*See* “Changes to Probation.”) For first and second technical violations, the confinement period is set at 90 days for felons and up to 90 days for misdemeanants. If the court imposes a CRV, the length of the period of confinement, the appropriate custodian, and credit for days spent in confinement to be applied against the CRV will be captured on the Probation Violation form.

Regarding quick dips, the judicial forms allow for judges to select two- or three-day periods of confinement, as a condition of probation, and include a section to capture the date and hour a probationer will submit to the period(s) of confinement. The court may make a finding that delegated authority is not appropriate (following the same procedure that existed prior to the JRA); the court will continue to note this finding using a checkbox on the judgment form. Changes to regular conditions of probation, changes to Community and Intermediate conditions, and other conforming changes have been reflected in all relevant forms.

As reported by AOC, the agency decided not to develop policies or form changes to reflect the JRA changes to conditional discharge for first-time drug offenses (G.S.90-96). Prior to the JRA there were no policies or forms specifically related to G.S.90-96; information regarding conditional discharge is captured on multiple forms. The AOC viewed decisions regarding the changes under the JRA to conditional discharge for first-time drug offenses as local decisions; no statewide policies were developed.

Division of Adult Correction

The DAC created internal working groups for the Section of Community Corrections, the Section of Prisons, Management Information Systems, Research and Planning, the Office of Staff Development and Training, Alcohol and Chemical Dependency, the General Counsel’s Office, and the Controller’s Office. These groups were charged with revising written policies and procedures; anticipating scenarios probation officers, case managers, and other DAC staff might face during the implementation; and creating or modifying technology to reflect changes under the JRA.

Risk and Needs Assessment

Under the JRA, probation supervision, sanctions, and community programs will be determined to a great degree by the offender's risk and needs scores, as will programming offered to incarcerated offenders. The information regarding how risk and needs assessments are currently used (and how they will be used in the future) to manage offenders is critical to determining not only the impact of programmatic and supervision decisions made on the basis of those assessments, but also the success of these assessments in predicting future criminality and targeting resources to meet offender needs.

As reported by the DAC, ongoing work continues to improve and refine the DAC's risk and needs assessments. The agency plans to include more static and dynamic risk factors to make their risk assessment tool, the Offender Traits Inventory (OTI), more predictive. The OTI, which identifies the risk of rearrest, currently includes select demographic, employment, criminal history, and drug addiction factors, as well as a subjective measure of the offender's attitude and motivation to change. Each offender is assigned to a risk level based on their score. Offender reports and officer observation are used to evaluate an offender's criminogenic needs (*e.g.*, anti-social values, substance abuse) and develop a case plan for each offender.

Community Corrections has used the current version of the OTI to link probationers to supervision levels since September 2010. The DAC noted that OTI has been validated for use only for probationers; the tool is currently undergoing validation for use for prisoners. For prisoners, the SOP currently administers a modified version of the OTI, which includes risk measures only, and is in the process of developing an accompanying needs assessment tool.

Section of Community Corrections

As noted above, the JRA codifies the use of the risk and needs assessment for determining offender supervision levels in the community. Probationers are assessed during their first 60 days of supervision. Once probationers' risk and needs scores are determined, they are assigned to one of five levels of supervision based on pre-determined scales; Level I includes the highest-risk, highest-needs probationers, while Level V includes the lowest-risk, lowest-needs offenders. As a result of changes under the JRA, DAC has allowed for flexibility with the risk and needs assessment. Probation officers can deviate from the risk and needs scales for determining contact requirements above the minimum level for the assessed supervision level. A case review process allows for changes to be made to supervision levels.

Under the JRA, probation officers now have the option to use quick dips in response to probation violations. The DAC delayed the use of quick dips in the field until later in the spring of 2012. This decision was made to ensure probation officers received adequate training on the use of quick dips and also to allow technology to be built into the DAC's management information system (the Offender Population Unified System or OPUS) to track the use of quick dips by probation officers. According to policies established for the usage of delegated authority, Level I and Level II supervisees are the target population; Levels III, IV, and V cannot be "dipped." Probationers undergoing the initial 60-day assessment period may be dipped; they are supervised at the highest level (Level I) during the assessment period. The use of delegated authority, quick

dips, and waivers for probation violation hearings will undergo staff review for quality assurance purposes.

The DAC also established policies for CRVs. A probationer who receives a CRV will be processed and housed at designated locations in the state. CRV offenders will be processed at the Piedmont, Craven, Western Youth, Polk, Fountain and Neuse facilities and housed in minimum custody units at Fountain, Odom, Dan River, Tyrrell, Western Youth, and Greene. During the 90-day confinement periods, the Division will attempt to intervene and improve the behavior of the probationers through programming that supports the goals of the case plans. Interventions for CRV offenders will be offered in priority order: (1) Brief Intervention Tools; (2) Substance Abuse Treatment where needed; (3) Job Readiness; (4) Education, where needed; and (5) any other intervention available with time for offenders to complete, where needed. CRV offenders are not assigned jobs in prison due to their short term period of confinement. If CRV offenders were employed in the community prior to the time of their confinement period, they will not be allowed to continue working.

To assist with the development of Treatment for Effective Community Supervision, DAC reported that the Section of Community Corrections analyzed data from all 100 counties to determine the programmatic needs in each county based on the offenders' risk scores, need for substance abuse treatment, and G.S. 90-96 status. TECS will be available in each county; the DAC has estimated the target population at more than 16,000 offenders (including those released from prison on PRS). The TECS program is in the early stages of implementation. The Request for Proposals (RFP) was posted on March 8, 2012. The Division held four pre-bid conferences for potential vendors from March 12 to March 15, 2012. Attendance at one of the four pre-bid conferences was mandatory. The purpose of the conferences was to help interested parties understand the types of programs that will be funded under TECS and to submit questions concerning the funding process and cycle. Target populations for TECS programming are defined in the statute: offenders convicted of a felony; offenders sentenced under G.S. 90-96 conditional discharge for a felony offense; and offenders identified by the Division to be at high risk for re-offending and with moderate to high need for substance abuse treatment.

Section of Prisons

The JRA established the ASR program, which creates a new sentencing option to incentivize participation and completion of prison programming. Eligible inmates who are sentenced to the ASR program and who participate in these offerings are released prior to serving their minimum sentence (*see* above "Changes to Court System"). In response to ASR, the DAC developed a new approach to categorizing prison offerings in the following three categories:

- (1) Programs (structured interventions that address a criminogenic need);
- (2) Services (information and resources to address offenders' needs and barriers); and
- (3) Activities (planned events that provide positive interaction among inmates, staff and/or the community).

DAC reported that the agency currently administers a modified risk and needs assessment for ASR prisoners to determine a Service Priority Level, which guides the development of the ASR plan. An ASR plan may contain any of the three categories of prison offerings. Non-ASR

inmates who participate in these offerings earn time towards a reduction of their maximum sentence imposed by the court.

Prison program assignments will be determined by Service Priority Level; the Service Priority Level uses the OTI results and information from Diagnostic Processing in conjunction with prison custody levels, sentence lengths, and gender. The number of slots needed for ASR programming, as well as programming for non-ASR inmates, is currently being evaluated. Because ASR is a new program, data on the characteristics (*e.g.* length of sentence, custody classification, risk and need characteristics) of ASR inmates and their flow into the system will be necessary in order to assess the programmatic needs.

North Carolina Sheriffs' Association - Statewide Misdemeanant Confinement Program

Certain misdemeanants (those sentenced to 91 to 180 days of confinement) will be housed in county jails as part of the SMCP. The NCSA runs the SMCP. Upon the passage of the Act, the NCSA engaged in a survey of jails in all 100 counties to determine jail bed capacity. The NCSA also inquired which jails would be willing to volunteer bed space for the SMCP. As of April 9, 2012, the NCSA reported 51 counties had signed housing agreements, for a total of 1,341 spaces in county jails assigned to the Program. Exactly 800 offenders (as of April 9, 2012) have been sentenced to the Program. The SMCP is voluntary for county jails in that counties do not have to agree to provide bed space to house misdemeanants; every county is a “sending” county under the Program. Sending county misdemeanants will be transported to those counties (“receiving” counties) that have agreed to volunteer jail beds for the program. The NCSA set the reimbursement rate for receiving counties at \$40 per day; funds are distributed by the NCSA out of the SMCP fund. The reimbursement rate (\$40/day) is the same rate DAC pays jails to house offenders awaiting placement in state prisons.

The NCSA also set a reimbursement schedule; counties will be reimbursed for housing misdemeanants at the end of each offender’s sentence. Counties will also be reimbursed for out-of-jail medical expenses incurred by SMCP offenders. The county of conviction will provide transportation to the confinement facility if the county is not a receiving county. These expenses are also eligible for reimbursement under the fund. The NCSA attempts to ensure a similar distribution of funds to receiving counties through offender placement. These determinations are based not just on the number of offenders, but on the county of conviction, surrounding receiving counties, and the potential length of stay for each offender. No jail programming has been specifically mandated or developed as part of the SMCP.

DATA COLLECTION AND MANAGEMENT

A limited number of offenders and cases have been processed under the new law. This fact limits any empirically-based research regarding evaluating implementation. Provided data are collected and automated, future reports will examine the utilization of new tools under the JRA, sentencing practices as a result of the JRA, and predicted outcomes of the JRA, including the effect on prison and probation resources and recidivism.

The sentencing and correctional systems capture information related to their daily work in computerized management information systems. Agencies capture this information to monitor practices for operational reasons, for management and reporting purposes, and for quality assurance. Provided below is a description of changes agencies have incorporated (or are planning to incorporate) into their information management systems as a result of the JRA.

Administrative Office of the Courts

The AOC uses a statewide automated case processing system, the Automated Criminal Infraction System (ACIS) that tracks criminal cases from initiation through disposition for both district and superior courts. Data maintained in ACIS are intended for management of caseloads, basic record-keeping and general statistics. ACIS is gradually being replaced by a new case processing system, the Criminal Case Information System (CCIS).

JRA elements that necessitate changes to ACIS and/or CCIS include:

- Conditions of Community and Intermediate punishments
- G.S. 90-96(a) Conditional Discharge
- Changes to the Habitual Felon law
- ASR
- Quick dips
- CRV
- SMCP

The AOC reported that it plans to make the following changes in ACIS and/or CCIS to capture JRA elements: adding a new indicator to show whether the court has ordered ASR and the ASR term; adding a new indicator to show whether the court has ordered CRV; and adding a new indicator to show whether an offender has been sentenced to the custody of the SMCP.

Currently, the agency does not plan to make any changes within the data systems for capturing information regarding conditional discharge for first-time drug offenses or for quick dips.

As of yet, no changes have been made to the AOC automated data systems; the agency's goal is to eventually capture all of the information recorded on the AOC forms (*see* "Policy and Programmatic Changes") in the automated data systems as well. Currently, there is no projected timeline for incorporating the changes into ACIS and CCIS.

Division of Adult Correction

The management information system used by the DAC is OPUS. The data system provides tools to help correction employees manage offenders by monitoring the flow of offenders, charting offender progress in various programs, and assisting in immediate and long-term space and staff planning. OPUS is linked to several other automated information systems in the criminal justice system, which provide additional support in monitoring and managing the offender population.³

³ See Department of Public Safety, Management Information Systems website, <http://www.doc.state.nc.us/mis/index.htm>

The DAC's Management Information System (MIS) Section worked to incorporate modifications into the OPUS system based on the legislative changes, as well as the policy and program changes, brought about by the JRA.

JRA elements that necessitate changes to OPUS include:

- Conditions of Community and Intermediate punishments
- Changes to the habitual felon law
- ASR
- Risk and needs assessment scoring
- Quick dips/delegated authority
- CRV
- Post-Release Supervision changes

Probation supervision conditions, including Community and Intermediate punishment and the corresponding conditions, have always been tracked in OPUS. The changes made by the JRA to probation conditions have been modified in OPUS. Delegated authority/quick dips will be tracked in OPUS using the offender's case plan. MIS also built in safeguards for probation officers with regards to delegated authority. For example, if a probation officer attempts to exercise delegated authority and the quick dip would exceed the maximum number of days allowed per month, the system will not allow the officer to continue the action. When an offender receives a CRV, both the Section of Prisons and the Section of Community Corrections will be able to view the offender's case plan. This allows for continuous case management, regardless of whether an offender is in the community under supervision or in confinement.

Risk and needs assessment information already exists within OPUS, represented by the OTI score; the OTI has been used for offenders on supervision for many years. A modified version of the OTI is used for prisoners. Due to the emphasis in the JRA on the use of risk and needs assessments to determine supervision levels and provide services for offenders, the Division is currently developing a needs assessment tool for prisoners. As with probationers, this information will be tracked through OPUS. For ASR inmates, case managers will be able to look through lists of available programs to determine which programs match the risk and needs of ASR inmates. It is possible that a program may not be available to a specific ASR inmate for a variety of reasons unrelated to the inmate. MIS is currently working on creating a flag in OPUS to indicate that a program was not available for an ASR inmate and whether an ASR inmate failed to complete a program through no fault of his/her own. An offense code for the new habitual breaking and entering felony has also been added to OPUS.

North Carolina Sheriffs' Association – Statewide Misdemeanant Confinement Program

Prior to the passage of the JRA, no statewide jail information management system existed. Jails in North Carolina use a number of different data systems to track information about offenders in their custody; this data is not formally shared between jails or with any state agency. The NCSA created a data system as part of the SMCP in order to capture information related to offenders sentenced to the custody of the Program.

JRA elements that necessitate the creation of a data system for the SMCP include:

- Whether an offender has been sentenced to the custody of the SMCP
- Length of the offender's sentence
- Days spent in confinement in response to probation violations

The NCSA's data system for managing the SMCP includes information about inmates housed pursuant to the Program and their location, the inventory of available space in county jails volunteered to participate in the Program, inmates' release dates, and jail-to-jail transportation routes and travel time.

OBSERVATIONS ON THE IMPLEMENTATION OF JRA AS OF APRIL 2012

Agencies and organizations undertook a significant task in a short timeframe in planning for and implementing the changes to the criminal justice system brought about by the JRA. As detailed throughout the report, much work has been completed statewide by agencies and organizations working both independently and collaboratively to prepare North Carolina for the new approach to public safety intended by the JRA. As with any major legislative change, the implementation of new laws brings about a variety of unexpected or unforeseen circumstances. The JRA, which includes the most sweeping changes to the criminal justice system in North Carolina since the passage of Structured Sentencing in 1993, has proven no different. Feedback and observations from the field, as well as from agencies engaged in the implementation phase, have surfaced as offenders and cases started flowing through the system beginning in December 2011.

The following observations on implementation activities, as reported by the relevant agencies, have been raised and discussed in a variety of settings. Agency representatives and practitioners gave feedback on the JRA implementation at meetings of the Justice Reinvestment Work Group, the Implementation Core Team, and Issue-Specific Work Groups. Those who conducted or attended trainings captured frequently-asked-questions. Agencies and organizations, as well as experts and practitioners, offered their experiences and perspectives on the challenges encountered to the Sentencing Commission's Justice Reinvestment Implementation Report Subcommittee.

The short timeline between passage of the JRA and implementation created difficulties for planning and training. The criminal justice system in North Carolina spans multiple agencies and organizations that employ tens of thousands of people. The Legislature passed the JRA in June 2011. With some provisions of the Act taking effect as soon as six months later, there was limited time available for planning for the JRA changes (modifying practices, policies, programs and data systems) and for training, in addition to agency personnel continuing to perform regular duties. For example, the use of quick dips, determination of ASR programming needs, and the TECS program were delayed to allow for adequate training and preparation. Probation officers had to be sufficiently trained to use quick dips; prison programming had to be analyzed to determine what would be available and needed for ASR inmates; the TECS program had to be designed and developed to replace the CJPP which had been in place since 1994. Agencies are still engaged in training efforts to date. Another cycle of training will be needed to answer

practical questions and identify possible gaps after a larger volume of cases have been processed through the system.

The varied effective dates of the JRA also created difficulties for agencies with regard to implementation (*see* Table 1). There is not a simple distinction between “old” and “new” law; the various provisions are applicable based on multiple effective dates and events. Tracking these effective dates is critical to the proper application of the new law; practitioners must be aware of when each provision went into effect in order to determine which offenders are eligible for certain conditions, punishments, offenses, and offender confinement. Having multiple effective dates creates some inconsistencies; for example, an offender who committed a Class F through H offense prior to December 1, 2011, but who is not found guilty until after January 1, 2012, could be eligible for the ASR program even though he/she would not be subject to PRS.

Table 1
Effective Dates Contained within the JRA by Provision

July 1, 2011	December 1, 2011		January 1, 2012	
	Probation violations occurring on or after:	Offenses committed on or after:	Pleas or guilty findings on or after:	Sentences imposed on or after:
TECS Program SMC Fund	CRV	Habitual B & E Habitual Felon Redefine C and I conditions Expand delegated authority Expand PRS	Drug diversion ASR	SMC Program

Generally, observations about implementation concerns identified so far fell into three categories: data and record-keeping, issue-specific, and resources. A description of some of the issues identified is included below.

Data Collection and Record Keeping

Delay in Capturing Data

While planning to capture JRA elements in its automated data systems, AOC indicated there is currently no timeline or projection of when the data collection will begin. The rewriting of the current data system, ACIS, and AOC’s transition to the new data system, CCIS, may also delay the capturing of new JRA data. Without sufficient data it will be difficult to determine the impact of the JRA on the court system and the criminal justice system as a whole.

Differences in Jail Record Keeping

As noted above (*see* “Policy and Programmatic Changes,” “NCSA”), there is no single, statewide, automated data system for jails. As a result, general statewide data on jail capacity and utilization for pre- and post-trial purposes is not systematically available.

While the NCSA created a database to track information related to offenders sentenced to the SMCP, jails in North Carolina use a variety of record keeping and data management systems. This results in differences among multiple systems in determining jail credits. Other information regarding offender confinement in local jails (*e.g.*, quick dips, CRVs) is not tracked using jail data.

Maintaining Official Record for Time Served

Clerks of Court do not track the number of days offenders are confined for either quick dips or CRVs. Probation violation reports capture confinement days related to quick dips and CRVs and DAC automates this information in OPUS; however, the Court is the official keeper of criminal records. Ongoing discussion continues concerning which agency is ultimately responsible for tracking the number of days an offender spends in confinement.

Issue Specific

G.S. 90-96 (a) Conditional Discharge

Concerns regarding the delay in determining eligibility for the drug diversion program under G.S. 90-96(a) were noted consistently in various training sessions for judges, prosecutors, and the defense community, specifically related to eligibility. Some information regarding offender eligibility is available through public records (prior convictions and/or prior conditional discharge) with the exception of information regarding expunction (whether a prior conditional discharge was expunged). AOC currently has one designated person (with two back-up people assigned to assist during times of heavy volume) to handle requests regarding expunction information. The concern focused on the fact that only one to three people perform these expunction checks; the number of requests for this information may increase substantially which would result in delays in determining eligibility.

An additional concern regarding G.S. 90-96(a) relates to expunction. An offender who gets a conditional discharge and who qualifies may want to get it expunged (at least 12 months later). That process involves a State Bureau of Investigation (SBI) record check. Due to recent budget cuts, the SBI is down to one person handling the requests and it can take several months.

Advanced Supervised Release

Some ASR inmates, those who committed a Class F through H offense prior to December 1, 2011 but were not found guilty until after January 1, 2012, will be eligible for early release but will not be subject to PRS.

Prison programming availability for ASR inmates may be a potential issue. Characteristics of ASR inmates need to be analyzed to determine programming; these programmatic needs are currently being evaluated. Additionally, ASR inmates will be eligible for early release even if they do not complete programming through no fault of their own, including the lack of availability of appropriate programming. Prioritization of prison programming resources to ASR inmates over non-ASR inmates may result in competition for prison resources.

Drug Trafficking

Drug trafficking offenses are subject to PRS; however, the JRA did not modify the maximum sentences for those offenses to allow for the extended revocation period for Class B1 through E felonies (twelve months) and any revocation period for Class F through I felonies (nine months).

Quick dips

The DAC delayed the use of quick dips in order to allow more time for adequate training for probation officers on policies regarding its use.

Treatment for Effective Community Supervision (TECS)

Generally, the timeline for TECS funding and the target populations for programming were noted as concerns by multiple organizations and communities.

In addition, communities and localities desire more collaboration and information-sharing with the DAC regarding the TECS program and expressed concerns about the reduced community partnership under TECS. TECS does not prohibit community involvement, but reduces its role as a result of the structure. Under CJPP, each county had an advisory board, which assisted in identifying programming needs for offenders supervised in the community. The TECS program streamlines all duties related to funding and programming within the DAC. Both DAC and communities are hopeful that partnerships between the DAC and localities will occur organically.

Confinement in Response to Violation

It is not clear whether an offender on probation can appeal the imposition of a CRV period. Under G.S. 15A-1347, there is no right to appeal probation matters other than the activation of a sentence or the imposition of special probation. A CRV is a new response, not an activated sentence or special probation.

The question of whether the period of PRS is tolled during a 90-day CRV or whether the time continues to run was not specifically addressed in the JRA. This question may need to be addressed legislatively.

Additionally, for effective management of the prison population, the DAC noted the prudence of housing CRV offenders separately from the rest of the prison population. The Division is currently exploring options for revocation centers to address this issue. These centers would

function similarly to prisons with programming, medical and mental health care and dining facilities, but would not include all of the amenities available in prison. Staff from the Section of Community Corrections would run the centers.

Statewide Misdemeanant Confinement Program

Programming (*e.g.*, substance abuse treatment, cognitive-behavioral interventions, etc.) for offenders housed pursuant to the SMCP is not required in local jails. When these misdemeanants were confined in state prisons, some programming may have been available.

Post-Release Supervision

The Post-Release Supervision and Parole Commission identified areas where coordination between local probation officers and prison case managers is needed regarding PRS. Prior to release, inmates need to be made aware of their PRS conditions. Additionally, inmates released into the community will need to be picked up by probation officers.

Resources

Community Programming Related to G.S. 90-96(a)

The availability of training from the Department of Health and Human Services for community programs running drug education schools and drug treatment programs as part of the G.S. 90-96(a) drug diversion program was noted as a concern. Because subsection (a) of G.S. 90-96 is now mandatory, more offenders will need programs, and therefore more training will likely be needed for those running drug programs. Currently, only two training sessions are offered per year.

Funding for the increased population participating in the G.S. 90-96(a) drug diversion program was noted as a concern. No additional funds were appropriated for this mandatory requirement.

Community Supervision

As projected by the DAC, several changes within the JRA will result in sizeable growth in the offender population under Community Corrections supervision. On June 30, 2011, there were 108,140 offenders under supervision; this number is projected to reach nearly 123,000 by the end of 2012 and over 140,000 by 2015. In order to handle the offender population growth, DAC projects Community Corrections will need additional officer resources during the next several years to supervise offenders at the appropriate caseload levels.

Treatment for Effective Community Supervision

TECS programs will be available in every county; funded programs will include substance abuse treatment programs and cognitive-behavioral programming. The availability of adequate funding to serve an increased community population, in light of the increased focus on managing and

serving offenders based on risk and needs assessments as well as the now-mandatory drug diversion program, was identified as a potential problem.

Post-Release Supervision

Changes made to PRS under the JRA will primarily affect the workload of the Post-Release Supervision and Parole Commission (PRSPC). The PRSPC sets the conditions of PRS for those offenders eligible for supervision and has the authority to revoke PRS for offenders who violate the conditions placed upon them at the time of release. The expansion of PRS to include all felons will affect the number of cases reviewed by the PRSPC. In 2011, the PRSPC was presented with 6,365 cases; the PRSPC estimates number of cases to be presented as a result the JRA at 20,854. Additionally, the PRSPC must review PRS violations, which will also increase as a result of supervising a larger population. The increased population will phase-in over time.

In response to the increased population to be supervised and the administrative burden this presents on the current staff of the PRSPC, the Commission plans to request funding for additional staff. The PRSPC is also in the process of implementing video technology for revocation hearings, which will alleviate some travel and cost concerns. The Commission is determining whether other uses of video technology would also be appropriate for other work processes in the future (*e.g.*, Mutual Agreement Parole Program or MAPP negotiation hearings) which may help with the increased workload.

CONCLUSION

In 2011, The North Carolina General Assembly directed the Sentencing and Policy Advisory Commission and the Division of Adult Correction to jointly conduct ongoing evaluations regarding the implementation of the Justice Reinvestment Act (S.L. 2011-192, Section 8). This report constitutes the first report in compliance with the directive.

The Justice Reinvestment Act makes the most significant changes to North Carolina's criminal justice system since the passage of the Structured Sentencing Act in 1993. These changes include changes to North Carolina's court system, corrections system (both for prisons and probation) and post-release supervision. The Act also creates a statewide confinement program for misdemeanants, refocuses community resources, creates a new habitual breaking and entering felony offense, and modifies the punishment for habitual felons. These changes were designed to increase public safety while curbing spending on corrections by reinvesting in community treatment.

Implementation remains in the early stages, but significant changes have already been successfully completed statewide. Agencies and organizations have engaged in training efforts, policy and programmatic changes, and data collection and management modifications to implement and comply with the provisions of the JRA. Data are not yet available to provide empirically-based findings evaluating the implementation and its expected outcomes. As offenders and cases began working their way through the system, some implementation issues

surfaced, including data collection and record-keeping; issue-specific challenges related to certain provisions of the JRA; and resource concerns.

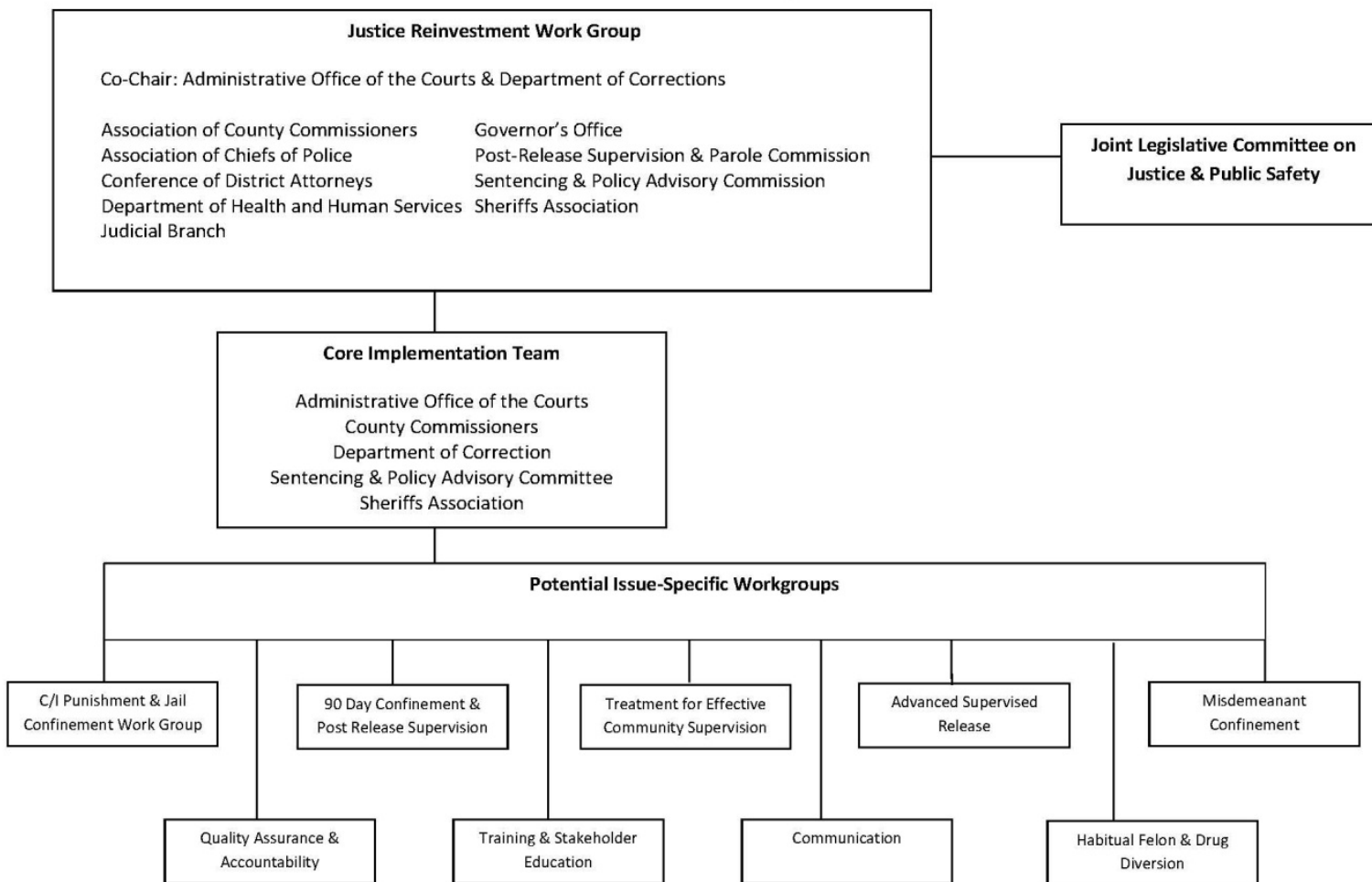
The Sentencing Commission's Justice Reinvestment Implementation Report Subcommittee will continue to meet to monitor the progress of the implementation and review data where available. As implementation continues, the Sentencing Commission may submit an addendum to this report to the Legislature with recommendations for clarifications or revisions to the JRA, specifically addressing some of the observations and feedback noted in this report.

With the availability of empirical data, future reports will focus on the utilization of new tools by probation officers, sentencing and correctional practices, and post-release supervision changes, as well as the as an assessment of the predicted impact of the JRA on recidivism, probation and prison resources, and other measures of success.

APPENDIX A

**JUSTICE REINVESTMENT
ORGANIZATIONAL CHART**

North Carolina Justice Reinvestment Organizational Chart



APPENDIX B

**JUSTICE REINVESTMENT WORK GROUP
MEMBERSHIP LIST**

**NC JUSTICE REINVESTMENT STATEWIDE WORKGROUP
MEMBERSHIP**

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NC Association of County Commissioners

Jennie Lancaster
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NC Conference of District Attorneys

Eddie Caldwell
NC Sheriffs' Association

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Superior Court Judges*

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NC Department of Health & Human Services

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APPENDIX C

**NORTH CAROLINA
JUSTICE REINVESTMENT
IMPLEMENTATION PLAN**

North Carolina Justice Reinvestment Implementation Plan

Policy	Policy Summary	Effective date	Major Tasks	Team Members	Affected stakeholders
<p>1. Modify Community and Intermediate Punishment</p>	<p><i>Part 1. Section 1.a-c (p 1-2)</i></p> <ul style="list-style-type: none"> • Redefines the conditions of Community and Intermediate Punishment so judges have a broader range of sanctions to impose at sentencing. • Redefines the conditions of Community and Intermediate Punishment so that, as part of delegated authority, probation officers have a broader range of swift and certain sanctions to impose regardless of probation level. 	<p>December 1, 2011 - Persons placed on probation based on offenses which occur on or after December 1</p>	<ul style="list-style-type: none"> • Develop policies and procedures • Revise forms <p style="text-align: center;"><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> • Policies and procedures have been developed. • Division of Community Corrections will send Administrative Memorandums to field staff on December 1, 2011 and provide policy that is effective that date. • Division of Community Corrections policy manual updates will be released in January 2012 when more in-depth training is conducted with field staff. • Forms revised. 	<p>*Department of Correction</p> <p>Administrative Office of the Courts</p> <p>Department of Health and Human Services</p> <p>Sentencing and Policy Advisory Commission</p>	<p>Probation Judges Prosecutors Defense Bar</p>

North Carolina Justice Reinvestment Implementation Plan

Policy	Policy Summary	Effective date	Major Tasks	Team Members	Affected stakeholders
<p>2. Jail Confinement (Quick Dip Confinement)</p>	<p><i>Part I. Section 1.d (p 1-3)</i></p> <ul style="list-style-type: none"> Permits the judge to impose confinement in jail for up to six days per month (2-3 days at a time). Expands the delegated authority of probation officers, to include the authority to impose brief stints in jail for up to six days per month (2-3 days at a time). HB335 – Technical Corrections Bill – If a defendant is on probation for multiple judgments, confinement periods must run concurrently and may total no more than 6 days/month. 	<p>December 1, 2011 - Persons placed on probation based on offenses which occur on or after December 1; requirements to adopt guidelines or procedures effective upon enactment (June 23, 2011)</p>	<ul style="list-style-type: none"> Identify local jail capacity and availability Develop and coordinate policies and procedures among affected agencies Revise forms <u>STATUS AS OF 11-15-2011</u> Division of Community Corrections and the Sheriffs' Association has resolved issues relating to local jail capacity and availability through education/training. Division of Community Corrections provided a Fact Sheet to use for education/training. Policies and procedures have been developed. Division of Community Corrections will send Administrative Memorandums to field staff on December 1, 2011 and provide policy that is effective that date. Division of Community Corrections policy manual updates will be released in January 2012 when more in-depth training is conducted with field staff Local Division of Community Corrections managers will work closely with Sheriffs and Judicial Offices to plan Standard Operating Procedures (still underway). Forms revised. 	<p>*Department of Correction Administrative Office of the Courts Sheriffs' Association</p>	<p>Probation Judges Prosecutors Defense Bar Public Defenders Sheriffs County Commissioners</p>

North Carolina Justice Reinvestment Implementation Plan

Policy	Policy Summary	Effective date	Major Tasks	Team Members	Affected stakeholders
3.Risk Assessment	<p><i>Part 1. Section 1.f (p 3)</i></p> <ul style="list-style-type: none"> Directs Department of Correction to assess probationers for their risk of reoffending and supervise probationers accordingly. 	<p>December 1, 2011 - Persons placed on probation based on offenses which occur on or after December 1</p>	<ul style="list-style-type: none"> Continue implementation of risk/needs assessment <p style="text-align: center;"><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> Already in practice within the Department of Correction/ Division of Community Corrections. 	<p>*Department of Correction</p> <p>Sentencing and Policy Advisory Commission</p>	<p>Probation Judges Prosecutors Department of Health and Human Services Defense Bar</p>
4. Caseload Goals	<p><i>Part 1. Section 1. f (p3-4)</i></p> <ul style="list-style-type: none"> Sets caseload goal for supervising high-risk/high-need probationers at 60. 	<p>December 1, 2011 - Persons placed on probation based on offenses which occur on or after December 1</p>	<ul style="list-style-type: none"> Develop plan to meet caseload goal of 60 for high risk/high need offenders <p style="text-align: center;"><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> The Department of Correction/Division of Community Corrections' plan is to transfer offenders in supervision levels four and five who are eligible for offender accountability reporting to Surveillance Officers. Provide training to Surveillance Officers on the requirements and expectations on monitoring offenders in offender accountability reporting status. Request additional probation officer positions through the legislative process. 	<p>*Department of Correction</p>	<p>Probation</p>

North Carolina Justice Reinvestment Implementation Plan

Policy	Policy Summary	Effective date	Major Tasks	Team Members	Affected stakeholders
<p>5. 90-day Probation Confinement (Confinement in Response to Violation)</p>	<p><i>Part IV. (p 9-10)</i></p> <ul style="list-style-type: none"> • Sets term of incarceration for probation violations that do not involve committing a new crime or absconding at 90 days for felons (up to 90 days for misdemeanants). • Revocation allowed after two 90-day periods of incarceration. • Defines “absconding” 	<p>December 1, 2011 - probation violations that occur on or after December 1</p>	<ul style="list-style-type: none"> • Develop policies and procedures • Identify local jail capacity and availability • Revise forms <p style="text-align: center;"><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> • Draft policies and procedures have been developed. • Met with Sheriffs’ Association regarding local jail capacity and availability- resolved issues. • Designated the following diagnostic centers to process 90 day confinement cases: Piedmont Correctional Institution, Craven Correctional Institution, Western Youth Institution, Polk Correctional Institution, Fountain Correctional Center for Women and Neuse Correctional Institution. • Identified housing facilities: Fountain Correctional Center for Women, Odom Correctional Institution, Dan River Prison Work Farm, Tyrrell Prison Work Farm, Western Youth Institution, and Greene Correctional. • Forms revised. 	<p>*Department of Correction</p> <p>Administrative Office of the Courts</p> <p>Sheriffs’ Association</p>	<p>Probation Prisons Judges Prosecutors Sheriffs Victims Defense Bar</p>

North Carolina Justice Reinvestment Implementation Plan

Policy	Policy Summary	Effective date	Major Tasks	Team Members	Affected stakeholders
<p>6. Post-Release Supervision for Felons</p>	<p><i>Part II (p 4-7)</i></p> <ul style="list-style-type: none"> • Requires 12 months of Post-Release Supervision for people convicted of B1-E felonies. • Requires 9 months of Post-Release Supervision for people convicted of F-I felonies. • Caps incarceration to 3 months for violations other than committing a new crime or absconding • Defines “absconding” • Does not apply to sex offenders 	<p>December 1, 2011 - offenses committed on or after December 1</p>	<ul style="list-style-type: none"> • Update release policies and procedures for Class B1-E felons • Develop release policies and procedures for Class F-I felons • Enhance reentry process for all releases • Revise forms <li style="padding-left: 40px;"><u>STATUS AS OF 11-15-2011</u> • Updates to release policies and/or development of release policies will take place in early 2012. • Enhancements to the reentry process for all releases will take place in early 2012. • Designated the following diagnostic centers to process 90 day confinement cases: Piedmont Correctional Institution, Craven Correctional Institution, Western Youth Institution, Polk Correctional Institution, Fountain Correctional Center for Women and Neuse Correctional Institution. • Identified housing facilities: Fountain Correctional Center for Women, Odom Correctional Institution, Dan River Prison Work Farm, Tyrrell Prison Work Farm, Western Youth Institution, and Greene Correctional. • Forms revised. 	<p>*Post-Release Supervision and Parole Commission</p> <p>*Department of Correction</p> <p>Administrative Office of the Courts</p> <p>Sentencing and Policy Advisory Commission</p>	<p>Probation</p> <p>Post- Release Supervision</p> <p>Prisons</p> <p>Victims</p>

North Carolina Justice Reinvestment Implementation Plan

Policy	Policy Summary	Effective date	Major Tasks	Team Members	Affected stakeholders
7. Habitual Felon	<p><i>Part III (p 7-9)</i></p> <ul style="list-style-type: none"> Creates a new habitual breaking and entering law to allow someone to be sentenced as a Class E felon after their second B&E conviction. Modifies current habitual felon law to sentence someone four felony offense classes higher than underlying, capped at Class C after fourth conviction. 	Principal felonies occurring on or after December 1, 2011	<ul style="list-style-type: none"> Revise forms <p style="text-align: center;"><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> Forms revised. 	<p>*Administrative Office of the Courts</p> <p>Conference of District Attorneys</p>	Prisons Judges Prosecutors Defense Bar
8. Drug Diversion	<p><i>Part V. (p 10-13)</i></p> <ul style="list-style-type: none"> Expands existing felony drug diversion to require option be made available to all first-time felony drug possession offenders. Amends existing expunction statutes for first offenders age 21 or younger. 	Persons entering a plea or found guilty on or after January 1, 2012	<ul style="list-style-type: none"> Develop policies and procedures Revise forms <p style="text-align: center;"><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> Policies and procedures already in place. Forms revised. 	<p>*Administrative Office of the Courts</p> <p>*Conference of District Attorneys</p>	Probation Prisons Judges Prosecutors Treatment Providers Defense Bar

North Carolina Justice Reinvestment Implementation Plan

Policy	Policy Summary	Effective date	Major Tasks	Team Members	Affected stakeholders
<p>9. Treatment for Effective Community Supervision (TECS) Program</p>	<p><i>Part VI: (14-18)</i></p> <ul style="list-style-type: none"> Creates "Treatment for Effective Community Supervision" (TECS program) and directs Department of Correction to enter into contractual agreements to provide substance abuse treatment, Cognitive Behavioral Interventions programming and evidence-based practices. Prioritizes services to those convicted of felonies that are high-risk and moderate-to high-need. 	<p>July 1, 2011 (may contract with Criminal Justice Partnership Program providers during FY 2012)</p>	<ul style="list-style-type: none"> Define program model Develop Request for Proposal, evaluate bids and award contracts Develop policies and procedures for TECS <p style="text-align: center;"><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> Identified the number of offenders by county that are in the priority population and in need of services. Identified cognitive behavior programming and the full continuum of substance abuse services as core services to be available in 100 counties. Identified additional services vendors will be required to provide linkages in each county. Reviewing monitoring checklists and program assessments to ensure program accountability is consistent statewide. Reviewing the current data collection system and identifying necessary enhancements for collection of program outcomes. Request for Proposal under development. Policies and procedures to be developed. 	<p>*Department of Correction</p> <p>Administrative Office of the Courts</p> <p>Department of Health and Human Services</p> <p>Post- Release Supervision and Parole Commission</p> <p>Sentencing and Policy Advisory Commission</p>	<p>Probation Post- Release Supervision Judges Prosecutors Treatment Providers</p>

North Carolina Justice Reinvestment Implementation Plan

Policy	Policy Summary	Effective date	Major Tasks	Team Members	Affected stakeholders
<p>10. Advanced Supervised Release (ASR)</p>	<p><i>Part V. (13-14)</i></p> <ul style="list-style-type: none"> Creates a new sentencing option to incentivize participation and completion of prison programming. Eligible inmates would be released at an alternative date, at the bottom of the mitigated range for a non-mitigated sentence and at 80 percent of a mitigated minimum sentence. 	<p>Persons entering a plea or found guilty on or after January 1, 2012</p>	<ul style="list-style-type: none"> Develop policies and procedures Develop procedure to complete risk assessment prior to sentencing to assist judicial decision, if requested Revise forms <p><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> Draft policies and procedures have been developed. If requested, the Division of Community Corrections will conduct a Pre-Sentence Investigation and risk assessment; however, cannot conduct a needs assessment (pending sentencing-defendant not under supervision). Forms revised. 	<p>*Department of Correction</p> <p>Administrative Office of the Courts</p> <p>Sentencing and Policy Advisory Commission</p>	<p>Probation Post-Release Supervision Prisons Judges Prosecutors Defense Bar Victims</p>

North Carolina Justice Reinvestment Implementation Plan

Policy	Policy Summary	Effective date	Major Tasks	Team Members	Affected stakeholders
11. Misdemeanant Confinement	<p><i>Part VII (P 18-22)</i></p> <ul style="list-style-type: none"> Creates the Statewide Misdemeanant Confinement Program to house misdemeanants sentenced to 91-180 days. Designates the Sheriffs' Association to develop the program to enable the Department of Correction to contract with sheriffs who have vacant beds in their county jails (counties will be reimbursed for housing costs through program fund). Allows counties to volunteer to participate in the program. 	<p>Planning, contracting, and fund are effective August 1, 2011. Balance January 1, 2012</p>	<ul style="list-style-type: none"> Develop program Identify local jail capacity and availability Develop policies and procedures Develop agreements with participating counties Develop contract with Department of Correction Establish Fund, policies and procedures to disburse funds Revise forms <p style="text-align: center;"><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> Program has been developed by the Sheriffs' Association. Fund has been established. Contract with the Department of Correction signed November 1, 2011. Local jail capacity and availability has been determined by the Sheriffs' Association. Forms revised. Underway: Memorandum of Understanding with Sheriffs' Association and participating counties and policies and procedures. Forms revised. 	<p>*Sheriffs' Association</p> <p>Administrative Office of the Courts</p> <p>Department of Correction</p>	<p>Prisons Judges Prosecutors Sheriffs County Commissioners</p>

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12. Legislative Reports	<p>REPORT ON THE STATUS OF THE TREATMENT FOR EFFECTIVE COMMUNITY SUPERVISION PROGRAM – Department of Correction Due by March 1 of each year <i>Section 6.(b).of HB 642 (S.L. 2011-192)</i></p> <p>RECIDIVISM REPORT – Sentencing & Policy Advisory Commission Due by April 30 of each even-numbered year <i>Section 6.(b) of HB 642 (S.L. 2011-192)</i></p> <p>REPORT ON THE STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM – Sheriffs’ Association Due by October 1, 2011 and upon request thereafter <i>Section 7.(i) of HB 642 (S.L. 2011-192)</i></p> <p>ANNUAL REPORT ON IMPLEMENTATION OF JUSTICE REINVESTMENT PROJECT – Judicial Department, (through the Sentencing and Policy Advisory Commission) and the Department of Correction, Due by April 15, 2012 and annually thereafter <i>Section 8.(a) of HB 642 (S.L. 2011-192)</i></p>	Information included in Policy Summary	<ul style="list-style-type: none"> • Identify process for evaluating the implementation of the Justice Reinvestment Act • Identify data to be collected • Identify current data availability and modifications needed <p><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> • Sheriffs’ Association provided the required legislative report by the due date of October 1, 2011 (Report on the Statewide Misdemeanant Confinement Program). • Work is underway on identifying data to be collected, current data availability and modifications needed and will be completed in time to evaluate the implementation of the Justice Reinvestment Act and to prepare the remaining required 2012 legislative reports. 	<p>*Department of Correction</p> <p>*Sentencing and Policy Advisory Commission</p> <p>*Sheriffs’ Association</p> <p>Administrative Office of the Courts</p>	<p>Probation Post Release Supervision Prisons Sheriffs Treatment Providers</p>

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13. Quality Assurance	<ul style="list-style-type: none"> • Capture the flow of cases/offenders and resources in the Criminal Justice System, accurately reflecting changes due to the Justice Reinvestment Act. • Track implementation. • Evaluate long-term outcomes (e.g., reductions in recidivism, revocation, and prison population). 		<ul style="list-style-type: none"> • Revise forms to capture relevant Justice Reinvestment Act elements • Develop and/or modify software to capture relevant Justice Reinvestment Act elements • Ensure accuracy of data for analytical purposes • Provide data in a timely manner for Legislative Reports <p style="text-align: center;"><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> • Implementation is underway to varying degrees in each Criminal Justice agency (Administrative Office of the Courts, Department of Correction, Post-Release Supervision and Parole Commission and Sheriffs' Association), revising official documents and forms, and adjusting automated data system. • <i>Further action</i> – Prepare and share lists of data items to be captured and invite input on the data elements to be collected and automated; enhance the capability to share information among Criminal Justice agencies and data systems – more exploration is needed to develop case/offenders identifiers, and the capability to match/track cases across agencies. 	<p>*Sentencing and Policy Advisory Commission</p> <p>Department of Correction</p> <p>Sheriffs' Association</p>	<p>Probation Post Release Supervision Prisons Judges Prosecutors Treatment Providers Sheriffs</p>

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<p>14. Training and Stakeholder Education</p>			<ul style="list-style-type: none"> • Develop a comprehensive training plan and strategy that outlines topics, timelines, target audience and stakeholders <li style="text-align: center;"><u>STATUS AS OF 11-15-2011</u> • A comprehensive training plan and strategy is in place. • Training dates are in place to train Judges, District Attorneys, Assistant District Attorneys, all Department of Correction/Division of Community Corrections Chief Probation/Parole Officers, Probation Officer IIs, Surveillance Officers, Managers, and Administrative Management Staff; Division of Prisons Assistant Warden for Programs, Assistant Superintendent for Programs I, II, Classification Coordinators, Case Managers, Correctional Program Supervisors, Correctional Program Director I, II, III, Diagnostic Services Centers Staff (all facilities), Facility Heads, Region Directors, and all Department of Correction top-level Managers on the Justice Reinvestment Act. • Training credit will be given. • Sheriffs' Association has developed a training plan for Sheriffs/jail staff. 	<p>*Administrative Office of the Courts</p> <p>*Department of Correction</p> <p>*Sheriffs' Association</p>	<p>Probation Post-Release Supervision Judges Prisons Prosecutors Treatment Providers Sheriffs</p>

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15. Communication			<ul style="list-style-type: none"> • Develop a comprehensive communication plan and strategy for implementation of Justice Reinvestment Act <p style="text-align: center;"><u>STATUS AS OF 11-15-2011</u></p> <ul style="list-style-type: none"> • Standard talking points on Justice Reinvestment and a PowerPoint have been shared with internal and external stakeholders to include all the CORE agencies. • A Communications plan for the CORE agencies has been drafted and is currently under review by representatives from those agencies. • A Justice Reinvestment website template has been drafted and input from each CORE agency is being collected. • The general Justice Reinvestment overview video production is on hold pending final approval of the budget. 	<p>*Department of Correction</p> <p>Administrative Office of the Courts</p> <p>Association of County Commissioners</p> <p>Sentencing and Policy Advisory Commission</p> <p>Sheriffs' Association</p>	<p>Probation Post- Release Supervision Prisons Judges Prosecutors Treatment Providers Sheriffs Victims</p>

*Denotes Lead Agency or Agencies